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PARLIAMENTARY DEBATES

## RAJYA SABHA

OFFICIAL REPORT

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[P.T.O.]

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## RAJYA SABHA

*Wednesday, the 17th August, 2011/26th Sravana, 1933 (Saka)*

The House met at eleven of the clock,

MR. CHAIRMAN in the Chair.

MR. CHAIRMAN : Hon. Members, the House is adjourned till 11.30 hours, when the Prime Minister will make a statement.

The House then adjourned at one minute past eleven of the clock.

The House reassembled at thirty minutes past eleven of the clock,

MR. CHAIRMAN in the Chair.

### STATEMENT BY PRIME MINISTER

**The situation arising out of the agitation launched by Shri Anna Hazare**

MR. CHAIRMAN : Hon. Prime Minister. ...(*Interruptions*)...

**श्री रघुनन्दन शर्मा** (मध्य प्रदेश) : उन्होंने हमको कल नहीं बोलने दिया। ...(**व्यवधान**)...

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

Please. Hon. Prime Minister. ...(*Interruptions*)...

Hon. Prime Minister.

THE PRIME MINISTER (DR. MANMOHAN SINGH) : Hon'ble Chairman, it is my painful duty to report to this august House certain events that took place yesterday in New Delhi.

SHRIMATI BRINDA KARAT (West Bengal) : Sir, we haven't got the statement.

SHRI M. VENKAIAH NAIDU (Karnataka) : We are not able to hear, Sir.

MR. CHAIRMAN: It is being distributed.

DR. MANMOHAN SINGH : Hon'ble Members are aware that after extensive consultations and discussions, including deliberations in a Joint Drafting Committee and a meeting of all political parties represented in Parliament, the Government has introduced a Bill in the Lok Sabha on the setting up of Lok Pal. The Bill has been referred to the Standing Committee concerned.

Notwithstanding the introduction of the Bill, Shri Anna Hazare and his supporters have persisted with their demand that the Jan Lok Pal Bill drafted by Shri Anna Hazare should be introduced in Parliament and that the Jan Lok Pal Bill should be the Bill that must be passed by Parliament. In support of this demand, Shri Anna Hazare had announced some time ago that he would undertake an indefinite fast beginning August 16, 2011.

**श्री विनय कटियार** (उत्तर प्रदेश): हमको कभी हिन्दी की कॉपी नहीं मिलती है। अक्सर यही होता है।

**श्री सभापति:** जरा आप बैठ जाइए। थोड़ा सत्र कीजिए, कॉपियां आ रही हैं। ... (व्यवधान)...  
बैठ जाइए।

DR. MANMOHAN SINGH: On August 2, 2011, an application was made to Delhi Police by an organisation called India Against Corruption for permission to hold a month-long fast beginning August 16, 2011 at New Delhi. Delhi Police held discussions with the applicants in order to identify a suitable place and to formulate the conditions under which the permission could be granted for holding a fast at that place. Eventually, on August 13, 2011, Delhi Police informed the applicants that permission would be granted for the protest at Jai Prakash Narayan Park, near Ferozshah Kotla, subject to permission being granted by the land owning agency and subject to certain conditions.

Delhi Police also informed the applicants that they would have to give an undertaking to abide by the conditions.

However, on August 15, 2011, the organisers refused to accept six of the conditions, including the condition that the protest fast would be limited to three days. Hence, Delhi Police informed the applicants that, since they had declined to accept some of the conditions and refused to give the undertaking to abide by all the conditions, permission would not be granted to hold the protest fast at Jai Prakash Narayan Park. Prohibitory orders under section 144 CrPC were also imposed on August 15, 2011 in and around Jai Prakash Narayan Park and some other areas.

Mr. Chairman, Sir, on the evening of August 15, 2011, Shri Anna Hazare, through public statements, made it clear that he and his supporters would converge at Jai Prakash Narayan Park and defy the prohibitory orders under section 144 CrPC. Yesterday morning, Delhi

Police reviewed

the situation. Delhi Police came to the conclusion that it was clear that Shri Anna Hazare and his supporters would commit a cognizable offence and there was a likelihood of a breach of peace.

Hence, Shri Anna Hazare and six others were arrested, as a preventive measure, under section 151/107 of the Criminal Procedure Code. They were taken to the Delhi Police Officers' Mess at Alipur Road and, subsequently produced before a Magistrate. Delhi Police did not seek the police remand of the arrested persons. The Magistrate offered to release the arrested persons on their personal bonds subject to the condition that they would undertake not to violate the prohibitory orders. However, Shri Anna Hazare and others refused to give such an undertaking or furnish personal bonds. Hence, the Magistrate remanded the arrested persons to 7 days' judicial custody.

Sir, meanwhile, during the course of yesterday, 2,603 persons were detained in Delhi when they were proceeding to or were in areas where prohibitory orders under section 144 of the Criminal Procedure Code were in force. All of them were released later in the evening yesterday.

Late yesterday evening, Delhi Police received information that Shri Anna Hazare intended to move the Supreme Court challenging the orders of Delhi Police. Delhi Police also received information that the petition was likely to be mentioned before the Supreme Court on Wednesday, that is, today, for urgent hearing. Since there were reasonable grounds to believe that Shri Anna Hazare had opted to seek legal remedies, Delhi Police did not apprehend any imminent breach of peace or imminent disturbance to tranquillity if the arrested persons were released. Hence, Delhi Police moved the Magistrate concerned to review his earlier order and the Magistrate was pleased to release Shri Anna Hazare and the other arrested persons at about 7 p.m. yesterday. The jail authorities informed Shri Anna Hazare and others that orders for their release had been received. However, Shri Anna Hazare and others (except one) declined to leave the jail premises unless the Government gave an undertaking that they would be permitted to hold their protest fast at Jai Prakash Narayan Park without any condition.

Sir, our Government acknowledges the right of citizens to hold peaceful protests. In fact, Delhi Police have allowed several such protests, but in each case appropriate conditions have always been

imposed and the organisers were always required to give an undertaking to abide by all the conditions. Shri Anna Hazare and his supporters would have been allowed to hold their protest fast if



they had accepted the conditions under which the permission was granted and had undertaken to abide by those conditions. Since they declined to do so, Delhi Police was obliged to refuse permission to hold the protest fast.

Sir, the Government wishes to stress that the issue before the nation is not whether a Lok Pal Bill is necessary or desirable. All of us in this House are agreed that a Lok Pal Bill must be passed as early as possible. The question is, who drafts the law and who makes the law? I submit that the time-honoured practice is that the Executive drafts a Bill and places it before Parliament and that Parliament debates and adopts the Bill with amendments if necessary. In the process of adoption of the Bill, there will be opportunities for Shri Anna Hazare and others to present their views to the Standing Committee to which this Bill has been referred by the Hon. Speaker. The Standing Committee as well as Parliament can modify the Bill if they so desire. However, I am not aware of any constitutional philosophy or principle that allows anyone to question the sole prerogative of Parliament to make a law. In making a law on Lok Pal, the Government has faithfully adhered to the well-settled principles.

As far as I am able to gather, Shri Anna Hazare questions these principles and claims a right to impose his Jan Lok Pal Bill upon Parliament.

Sir, I acknowledge that Shri Anna Hazare may be inspired by high ideals in his campaign to set up a strong and effective Lok Pal. However, the path that he has chosen to impose his draft of a Bill upon Parliament is totally misconceived and fraught with grave consequences for our Parliamentary democracy.

Sir, our Government does not seek any confrontation with any section of the society. But when some sections of society deliberately challenge the authority of the Government and the prerogative of Parliament, it is the bounden duty of the Government to maintain peace and tranquility. Delhi Police, as the authority charged with the responsibility, took the minimum steps necessary to maintain peace and tranquility in the capital city. Inevitably, though unfortunately, it led to the arrest and subsequent release of Shri Anna Hazare and some of his supporters. I sincerely hope that the incidents of yesterday will not be repeated today

or in the future.

Sir, I should also make it clear that the issue between the Government and Shri Anna Hazare is not one of different attitudes to fighting corruption. In my Independence Day address, I spoke at length about the need to deal effectively with corruption. I would like to assure this House that we are determined to provide a Government that is transparent, accountable and responsive at all times and determined to fight corruption. But as I said on 15 August at the Red Fort, there is no magic wand by which, in one stroke, we will get rid of the menace of corruption. We have to work simultaneously on several fronts. In my 15 August address, I have outlined some of the measures we intend to put in place to strengthen our fight against corruption. I invite all sections of this House to join hands with us to deal with the cancer of corruption.

Mr. Chairman, Sir, with respect to the events of yesterday, I will only say that a functional democracy must allow multiple voices to be heard. But differences of opinion must be resolved through dialogue and consensus. Those who believe that their voice and their voice alone represents the will of 1.2 billion people should reflect deeply on that position. They must allow the elected representatives of the people in Parliament to do the job that they were elected for.

Sir, India is an emerging economy. We are now emerging as one of the important players on the world stage. There are many forces that would not like to see India realize its true place in the comity of nations. We must not play into their hands. We must not create an environment in which our economic progress is hijacked by internal dissention. We must keep our mind focused on the need to push ahead with economic progress for the uplift of the common man.

Sir, I appeal to all sections of this august House to ensure that the Government and its processes, and the Parliament and its processes function smoothly and effectively. There is no substitute for that. If some people do not agree with our policy, there will be a time when they will have an opportunity to present their points of view to the people of this great country.

Sir, I request all political parties to ensure that Parliament functions smoothly. There are very many important legislative measures that are required to be passed. If we do not pass them, we will do great

injustice to the people of India and in turn hurt the common man.  
...(Interruptions)...

**श्री पुरुषोत्तम खोडाभाई रूपाला** (गुजरात): LOP को बोलने देना चाहिए।

DR. MANMOHAN SINGH: We are willing to debate every issue in Parliament, and we have demonstrated that we are co-operating with the Opposition in every possible way to ensure that Parliament functions smoothly.

Sir, we as elected representatives of our people should do nothing to weaken our people's faith in the capacity of our democracy, our institutions and our social ideals and values to overcome all difficulties. We should have faith that we can together build a promising future for ourselves. Let us unite in that faith.

MR. CHAIRMAN: The hon. Leader of the Opposition. ...*(Interruptions)*... Please. ...*(Interruptions)*... The hon. Leader of the Opposition. ...*(Interruptions)*...

THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY): Mr. Chairman, Sir, we have just heard a detailed statement from the hon. Prime Minister which not only disappoints us but does not really add to our information or knowledge. A list and resume of events is given which in the course of yesterday and day before newspapers and television channels have repeatedly told us. The Prime Minister, in his statement, besides giving us the detail of the events which have taken place, has posed a question before this Parliament. I do not think there a serious difficulty in answering that question. But the question that he has posed as to who drafts the laws and who makes the laws in this country, I do not think there is a serious debate or anybody inside or outside this House is seriously disputing that. After reading his statement, I am left wondering as to who really runs this country and who rules this country. You have a serious political issue which is being debated for the last few months, which climaxed in the last few days, and now we find that the political leadership of this country is really hiding behind the men in uniform and tells India's Parliament and India's people that this entire crisis was being handled by some policemen and all the political issues which arise and the solutions which are being sought, the solution to them was that the police decided to invoke provisions of sections 151 and 107 of CrPC and thereafter the law started taking its own course.

Sir, I think it is time for the Prime Minister of India and the political leadership of the Government to really stand up and take bold decisions. He must go to the root of this issue as to why such a loss of

confidence in this Government has taken place. Sir, on the Independence Day, the most defining moment was not the Prime Minister of India unfurling the National Flag at the Red Fort

but in the evening when the news spread that Shri Anna Hazare had gone and sat at the Rajghat, thousands of people, not brought by buses, voluntarily started arriving there in order to show solidarity and support. The defining moment was yesterday, something which even political parties may find difficult to organize, that the news of his arrest spreads and you find not in hundreds but thousands of places all over the country, every city, even in rural areas, protests start. Why is this that this has not happened in the past? Sir, some of us who participated in these movements when they had earlier taken place, I was a part of the movement led by Shri Jaiprakash Narayan, and some of these images which we saw in the last two days go even far beyond what we had even visualized and analyzed. The truth is that India today is exasperated with corruption; India today is exasperated with this political leadership of the Government, which is unable to tackle corruption and which has absolutely no solution except cover-ups to all. Sir, you had some of the most monumental scams in history which have taken place in the last few years.

All we got was the routine phrase and the routine templates that this Government will have a zero tolerance level to corruption, this Government will now allow investigative agencies a free hand. But repeatedly, when the 2G scam took place, we were repeatedly told that there is nothing of a scam in it. I am not getting into the details of those issues. But, you had situations, whether it is Telecom or it is National Highways or it is the Commonwealth Games, you pick up any infrastructural decision and that is the sector which has taken a set back. You find decisions being taken for collateral purposes and the best defence this Government had to offer for three years was, one, they lived in denial that there is no such scam which has taken place, and finally, whatever action this Government did take was not a voluntary action. You were coerced by courts; you were compelled by the courts and by the course of public opinion and the Opposition in Parliament to start taking action against those who were responsible for all these scams. Why should we blame the youth of this country which has come out in lakhs yesterday when we have votes of confidence taking place in Parliament which are vitiated by corruption ? Can we blame those people that it is not a fair cause that they are fighting for, where they are exasperated not only with the extent of corruption but also with the fact that the Government

of the day is willing to condone it?



In such a situation, Sir, it is a wake up call for all of us that unless we put our house in order and this Government leads us all in putting that house in order, the people in this country will now become restless. What really happened? The issue today is not as the Prime Minister, with utmost respect to him, who drafts the laws and who makes the laws. Has anybody in this country ever disputed that it is the authority ultimately of the sovereign Parliament to make the laws? Nobody has disputed that. Sir, unless this Government and its supporters address themselves to the right question, they will never get the right answer. The right question is not as to who frames the laws.

There are two questions this Government has to answer. The first is: Does it have a political will to fight corruption? When the Prime Minister says he has no magic wand, you don't need a magic wand, you don't need magics in order to fight corruption. All you need, Mr. Prime Minister is, a political will. The whole country will support a Prime Minister who says, 'I have the authority, I have the stature and I have the moral stature to fight corruption.' You determine that political will, you evolve that political will in yourself and then decide to fight corruption. You will find that you are in a position to fight corruption. You bring in then the necessary laws. Instead what you have done is, you have unleashed a new political idiom against the critics of this Government. On the one hand you send Ministers to receive Baba Ramdev. You formed a Drafting Committee with Shri Anna Hazare and his team and then in the middle of the night you unleash them with lathis. You followed the police power approach to solve the political problem. What is the kind of Indian that we are seeing in the last few days?

Political spokesmen are being used literally as hit men. That is the new role that they have to adopt. You pick up those crusading for probity in public life and unleash a series of political abuses on them. You start making allegations against them. Is that the level to which you have brought the level of political debate in this country? Then you stand up and cry before five editors with a sense of helplessness and say, 'These are compulsions of political alliances and coalitions that I am unable to take action.' Is that the answer that you have to political corruption?' Smugness, Mr. Prime Minister, which has become a character of this Government, arrogance of power which has become a character of this Government, is not the methodology by which corruption can be

fought .

Power is not immortal. The more arrogant you are, the earlier it disappears. Please bear that in mind. Therefore, when the question is to be posed today, the first question the whole country is asking and is before you is this. We, in the Opposition, today, ask you: Is your Government having a political will to fight corruption? If you decide that the answer is in the affirmative, it is only then that you can ever get the confidence of this nation back. The second question - this is the question the entire Opposition puts to you and also the civil society is putting to you - is this. They are not saying that they will substitute this Parliament and draft laws ...(Interruptions)... All that they are saying and we are saying...

SHRI PRAVEEN RASHTRAPAL (Gujarat): You are supporting their agitation.

MR. CHAIRMAN: Please, do not disrupt ...(Interruptions)...

SHRI ARUN JAITLEY: ...and all that we are we are, reaffirming is, they have a right to put their point of view across. Members of civil society or any citizens' group or any citizen of this country has a right to campaign for his views. He has a right to crusade for his views. We are entitled to tell him how much we agree with him and how much we cannot accommodate his views. That is a part of the democratic discourse. But, they have a right to put their view point across. And, as a part of their right to put their view point across, they have a right to protest and they have a right to dissent. It is this right to protest and this right to dissent which your Government is trying to scuttle and we are all here to oppose that.

Sir, let us see what you have done. The defence that you have put up is: you have first involved them in the Drafting Committee and you try and lead them up the garden path. Even when they ask you to involve the Opposition in the drafting process, your smugness persuades you. Your arrogance persuades to say that Opposition is not required at this moment. After leading them up the garden path, you find a stalemate with them. Then, you come up with a Bill, a Bill which almost provides for a Government-controlled Lokpal. The appointment process of that Lokpal is really gives an edge to the Government of the day to appoint that Lokpal. Obviously, that Bill may not inspire confidence with them. There are areas where we also have serious differences with the Bill. But the

issue, today, is not whether we agree with your version of the Bill or their version of the Bill. The issue, today, is how you have handled a political crisis.

Have this Government lost all sense of statecraft how political agitations are to be dealt with? You impose conditions. Sir, all of us have been in Opposition at some point of time or the other. All of us have been parties to protests. We have all courted arrest. The issue is, for holding a protest, Dharna or fast, when is it that the regime of the day say that I will impose 22 conditions on this protest. My conditions include, whether your members will come by car or they will walk, how many cars they can park there. My conditions include, whether you put up Shamianas or were you have to put up Shamianas. My conditions include, what should be the size of protest. The Government of the day, against whom the protest is being organized, will decide as to whether the people are entitled to a large protest or only a miniscule protest. You will never have more than 5,000 people in this protest. Is the Congress Party willing to give an undertaking to this country that it will never organize a protest of more than 5,000 people? Are you willing to abide by each of these conditions that you have imposed on Anna Hazare and his people? Your people can go and break Section 144 in the adjoining State of Uttar Pradesh and you say that right to protest is my Fundamental Right! But, when it comes to Delhi, you adopt an alternative argument. So, what will be the size of protest, what will be the duration of the protest, the Government against which the protest is being organized will have a right to determine that.

So, I will determine who can protest against me; how he can protest; how long his protest will be; and, what the size of his protest will be. The power to impose conditions on a protest can legitimately be: Don't indulge in violence and don't disrupt public order. But, you cannot impose such unreasonable conditions which render a protest redundant; you can't impose conditions that effectively take away the right of an effective protest. And, that is what the Government is seeking to do. I think, this is a problem with all the Governments which have too many lawyers advising the Government. ...(*Interruptions*)... The 'politics' is a separate discipline and the 'law' is a separate discipline.

The political problems ...(*Interruptions*)... The political problems are to be dealt with a political approach. The political approach is: If a country is exasperated with corruption, you address the problem of corruption. If a citizens' group wants to protest, you allow him to protest. How can you rake up a plea today that there should be no

participation outside Parliament of anyone outside

Parliament in the drafting of the laws? What is the National Advisory Committee? It is a group of citizens. You are using them effectively to draft your laws. Your Ministers even don't have the courage to start opposing the laws that they are drafting. So, if another group of citizen says, "It has a view point and please consider it; it wants to campaign, crusade", they are not replacing Parliament. Even the laws drafted by your NAC will come up before the Government or the Parliament. Therefore, if a group of citizens says that it has an alternate view, we may not eventually accept what they say, we may accept some suggestions of what they say. But how can you take away and snatch their right to say? And, what you have effectively done is, under advice of the very eminent lawyers in the Government, you have invoked the CrPC to solve political problems. If you decide to invoke such powers to solve a political problem, then, that reduces the Prime Minister of India to hide behind the Police Commissioner and say, "I did not decide this. It is the Police Commissioner who decided this." That is the inevitable consequence of this.

Therefore, the effective issue today is : Shri Anna Hazare, his group and lakhs and lakhs of citizens of this country - this figure is, now, probably, going to cross - have a right to say what they want to say. The track record is that they have never indulged in violence; they have not disrupted the public order; they have not been a threat to peace and tranquility. And, don't tell us that Delhi has shrunk so much that there is no place in Delhi where we cannot effectively seat them for their protest or their sit-down or their dharna or their fast. Do you even recollect any illustration from the British regime where these kinds of restrictions were being imposed on the freedom fighters and Gandhiji? They had hundreds of protests. Have only miniscule protest, have only small protest, don't have a large protest. If the Government of the day becomes so dictatorial, so oppressive, then, a citizens' group may well say that it is willing to offer satyagraha and even go to prison. And, the truth, now, is your Government was being too clever by halves. You first led them up the garden path, then, you deserted them. Then, you brought in a Bill that does not satisfy anyone.

When they chose to protest, you made them run around for weeks from one office to another as to whether they can get a permission to sit on a fast or not. Then, eventually, you quietly went early morning and

arrested them. You thought that all these people of India will take it lying down.

But by the evening you saw the enormity and the magnitude of the protests and, suddenly, you decided to make a statement. Therefore, you make a statement, which, at least, does not



inspire confidence to me. We heard that he is moving to the court. Therefore, since he is moving to the court, we realise that he has become very law-abiding. Therefore, since he has now become law-abiding, we went and tried to release him. Well, you saw the magnitude of the protests. Your advisers let you down. Your agencies let you down. They thought, nothing will happen in this country. They did not realise that India is already exasperated with you. It is fed up of corruption. It is fed up with those who are covering up for corruption. Therefore, you went begging him to come out of the prison. And, now, he had shown his moral strength to you. And the moral strength of his fast was, 'Well, I am on a fast whether inside or outside the prison and my fast will continue.' You are now in a trap. Therefore, unwilling to make a statement yesterday, today you have volunteered the statement. And the text of your statement is, 'Can I somehow make it a confrontation between the Parliament and the Civil Society?' Well, we are refusing to bite this bait.

This is not a confrontation between the civil society and India's Parliament. We are clear in India's Parliament that Parliament alone will draft the law. But if citizens' group wants to tell us something, we will listen to them. We may accept some of what they may say. We may not accept what they say. But they have a right of peaceful protest. Till the very end, we will uphold that right of peaceful protest that they have. You have given a statement that it is not the crushing of their right of peaceful protest that the Government is doing, but it is a great ideological debate between the Parliament and the civil society. We refuse to accept that as the agenda. That's not the real question. The real question, Mr. Prime Minister, is this. And, I will end with that note. Please take steps. ...(*Interruptions*)...

**डा. प्रभा ठाकुर (राजस्थान):** सर, कोई हादसा हो गया तो ...(*व्यवधान*)... कौन जिम्मेवार होगा? ...(*व्यवधान*)...

**MR. CHAIRMAN:** Please don't disrupt. ...(*Interruptions*)... Please don't disrupt. ...(*Interruptions*)...

**SHRI ARUN JAITLEY:** Please be firm. ...(*Interruptions*)... Please be firm. ...(*Interruptions*)...

**MR. CHAIRMAN:** This is not correct. ...(*Interruptions*)... Don't disrupt. ...(*Interruptions*)... Please conclude now.

SHRI ARUN JAITLEY: Sir, please determine a political will. The Prime Minister is the tallest political functionary of the country. A Prime Minister can never be helpless in fighting corruption. Please develop a political will to fight corruption; you will solve most of your problems. Release each one of the persons that you have arrested. Allow them the right of peaceful protest at a reasonable place. If anybody violates the law, invoke your police powers. But don't invoke them against peaceful protestors because, then, you will be threatening the right of dissent which is the very essence of Indian democracy. Having said this, Mr. Prime Minister, we reject this entire thesis that you have built up that this was a police power in order to prevent an apprehension of breach of peace. Thank you very much. ...*(Interruptions)*...

DR. V. MAITREYAN (Tamil Nadu): Thank you Mr. Chairman, Sir. The events of the last 2-3 days are of real concern to all of us. ...*(Interruptions)*...

MR. CHAIRMAN: Just one minute. ...*(Interruptions)*...

श्री एस.एस. अहलुवालिया (झारखंड): सर, हमारी मांग थी, he is the Leader of the House and he is the Prime Minister also. ...*(Interruptions)*... He has made a statement. We demanded that he must be here. ...*(Interruptions)*... Sir, he must be here. ...*(Interruptions)*...

MR. CHAIRMAN: Ahluwaliaji, please sit down. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Okay, that demand is there. ...*(Interruptions)*... But, just to save that House, do you want to adjourn this House? ...*(Interruptions)*... Do you want to adjourn this House? ...*(Interruptions)*... How can it be? ...*(Interruptions)*...

MR. CHAIRMAN: A good discussion has been initiated. Please allow it to continue. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, the discussion is taking place today. ...*(Interruptions)*... But without the Prime Minister, ...*(Interruptions)*... how can we do this? ...*(Interruptions)*...

MR. CHAIRMAN: You have heard the Leader of the Opposition, please allow the discussion to continue. ...*(Interruptions)*... Dr. Maitreyan. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, without the Prime Minister, what is the

meaning of this debate? ...(*Interruptions*)... You call him back.  
...(*Interruptions*)... Without the Prime Minister, what is the meaning of  
this discussion? ...(*Interruptions*)...

MR. CHAIRMAN: Mr. Venkaiahji, we all know the constraints.  
...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, this is a very important issue.  
...(Interruptions)... We cannot have a meaningful discussion without the  
Prime Minister. ...(Interruptions)... Having made the statement, he must  
have the patience to hear us. ...(Interruptions)...

MR. CHAIRMAN: Mr. Venkaiahji, please sit down. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, this is not the way.  
...(Interruptions)... Please try to understand. ...(Interruptions)...  
Please uphold the dignity of the House. ...(Interruptions)... Hon. Prime  
Minister made a statement. ...(Interruptions)... He must be here to take  
part in the discussion and answer the debate. ...(Interruptions)...

MR. CHAIRMAN: I am giving the floor to Dr. Maitreyan.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI  
RAJEEV SHUKLA): Mr. Chairman, Sir, the Leader of the Opposition in the  
other House has demanded the Prime Minister to be there in that House.  
Then only that House will resume. That is why he has gone to the Lok  
Sabha.

MR. CHAIRMAN: Dr. Maitreyan, please.

SHRI RAJEEV SHUKLA: He can't be in both Houses simultaneously.  
...(Interruptions)...

MR. CHAIRMAN: Dr. Maitreyan, please. ...(Interruptions)...

SHRI BALAVANT ALIAS BAL APTE (Maharashtra): The Chair tells us  
primarily ...(Interruptions)... and the question that is raised ...

MR. CHAIRMAN: We have to keep a reasonable balance.  
...(Interruptions)... We have initiated a good discussion. Please allow  
it to continue. Yes, Dr. Maitreyan.

DR. V. MAITREYAN: The events of the last two-three days are of real  
concern to all of us.

SHRI SITARAM YECHURY (West Bengal): One second, please. With all due respect to Dr. Maitreyan who is a good friend of mine, the point, Sir, is that a debate of this nature in this seriousness must proceed on the basis of the representatives of the parties on the basis of their strength in the House and I think that is only in order. So, I think, that may please be taken note of with no disrespect to ...

DR. V. MAITREYAN: I have no problem. I have no problem.

MR. CHAIRMAN: Let me clarify the position. The Chair has a list of Members who have offered to speak. I am going by the list. The hon. Leader of Opposition was the first name on the list. Dr. Maitreyan is the second name on the list. ...(Interruptions)...

SHRI PRASANTA CHATTERJEE (West Bengal): Sir, yesterday itself, on the Anna Hazare's issue, I gave the name, and when it has been decided that the matter will be taken up. ...(Interruptions)...

MR. CHAIRMAN: You will get the chance to seek clarifications. Please. ...(Interruptions)... Everybody is getting chance to speak. ...(Interruptions)... Please. ...(Interruptions)...

DR. V. MAITREYAN: Sir, let him speak. I will speak after that. There is no problem. ...(Interruptions)...

MR. CHAIRMAN: Then what happens? I have a different name from your Party, Mr. Yechury. ...(Interruptions)...

SHRI PRASANTA CHATTERJEE: What procedure will we take? ...(Interruptions)...

SHRI SITARAM YECHURY: Mrs. Brinda Karat will be speaking.

MR. CHAIRMAN: I already have a name from your party. So, one person will speak. Let us follow the list. ...(Interruptions)... Everybody will get a chance to speak. ...(Interruptions)... I have a list. I am following the list. That's all. ...(Interruptions)... Your name is there, Mrs. Karat.

SHRI SITARAM YECHURY: As the Chair, it is your prerogative to give us the ruling. We will accept it. ...(Interruptions)...

MR. CHAIRMAN: No, no. Look, our time is very precious. Dr. Maitreyan.

DR. V. MAITREYAN: Mr. Chairman, Sir, the events of the last two-three days are of real concern to all of us.

The issue is no longer limited to Lokpal alone, because, on the issue of Lokpal, different parties may have difference of opinion on various clauses. But the issue that has emerged now is the larger issue of corruption, and, on this issue, 'Mr. Clean Prime Minister, is getting dirtier day-by-day. When the Prime Minister says that he is determined to fight corruption, there are no takers for him. This House, the House of Rajya Sabha, has been in the forefront in the fight against corruption for the last couple of years, especially, on the issue of 2G Spectrum and our hon. Prime Minister has been initially on the 'denial mode', then on the 'silent mode' and now on the 'switch-off mode'.

Sir, the groundswell of support for Shri Anna Hazare in the last couple of days shows the mood of the nation. The opinion of India today is that you are on your way out. ...(*Interruptions*)... By saying, 'India today', I did not mean anything else. If you conjure something else, I have no problem. The opinion of India today is that you are on your way out. ...(*Interruptions*)... If you enact a 25th June, 1975 on 16th August, 2011, do not forget, March, 1977 is not far away. Thank you.

SHRI TIRUCHI SIVA (Tanil Nadu): Mr. Chairman, Sir, every citizen in this country has got his rights. The Government has got some duties and the Parliament has got some powers. The Prime Minister has clearly said that everyone in this House is interested in getting the Lokpal Bill passed as early as possible. Now, when the Leader of the Opposition spoke, he mentioned that the Government had sent some people to receive Baba Ramdev at the airport and called members of the civil society for discussion and then, resorted to some police action. Sir, the Government was being accommodative. That was the signal being sent when they received Baba Ramdev or accommodated civil society in a discussion. When it went beyond that, Government had to do its duty.

Sir, another thing that needs to be made clear is that there is a process for enacting laws in the Parliament. If there is something that needs to be discussed on any Bill that comes before the Parliament, it is sent to the Standing Committee and then, the Standing Committee takes its own time. Now, the Standing Committee is nothing more than a mini-Parliament which is represented by

all political parties. We are also in that Committee. We have also got some issues with the Bill which has been presented by the Government. Shri Anna Hazare says that the Prime Minister must be brought within the purview of the Lokpal Bill. We too feel the same and so do many other political parties. These views will be presented by the political parties before the Standing Committee and when the recommendations come to the House, the House would decide on them. Shri Anna Hazare, who is such a senior person in age and stature, should have had some patience to wait till the recommendations of the Standing Committee came. When he resorted to some other means, it raised certain apprehensions in the mind of the Government that a law and order problem may be created and so, they resorted to some action.

Sir, in any protest by a democratic party, the Police lays some conditions and we all agree to them. When it is being violated, the Police takes some action. We are not defending what has happened or saying that it was right. The point is that a wrong message is being sent to the younger generation of this country as if the Government is doing nothing, as if the Government is totally for corruption and they are not for a Lokpal Bill. I would request, through this august House, Sir, that the media must project this fact too that the Government is very particular in doing away with corruption. The Prime Minister was being practical when he said that this could not be done in just one moment or with a magic wand. A Lokpal Bill which is going to be passed by this House will solve these problems step by step. Till then, the so-called civil society or those who support them should know that there is a process for enacting a law in Parliament. If Shri Anna Hazare himself does not care for it, people in the rest of the country might not know about it. Hence, I would request that people must wait till the recommendations of the Standing Committee come to this House. The House will then discuss it and decide on it. This is the situation. Till then, these elderly and experienced people should have some patience instead of creating chaotic conditions across the country.

MR. CHAIRMAN: Before I call the next speaker, let us finish with the laying of Papers on the Table?

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#### WRITTEN ANSWERS TO STARRED QUESTIONS

**Setting up of Coast Guard Stations**

\*221. SHRI PRAVEEN RASHTRAPAL: Will the Minister of DEFENCE be pleased to state:

(a) the plan of Indian Coast Guard for setting up of Coast Guard Stations along the coastline of Gujarat;



(b) whether there is a proposal to set up a Coast Guard Station in south Gujarat at Hazira or at any other place; and

(c) whether there is an urgent need to set up a Coast Guard Station in south Gujarat in view of the fact that the two LNG terminals, which are operational in the country at present, are located at Dahej and Hazira and also because of major and critical industrial complexes being located at these two locations?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (c) There are seven Coast Guard Stations in Gujarat located at Gandhinagar, Porbandar, Okha, Jakhau, Vadinar, Mundra & Veraval. There is an air enclave at Porbander. Besides, Government approval has been accorded for setting up of one additional station at Pipavav. A Regional Headquarters (North West) at Gandhinagar has also been established in Gujarat to monitor coastal security for Gujarat. There are naval stations at Okha, Jamnagar and Porbander. Further, under centrally sponsored Coastal Security Scheme Phase I, ten coastal police stations including one at Hazira have been established in Gujarat. Twelve additional Coastal Police stations including one at Dahej have been sanctioned under Phase II of the scheme. Coast Guard stations at a particular place are set up after taking into account the threat perception, vulnerability gap analysis and presence of other stations in the vicinity. The proposal to set up a Coast Guard Station at Hazira is under examination.

Considering the importance of coastal security. Government has already initiated several measures for strengthening the security and surveillance of the entire coast in the country, including Gujarat. The number of operational platforms based in Gujarat has been increased and the intelligence mechanism strengthened. With the availability of land, berthing facilities and infrastructure development, more ships/boats/Aircraft are being added to the fleet in Gujarat as an ongoing measure. The Indian Coast Guard have been conducting security operations and exercises off the Gujarat Coast as also awareness campaigns in fishing villages in Gujarat on a regular basis. Joint patrol with Navy, Marine police, customs and other stakeholders are also being undertaken regularly.

**Police oppression on peaceful rally of CPI in Lakshadweep**

\*222. SHRI M.P. ACHUTHAN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that freedom of speech, right to assemble, right to protest against wrong doings etc. are guaranteed by the Constitution of India;

(b) if so, the details of Government's reaction to police oppression and atrocities perpetrated on peaceful rally organized by CPI in Lakshadweep demanding milk for children, vegetables at cheap rates, admissions in schools for all the students, appropriate wages to labourers and Anganwadi workers etc.;

(c) whether Government's attention has been drawn to colonial attitude of the local administration; and

(d) if so, the details of remedial measures taken by Government?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) Under sub-clause (a) and (b) of Article 19(1) of the Constitution of India, all citizens shall have the right:

(a) to freedom of speech and expression; and

(b) to assemble peaceably and without arms.

Exercise of the aforesaid rights under clause (a) and (b) of Article 19(1) are, however, subject to reasonable restrictions as mentioned in clauses (2) and (3) of Article 19 *ibid*.

(b) to (d) As reported by the Union Territory Administration of Lakshadweep, the agitators assaulted and used force on Police personnel. After the agitators became aggressive and unruly, their assembly within the premises of the office was declared unlawful and they were ordered to disperse. At this, the agitators became more aggressive and started attacking the Police as a result of which the Officer-in-Charge and three other Police personnel sustained injuries. It was in these circumstances that the Police had to use mild force.

The local Administration acted as per the requirements of the situation at that point of time totally in consonance with the law.

#### **Export of wheat**

†\*223. SHRI MOHAN SINGH: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether there has been sufficient production of rabi crops in the year 2011, if so, the percentage of stock of wheat to be exported,

keeping in view the adequate stock of wheat;

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†Original notice of the question was received in Hindi.

(b) by when the decision regarding export of wheat will be implemented;

(c) whether the price of wheat in the world market is low this year; and

(d) if so, whether wheat will be exported even at a loss?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI ANAND SHARMA): (a) According to the 4th advance estimates released by the Department of Agriculture & Cooperation on 19th July, 2011, the estimated production of wheat in the 2011 rabi crop will be 859.3 lakh tons as compared to 807.1 lakh tons during the previous year.

The export of foodgrains including wheat depends on availability of surplus over and above the requirement of buffer stock including strategic reserve, international demand and supply situation, quality standards in the importing countries, varieties traded and price competitiveness.

(b) The Empowered Group of Ministers (EGOM) on Food takes into account various factors including the stocks of food grains available in the country, surplus over and above the buffer stock norm and strategic reserve requirements, the concerns of food security, availability of food grains to common man at reasonable prices and remunerative prices to the grower, on a continuous basis and decides on the export of food grains including wheat as and when required.

(c) No, Sir. According to International Grains Council (IGC), the price of Hard Red Winter (Gulf) wheat on 10.08.2011 was US \$ 322 PMT as compared to US \$ 268 PMT one year ago.

(d) The decision regarding export of foodgrains including wheat and the terms and conditions thereof are decided by the Empowered Group of Ministers (EGOM) on Food after taking into account all the relevant factors.

#### **Assisting Orissa police to fight naxals**

\*224. SHRI MANGALA KISAN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is aware that about 130 police stations and 57 police out posts of Orissa are affected by naxalite activities in varying intensities; and

(b) if so, what steps have been taken/proposed to be taken to assist  
Orissa Government

for developing these police stations as basic fighting units in terms of building fortification, mobility, communication, etc., and the quantum of funds provided/proposed to be provided to the State for this?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) In the year 2010, in the State of Orissa, 105 Police Stations in 23 districts witnessed activities of Left Wing Extremists of which, 57 Police Stations in 14 districts witnessed violence. During the current year, 69 Police Stations in 17 districts witnessed activities of LWE, whereas 38 Police Stations in 12 districts witnessed violence.

(b) In order to strengthen the Police Station network in the LWE affected States, the Ministry of Home Affairs has formulated a scheme of 'Construction/strengthening of Fortified Police Stations'. Under this Scheme, Orissa has been sanctioned 70 Police Stations at a cost of Rs. 2 crore each. In addition, the State of Orissa has also been allocated funds for capacity building under Scheme for Modernization of Police Forces (MPF), Security Related Expenditure Scheme (SRE), and the Special Infrastructure Scheme (SIS). The details of funds released are as under:

(Rs. in Crore)

Year	Scheme for Modernization of State Police Forces	Special Infrastructure Scheme	Security Related Expenditure Scheme
2008-09	42.54	11.77	13.09
2009-10	51.87	4.20	3.71
2010-11	54.24	20.36	56.62
2011-12		20.68	21.57

**Proposal to install CCTVs at important public places**

\*225. PROF. P.J. KURIEN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government proposes to install CCTVs at important public places, in view of the recent terrorist attacks;

(b) if so, the details thereof;

(c) if not, the reasons therefor; and

(d) the details of the steps contemplated by Government to prevent terrorist attacks in future?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (c) The State Governments/Union Territory Administrations are primarily responsible for making security arrangements, as Law & Order is a State subject. The Central Government provides funds under the Police Modernization Scheme to upgrade the equipments etc. of the State Police Forces. CCTV cameras have already been installed at various important public places such as airports and Metro stations. In Delhi, CCTV cameras have been installed in many markets. During the Commonwealth Games - 2010, a video surveillance system through a network of CCTV cameras, installed at various Games venues, was linked to the Control Centre at Delhi Police Headquarters. Government of Maharashtra has initiated steps to install CCTVs to cover Mumbai city.

(d) In order to deal with terrorism, Government has taken various measures which inter-alia, include establishment of NSG hubs at Chennai, Kolkata, Hyderabad and Mumbai; empowerment of DG, NSG to requisition aircraft for movement of NSG personnel in the event of any emergency; strengthening and re-organizing Multi-Agency Centre to enable it to function on 24x7 basis for real time collation and sharing of intelligence with other intelligence and security agencies; tighter immigration control; augmenting the strength of Central Armed Police Forces; effective border management through round the clock surveillance and patrolling on the borders; establishment of observation posts, border fencing, flood lighting, deployment of modern and high-tech surveillance equipment; up-gradation of Intelligence setup and coastal security. The Unlawful Activities (Prevention) Act, 1967 has been amended and notified in 2008 to strengthen the punitive measures to combat terrorism. The National Investigation Agency has been constituted under the National Investigation Agency Act, 2008 to investigate and prosecute offences under the Acts specified in the Schedule. As a part of steps to counter terrorists threats, the National Intelligence Grid (NATGRID) is being set up.

The Prevention of Money Laundering Act has been amended in 2009 to, inter-alia, include certain offences under the Unlawful Activities (Prevention) Act, as predicate offence.

**Vacant posts in defence establishment**

\*226. SHRI NARENDRA KUMAR KASHYAP: Will the Minister of DEFENCE be pleased to state:

(a) the zone-wise, organisation-wise number of posts lying vacant in defence establishments during the past three years, till date;

(b) the reasons for not making recruitment in defence establishments; and

(c) the steps taken by Government for filling up the vacancies in defence establishments?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) The number of vacancies of officers in the Army, Navy, Air Force & Coast Guard during the past three years are as under:

	(As on 31st March)		
	2009	2010	2011
Army	11,386	12,510	11,137
Navy	1,475	1,457	1,689
Air Force	1,335	1,235	801
Coast Guard	333	667	659

The number of civilian vacancies in the Army, Navy, Air Force, Coast Guard, DRDO, DDP and Armed Forces Headquarters (AFHQ), during past three years are as under:

	(As on 31st March)		
	2009	2010	2011
Army	47,396	70,697	80,556
Navy	2,911	3,161	5,205
Air Force	8,966	8,742	8,580
Coast Guard	277	636	685
Defence Research and Development Organisation	3,174	5,652	5,968
Department of Defence Production	67,969	68,323	70,154



Armed Forces Headquarters	2,635	2,508	2,790
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(b) and (c) Some of the major reasons for vacancies of officers in defence forces are accretion in force level from time to time, availability of multiple and lucrative alternate career avenues with the growth of nation's economy, stringent selection criteria, difficult service conditions coupled with perceived high degree of risk, disrupted family life and education of children along with shortage of accommodation. The details of steps being taken by the Government to fill up the vacancies of officers are as under:

- (i) Making Short Service Commission more attractive.
- (ii) Implementation of AV Singh Committee Report for improving career prospects.
- (iii) Undertaking Married Accommodation Project for overcoming the shortage of married accommodation.
- (iv) Undertaking Image projection campaigns and activities such as motivational lectures etc. to encourage youngsters to join the defence forces.

So far as civilians are concerned some of reasons for vacancies are:

- (i) Revival of large number of vacancies out of abolished posts under Annual Direct Recruitment Plan of Department of Personnel & Training since 2009.
- (ii) Inadequate availability of eligible candidates in recruitment process.
- (iii) Lack of eligible candidates in the feeder grades.
- (iv) Time taken in amending Recruitment Rules after implementation of 6th Central Pay Commission.
- (v) Time taken in recruitment process.
- (vi) Accretion of vacancies recently.
- (vii) Time taken in reviewing below-benchmark grading in Annual Confidential Report (ACR)/Annual Performance Appraisal Report (APAR) as per guidelines of Department of Personnel & Training.

Creation & filling up of vacancies is a continuous and ongoing process and steps are constantly taken to expedite the recruitment/promotion processes.

**Meeting of SAARC Immigration Authorities in Bhutan**

\*227. SHRI NAND KUMAR SAI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether a meeting of South Asian Association for Regional (SAARC) immigration authorities was held during the month of July, 2011 in Bhutan;

(b) if so, whether a delegation from India has also participated;

(c) the details of issues discussed during the said meeting;

(d) the leaders with whom Indian delegates held meeting during their stay in Bhutan;

(e) the details of issues discussed with such leaders;

(f) whether the leader of Indian delegates has drawn the attention of Pakistani leaders to the use of its territory/Pak Occupied Kashmir territory against India; and

(g) if so, the details thereof and the reaction of Pakistani leaders?

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

(c) The issues discussed at the 4th meeting of the SAARC Immigration Authorities held on 21.07.2011 at Thimphu, Bhutan included measures to implement the SAARC Visa Exemption Scheme, tentative dates to begin implementing the scheme, measures to ensure that the scheme is managed effectively and the recommendations of the Inter-Governmental Expert Group Meeting on the SAARC Natural Disaster Rapid Response Mechanism held in Male on 25th and 26th May, 2011 related to facilitation of visa.

(d) to (g) The Home Secretary of India met the Home Secretary of Nepal. Separately, the Home Minister of India had an audience with His Majesty the Fourth King of Bhutan and also with His Majesty the Fifth King of Bhutan. Home Minister also met his counterpart Ministers of Interior/Home Affairs of Maldives and Pakistan and the Home Secretary of Nepal. During the SAARC Conference, the Home Ministers of the eight SAARC Nations paid a joint call on the Prime Minister of Bhutan. Bilateral relations and issues of mutual concern in areas relating to security were discussed by the Home Minister with the dignitaries from Nepal, Bhutan, Maldives and Pakistan. During his meeting with his Pakistani counterpart, the Home Minister appraised him that there were reports of training camps for terrorists in Pakistan, and attempts at infiltration by terrorists into India from the territory under Pakistan's control were continuing

and that it was incumbent upon the Government of Pakistan to take action against the terrorist camps, and to stop such attempts at infiltration.

**Security threats to atomic power plants**

\*228. SHRIMATI SHOBHANA BHARTIA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is aware that atomic power plants in the country are under threat from various terrorist groups and outfits;

(b) if so, the details thereof;

(c) the present safety and security apparatus in place in the atomic power stations; and

(d) the steps taken by Government to protect atomic power plants in the country?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) In view of the prevailing security scenario, the atomic establishments continue to remain prime targets of the terrorists groups and outfits.

(c) The Department of Atomic Energy (DAE) implements and monitors the various mandatory safety measures in the Nuclear Power Plants and other establishments. The Central Industrial Security Force (CISF) is the primary agency utilized by the DAE to implement the security measures in these installations.

(d) Besides the security cover provided by the CISF and the State Police Forces concerned, additional security measures are also implemented as per the recommendations of the Central Security Agencies who conduct periodic security audits of all nuclear establishments. Agencies such as the Coast Guard and the Marine Police Branch of the State Police provide security from the sea side of installations located on the coasts, while the Ministry of Defence coordinates Air Defence cover to the nuclear energy installations.

**Recruitment of tribal youths for CPMFs**

\*229. SHRI PYARIMOHAN MOHAPATRA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is aware that a large number of tribal youths are being recruited by naxalites/maoists; and

(b) whether Government is considering a special recruitment drive for recruiting such tribal

youths in Central Paramilitary Forces to deter them from the lure of naxalites/maoists?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) It is true that the CPI (Maoist) are targeting youth belonging to the disadvantaged strata of society, for recruitment to its armed cadres in their strongholds in the states of Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Maharashtra, Orissa and West Bengal.

(b) There is no scheme of special recruitment drive for recruiting tribal youth in Central Paramilitary Forces (now called Central Armed Police Forces). However, recruitment of constables (General Duty) in Central Armed Police Forces is being done through Staff Selection Commission, wherein 20% vacancies in Border Guarding Forces and 40% vacancies in forces other than Border Guarding Forces are allotted to militancy affected areas, including Left Wing Extremism affected areas.

#### **Salient features of Communal Violence Bill**

\*230. SHRI MOHAMMED ADEEB: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill has been finalized; and

(b) if so, the salient features thereof?

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

(b) Does not arise.

#### **Increasing custodial deaths in Maharashtra**

\*231. SHRI SANJAY RAUT: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that incidents of custodial deaths and torture are increasing continuously, particularly in Maharashtra;

(b) if so, the details thereof;

(c) whether lack of co-ordination between Centre and State Governments is the reason behind increasing custodial deaths; and

(d) whether Government has formulated any policy to avoid such custodial deaths and torture in the country?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) and (b) A State-wise statement, including Maharashtra, indicating number of cases of custodial deaths reported and complaints alleging torture registered by National Human Rights Commission (NHRC) during the years 2008-09 to 2010-11, is given in the statement-I and statement-II respectively (See below). During the above period, while the number of custodial death cases in Maharashtra were 155, 128 and 130 respectively; thereby, showing a mixed trend; the number of torture cases during the same period were 4, 7 and 8 respectively, indicating an increasing trend.

(c) and (d) As per the Seventh Schedule of the Constitution of India, "Police" and "Public Order" are State Subjects. However, the Central Government does issue advisories, while the National Human Rights Commission (NHRC) issues guidelines and recommendations. NHRC has framed guidelines for reporting all deaths in custody whether natural or otherwise, within 24 hours of its occurrence. The NHRC also calls for various reports for ascertaining any foul play or negligence by public servants, which resulted in custodial death.

Further, Section 176 of the Criminal Procedure Code has been amended vide Code of Criminal Procedure (Amendment) Act 2005 to provide that in cases of death or disappearance of a person or rape of a woman while in custody of the police, there shall be a mandatory judicial inquiry and in case of death, examination of the dead body shall be conducted within twenty four hours of death.

A bill titled "The Prevention of Torture Bill, 2010" which was introduced in Lok Sabha on 26.04.2010 and passed on 06.05.2010, has since been considered by a Rajya Sabha Select Committee. The Bill, inter alia, provides for punishment to those involved in offence of torture.

**Statement-I**

*Details of custodial death cases registered by NHRC*

	2008-09	2009-10	2010-11	
States/UTs	No. of Cases	No. of Cases	No. of Cases	Total
1	2	3	4	5



Andhra Pradesh	149	114	106	369
Arunachal Pradesh	3	1	0	4

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1	2	3	4	5
Assam	38	21	33	92
Bihar	142	141	136	419
Goa	2	1	5	8
Gujarat	95	67	75	237
Haryana	60	45	45	150
Himachal Pradesh	7	6	7	20
Jammu & Kashmir	1	4	6	11
Karnataka	77	35	20	132
Kerala	45	50	47	142
Madhya Pradesh	93	93	84	270
Maharashtra	155	128	130	413
Manipur	0	0	2	2
Meghalaya	4	3	3	10
Mizoram	0	0	4	4
Nagaland	3	2	6	11
Orissa	58	48	55	161
Punjab	78	110	97	285
Rajasthan	64	83	85	232
Sikkim	0	2	1	3
Tamilnadu	80	76	77	233
Tripura	8	2	2	12
Uttar Pradesh	320	348	331	999
West Bengal	117	72	73	262
Andaman & Nicobar	0	0	1	1
Chandigarh	5	2	5	12
Dadar & Nagar Haveli	1	0	0	1
Delhi	20	10	22	52
Puducherry	2	2	2	6
Chhattisgarh	42	42	37	121

1	2	3	4	5
Jharkhand	63	75	60	198
Uttarakhand	13	16	19	48
TOTAL	1745	1599	1576	4920

**Statement-II**

*Details of Torture Cases Registered By NHRC*

	2008-09	2009-10	2010-11	
States/UTs	No. of Cases	No. of Cases	No. of Cases	Total
1	2	3	4	5
Andhra Pradesh	5	2	6	13
Arunachal Pradesh	1	0	2	3
Assam	2	7	9	18
Bihar	12	7	8	27
Goa	0	1	0	1
Gujarat	10	4	5	19
Haryana	18	12	15	45
Himachal Pradesh	0	0	2	2
Jammu & Kashmir	1	2	4	7
Karnataka	8	3	8	19
Kerala	2	3	7	12
Madhya Pradesh	8	9	6	23
Maharashtra	4	7	8	19
Manipur	0	2	2	4
Meghalaya	1	5	3	9
Mizoram	0	0	1	1
Nagaland	1	1	0	2
Orissa	4	1	8	13
Punjab	1	2	5	8
Rajasthan	7	13	22	42
Tamilnadu	70	21	21	112

1	2	3	4	5
Tripura	0	2	0	2
Uttar Pradesh	396	489	667	1552
West Bengal	6	2	8	16
Andaman & Nicobar	0	0	1	1
Chandigarh	2	0	1	3
Delhi	17	19	31	67
Puducherry	1	0	1	2
Chhattisgarh	0	3	8	11
Jharkhand	6	7	5	18
Uttarakhand	14	21	21	56
<b>TOTAL</b>	<b>597</b>	<b>645</b>	<b>885</b>	<b>2127</b>

**Army chopper at disposal of ITBP unit at Milam Glacier**

\*232. SHRI TARUN VIJAY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the status of motorable road connecting Munshiyari (Uttarakhand) to Milam glacier border post;

(b) whether the Indo-Tibetan Border Police (ITBP) unit gets Army chopper facility at Milam glacier post;

(c) how many such requests are received in one year on an average; and

(d) whether Government is considering to put one chopper at ITBP disposal for Milam glacier post?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) Out of a length of 62.32 Km. of Munsiri - Milam road, formation work on 20.36 Km has been completed.

(b) The Indo-Tibetan Border Police (ITBP) is provided airlift support by the Indian Air Force and the Border Security Force (BSF).

(c) Between August, 2010 and July, 2011, the ITBP placed 13 requisitions with Border Security Force and 5 requisitions with the Indian Air Force.

(d) No, Sir.

**Projects/Schemes launched under JNNURM**

233. SHRI NATUJIHALAJI THAKOR: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether various projects/schemes have been launched under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) in various cities in the country, including Gujarat;

(b) if so, the State-wise details thereof during each of the last three years;

(c) the State-wise funds sanctioned/released and utilized during the said period;

(d) the criteria/parameters adopted by Government to include cities under JNNURM;

(e) whether Government is considering to include more cities under JNNURM; and

(f) if so, the details thereof?

THE MINISTER OF URBAN DEVELOPMENT (SHRI KAMAL NATH): (a) to (c) Yes, Sir. Projects have been sanctioned for 65 Mission Cities under Urban Infrastructure and Governance (UIG) Sub-mission of Jawaharlal Nehru National Urban Renewal Mission (JNNURM) including the cities of Ahmedabad, Porbandar Rajkot, Surat and Vadodara of Gujarat. State-wise details of projects approved, funds sanctioned and released for utilisation for the last three years are given in the statement (See below).

(d) The Cities/Urban Agglomeration (UAs) have been selected on the basis of population as per census 2001 and as per norms/criteria mentioned below:

A. Cities/UAs with 4 million plus population as per 2001 Census	:	7
B. Cities/UAs with 1 million plus but less than 4 million population as per 2001 Census	:	28
C. Select Cities/UAs with less than 1 million population as per 2001 census (State Capitals and Other cities/UAs of Religious/historic and touristic importance)	:	30

All other cities and towns are covered under Urban Infrastructure Development Scheme for Small and Medium Towns (UIDSSMT) of JNNURM:

(e) No, Sir.

(f) Does not arise.

**Statement**

*Details of projects approved, funds sanctioned and released for utilization during last three years*

Sl.No.	Name of State	2008-09			2009-10			2010-11		
		Number of projects approved	ACA Committed	ACA released for projects utilisation approved during the Mission period	Number	ACA Committed	ACA released for projects utilisation approved during the Mission period	Number	ACA Committed	ACA released for projects utilisation approved during the Mission period
1	2	3	4	5	6	7	8	9	10	11
1	Andhra Pradesh	8	34993.75	18898.95	3	13935.00	27385.07	0	0.00	15569.86
2	Arunachal Pradesh	1	8215.65	2053.91	0	0.00	2006.94	0	0.00	0.00
3	Assam	0	0.00	6321.15	0		7112.41	0	0.00	3792.54
4	Bihar	7	37628.03	1955.62	0	0.00	7441.39	0	0.00	0.00
5	Chandigarh	0	0.00	405.20	1	10738.80	0.00	0	0.00	734.52
6	Chhattisgarh	0	0.00	0.00	0	0.00	12145.60	0	0.00	3643.68

1	2	3	4	5	6	7	8	9	10	11
7	Delhi	2	17472.30	2220.58	25	186904.60	17248.00	1	47520.00	43509.00
8	Goa	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
9	Gujarat	11	54381.69	47035.34	4	20604.09	47788.21	1	2104.84	7297.21
10	Haryana	1	24674.50	9147.46	0	0.00	0.00	0	0.00	5283.80
11	Himachal Pradesh	1	5788.80	0.00	1	3880.00	2619.01	0	0.00	0.00
12	Jammu & Kashmir	1	10000.00	2500.00	0	0.00	000	0	0.00	0.00
13	Jharkhand	4	48268.46	6682.46	0	0.00	5384.66	1	1668.12	417.03
14	Karnataka	6	32222.25	12992.94	2	4332.00	21578.53	0	0.00	7659.85
15	Kerala	3	18405.20	3350.50	1	1105.00	2439.45	0	0.00	0.00
16	Madhya Pradesh	3	24275.82	15931.43	2	20115.70	12343.27	1	9000.00	4828.66
17	Maharashtra	21	140303.39	88349.54	2	10336.86	88649.86	0	0.00	42004.49
18	Manipur	1	2308.34	0.00	1	9225.12	2883.37	0	0.00	0.00
19	Meghalaya	2	19616.15	4904.04	0	0.00	0.00	0	0.00	0.00
20	Mizoram	0	0.00	0.00	0	0.00	756.82	0	0.00	0.00



21	Nagaland	0	0.00	389.26	1	4538.19	1702.81	0	0.00	0.00
22	Orissa	2	18818.40	3338.00	1	4500.00	2491.60	0	0.00	0.00
23	Punjab	1	3624.50	4939.22	1	2289.00	3346.62	0	0.00	0.00
24	Puducherry	1	3972.80	993.20	0	0.00	0.00	0	0.00	0.00
25	Rajasthan	3	23431.97	20281.38	0	0.00	2826.10	0	0.00	0.00
26	Sikkim	0	0.00	538.20	1	6535.49	1663.87	0	0.00	0.00
27	Tamil Nadu	18	94398.69	28446.11	1	9000.00	37723.44	1	4063.50	2635.84
28	Tripura	1	7043.40	1760.85	1	9000.00	2250.00	0	0.00	0.00
29	Uttar Pradesh	13	142706.93	43078.75	4	31500.00	47632.21	0	0.00	25479.16
30	Uttarakhand	6	12866.12	2678.56	1	4628.00	7546.69	3	3501.86	981.06
31	West Bengal	13	55685.13	22857.17	12	44822.75	27717.88	8	42259.61	17412.81
TOTAL		130	841102.27	352049.82	65	397990.60	392683.81	16	110117.93	181249.51

**Promotion of art and culture in small towns**

\*234. SHRI BHARATSINH PRABHATSINH PARMAR: Will the Minister of CULTURE be pleased to state:

(a) whether Government is organizing cultural events in small towns and districts to promote the art and culture of various States including Gujarat;

(b) if so, the details thereof during each of the last three years and the current year, State-wise;

(c) the funds released and spent during the said period; and

(d) the response received so far from each State?

THE MINISTER OF CULTURE (KUMARI SELJA): (a) Yes, Sir.

(b) The information is being collected and will be laid on the Table of the House.

(c) Details of the funds released and spent during the last three years and the current year are as under:

(Rs. in Lakhs)		
Financial Year	Amount Released	Amount Spent by ZCCs
2008-09	2616.19	2509.61
2009-10	2116.40	1708.07
2010-11	2345.16	2617.29
2011-12	1906.56	355.01
	(as on date)	(as on date)

(d) Though no formal response was received from any State Government, the programmes were generally well attended and received public acclaim.

**Missing children**

\*235. DR. JANARDHAN WAGHMARE: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is aware that a large number of children have been found missing every year in the country;

(b) if so, the details thereof;

(c) whether the Central Government in consultation with the State Governments and police authorities of various States proposes to take steps to track the missing children and also find out the exact causes of missing; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) to (d) As per the data provided by National Crime Records Bureau (NCRB), the number of children reported as 'missing/traced', kidnapping and abduction for each of the years 2008, 2009 and 2010, State/UT wise are given in the statement (See below). NHRC constituted a Committee on 12th February, 2007 to make an indepth examination of the issue of missing children from the point of view of evolving practical guidelines that would facilitate tracing and restoring missing children back to their families or to agencies/support systems where they could be taken care of and protected. A copy of the recommendations of the Committee was sent to Central Government as well as State Government/Union Territories Administration for action.

A detailed advisory dated 14th July, 2010 has been sent by the Central Government to all State Governments and UT Administrations wherein States/UTs have been advised to take all steps required for improving the safety conditions in schools/institutions, public transport used by students, children's parks/play grounds, residential localities/roads etc. Ministry of Home Affairs issued a letter dated 4th December, 2009 to all State Governments citing a standing order of Delhi Police (No. 252/09 dated 24.10.2009) regarding procedure to be followed in respect of missing persons, so as to facilitate easy tracking of missing persons across the country.

Ministry of Women and Child Development (MWCD) is also implementing a scheme which provides for setting up of a National Website on Missing Children.

**Statement**

*Number of children Missing/Traced (Gender wise) during 2008-2010*

Sl.No. States		2008				2009				2010			
		Male		Female		Male		Female		Male		Female	
		Missing	Traced	Missing	Traced	Missing	Traced	Missing	Traced	Missing	Traced	Missing	Traced
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	A & N Islands	21	20	35	33	16	15	30	29	15	14	16	16
2	Andhra Pradesh	1231	1091	1583	1235	1335	1112	1749	1464	1501	1233	2199	1833
3	Arunachal Pradesh	6	6	6	4	NR	NR	NR	NR	26	13	34	29
4	Assam	355	224	392	255	406	234	493	343	403	218	592	364
5	Bihar	232	428	328	178	NR	NR	NR	NR	NR	NR	NR	NR
6	Chandigarh	51	34	67	43	51	26	68	42	42	NR	NR	NR
7	Chhattisgarh	1089	1023	1617	1523	997	913	1826	1547	NR	NR	NR	NR
8	D & N Haveli	8	5	15	12	8	8	9	9	9	6	8	5
9	Daman & Diu	6	4	8	5	2	2	5	3	9	8	11	8
10	Delhi	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR

11	Goa	107	87	150	121	90	75	146	131	NR	NR	NR	NR
12	Gujarat	1158	1008	1486	1176	1071	883	1647	1238	1045	913	1823	1362
13	Haryana	580	367	265	123	598	328	317	163	NR	NR	NR	NR
14	Himachal Pradesh	192	117	170	95	131	73	139	92	NR	NR	NR	NR
15	Jammu & Kashmir	155	104	121	59	209	136	157	111	NR	NR	NR	NR
16	Jharkhand	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
17	Karnataka	1818	1535	2374	2196	1697	1482	2299	2052	2279	1948	2566	2286
18	Kerala	496	427	710	602	401	344	595	524	411	346	626	549
19	Lakshadweep	0	0	1	1	NR	NR	NR	NR	0	0	0	0
20	Madhya Pradesh	3857	3426	4798	3684	4121	3948	5377	4782	4254	3901	6466	5788
21	Maharashtra	6206	5317	7009	6106	5927	4918	7172	6034	6573	5239	8250	6461
22	Manipur	29	12	16	8	28	27	17	15	NR	NR	NR	NR
23	Meghalaya	28	22	43	41	65	55	103	91	NR	NR	NR	NR
24	Mizoram	0	0	0	0	NR	NR	NR	NR	NR	NR	NR	NR
25	Nagaland	64	42	64	35	50	28	67	38	NR	NR	NR	NR
26	Orissa	620	344	1113	555	633	246	1249	422	NR	NR	NR	NR

1	2	3	4	5	6	7	8	9	10	11	12	13	14
27	Puducherry	31	31	45	45	25	25	32	32	29	28	43	43
28	Punjab	188	1	80	0	198	3	79	2	170	2	112	8
29	Rajasthan	1385	1133	1092	888	1248	1044	1483	1179	1541	1268	1951	1574
30	Sikkim	82	50	136	82	93	42	133	74	145	79	197	115
31	Tamilnadu	683	498	1130	959	763	616	1092	864	994	808	1510	1254
32	Tripura	67	56	225	202	NR	NR	NR	NR	NR	NR	NR	NR
33	Uttar Pradesh	2624	2122	973	766	2236	1943	900	761	NR	NR	NR	NR
34	Uttarakhand	295	144	119	140	260	198	171	133	342	269	212	164
35	West Bengal	4220	1923	6872	2673	3926	1370	7601	1985	5016	1931	10819	3587
TOTAL		27884	21601	33043	23845	26585	20094	34956	24160	24762	18224	37435	25446

**Note:** Statement is prepared on the basis of data received from State Crime Record Bureau.

Data not yet received from States has been indicated as 'NR'.

\*Figures are provisional.

**Paucity of funds for Welfare Schemes for Beedi workers**

236. DR. T.N. SEEMA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government is finding it difficult to run smoothly the welfare schemes for beedi workers due to paucity of funds;

(b) whether about 6 lakh beedi workers have not been issued identity cards depriving them from having access to the welfare fund and welfare schemes;

(c) if so, the reasons therefor;

(d) whether it is a fact that the multiple or unauthorised agencies issuing fictitious identity cards will lead to duplicity and fake cards;

(e) if so, whether Government is monitoring the same; and

(f) if so, the details thereof and the steps taken by Government in this regard?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) All Welfare Schemes for Beedi Workers are running smoothly.

(b) and (c) Issue of identity cards is an ongoing process. The remaining beedi workers are being issued identity cards on regular basis after completing due process.

(d) to (f) Medical Officers of the Dispensaries of Labour Welfare Organisation and authorised officials of the State Labour Department issue identity cards to beedi workers. Regular monitoring is being done by the dispensaries under Labour Welfare Organisation and State Government. In case any complaint regarding fictitious cards is received, it is enquired into and appropriate action is taken.

**Castration as punishment for rapists**

\*237. SHRI RAJKUMAR DHOOT: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that a Delhi Court has recently suggested castration as punishment for rapists to minimize the rapes on girls and women;

(b) if so, the details thereof; and

(c) what action Government proposes to take on the suggestion of the

Court?



THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (c) The order on sentence dated 30.04.2011 delivered by Dr. Kamini Lau, Additional Sessions Judge-II (North-West), Rohini Courts, Delhi, in the case No. 1159/2009 in the matter of State Vs. Dinesh Yadav has, *inter alia*, made observations as follows:

"...this is a crime which is required to be addressed differently and a full public debate with regard to imposition of Castration (both Surgical and Chemical) as an alternative punishment for the offence of rape and molestation is the crying need of the hour."

The above remarks are in the nature of Obiter Dicta. They do not call for specific compliance. However, modern jurisprudence, and our Justice System follows the correctional approach rather than a policy of revenge.

**Steps to get Muga and Eri of Assam patented**

\*238. SHRI BHUBANESWAR KALITA: Will the Minister of TEXTILES be pleased to state:

(a) whether Government is taking steps to get Muga and Eri of Assam patented;

(b) if so, the details thereof; and

(c) the details of the implementation of Muga mark and its status?

THE MINISTER OF TEXTILES (SHRI ANAND SHARMA): (a) and (b) The Government of Assam has taken steps to get Geographical Indication (GI) for Muga Silk of Assam during the year 2007. The Registrar of Geographical Indications, Government of India, Chennai has made an entry in part-A of the G.I. Register, vide G.I. No. 55, dated 13th July, 2007 certifying that, the Assam Science Technology and Environment Council (ASTEC), Guwahati is the Registered proprietor of the G.I. for Muga Silk Assam.

Regarding Eri Silk, though Assam is the major producer of Eri Silk in India, it is also produced in many other states like Meghalaya, Manipur, Nagaland, Arunachal Pradesh, Mizoram, West Bengal, Orissa, Uttar Pradesh and Andhra Pradesh etc. Therefore, getting Geographical Indication (GI) registered for Eri silk of Assam does not arise.

(c) Central Silk Board (CSB) under Ministry of Textiles, Government of India is implementing 'Silk Mark' scheme through the Silk Mark Organization of India for popularizing the products made of pure silk to protect the interest of consumers. Silk Mark is a quality assurance label attached to the products made of pure silk. Silk Mark is applicable to all the silk products made of pure silk covering all varieties of silk viz. Mulberry, Tasar, Eri and Muga. However, there is no specific mark for Muga or any other particular variety of silk.

During XI Plan, Silk Mark Organization of India (SMOI) has enrolled 1700 authorized users of Silk Mark and sold 1.20 crore silk mark labels. It has organized 1211 road shows, events, exhibitions to popularize the Silk Mark among consumers of silk.

**Purchase of bullet proof jackets by CRPF**

\*239. SHRI SATYAVRAT CHATURVEDI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the names of the companies from which tenders were invited by the Central Reserve Police Force (CRPF) to purchase bullet proof jackets for its jawans and officers;

(b) the names of the companies whose jackets passed the test;

(c) whether it is also a fact that three out of its four lots sent initially by the company, from which bullet proof jackets are being purchased, failed to meet the quality norms, including their weight;

(d) the quantum of jackets of this company received so far and whether they have undergone test; and

(e) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) The following companies participated by furnishing bids in the tender invited by CRPF to purchase 59,000 Nos. Bullet Proof Jackets:

1. M/s MKU Pvt. Ltd., New Delhi.
2. M/s Anjani Technoplast, Greater Noida.
3. M/s Tata Adv., Bangalore.

4. M/s S.M. Pulp Packaging, New Delhi.
5. M/s Shri Lakshmi Cotsyn Ltd., New Delhi.
6. M/s Adigear International, Gurgaon (Haryana).
7. M/s Southern Group Industries, New Delhi.
8. M/s AVR Enterprise, Kanpur.
9. M/s Star Wire (India) Ltd., New Delhi.

(b) The companies whose jackets passed are following:

1. M/s MKU Pvt. Ltd., New Delhi. (Model No. 01 & 02)
2. M/s S.M. Pulp Packaging, New Delhi. (Model - S 01 & S 02)

(c) Yes, Sir. Three lots, each consisting of 2000 Nos. out of the first four lots offered by the L-1 bidder failed in ballistic tests. All the subsequent lots passed the tests.

(d) and (e) 59,000 Nos. Light Weight Bullet Proof jackets were received. They were received after they had successfully undergone the tests. Pre-dispatch inspection by a Board of Officers detailed by the Ministry was carried out as per tender conditions.

#### **Promotion of indigenous industries in Defence**

\*240. SHRI K.N. BALAGOPAL: Will the Minister of DEFENCE be pleased to state:

(a) whether Government is promoting the indigenous industries in defence, so as to reduce dependence on foreign countries;

(b) if so, the details thereof; and

(c) the year-wise import of defence material for the last three years?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) and (b) Since May 2001, the defence industry sector is open upto 100% for Indian private sector participation with FDI permissible upto 26%, both subject to licensing. So far, 169 Industrial licences/Letters of Intent have been issued to various Indian companies in the private sector for manufacture of a wide range of defence items.

The introduction of defence offsets and categorizations of acquisition proposals as

"Buy (Indian)", "Buy & Make (Indian) "and "Make" in the Defence  
Procurement Procedure are

intended to develop indigenous capabilities and promote self-reliance in the defence sector. The Defence Production Policy notified recently, inter alia, also seeks to create conditions conducive for the indigenous industry to take an active role in indigenization and substantive self reliance in defence production. The Policy aims at encouraging indigenous design, development and manufacture of defence equipment.

(c) The figures will be collected and will be laid on the Table of the House.

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### WRITTEN ANSWERS TO UNSTARRED QUESTIONS

#### Export of Non-basmati rice

†17060. SHRI RAVI SHANKAR PRASAD:

SHRI RAM JETHMALANI:

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

(a) whether it is a fact that Government has taken a decision on 11 July, 2011 to export ten lac tonnes of non-basmati rice;

(b) if so, the facts thereof;

(c) whether it is also a fact that a notification to this effect was issued on 19 July, 2011 at 9 p.m. and, as per, the notification dated 22 July, 2011 was fixed as the last date for registration;

(d) if so, the facts thereof;

(e) whether it was mandatory for the exporters to get buyers L.C. from bank in order to get themselves registered; and

(f) whether the exporters have opposed this policy of Government?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) Yes Sir, the Empowered Group of Ministers (EGOM) has allowed the export of 10 lakh tons of non-basmati rice, subject to a Minimum Export Price (MEP) of USD 400 per ton, in its meeting held on 11th July, 2011. It was also decided that the export of non-basmati rice would be done by private parties from privately held stocks on purely

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†Original notice of the question was received in Hindi.

commercial basis. Besides, prior registration of all export contracts would be done by DGFT on a first-come-first served basis subject to the following condition:

(1) Applications for allotment must be accompanied by irrevocable and confirmed letters of credit.

(2) An applicant must submit a performance bank guarantee, along with the application, for a value equivalent to a value of 10% of applied quantity. In case of non-completion of exports, within a stipulated time frame, this bank guarantee is liable to be confiscated. However, a flexibility of + or - 5% in performance will be provided.

(3) Maximum quantity per applicant may be set at 1.25% of the total quantity released, i.e., 12,500 MT.

(c) and (d) The DGFT Notification No. 60 of 19.7.2011 was uploaded on the website of DGFT on 19.7.2011 at 8:31:53 PM. In the calendar of events of Notification No. 60 of 19.7.2011, the start date of receiving e-mail was prescribed as 10:00 hrs. on 21.7.2011 and close date as 17:00 hrs on 22.7.2011. In Notification No. 60 of 19.7.2011, it was mentioned that the e-mails received by DGFT headquarters before 1000 hrs on 21.7.2011 and after 1700 hrs on 22.7.2011 will not be taken into account. In the same notification it was also mentioned that in case more than one application (e-mail) is received from same IEC Number or same Applicant, only first e-mail will be taken into account. Subsequent e-mails will be ignored.

(e) and (f) Sir, as decided by EGOM, DGFT has notified all the conditions approved by EGOM and it was decided to first call for an intent to export through e-mail for shortlisting of the successful allottees by applying a cut whenever the quantity of 10 lakh MTs is exhausted on a first come first served basis. A wait list of applicants will also be maintained in case any of the successful allottee is not able to produce complete documents or obtain Registration Certificate. In the second stage the applicants were required to submit all the prescribed documents to the concerned Regional Authorities/DGFT (HQ) for scrutiny and issue of Registration Certificate enabling them to export the rice. The DGFT vide Trade Notice dated 27-07-2011 notified allocation of quantities of export of rice to Various exporters numbering 82 and a waiting list of 30 applicants. However, Hon'ble High Court

of Delhi in its interim order passed on 27-07-2011 in W.P. No. 5237/2011 filed by Kannu Aditya (India) Ltd. has directed that no allotment shall be made till the next date of hearing.

**Review of guidelines for minimum space criteria for SEZs**

1707. SHRI SANJAY RAUT:

SHRI GOVINDRAO ADIK:

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

(a) whether Government is considering to review the guidelines of minimum space criterion for Special Economic Zones as developers are facing problems in acquiring land;

(b) if so, the details thereof;

(c) whether it is also a fact that the several projects of SEZs have been withdrawn after failing to acquire land; and

(d) if so, the details thereof and Government's response thereto?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) There is no proposal at present to review the guidelines of minimum space criterion for Special Economic Zones.

(b) Does not arise.

(c) Requests are received for de-notification of notified SEZs as well as withdrawal of in-principle and formal approvals granted to various SEZ projects from time to time. Between December, 2008 and the present, the Board of Approval on SEZ has approved 33 such cases of denotification of notified SEZs subject to the refund of duty benefits availed, if any, by the developer. The reasons for these requests for de-notification of notified SEZs, withdrawal of in-principle and formal approvals granted to various SEZ projects, wherever indicated by the applicants, include economic meltdown, poor market response, non-availability of skilled labour force, no demand for IT/ITES space and imposition of Minimum Alternate Tax (MAT) and Dividend Distribution Tax (DDT) on Special Economic Zones (SEZs).

(d) As provided under the SEZ Act and Rules the requests received for de-notification of notified SEZs as well as withdrawal of in-principle and formal approvals granted to various SEZ projects are considered by the Board of Approval on SEZs and approval is granted

subject to conditions, including the refund of duty benefits availed, if any, by the developer.



**Export of rice through STC and MMTC**

1708. SHRIMATI KUSUM RAI:

SHRI PRABHAT JHA:

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

(a) the details of the volume of rice exported to various countries during last three years, year-wise and country-wise;

(b) the year-wise details of volume of rice exported through Government trading agencies like State Trading Corporation and MMTC during last three years;

(c) the year-wise and company-wise details of rice exported to various countries through private companies during last three years;

(d) whether some Members of Parliament had represented the Ministry against the rice exported by some private companies in 2008 to twenty one African countries; and

(e) if so, the details thereof along with the action taken thereon?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) The data regarding export of rice to various countries during last three years is given below:

Year	Quantity (in tons)	Top 5 destinations
2008-09	24,88,291	Saudi Arab, UAE, Iran, Kuwait, Yemen
2009-10	21,56,408	Saudi Arab, UAE, Iran, Kuwait, Yemen
2010-11 (upto Dec. 2010)	16,68,132	Saudi Arab, UAE, Iran, Bangladesh, Kuwait.

(Source: DGCI & S)

The prominent destinations of Indian rice exports are UAE, Saudi Arab, Iran and Kuwait.

(b) The export of non-basmati rice done by PEC, STC and MMTC is given below:

Year	PSU	Quantity exported
1	2	3
2008-09	PEC	1,41,150.57

STC	2,10,064.96
MMTC	1,17,500

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1	2	3
2009-10	PEC	-
	STC	-
	MMTC	-
2010-11 (till Dec. 2010)	PEC	24,996
	STC	-
	MMTC	-

(c) The export of basmati rice can be done under Open General License subject to prior registration with APEDA. The export of non-basmati rice on diplomatic basis can be done by State Trading Agencies only.

(d) and (e) In 2009, the matter of export of non-basmati rice to African countries was raised in the Lok Sabha by Shri Sharad Yadav and others on 22.07.2009 under Rule 377/Zero Hour and in Rajya Sabha by Shri D. Raja and others on 20.07.2009 under Special Mention/Zero Hour. In this regard Commerce and Industry Minister had given a statement in Lok Sabha on 30.07.2009 and again on 19.11.2010. In accordance with the statement given on the floor of the Lok Sabha on 30.07.2009, an internal inquiry was instituted and the concerned officials of the PSUs were issued show cause notices. Concerned companies, who prima facie were acting in collusion, were debarred from all future transactions with PSUs of the Department of Commerce. The entire matter was referred to CVC who have tendered their advice and departmental action is being initiated against the concerned. Meanwhile, the matter is also under investigation by CBI.

**Sugar mills request for export of additional quantity of sugar**

†1709. SHRI RAVI SHANKAR PRASAD:

SHRI RAMCHANDRA PRASAD SINGH:

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

(a) whether it is a fact that sugar mills have requested Government to increase quantity of sugar for export due to its higher price in the international market in comparison to country's domestic market;

(b) if so, the details in this regard and whether a quantity target has also been fixed by Government for export of sugar from the country; and

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†Original notice of the question was received in Hindi.

(c) if so, the details of quantity fixed and the quantum of sugar in the country as on end of July, 2011?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) Sir, the Government has received requests from the State Government of Maharashtra and the industry associations for allowing further exports of sugar. In view of the adequate availability and stable prices of sugar in the domestic market, the Government has allowed the export of 5 lakh tons of sugar under Open General License (OGL) vide circular no. 3-3/2010-ES/180 dated 19.4.2011. Further, Government has approved export of additional 5th lakh tons of sugar under OGL on 28.6.2011. Beside this, the Government has also allowed the export of sugar under Advance License Authorisation (ALA). As on 10th August, 2011, release orders have already been issued for 19.71 lakh tons out of 21 lakh tons of exports allowed under ALA/AAS and OGL.

(c) the estimated availability of sugar as on 31.7.2011 is about 120 lakh tons.

**CoS report on hundred per cent FDI in retail market**

†1710. SHRI RAM JETHMALANI:

SHRI RAVI SHANKAR PRASAD:

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

(a) whether it is a fact that the Committee of Secretaries set up by Government has given its approval for the hundred per cent foreign capital investment in retail market of the country;

(b) if so, the names of the Committee's members along with the names of the departments they belong to;

(c) whether this Committee has also given report on the benefits of hundred percent foreign capital investment for the country;

(d) if so, the details of the benefits; and

(e) whether it is also a fact that Government has received reports of protest from different quarters against the foreign capital investment in retail market?

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

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†Original notice of the question was received in Hindi.

(b) Does not arise.

(c) No, Sir.

(d) Does not arise.

(e) Mixed responses have been received from different stakeholders and other quarters on the subject of Foreign Direct Investment in Multi-Brand Retail Trading.

**Non-payment of dues to labourers by tea garden companies**

†1711. SHRI SATYAVRAT CHATURVEDI:

SHRI MOTILAL VORA:

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

(a) whether it is a fact that companies operating more than hundred tea gardens in Kerala, Tamil Nadu, West Bengal and Assam have vanished after their closure since 2000 to till date and 1,64,000 workers and 33,000 staff working there have not been paid their salary for old jobs along with other outstanding arrears;

(b) whether Supreme Court had directed the vanishing companies to make payment to the labourers or Government to make payments;

(c) if so, by when the payment would be made to the labourers; and

(d) by when the decision on acquiring the land of tea gardens will be taken by Government?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) No, Sir. From 2007 onwards, all the gardens have been reopened and as on 1.08.11, only 4 gardens remained closed, two in Kerala and two in West Bengal. These four gardens are involved in protracted litigations.

(b) to (d) The Supreme Court vide its order dated 6th August, 2010 had directed the Central Government to carry out its statutory duties under the provisions of the Tea Act, 1953. All the gardens having since been reopened either by new promoters or erstwhile owners, the scope of invoking provisions of the Tea Act and handing over the garden management to others did not arise. The managements have entered into agreements with the concerned trade unions for settlement of labourers' dues in installments.

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†Original notice of the question was received in Hindi.

**Total quantum of FDI**

1712. SHRI NARESH GUJRAL: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) what has been the total quantum of Foreign Direct Investment (FDI) in the country in 2009-10 and 2010-11;

(b) how much FDI has been received in the country in the first quarter of 2011-12; and

(c) what is the total expectation of FDI in the current financial Year?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) The total Foreign Direct Investment (FDI) equity inflows, received in the country, in financial years 2009-10 and 2010-11, are as under:

Financial Year	FDI	FDI
(April-March)	(in Rs. crore)	(in US \$ million)
2009-10	123,119.65	25,834.41
2010-11	88,519.37	19,426.90

(b) FDI equity inflows, of Rs. 60,163.60 crore (US \$ 13,441.68 million), have been received during the first quarter of the current financial year (April, 2011 to June, 2011).

(c) It is not possible to make an assessment of the likely FDI inflows.

**Protest against seeking help of WIPO**

1713. DR. RAM PRAKASH: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether it is a fact that Government's plan to take the help of the World Intellectual Property Organization (WIPO) to put into action the Intellectual Property Rights (IPR) strategy, has met with strong disapproval from a section of the local pharma industry, which suspects the arrangement would benefit only multinational patent holders; and

(b) if so, what are their doubts and the solutions thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI

JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) Department of Industrial  
Policy and Promotion



and the World Intellectual Property Organization (WIPO) have signed a Memorandum of Understanding (MoU) on 13-11-2009 and have agreed on an Action Plan for organization and conduct of joint activities to promote the goal of using Intellectual Property for economic, social, cultural and technological development. The focus of the MoU and the Action Plan is on human resource development, awareness generation and capacity building with respect to Intellectual Property. Issues relating to policy, enforcement and legislation have not been included in the MoU and the Action Plan. Indian Pharmaceutical Alliance representing local pharma industry had raised concerns about the signing of the MoU and the Action Plan and had requested that the details of the MoU and the Action Plan be shared with them. Accordingly, both these documents were made available at DIPP's website [www.dipp.nic.in](http://www.dipp.nic.in) for information of all concerned.

#### **Trade Agreement with US**

1714. SHRI KALRAJ MISHRA: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether US Secretary of State has recently discussed and entered into a trade agreement with India;

(b) if so, the terms of the agreement and objectives contemplated therein; and

(c) the steps taken so far in pursuance thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (c) No trade agreement has been signed between India and the US during the recent visit of the U.S, Secretary of State to India in July, 2011. However, during the second India-U.S. Strategic Dialogue held in New Delhi on 19 July, 2011, the two sides lauded the growth in trade and investment flows in both directions. They welcomed the increase and the balanced and positive growth in bilateral trade in 2010. They also acknowledged the enormous potential for further expansion and reiterated their commitment to take steps to expand trade ties.

#### **Closed Tea Garden in West Bengal and Assam**

1715. SHRI SILVIUS CONDPAN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) the details of the closed tea gardens in Assam and West Bengal;

(b) the details of the each tea garden like the name of the owner company, land on lease, number of workers, category-wise for each closed tea garden;

(c) the details of the workers wages due in each tea garden along with the details of the PF dues etc.; and

(d) the details of the action taken/being taken by Government to reopen the closed tea gardens?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) There are no closed tea gardens in Assam at present. The following two gardens remain closed in West Bengal:

Sl.No.	District	Name of Tea Estate (TE)	Date of closure	Owned by
1	Jalpaiguri	Dheklapara	11.03.06	Dheklapara Tea Co. Ltd. (under liquidation)
2	Darjeeling	Ringtong	11.02.08	Ringtong Tea Co. (P) Ltd.

(b) The details in respect of closed tea gardens in West Bengal are as under:

Sl.No.	No. of	Name of TE	Owned by	Grant	Tea	No. of
			area (ha)	area (ha)	Staff and sub- staff	Workers
1	Dheklapara	Dheklapara Tea Co. Ltd. (under liquidation)	548.10	197.37	60	544
2	Ringtong	Ringtong Tea Co. (P) Ltd.	766.54	338.12	107	837

(c) The details of workers' dues in respect of the closed tea gardens in West Bengal as per information available with Tea Board is as under:

Sl.No.	Name of TE	Workers' dues including wages (Rs. in lakhs)	PF dues (Rs. in lakhs)
1	Dheklapara	90.72	72.92
2	Ringtong	Gratuity due since 1990	Not deposited since 1992-93

(d) The Dheklapara tea estate was auctioned by Hon'ble High Court of Kolkata but the highest bidder failed to take over the garden. Subsequently, pursuant to orders of the Hon'ble Court, a status report has been submitted to the Court. The Ringtong T.E. is involved in protracted litigation.

#### **Steps to reduce export cost of articles**

1716. SHRI O. T. LEPCHA: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether steps have been taken by Government to reduce the export costs of various articles in recent times;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) Yes Sir.

(b) A Task Force on Transaction Cost was set up by Ministry of Commerce and Industry in October, 2009 to assess the procedural bottlenecks affecting India's exports and imports and to look into various issues affecting the competitiveness of Indian exports and to suggest remedial measures to reduce transaction cost and thereby facilitate exports. Task Force has 44 recommendations concerning various Ministries/Departments. 23 recommendations have been implemented resulting in reduction of approximately Rs. 2100 Crore of Transaction Cost.

(c) Does not arise.

#### **GIs registered in the country**

1717. SHRI ANIL MADHAV DAVE: Will the Minister of COMMERCE AND INDUSTRY be pleased to state the detailed list of GIs (Geographical Indications) registered in India in 2009-10?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): During the year 2009-10, 14 Geographical Indications (GIs) were registered in India. Details of these registered GIs are given below:

Sl. No.	Application No.	Geographical Indications	Goods (As per Sec. 2 (f) of GI Act 1999)	State/Country
1.	121	Tirupathi Laddu	Foodstuff	Andhra Pradesh
2.	125	Mango Malihabadi Dusseheri	Agricultural	Uttar Pradesh
3.	128	Puneri Pagadi	Handicraft	Maharashtra
4.	99	Banaras Brocades and Sarees	Handicraft	Uttar Pradesh
5.	127	Tangaliya Shawl	Handicraft	Gujarat
6.	130 & 141	Vazhakulam Pineapple	Agricultural	Kerala
7.	131	Devanahalli Pomello	Agricultural	Karnataka
8.	132	Appemidi Mango	Agricultural	Karnataka
9.	133	Kamalapur Red Banana	Agricultural	Karnataka
10.	138	Santipore Saree	Handicraft	West Bengal
11.	144	Cannanore Home Furnishings	Handicraft	Kerala
12.	43	Peruvian Pisco	Manufactured	Peru
13.	147	Sanganeri Hand Block Printing Handicraft	Handicraft	Rajasthan
14.	152	Balaramapuram Sarees and Fine Cotton Fabrics	Handicraft	Kerala

#### New Manufacturing Policy

1718. SHRIMATI SHOBHANA BHARTIA:

SHRI N. K. SINGH:

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

(a) whether Government has unveiled a new Manufacturing Policy for the country which aims to create 100 million jobs by 2025;

(b) whether the same has a contract clause making it easy to hire and fire labour force; and

(c) if so, the safeguards, if any that have been built in to protect the envisaged creation of millions of jobs?

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

(b) and (c) Do not arise.

**Blocking of Shrimp Exporters' money in US**

1719. SHRIMATI GUNDU SUDHARANI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether it is a fact that nearly US \$ 30 million of our shrimp exporters' money which has been collected as customs duty has been blocked by US and is not releasing;

(b) if so, the details thereof; and

(c) what action the Ministry is taking to get back the money locked in US?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) Yes, Sir.

(b) Details are given in the statement (See below).

(c) The WTO Dispute Settlement Body (DSB) had ruled in India's favour on the issue of continuous bond requirement by the US Customs and Border Protection (CBP) on Frozen Shrimp import from India into the US. Consequent to this order, US Customs and Border Protection (CBP) has done away with the Enhanced Bond Requirement (EBR) from the date of the decision i.e. from 01.04.2009. However, the Indian Importers On Record (IOR) in the US are unable to liquidate the Bonds executed for the period from August, 2004 to 31st March, 2009.

The issue of release of EBRs for the period from August 2004 to 31st March, 2009 has been taken up by the Ministry of Commerce and Industry a number of times with the US Government at various levels and through various bilateral and other trade forums.

Consequent to the WTO decision, a decision has also been given on the matter by Court of International Trade (CIT) on 21st October, 2010 in a case filed on behalf of 27 Shrimp Importers. However, the CBP has appealed to Court of Appeals for Federal Circuit (CAFC) on 22nd December, 2010. The matter is being pursued.

**Statement**

*Summary of Bonds Given by Indian Fr. Shrimp Producer - Exporters under*

*EBR*

*All these companies are Importers of Record (IOR).*

Sl. No.	Company	Bond Amount \$	Collateral as on date \$	Importer of Record No.
1	2	3	4	5
1	Sagar Gandhi Exports Pvt. Ltd.	2200000	1650000	052704-00333
2	Apex Exports	2600000	2600000	052704-00367
3	Five Star Marine Exports Pvt. Ltd.	1700000	1250000	042704-00553
4	Wellcome Fisheries Ltd.	3200000	2625426	042704-00482
5	Devi Fisheries Ltd.	1100000	1100000	044601-01124
6	Falcon Marine Exports Ltd.	5600000	3600000	054601-00043
7	Sandhya Marines Ltd.	100000	100000	042704-00483
8	Nekkanti Seafoods Ltd.	3700000	2800000	042704-00502
9	Devi Sea Foods Ltd.	5700000	3800000	044601-00759
10	Sai Marine Exports Pvt. Ltd.	850000	850000	044601-01127
11	Asvini Fisheries Pvt. Ltd.	5300000	2400000	044601-01033
12	RVR Marine Products Pvt. Ltd.	200000	200000	052704-00462
13	Choice Canning Company, Inc.	200000	200000	13-342236400
14	The Waterbase Ltd.	1100000	1100000	044601-01148
15	Avanti Feeds Ltd.	1800000	1800000	044601-01128
16	Jaya Lakshmi Sea Foods Pvt. Ltd.	400000	400000	044601-01658

1	2	3	4	5
17	Kader Exports Pvt. Ltd.,	2000000	2000000	
18	Devi Marine Food Exports Pvt. Ltd.	1600000	-	
19	Universal Cold Storage Pvt. Ltd.	1100000	-	
20	Premier Marine Products	1100000	-	
		41550000	28475426	

#### **Reservation in promotions**

1720. SHRI AMBETH RAJAN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether reservation in promotions is strictly followed and implemented in Ministry as per the provisions made in the Constitution through 77th Amendment;

(b) if so, the details of promotions made for last three years in all categories;

(c) if not, the reasons therefor; and

(d) the tentative time by when the same will be completed?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) Instructions/orders regarding reservation in promotions issued by the Department of Personnel and Training, the nodal department for framing reservation policy, are to be followed by the concerned cadre controlling authorities of various services nominating officials against cadre .posts in the Ministry of Commerce and Industry.

(c) Does not arise.

(d) Does not arise.

#### **Establishing raw material banks for procuring RED sandal**

1721. SHRI NANDI YELLAIAH: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) the status of the request of Andhra Pradesh for categorising production of furniture and handicraft articles with red sandal wood under permissible value added items for exports with a view

to establish raw material banks for procuring red sandal and other wood for producing above-said articles by artisans of the State;

(b) the details in this regard; and

(c) the decision taken/proposed to be taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (c) Andhra Pradesh had requested to include Red Sanders wood furniture items (wood procured from legal sources) and Red Sandels wood Handicrafts and Utility oriented items (wood procured from legal sources) under permissible items for exports. The office of Development Commissioner (Handicrafts) has clarified that these items are covered under HS Codes 97019091 and 97019099 falling under Handicrafts category. It has further been clarified that product profile-wise as well as category-wise codes are not available for these items due to short product list.

**New policy framework for PPP in infrastructure sector**

1722. DR. YOGENDRA P. TRIVEDI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether Government proposes to introduce new policy framework for Public Private Partnership (PPP) in infrastructure and social sectors such as health and education to lay down the guidelines for the entry of private players and implementation of infrastructure projects; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) The Government is already promoting investment in Infrastructure Sectors, including Health and education, through a combination of public investment, private investment, and Public-Private Partnerships (PPPs). The Central Government has included education, health and skill development, without annuity provision, as eligible sub-sectors under the scheme for support to Public Private Partnership in Infrastructure (Viability Gap Funding-VGF) vide a Notification in May, 2011. This is expected to give fillip to private sector investment in these sectors. Modern post-harvest storage including cold chain has also been made sub-sectors eligible for VGF scheme for support to PPPs in infrastructure vide a notification in March, 2011.



#### **Setting up of industries in Bihar**

†1723. SHRI RAM VILAS PASWAN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state the details of proposals submitted by Government of Bihar for setting up of industries in the State during the last three years and the action taken thereon by Central Government?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): According to the information received from the Government of Bihar, no proposals have been submitted by them during the last three years for setting up any industries in the State.

#### **Surrendering of SEZ projects**

1724. SHRI PRAKASH JAVADEKAR: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether it is a fact that many private players are surrendering Special Economic Zones (SEZ) projects;

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

(c) what action does Government propose to take in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) Requests are being received for de-notification of the notified SEZs from time to time.

(b) From December, 2008 till 31 July, 2011, the Board of Approval on SEZ has approved 33 such cases subject to the refund of duty benefits availed, if any, by the developer. The details of the 33 cases approved by the BOA for denotification are given in the Statement (See below). The reasons for these requests, wherever indicated by the applicants, range from economic meltdown, poor market response, non-availability of skilled labour force, no demand for IT/ITES space and imposition to Minimum Alternate Tax (MAT) and Dividend Distribution Tax (DDT) on Special Economic Zones (SEZs).

(c) In all such cases, where the Board of Approval on SEZ has approved denotification of the SEZ, it is subject to the refund of duty benefits availed, if any, by the developer.

†Original notice of the question was received in Hindi.

**Statement**

*Requests for de-notification considered by BoA*

Sl.No.	Name of the Developer	Location	Sector
Date of approval by BoA			
1	2	3	4
5			
1	M/s. Shivaji Marg Properties Limited	15, Shivaji Marg	IT/ITES
2	M/s. DLF Limited	Gandhinagar, Gujarat	IT/ITES
3	M/s. DLF Limited	Rai, Sonapat, Haryana	IT/ITES
4	M/s. DLF Limited	Bhubaneswar, Orissa	IT/ITES
5	M/s. K. Raheja Universal Pvt. Ltd.	Navi Mumbai, Maharashtra	IT/ITES
6	M/s. Maytas Ventures SEZ Pvt. Ltd.	Gundla Pochampalli village, Ranga Reddy District, Andhra Pradesh	Biotech
7	M/s. Lahari Infrastructure Ltd.	Kondakal village, Shankarpally Mandal, Services Sector Ranga Reddy District, Andhra Pradesh	5th November, 2009
8	M/s. Essar SEZ Hazira Limited	Hazira, Gujarat	Engineering
9	M/s. Royal Palms India Private Limited	Survey number 169, Aarrey Milk Colony, Goregaon (East) Mumbai, Maharashtra	IT/ITES
15th December, 2009			

10	M/s. TCG Urban Infrastructure Holdings Limited	Thrikkakara North village, Kanayannur Biotechnology Taluk, Ernakulam District, Kerala		11th February, 2010
11	M/s. Sanvo Resorts Pvt. Ltd.	Panvel, Maharashtra	IT/ITES	11th February, 2010
12	Electronics Corporation of Tamil Nadu Limited (ELCOT)	Sholinganallur II and Perumbakkam villages, Tambaram Taluk, Kancheepuram District, Tamil Nadu	IT/ITES	11th February, 2010
13	M/s. Estra IT Park Pvt. Ltd.	Mount Poonamallee High Road, Iyyapanthangal, Porur, Chennai, Tamil Nadu	IT/ITES	9th April, 2010
14	Unitech Infopark Limited	Village Nallambakkam. Taluk Chengalput, Kancheepuram, Chennai, Tamil Nadu	IT/ITES	9th April, 2010
15	M/s. Bata India Limited	villages Jagtala and Bangla, District South IT 24 Parganas, West Bengal		8th June, 2010
16	M/s. Base Realty Private Limited	Village Hinjewadi, Taluka Mulshi, Pune, Maharashtra	IT/ITES	16th September, 2010
17	M/s. Raheja Universal Limited	Raheja Infocity - 1, Plot No. 2/1/B, Block -D, Trans -Thane, Maharashtra	IT/ITES	16th September, 2010
18	M/s. JSL Limited	Kalinga Nagar, Orissa	Stainless Steel	16th September, 2010
19	Omnibus Industrial Development Corporation of Daman and Diu and Dadar and Nagar Haveli Limited.	Village Kharadpada, District Naroli of Dadra and Nagar	IT/ITES	18th November, 2010

1	2	3	4	5
20	M/s. Medicaps IT Park Private Limited	M/s. Medicaps IT Park Private Limited	IT/ITES	14th January, 2011
21	M/s. Neogen Properties Private Limited 14th January, 2011	Hindupur, District Ananlapur, Apparel Andhra Pradesh,		
22	State Industrial Development Corporation of Uttarakhand Limited (SIDCUL)	Dehradun, Uttarakhand,	IT/ITES	14th January, 2011
23	Maharashtra Industrial Development Corporation Ltd.	Distt Solapur, Maharashtra	Textile Industry	25th March, 2011
24	M/s. Satyam Computer Services Ltd.	Thotlakonda, Visakhapatnam	IT/ITES	31st May, 2011
25	S2tech.com India Private Limited	Gudur Village, Kandukur Mandal, Ranga Reddy District, Andhra Pradesh	Electronic Hardware including IT and ITES	31st May, 2011
26	Maharashtra Industrial Development Corporation Ltd.	District Yavatymal, Maharashtra	Textile Industry	31st May, 2011
27	Mansarovar Industrial Development Corporation	Jodhpur, Rajasthan	Handicraft	31st May, 2011
28	Bengal Shapoorji Infrastructure Development Pvt. Ltd.	A-IIL New Town, Rajarhat, Kolkata, West Bengal	IT/ITES	31st May, 2011

29	M/s. Oval Developers Private Limited	Mouza-B anagram and Sarmasterchowk, Electronic Hardware District-24 Parganas (South), and Software West Bengal	22nd July, 2011
30	M/s Airmid Developers Limited	Sector - 106, village Pawala Khusrupur, IT/ITES Gurgaon, Haryana	22nd July, 2011
31	M/s. Yashprabha Enterprises	Village Pothandi, Taluka Chiplun, Biotechnology District Ratnagiri, Maharashtra	22nd July, 2011
32	Karnataka Biotechnology and Information Technology Services (KBITS)	Electronic City, Phase III, Bangalore, Karnataka Biotechnology	22nd July, 2011
33	M/s. N.G. Realty Private Limited	Village Rajoda, District Ahmedabad, Engineering Gujarat	22nd July, 2011

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**Development of industries in Orissa**

1725.       SHRIMATI RENUBALA PRADHAN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) the Central Government funded industries that have been set up in Orissa so far since 1952;

(b) to what extent Government has helped Orissa to develop industrially;

(c) how far Orissa has been benefited by such initiatives in real terms compared to other States in India; and

(d) whether the Central Government have developed any specific industrial policy to develop backward States, if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) Information with regard to Central Government funded Industries that have been set up in Orissa as well as Industrial Development initiatives, as available, is give in the statement (See below).

(c) The information is not maintained centrally.

(d) This Department administers the North East Industrial & Investment Promotion Policy (NEIIPP), 2007 which was introduced w.e.f. 01.04.2007 for all the eight States of North Eastern Region as also schemes for industrialization in the Special Category States of Jammu & Kashmir, Himachal Pradesh and Uttarakhand which were announced on 14.6.2002 (for J & K) and 7.01. 2003 (for the other two States). NEIIPP and Schemes for special Category States provide benefits under Central Capital Investment Subsidy Scheme, Central Interest Subsidy Scheme, Comprehensive Insurance Subsidy Scheme, Excise-duty benefits and Income-Tax exemption for eligible industrial units of North Eastern Region and Special Category States.

**Statement**

*Central Govt. funded industries set up in Orissa*

1.   National Aluminium Co. Ltd., Angul, Koraput.
2.   Utkal Ashok Hotel Corporation Ltd., Puri (ITDC).

3. Mahanadi Coalfields Ltd., Jharsuguda, Sundargarh. (Subsidiary of Coal India Ltd.)
4. Orissa Drugs & Chemicals Ltd., Bhubaneswar.
5. MNH Shakti Ltd.
6. Oil India Ltd., Bhubaneswar.
7. Orissa Minerals Development Co. Ltd., Keonjhar.
8. Ferro Scrap Nigam Ltd., Rourkela and Duburi.
9. Indian Rare Earths Ltd., Chatrapur.
10. Steel Authority of India Ltd., Rourkela.
11. Fertilizer Corporation of India Ltd., Talcher.
12. Indian Drugs and Pharmaceuticals Ltd.
13. Dredging Corporation of India Ltd.
14. Central Mine Planning & Design Institute Ltd., Bhubaneswar.
15. Bisra Stone Lime Company Ltd., Sundargarh.
16. Artificial Limbs Manufacturing Corporation of India, Bhubaneswar.
17. Power Finance Corporation Ltd.
18. NTPC Electric Supply Co., Ltd.
19. MMTC Ltd.

#### **Central Initiatives/schemes**

1. Industrial Infrastructure Upgradation Scheme (IIUS) was launched in 2003 as a Central Sector Scheme with a view to enhancing competitiveness of industry by providing quality infrastructure through public-private partnership in selected functional clusters. A cluster is identified by a product or similar products manufactured mostly by a large number of Small and Medium Enterprises that are located in specific geographical region. On the basis outcome of an independent evaluation, the Scheme was slightly modified and recast in February 2009. Under the Scheme central assistance is by way of one time grant-in-aid (not equity) to the Special Purpose Vehicle (SPV) formed by the cluster association for

development of the infrastructure. The Central grant can be up to 75% of the project cost subject to a ceiling of Rs. 60 crore. Under the Scheme two projects have been sanctioned in the State of Orissa as under:

**(i) Metallurgical Cluster, Jajpur:**

- The project was sanctioned in July, 2004. Total revised cost of the project is Rs. 80.60 crore including central grant of Rs. 47 crore.
- The project is being implemented by a SPV Jajpur Cluster Development Ltd.
- So far, central grant of Rs. 45.59 crore has been released in three instalments to the SPV.
- The SPV has made an expenditure of Rs. 81.99 crore.

**(ii) Plastic, Polymer & Allied Cluster, Balasore:**

- The project was granted final approval in March, 2010 with a total cost of Rs. 81.90 crore including central grant of Rs. 58.20 crore.
  - The project is being implemented by a SPV NOCCI Infrastructure Company.
  - So far, 1st instalment of Rs. 17.48 crore of central grant has been released to the SPV.
  - The SPV has made an expenditure of Rs. 2.02 crore.
2. A Scheme namely, Central Outright Grant of Subsidy Scheme, 1971, providing subsidy for industrial units in selected backward districts/areas was introduced by this Department in 1971, which was also applicable, to the State of Orissa. However, the Scheme ceased to operate on 30.09.1988.

**IP protection norms for manufacturing cheap generic drugs**

1726. DR. PRABHAKAR KORE: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the right of pharmaceutical firms in developing countries to manufacture cheap generic drugs was endorsed at a special UN session in New York, committing member - countries to ensuring access to affordable anti-retroviral drugs;



(b) if so, whether this was strongly opposed by the developed countries, which are arguing for a stricter intellectual property regime; and

(c) whether the countries negotiating Free Trade Agreements (FTAs) with India, especially those from the European Union, argue for stronger IP protection norms that go beyond the TRIPS regime?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) A Political Declaration was adopted in the UN General Assembly on 10th June, 2011 on HIV/AIDS. This declaration, inter alia, recognized the importance of affordable medicines, including generics in scaling up access to affordable HIV treatment. It mentions that protection and enforcement measures for intellectual property rights should be compliant with Trade Related Aspects of Intellectual Property Rights Agreement and should be interpreted and implemented in a manner supportive of the right of Member States to protect public health and, in particular, to promote access to medicines for all.

(c) Yes Sir. However, the underlying principle of India's negotiating strategy on issues relating to IPR is that commitments will have to be fully circumscribed by TRIPS and the present domestic legal framework for IPR in India.

#### **National Manufacturing Policy**

1727. SHRI MOINUL HASSAN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether Government proposes to introduce a National Manufacturing Policy;

(b) if so, the objectives thereof and the time-frame by when it is expected to be released;

(c) whether Government is considering setting up dedicated manufacturing and investment zones;

(d) whether Government is also considering simplification of the investment process in the country; and

(e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) Yes Sir.

(b) to (e) The proposed National Manufacturing Policy is at draft stage. The elements of the policy have not yet been finalized.

**Fall in production of coffee**

†1728. SHRI ISHWARLAL SHANKARLAL JAIN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the production of coffee in India is likely to see a steep fall in the year 2011-12;

(b) if so, the details thereof; and

(c) the details of the region-wise production of coffee in the country during the last three years?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) The post blossom estimates for the year 2011-12 carried out by Coffee Board have shown an increase of 6.7% in production over the last year's final estimates. According to these estimates, the total production of coffee in the country for 2011-12 is placed at 3,22,250 MTs against the final production estimates of 3,02,000 MTs for the year 2010-11.

(c) The details of the State/region-wise production of coffee in the country during the last three years i.e. from 2008-09 to 2010-11 are indicated below:

(In MT)			
State/ Region	2008-09	2009-10	2010-11
1	2	3	4
<b>Karnataka</b>			
Chikmagalur	57,300	70,150	74,335
Kodagu	1,06,410	1,11,200	1,10,020
Hassan	20,150	24,350	29,425
Karnataka - Sub total	1,83,860	2,05,700	2,13,780
<b>Kerala</b>			
Wyanad	47,510	49,950	55,275

1	2	3	4
Travancore	7,815	7,425	8,150
Nelliampathies	1,875	1,875	2,225
Kerala - Sub total	57,200	59,250	65,650
Tamil Nadu			
Pulneys	5,570	7,050	6,025
Nilgiris	5,145	5,750	5,475
Shevroys (Salem)	3,040	4,050	3,650
Anamalais (Coimbatore)	2,500	2,500	1,500
TN - Sub total	16,255	19,350	16,650
Non Traditional Areas (NTA)			
Andhra Pradesh & Orissa	4,870	5,185	5,750
North Eastern Region (NER)	115	115	170
NTA & NER - Sub Total	4,985	5,300	5,920
Grand Total (India)	2,62,300	2,89,600	3,02,000

**MIPB to implement and monitor New Manufacturing Policy**

1729. SHRI A. ELAVARASAN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether Government proposes to form a Manufacturing Industry Promotion Board (MIPB) that would seek to implement the new National Manufacturing Policy and monitor its functions regularly;

(b) if so, the details thereof;

(c) whether the proposed Board would ensure its operations through proper coordination between Central Ministries and State Governments;

(d) if so, the details thereof;

(e) whether the Board would also ensures Government's objective to increase the share of manufacturing in the gross domestic product to 25 per cent from 16 per cent; and

(f) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (f) The proposed National Manufacturing Policy is at draft stage. The elements of ' the policy including monitoring mechanisms have not yet been finalized.

**Assistance to States for setting up heavy industries**

†1730. SHRI ASHK ALI TAK: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) the details of assistance provided by Central Government to States for setting up heavy industries; and

(b) the names of industries in the State of Rajasthan, which have been provided assistance during the last three years along with the amount of assistance provided to them, work-wise?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) Central Government does not provide assistance to the States to set up Heavy Industries.

(b) Question does not arise.

**Promotion of domestic industry sector**

†1731. SHRI SHREEGOPAL VYAS: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the commerce and industry sectors are slowing down;

(b) whether the investment of Indian capital in foreign countries is also one of its reasons or there are other reasons also; and

(c) the new schemes formulated to promote Indian Domestic industry sector during the last three years?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) No, Sir. The rate of growth of industrial production measured in terms of Index of Industrial Production (IIP), with 2004-05 as the base, has been gradually increasing from 2.5 % in 2008-09 to 5.3% in 2009-10 and 8.2% in 2010-11. The growth rate of exports valued in rupee terms during this period was 28.19 % in 2008-09, 0.6% in 2009-10 and 32.3% in 2010-11.

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†Original notice of the question was received in Hindi.

(b) The overall investment measured in terms of gross capital formation has continuously been higher than gross domestic savings indicating a positive contribution of capital inflows.

(c) The major focus areas for improving the industrial climate during the 11th Plan have been the creation of world class infrastructure and devising regulatory mechanism to reduce transaction costs; promotion and facilitation of industrial investment including the foreign direct investment; improvement in business environment; development of industrial infrastructure through public private initiatives; removal of regional industrial imbalances; and development of industry relevant skills. The Union Budget 2011-12, has clearly indicated that for sustained growth of GDP and productive employment for younger generation, it is imperative that the growth in manufacturing sector picks up. Government is considering a manufacturing policy, which will bring down the compliance burden on the industry through self-regulation and help make Indian industry globally competitive. This will improve the growth rates for manufacturing and industry.

**Taking advantage of policy shift in China**

1732. SHRIMATI T. RATNA BAI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether India can take advantage of policy shift in China in terms of trade;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) Yes, Sir. China's shift towards Consumer-driven economy is likely to enhance exports of consumer products like garments, processed jewellery, small cars, engineering products, house-hold goods etc. from India to China.

(c) Does not arise.

**Intellectual property rights cases of Indian crops**

1733. SHRI VIJAY JAWAHARLAL DARDA: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) how many intellectual property rights cases of Indian crops were filed during 2008 and 2009;

(b) what was the number of cases contested relating to property rights during 2008 and 2009;

(c) how many cases were decided in India's favour; and

(d) whether any study has been made to find out reasons of mounting cases of intellectual property rights being contested since 2006?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) No information is available with the Government of any case filed abroad relating to intellectual property rights of Indian crops during 2008 and 2009.

(c) and (d) Do not arise.

**Amount collected from centrally protected monuments**

1734. SHRI T.M. SELVAGANAPATHI: Will the Minister of CULTURE be pleased to state:

(a) the total amount collected from centrally protected monuments in 2010-11;

(b) whether it is a fact that collection at many such monuments can go up, if awareness of such monuments is created more among the tourists;

(c) if so, the steps taken by Government in this regard;

(d) whether it is also a fact that due to dilapidated conditions of many important monuments that historical importance have become less attractive; and

(e) if so, the steps taken by Government to renovate them?

THE MINISTER OF CULTURE (KUMARI SELJA): (a) The total amount of revenue through entry fee at centrally protected ticketed monuments/sites during the year 2010-11 is Rs. 87.03 crores.

(b) and (c) It is very difficult to predict whether collection at monuments will go up if the awareness is created. Archaeological Survey of India has taken up necessary steps by organizing World Heritage Week, International Museum Day and such other programmes on various occasions to create awareness for safeguarding and preservation of our cultural heritage for the posterity.

(d) and (e) No, Sir. The Archaeological Survey of India conserves, preserves and maintains centrally protected monuments/sites on regular basis, depending upon their special needs, within the available manpower and financial resources. The centrally protected monuments/sites are in a fairly good state of preservation.

**Reservation in promotions**

1735. SHRI AMBETH RAJAN: Will the Minister of CULTURE be pleased to state:

(a) whether reservation in promotions is strictly followed and implemented in Ministry as per the provisions made in the Constitution through 77th Amendment;

(b) if so, details of promotions made for last three years in all categories;

(c) if not, the reasons therefor; and

(d) the tentative time by when the same will be completed?

THE MINISTER OF CULTURE (KUMARI SELJA): (a) Yes, Sir

(b) Promotions in respect of ministerial staff are made by the Department of Personnel and Training on centralized basis. However, promotions of staff in the Central Secretariat Library are made by Ministry of Culture itself. During the last 3 years, 4 promotions have been made (all in the unreserved quota as per roster points in the Reservation Roster) in respect of staff of Central Secretariat Library.

(c) and (d) Do not arise.

**Protection of Buddhist monuments in Orissa**

1736. SHRI RAMA CHANDRA KHUNTIA: Will the Minister of CULTURE be pleased to state the total amount of Central Government assistance for the development and protection of Buddhist monuments in Orissa and whether funds provided for the purpose has been utilized fully?

THE MINISTER OF CULTURE (KUMARI SELJA): There are five centrally protected Buddhist monuments in Orissa. The details of expenditure incurred for the last three years and allocation for the current financial year for conservation and development of these monuments are given in the statement.

### **Statement**

*Year-wise expenditure for conservation and maintenance of centrally protected Buddhist monuments in Orissa during the last three years and allocation for the current financial year 2011-12.*

(Rupees in Lakhs)

Sl.No.	Name of Buddhist Monuments	Allocation			
		2008-09	2009-10	2010-11	2011-12
Expenditure in Orissa					
1.	Excavated Site, Ratnagiri, Distt. Jajpur	14.90	12.24	10.16	
	7.90				
2.	Excavated Site, Lalitgiri, Distt. Jajpur	16.09	6.97	8.60	
	11.31				
3.	Excavated Site, Udaygiri, Distt. Jajpur	3.91	7.44	8.41	
	12.50				
4.	Excavated Site, Langudi, Distt. Jajpur	1.56	0.25	1.77	8.00
5.	Excavated Site, Ashokan Rock-cut inscription, Dhauli, Distt. Khurda	0.15	0.42	0.36	1.00

### **Promotion of Madhubani art form**

1737. SHRI RAJIV PRATAP RUDY: Will the Minister of CULTURE be pleased to state:

(a) whether Government is aware that the great Madhubani art form is on the decline;

(b) if so, the details of the steps taken by Government to promote Madhubani art form and artisans; and

(c) the funds allocated for the same?

THE MINISTER OF CULTURE (KUMARI SELJA): (a) To safeguard and promote the Madhubani art form and its practitioners, support is provided through concerned organizations under the Ministry of Culture. Lalit Kala Akademi organizes camps, workshops, exhibitions, seminars, etc. to promote visual arts in the country, including Madhubani art. It has also brought out a publication on Madhubani Art "Mithila Ki Lok Chitra Kala" by Awadesh Aman, for its promotion in India and abroad. Madhubani artists are also



supported under the Guru Shishya Parampara Scheme of the North Central Zone Cultural Centre (NCZCC), Allahabad. NCZCC includes Madhubani art also in its

workshops, festivals and exhibitions. Based on an initial scrutiny of a proposal received from an NGO for establishment of an Eco-Museum with the objective of protecting and promoting Madhubani Art & Culture, an amount of Rs. 7.00 lakhs has been sanctioned for preparation of a Detailed Project Report in respect of their proposal".

(c) Funds are allocated institution-wise or scheme-wise and not art form-wise.

**Extending National Mission for Manuscripts  
on the pattern of ASI**

1738. PROF. SAIF-UD-DIN SOZ: Will the Minister of CULTURE be pleased to state:

(a) whether it is a fact that the Ministry is thinking of extending the National Mission for manuscripts on the pattern of the Archaeological Survey of India (ASI); and

(b) if so, the details thereof?

THE MINISTER OF CULTURE (KUMARI SELJA): (a) and (b) There is no proposal under consideration of the Government to extend the National Mission for Manuscripts on the pattern of Archaeological Survey of India (ASI) which is an 'Attached Office' of the Ministry of Culture.

**Need to preserve rock carving found at JNU, Delhi**

1739. SHRI M.P. ACHUTHAN: Will the Minister of CULTURE be pleased to state:

(a) whether it is a fact that important rock carvings dated back to medieval period were unearthed in the campus of Jawaharlal Nehru University in Delhi in 2007;

(b) if so, the details thereof;

(c) whether it is also a fact that ASI Delhi circle is not moving in expected lines and dilly-dallying to take steps to preserve these findings;

(d) if so, the details thereof; and

(e) the details of steps Government proposes to make the ASI to expedite the preservation work?

THE MINISTER OF CULTURE (KUMARI SELJA): (a) and (b) Yes, Sir. A rock

carving of a moving elephant was noticed in the Campus of Jawaharlal Nehru University in Delhi. Consisting of a short Devanagiri inscription assignable to 17th -18th centuries A.D which reads DASAM.

(c) and (d) No, Sir. It is not worthy of protection by the Archaeological Survey of India as a monument of national importance.

(e) Question does not arise.

**Bridges/Monuments under protection of ASI**

1740. SHRI DHIRAJ PRASAD SAHU: Will the Minister of CULTURE be pleased to state:

(a) the State-wise number of bridges and monuments of historical importance under the protection of Archaeological Survey of India;

(b) the year-wise amount of funds allocated and spent therefrom for the purpose during the last three years and the current year; and

(c) whether a number of British era bridges and historical monuments in the country are in dilapidated conditions?

THE MINISTER OF CULTURE (KUMARI SELJA): (a) There are 3,676 centrally protected monuments/sites in the country under the jurisdiction of the Archaeological Survey of India (ASI), which comprise a variety of monuments including prehistoric sites, proto-historic sites, megalithic burials, rock-cut caves, bridges, stupas, temples, ghats, mosques, churches, forts, water systems, pillars, inscriptions, bas reliefs, monolithic statues, sculptures, etc. State-wise list of monuments and sites of national importance is given in the statement-I (See below).

(b) The details of expenditure against funds allocated for the maintenance during each of the last three years, and allocation for the current year (State-wise) is given in the statement-II (See below).

(c) No, Sir. The Archaeological Survey of India conserves, preserves and maintains centrally protected monuments/sites on regular basis, depending upon their special needs, within the available manpower and financial resources. The centrally protected monuments/sites are in a fairly good state of preservation.

**Statement-I**

*Centrally Protected monuments under the Archaeological  
Survey of India - State-Wise*

Sl.No.	Name of State	Nos. of Monuments
1	2	3
1.	Andhra Pradesh	137
2.	Arunachal Pradesh	03
3.	Assam	55

1	2	3
4.	Bihar	70
5.	Chhattisgarh	47
6.	Daman & Diu (U. T.)	12
7.	Goa	21
8.	Gujarat	202
9.	Haryana	90
10.	Himachal Pradesh	40
11.	Jammu & Kashmir	69
12.	Jharkhand	12
13.	Karnataka	507
14.	Kerala	26
15.	Madhya Pradesh	292
16.	Maharashtra	285
17.	Manipur	01
18.	Meghalaya	08
19.	Nagaland	04
20.	N.C.T. Delhi	174
21.	Orissa	78
22.	Pondicherry (U.T.)	07
23.	Punjab	33
24.	Rajasthan	162
25.	Sikkim	03
26.	Tamilnadu	413
27.	Tripura	08
28.	Uttar Pradesh	742
29.	Uttaranchal	042
30.	West Bengal	133
TOTAL :		3676

**Statement-II**

*Year-wise expenditure for conservation of monuments under ASI for the last three years and  
allocation for the current financial year 2011-12*

(Rs. in lakhs)

Sl. No.	Allocation	Name of State	Circle / Branch Expenditure		Expenditure	Expenditure
			2008-2009	2009-2010	2010-2011	2011-2012
1.	Uttar Pradesh	Agra Circle	774.00	738.00	828.00	575.00
2.	"	Lucknow Circle	1201.39	1371.00	1820.99	1140.00
3.	Maharashtra	Aurangabad Circle	285.00	590.00	374.47	345.00
4.	"	Mumbai Circle	465.15	500.00	431.18	390.00
5.	Karnataka	Bangalore Circle	1088.94	1200.00	1380.56	1075.00
6.	"	Dharwad Circle	423.64	619.46	1076.86	974.00
7.	Madhya Pradesh	Bhopal Circle	997.96	674.33	700.99	680.00
8.	Orissa	Bhubaneshwar Circle	234.16	276.49	300.06	310.00
9.	West Bengal, Sikkim	Kolkata Circle	419.34	435.23	544.00	550.00
10.	Tamil Nadu, Pondicheri	Chennai Circle	505.00	460.50	580.00	575.00
11.	Punjab, Haryana	Chandigarh Circle	512.48	694.46	753.25	585.001

12.	Himachal Pradesh	Shimla Circle	118.00	70.87	87.08	90.00
13.	Delhi	Delhi Circle	728.64	1747.00	1220.94	1035.00
14.	Goa	Goa Circle	118.00	120.61	131.00	136.00
15.	N.E. States, except Sikkim	Guwahati Circle	175.25	135.08	189.94	185.00
16.	Rajasthan	Jaipur Circle	280.00	275.55	400.93	515.00
17.	Andhra Pradesh	Hyderabad Circle	865.00	610.00	695.77	580.00
18.	Bihar & U.P. (Part)	Patna Circle	377.72	314.99	414.99	420.00
19.	Jammu & Kashmir	Srinagar Circle	405.30	338.44	315.12	290.00
20.	Kerala	Thrissur Circle	286.17	300.01	367.05	320.00
21.	Gujarat and Daman and Diu	Vadodara Circle	405.62	459.98	549.93	625.00
22.	Uttarkhand	Dehradun Circle	169.40	130.52	172.03	165.00
23.	Chhattisgarh	Raipur Circle	285.00	332.00	383.55	330.00
24.	Jharkhand	Ranchi Circle	78.45	64.75	73.84	70.00
25.	Mini Circle Leh				56.63	92.00
Chemical Preservation (All India)			555.36	655.45	507.46	535.00
Horticultural Activity (All India)			1743.63	2185.71	1796.07	1550.00
TOTAL :			13498.60	15300.43	161527.69	14137.00

**Centrally Protected Monuments in A.P.**

1741. DR. T. SUBBARAMI REDDY: Will the Minister of CULTURE be pleased to state:

(a) the details of Centrally protected monuments, archaeological sites and remains in Andhra Pradesh; and

(b) the amount spent annually by Government on their maintenance during the last three years?

THE MINISTER OF CULTURE (KUMARI SELJA): (a) The list of 137 centrally protected monuments, archaeological sites and remains in Andhra Pradesh under the jurisdiction of Archaeological Survey of India is given in the statement (See below).

(b) The amount spent on their conservation, preservation, maintenance and development of environs during the last three years is as under:

2008-09	Rs. 865.00 lakhs
2009-10	Rs. 610.00 lakhs
2010-11	Rs. 695.77 lakhs

**Statement**

*List of Centrally Protected Monuments/Sites declared as  
of National Importance in Andhra Pradesh*

Sl. No.	Name of the Monument	Taluka
District		
1	2	3
4		
1.	Hill Fort and buildings therein and the fortifications at the foot of the hill.	Gooty Anantapur
2.	Madhavaraya temple (old Vishnu temple)	Gorantla -do-
3.	Outer wall of the Mahalakshmi temple	Goripalli -do-
4.	Group of sculptures	Hemavati -do-
5.	Group of old temples together with adjacent land	Hemavati -do-
6.	Large dolmen on a rocky hillock	kalyandurg -do-



1	2	3	4
7.	Mallikarjuna (siva) temple	Kambaduru	-do-
8.	Virabhadra temple	Lepakashi	-do-
9.	Basavannah temple	Lepakashi	-do-
10.	Hill fort	Madakasira	-do-
11.	Large bastion and an old gateway	Madakasira	-do-
12.	Extensive hill-fortress with outlying fortification excluding the fort gate	Rayadurg	-do-
13.	Palace and two temples of Rama and Krishna -do-		-do-
14.	Chintalarayaswami temple	Tadpatri	-do-
15.	Rameswaraswami temple	-do-	-do-
16.	Sitatirtham steeped well with entrance in the from of a bull	Penukonda	-do-
17.	The Hill fort and northern gateway with inscriptions	-do-	-do-
18.	The citadel and ruined buildings on the hill -do-		-do-
19.	Watch tower known as Rama's bastion	-do-	-do-
20.	Small pavillion	-do-	-do-
21.	Old gopuram	-do-	-do-
22.	Old stamba or lamp pillar in the sub collector's office compound	-do-	-do-
23.	Hill fort and a large wall		-do-
24.	Lower Fort and structure	Chandragiri	Chittoor
25.	Upper Fort	-do-	-do-
26.	Venkateswara Vishnu temple	Mangapuram (hamlet of Mittapalam)	-do-

1	2	3	4
27.	Chennakeswaraswami temple	Sompalle	Mayapuram Complet of Miltalam
28.	Fort	Gurramkonda	-do-
29.	Lower Fort, Center Fort wall, moat, old fort gateway, old hanuman temple, old mandapam	-do-	-do-
30.	Palliswara Mudaiya Madeya temple	Kalakada	-do-
31.	Parasuramesvara temple	Gudimallam	-do-
32.	Mahal	Gurramkonda	-do-
33.	Bhimeshwara swamy temple	Pushpagiri, (hamlet of kotluru)	Cuddapah
34.	Indranadheshwara swamy temple	-do-	-do-
35.	Kamalasambnashwara swamy temple	-do-	-do-
36.	Raghaveswara swamy temple	-do-	-do-
37.	Sivakesavaswamy temple	-do-	-do-
38.	Trikoteswara swamy temple	-do-	-do-
39.	Vaidhyanadha swamy temple	-do-	-do-
40.	Ancient Village sites	Paddamudiyam	-do-
41.	Kondarama temple	-do-	-do-
42.	Mukundesvara temple with inscriptions	-do-	-do-
43.	Narasimha temple	-do-	-do-
44.	Vigneswara swamy temple	Chilamakuru	-do-
45.	Remains of the buried jain temple	Danabalapadu	
46.	Fort with enclosed ancient buildings, Madhavaperumal temple	Gandikota	-do-
47.	Visvanatha swamy temple	Sivalpallu	-do-

1	2	3	4
48.	Saumyanatha temple	Nandalur	
49.	Athirala parasurama temple	Poli	
50.	Sri Kodandarma swamy temple and adjoining buildings	Vontimitta	Cuddapah
51.	Fort, Moat and buildings	Siddhout	Cuddapah
52.	Old Vishnu temples with inscriptions	Peddanudivam	Cuddapah
53.	Agatheswar Swami Temple	Chilamkur	Cuddapah
54.	Ruined Buuddhist stupa and other remains	Amaravati	Gumtur
55.	Inscribed rock to the west of Dharanikota -do-		Amaravati
56.	Fort in ruins	Dharanikota	-do-
57.	Ancient siva temple with inscription	Ayyangaripalam	-do-
58.	Bhavanarayana temple	Bapatla	-do-
59.	Ruined Buddhist stupa	Bhattiprolu	-do-
60.	Kapoteswara temple with the inscriptional -do- monuments within the temple site (slabs in the temple site)		Chejerla
61.	Mounds with ancient remains	Grandhesirl	-do-
62.	Inscribed marble pillar near the Gopala temple -do-		Ipuru
63.	Ancient Buddhist remains and Brahmi inscriptions on the mound	Manchikallu	-do-
64.	Mounds with ancient remains	Velpur	-do-
65.	Fort-storeyed rock-cut Hindu temple	Undavalli	-do-
66.	The Sculptures, carvings, images or other -do- like objects discovered within the revenue limit		Buddam
67.	Mound	Nagulavaram	-do-

1	2	3	4
68.	Hill of Nagarjunakonda with the ancient remains	Pullareddigudem (Agarharam)	Guntur
69.	The Sculptures, carvings, images on the ancient mound	Pullareddigudem	Guntur
70.	Reconstructed monumets at Anupu and Nagarjunktunda hilltop	Nagarjunakonda	Guntur
71.	Mounds containing Buddhist remains such as stupas	Adurru	East Godavari
72.	Rock-cut caves and cisterns and remains of Buddhist Stupas, Chatyas and Viharas (monasteries) on the hill pandavula or pandavakonda	Kapavaram	-do-
73.	Buddhist remains at Kodavali	Kodavali	-do-
74.	Bhimeswara temple	Samalkot, Bhimavaram	-do-
75.	Bhimeswara temple	Draksharama	-do-
76.	Gollingeswara group of temples	Biccavolu	-do-
77.	Monolithic Ganesh Image	-do-	-do-
78.	Charminar	Hyderabad	Hyderabad
79.	Golkonda Fort, Fortifications	-do-	-do-
80.	Pre-historic site	Janapet	Khammam
81.	Ancient site and remains comprised in survey plot No. 37	Munagacherla	Krishna
82.	Ancient site with the mound marking the Buddhist Stupas in it.	Alluru	-do-
83.	Buddhist remains in a mound	Ghantasala	-do-
84.	Mound containing Budhist remains and ancient village site.	Gudivada	-do-

1	2	3	4
85.	Hillock containing the mound marking the ancient remains of Budhist stupas situated on it	Gummadiduru	Krishna
86.	Bandar Fort(1) Armoury known as Fort and customs office, Bandar Fort customs office, (2) Belfry	Masulipathnam	-do-
87.	Dutch cemetery	-do-	-do-
88.	Buddhist remains of a Stupa on the hill	Jaggayyapeta	-do-
89.	Four pillars in the ruined mandapam in Jammidoddi	Vijayawada	-do-
90.	Two rock-cut cave temples on the Indrakila hill known as Akkanna caves Kiratarjuna pillar and slab the Indrakila hil Inscribed pillar and slab in Malleswaraswami temple	-do-	-do-
91.	Rock-cut cave temples on the Hill	Mogalrajapuram	-do-
92.	Sculptures, carvings, images other like objects found in the vicinity of the old Mosque	Gudur	-do-
93.	Inscribed Pillar and slab in Mallesvarasvami temple	Vijayawada	-do-
94.	Kiratharjuna Pillar on the Indrakilla Hill -do-		Vijayawada
95.	Ruined fort and buildings therein except Ramazan masjid	Adoni	Kurnool
96.	Inscribed stone lying to the east of siva -do- temple		Rayachoti
97.	Inscribed boulder bearing Andhra records of 150 A.D.	Chinnakadaburu	-do-
98.	A prominent granite hillock bearing Asokan inscriptions	Jonnagiri	-do-

1	2	3	4
99.	The One Asokan inscription, Two early Chalukya inscriptions and One late Chalukya inscriptions.	Rajulamandagiri Kurnool	
100.	Mausaleum known as Abdul Wahab Khan's Tomb and adjoining buildings	Kurnool	-do-
101.	Gateways and the bastions of the old fort, viz -do- 1) Bastion No.1 Beach Ghanthi Buruzu 2) Bastion No. 2 Lal Bangalow Buruzu 3) Gateway to Gopala Darwaja4) Gateway to Panikiddi		Kurnool
102.	Nandavaram Temple including the sculpture of Subrahmanya	Nandavaram	-do-
103.	Old Cave Temple	Yaganti	-do-
104.	Uma-Mahesvaraswami Temple	Yaganti	-do-
105.	Ancient Mound	Kondapur	Medak
106.	Alampur Temples	Alampur	Mehaboobnagar
107.	Mound known as 'Bodipati Dibba'	Ramatirtham (Hamlet of Varini)	Nellore
108.	Ancient Mound	Ramatirtham	Nellore
109.	Hill Fort with Ancient buildings therein	Udayagiri	Nellore
110.	Krishna Temple in a part of Donka with Gopuram, Kalyanamandapam and Masonry built Tank	Udayagiri	Nellore
111.	Ranganayakula Temple	Udayagiri	Nellore
112.	Ancient Mounds	Kanuparti	Prakasam
113.	A group of eight rock-cut temples in Bhairavakonda hill	Kottapalli	Prakasam
114.	Chola Temple	Motupalle	Prakasam

1	2	3	4
115.	Ancient Mound	Pedaganjam	Prakasam
116.	Pitikeswara group of temples including Approach road	Pittikayagulla	Prakasam
117.	Ancient Site	Pusalapadu	Prakasam
118.	Remalingesvara group of temples	Satiavel	Prakasam
119.	Ancient Buddhist site	Kalingapatnam	Srikakulam
120.	Sri Somesvara temple	Mukhalingam	Srikakulam
121.	Bhimesvara temple, Mukhalingesvara temple Srikakulam		Mukhalingesvara
122.	Buddhist remains: 1) Six Images 2) Three images and some more images on the hill 3) One image 4) Three images	Salihundam	Srikakulam
123.	Eastern portion of Salihundam hill containing Buddhist remains (A Chaitya and four stupas)	Salihundam	Srikakulam
124.	Ancient Buddhist Mounds locally known	Kotturu (near Gokivada as 'Dhana forest)	Vishakhapatnam Dibbalu'
125.	Buddhist rock-cut stupas, Dagabas and caves and the ruins of a structural Chaitya with its outbuilding and other Ancient remains on twoad joining hills known as Bojjanna Konda.	Sankaram	Vishakhapatnam
126.	(Durga Bhairavakonda) having an ancient monument called Durga	Nilavati	Vizianagaram
127.	Ruined Buddhist Monastery at Gurubhaktulakonda	Ramatirthalu Ramatirtham	Vizianagaram

1	2	3	4
128.	The old, Dibbesvarasvamipur temple	Sarapalli (Sarapalle)	Vizianagaram
129.	Thousand Pillared temple	Hanamkonda	Warangal
130.	Ramappa temple	Palampet	Warangal
131.	Warangal Fort, Defences and gateways	Warangal	Warangal
132.	Mounds containing Buddhist remains	Arugolanu	West Godavari
133.	Mounds locally known as Bhimalingadibba	Denduluru	West Godavari
134.	Buddhist monuments 1) Rock-cut temple 2) Large Monastery 3) Small Monastery 4) Brick Chaitya 5) Ruined Mandapa 6) Stone built Stupa and Large group of stupas.	Guntupalle	West Godavari
135.	The caves and structural stupa of Godavari Archaeological interest on Dharmalingesvarasvami hill	Jilakarragudem (Hamlet of Guntupalle)	West
136.	The mounds of Pedavegi: Dibba No.1 Dibba No.2, Dibba No. 3, Dibba No. 4, Dibba No. 5.	Pedavegi	West Godavari
137.	Ancient Mounds	Pedavegi	West Godavari

#### **Intrusion by Somalian pirates**

1742. SHRI PARIMAL NATHWANI: Will the Minister of DEFENCE be pleased to state:

(a) whether it is a fact that Somalian pirates have moved beyond their operating territories trespassing into Indian waters and have recently made three illegal intrusions near Gujarat coast;

(b) whether the Ministry is aware that in recent incidents, Navy and Coast Guards have failed in keeping a check on illegal intrusion of Somalia pirates who have reached coastal belt of Dwarka and Una; and



(c) what action and measures of vigilance, Government has taken and is planning to take to ensure such illegal intrusion does not happen and to apprehend such culprits timely to protect coastal industries and people in coastal area?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) and (b) Piracy off the Coast of Somalia has grown steadily over the years and has become a serious concern. In the recent past there have been some incidents of piracy attempts in the East Arabian Sea off the Lakshadweep & Minicoy Islands which were foiled by Indian Navy. In two separate incidents on 19th June, 2011 and 26th June, 2011 38 persons, out of which, 32 are of Somalian origin, were apprehended by the police off the Gujarat Coast and interrogated by concerned agencies.

(c) Government has initiated several measures to strengthen Coastal Security, which includes improving surveillance mechanism and enhanced patrolling by following an integrated approach. Joint operational exercises are conducted on regular basis among Navy, Coast Guard, Coastal Police, Customs and others to check the effectiveness of this approach adopted for security of coastal areas including island territories. Further, continuous review and monitoring of various mechanisms have been established by the Government at different levels, involving various agencies, including the State/Union Territory authorities. The intelligence mechanism has also been streamlined through the creation of Joint Operation Centres and multi-agency coordination mechanism. Installation of radars covering the country's entire coastline and islands is also an essential part of this process. Both Indian Navy and Coast Guard have been appropriately equipped to carry out enhanced surveillance and secure the coastline.

#### **Deals with US for purchase of defence related items**

1743. SHRI SHYAMAL CHAKRABORTY: Will the Minister of DEFENCE be pleased to state:

(a) the number of deals with the United States in the pipeline for purchasing defence related items; and

(b) with which other countries did Government conduct business transactions between 2004-2011 regarding purchase of defence-related items?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) Procurement of

defence items is made from various indigenous as well as foreign sources including United States of America (USA) in

accordance with the defence procurement procedure. This is a continuous process undertaken for the modernization of the Armed Forces to keep them in a state of readiness to meet any eventuality. Divulging further details in this regard would not be in the national interest.

(b) Defence equipment has been imported from various other countries including Russia, Israel, France, United Kingdom, Germany, Poland, South Africa, Ukraine, Italy, Singapore, etc. during the period from 2004 to 2011.

**Ex-servicemen status to JCOs on deputation in APS**

1744. SHRI D. RAJA: Will the Minister of DEFENCE be pleased to state:

(a) whether it is a fact that Junior Commissioned Officers/Other Ranks (JCOs/ORs) (deputed from Department of Posts) in Army Postal Service are not given Ex-servicemen status even after completion of 25 years of service; and

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

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI M.M. PALLAM RAJU): (a) and (b) Junior Commissioned Officers/Other Ranks deputed from Department of Post to Army Postal Service, who are a part of the Regular Army and retire from such service, that is, directly from the Army Postal Service itself, without reversion to Department of Post, with a pension or who have been released from such service on medical grounds attributable to military service or circumstances beyond their control and awarded medical or other disability pension, are granted ex-servicemen status.

**Grant of honorary rank to JCOs/ORs on deputation in APS**

1745. SHRI D. RAJA: Will the Minister of DEFENCE be pleased to state:

(a) whether it is a fact that JCOs/ORs (deputed from Department of Posts) in Army Postal Service are not considered for grant of Honorary rank while proceeding retirement on completion of age/service limit directly from APS without repatriation to Department of Posts while other JCOs/ORs (Regular Cadre) in Army Postal Service are being granted such rank; and

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

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) and (b) Honorary Commission/Rank, as per existing instructions, is granted, to personnel of Regular Army. Since, JCOs/ORs deputed from Department of Posts form part of non-regular cadre, they are not considered for grant of Honorary Commission/Rank.

#### **Illegal entry of Somali pirates**

†1746. SHRI PARSHOTTAM KHODABHAI RUPALA: Will the Minister of DEFENCE be pleased to state:

(a) whether the Ministry is aware that the Somali pirates managed to enter in Indian waters along coastline in Gujarat giving a miss to the vigil kept by the Indian Navy and the Coast Guard;

(b) the details thereof and the essential steps being taken in this regard;

(c) the steps being taken by the Indian Coast Guard for ensuring the security for Hazira industrial area in Southern Gujarat; and

(d) whether the Ministry in association with the Government of Gujarat, has initiated or proposes to initiate a joint investigation into these incidents and if so, the details thereof?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (c) In two separate incidents on 19th June, 2011 and 26th June 2011, 38 persons out of which 32 are of Somali origin were apprehended by the police off the Gujarat Coast and interrogated by concerned agencies. Coastal surveillance and patrolling have been enhanced in the area. Joint and operational exercises are taking place on regular basis among the Navy, the Coast Guard, Coastal State Police, Customs and others under the integrated approach adopted for coastal security. Further, 10 Coastal Police Stations under Coastal Security Scheme have been made operational including one at Hazira. A new Regional Headquarter of Coast Guard has been set up at Gandhinagar. There are seven Coast Guard Stations existing in Gujarat and one Coast Guard station at Pipavav close to Hazira is being set up in 2012.

(d) All the apprehended personnel from the two incidents were interrogated jointly by State Police, Coast Guard and other agencies. Their respective boats experienced engine failure and after days of being adrift reached Gujarat Coast.

#### **Group to review security of country**

1747. SHRI RAJEEV CHANDRASEKHAR: Will the Minister of DEFENCE be pleased to state:

(a) whether the Hon'ble Prime Minister has set up a group to review the security of the country;

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†Original notice of the question was received in Hindi.

(b) if so, the objective of the group; and

(c) the time-frame for the group to submit its report?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (c) Yes, Sir. The objective of the Task Force is to review the existing processes, procedures and practices in the national security system and suggest measures, where necessary, for strengthening of the national security apparatus. The term of the Task Force is for a period of six months with effect from 1st July, 2011.

**Discrepancy in compensation between recipient of  
armed forces and Police Medals for Gallantry**

1748. SHRI RAJEEV CHANDRASEKHAR: Will the Minister of DEFENCE be pleased to state:

(a) whether it is a fact that there is a discrepancy in the monetary compensation and travel concessions granted to recipients of Medals for Gallantry in the Armed Forces vis-a-vis the recipients of the Police Medals for Gallantry;

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

(c) the steps Government proposes to take to remove this discrimination?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (c) The details are given in the statement.

**Statement**

*Discrepancy in compensation between recipient of Armed  
Forces and Police Medals for Gallantry.*

Government have enhanced the monetary allowance attached to various Pre/Post Independence Gallantry Awards for Armed Forces in March, 2011. There is no discrepancy, in so far as Armed Forces are concerned.

With regard to travel concessions, certain concessions benefits on travel by Air/Railways as applicable to Police Medal recipients are not available to some categories of recipients of Gallantry awardees in the Armed Forces. The matter has been taken up with the concerned authorities.

**Purchase of AJTs**

1749. SHRI DHIRAJ PRASAD SAHU: Will the Minister of DEFENCE be pleased to state:

(a) whether Government has finalized deal to purchase Advance Jet Trainers for early induction keeping in view frequent MIG crashes;



(b) if so, the details thereof;

(c) if not, the progress made in this regard;

(d) whether it is fact that Hindustan Aeronautics Limited has been found using spurious spares while maintaining MIG aircrafts; and

(e) if so, the reason therefor?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) and (b) In March, 2004, Government had signed a contract with M/s BAE Systems and M/s Rolls Royce Turbomeca UK for procurement of 24 Hawk Advanced Jet Trainers (AJT) and with M/s Hindustan Aeronautics Limited (HAL), Bengaluru for the licence manufacture of another 42 AJTs under Transfer of Technology from M/s BAE Systems for the Indian Air Force (IAF). All the 24 direct supply aircraft have been delivered by M/s BAE Systems while 28 out of 42 aircraft contracted with M/s. HAL had been delivered till July, 2011.

In July, 2010, Government signed another contract with M/s. HAL for procurement of additional 57 Hawk AJTs from M/s HAL. Of these, 40 are for the IAF and 17 are for the Indian Navy. The delivery of these aircraft will commence from 2013 and is expected to be completed by 2016.

(c) Not applicable.

(d) No case of use of spurious spares by M/s. HAL has come to notice.

(e) Does not arise.

#### **Sainik schools in country**

1750. SHRI AVINASH RAI KHANNA: Will the Minister of DEFENCE be pleased to state:

(a) how many Sainik Schools are in the country, the State-wise details thereof;

(b) how many cadets are in the NCC in the country, the State-wise details thereof;

(c) how much money Government is spending on both these institutions per year;

(d) how many students/cadets join the army from these Sainik Schools and NCC, the State-wise and year-wise details thereof; and

(e) what steps Government proposes to encourage the students to join Army?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) At present, there are 24 Sainik Schools in the country. Details of the 24 Sainik Schools in the country is given in the statement-I (See below).

(b) At present 12,34,259 cadets are getting NCC training. State-wise details are given in the statement-II (See below).

(c) The budgetary support provided by Ministry of Defence to Sainik Schools during the last three years is as under:

Sl. No.	Financial Year	Rupees in Crore
1.	2008-09	73.10 *
2.	2009-10	55.00
3.	2010-11	59.00

\* including a one-time grant of Rs. 44 crore for infrastructure development.

*Details of expenditure incurred on NCC during the last three years is as under:*

Sl.No.	Financial Year	Rupees in Crore
1.	2008-09	562.65
2.	2009-10	640.03
3.	2010-11	707.67

(d) State-wise details of cadets/students of Sainik Schools and NCC joining the Army are not maintained.

However, the details of cadets of Sainik Schools joined National Defence Academy during the last five years are given in the statement-III (See below).

Year-wise details of NCC cadets who have joined the Army through NCC Special Entry (for men) and Short Service Commission (NCC Special Entry for Women) during the last 10 years and 03 years respectively are given in the Statement-IV (See below).

(e) A statement indicating the details of steps taken to encourage the students to join Army is given in the statement-V.

**Statement-I**

*Details of Sainik Schools in country*

Sl. No.	Name of Sainik Schools	State
1.	Sainik School Korukonda	Andhra Pradesh
2.	Sainik School Goalpara	Assam
3.	Sainik School Gopalganj	Bihar
4.	Sainik School Nalanda	Bihar
5.	Sainik School Ambikapur	Chhattisgarh
6.	Sainik School Balachadi	Gujarat
7.	Sainik School Kunjpura	Haryana
8.	Sainik School Rewari	Haryana
9.	Sainik School Sujanpur Tira	Himachal Pradesh
10.	Sainik School Nagrota	Jammu & Kashmir
11.	Sainik School Tilaiya	Jharkhand
12.	Sainik School Bijapur	Karnataka
13.	Sainik School Kodagu	Karnataka
14.	Sainik School Kazhakootam	Kerala
15.	Sainik School Rewa	Madhya Pradesh
16.	Sainik School Satara	Maharashtra
17.	Sainik School Imphal	Manipur
18.	Sainik School Punglwa	Nagaland
19.	Sainik School Bhubaneswar	Orissa
20.	Sainik School Kapurthala	Punjab
21.	Sainik School Chittorgarh	Rajasthan
22.	Sainik School Amaravathi Nagar	Tamil Nadu
23.	Sainik School Ghorakhal	Uttrakhand
24.	Sainik School Purulia	West Bengal

**Statement-II**

*State-wise details of Coliets in NCC*

Sl.No.	State/ Union Territory	Cadets Strength
1	2	3
1.	Andaman & Nicobar Islands	1160
2.	Andhra Pradesh	122778
3.	Arunachal Pradesh	4965
4.	Assam	40860
5.	Bihar	55622
6.	Chandigarh	4314
7.	Chhattisgarh	17074
8.	Dadra & Nagar Haveli	150
9.	Delhi	38547
10.	Diu & Daman	100
11.	Goa	3649
12.	Gujarat	52378
13.	Haryana	33642
14.	Himachal Pradesh	23740
15.	Jammu & Kashmir	21388
16.	Jharkhand	21347
17.	Karnataka	67590
18.	Kerala	72867
19.	Lakshadweep	0
20.	Madhya Pradesh	64972
21.	Maharashtra	93871
22.	Manipur	7525
23.	Meghalaya	4747
24.	Mizoram	3268
25.	Nagaland	6212
26.	Orissa	45739
27.	Pondicherry	4087
28.	Punjab	44803

1	2	3
29.	Rajasthan	46535
30.	Sikkim	2175
31.	Tamil Nadu	97145
32.	Tripura	4801
33.	Uttar Pradesh	115601
34.	Uttrakhand	24183
35.	West Bengal	86424
	TOTAL	1234259

**Statement-III**

*Contribution of Sainik Schools in National Defence Academy in last five years*

Year	No. of Cadets Joined NDA
2006	180
2007	165
2008	187
2009	202
2010	162

**Statement-IV**

*Year-wise details of the NCC cadets who have joined the army*

**(a) Last Ten Years Data: NCC (Special Entry) Courses (MEN):**

Years	Joined
1	2
2001	47
2002	56
2003	82
2004	104
2005	103

1	2
2006	93
2007	65
2008	59
2009	65
2010	79

**(b) Last Three Years Data: Short Service Commissioned Women (NCC Special Entry) (For Men):**

Year	Course Serial No.	Joined
2008	SSCW (NCC SPL)-24	4
2009	SSCW (NCC SPL)- 25	4
	SSCW1NCC SPL) - 26	13
2010	SSCW (NCC SPL)-27	10
	SSCW(NCC SPL) - 28	11

**Statement-V**

*Details of steps taken to encourage the students to join army*

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

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

#### **Celebration of BRO Day**

1751. SHRI RAM KRIPAL YADAV: Will the Minister of DEFENCE be pleased to state:

(a) whether it is a fact that Border Roads Organisation (BRO) is not a Government approved name whereas only GREF (General Reserve Engineer Force) is Government approved name of department;

(b) if so, the reasons for celebrating BRO Day by department every year; and

(c) what is the annual budget and expenditure on this celebration and the details of last three years, year-wise?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) Border Roads Organisation (BRO) headed by Director General Border Roads was created in 1960 as the executing agency for strategic and other road projects. This Organisation is manned by two streams, the army and the civilian streams. The civilian stream is called General Reserve Engineer Force (GREF). Certain rules pertaining to discipline under the Army Act are applicable to the members of GREF.

(b) and (c) BRO Day is celebrated every year. Details of expenditure is as under:

Year	Expenditure
2009	Rs. 79,940.00
2010	Rs. 9,99,646.00 *
2011	Rs. 79,682.00

\* This includes expenditure of Golden Jubilee Celebration involving many activities.

#### **Cadre review for BRO**

1752. SHRI RAM KRIPAL YADAV: Will the Minister of DEFENCE be pleased to state:

(a) whether Government has any proposal for consideration of cadre review for Border Roads Organisation (BRO) subordinates/diploma engineers;

(b) if so, the status and time schedule, if any; and

(c) if not, reasons for the same?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) Yes, Sir.

(b) A committee has been constituted to examine the Cadre Review proposal of Border Roads Organisation (BRO) subordinates/diploma engineers. The committee has to examine various aspects like increase/decrease in number of posts with reference to quantum of work, promotional avenues as per Department of Personnel & Training guidelines, financial implication etc. Therefore, it is not feasible to prescribe any time schedule for finalization of Cadre Review for BRO subordinates/diploma engineers of BRO.

(c) Does not arise.

#### **Defence related establishment in Orissa**

1753. SHRIMATI RENUBALA PRADHAN: Will the Minister of DEFENCE be pleased to state:

(a) the defence related establishments that have been set up in Orissa so far since 1950;

(b) how far such establishments benefited Orissa in real terms and in large interest of the country for advancement of Defence preparedness; and

(c) whether any of these establishments have ever initiated such activities as part of their social responsibility to benefit local people in Orissa, if so, what are those activities, and to what extent local people were benefited?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (c) The information is being collected and will be laid on the Table of the House.

#### **Crash of fighter planes**

†1754. SHRI BHAGAT SINGH KOSHYARI: Will the Minister of DEFENCE be pleased to state:



(a) the details of fighter planes of Indian Air Force crashed during last three years;

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†Original notice of the question was received in Hindi.

(b) the number of personnel and citizens killed/injured in these accidents and the accident-wise details of financial loss caused to Government;

(c) the compensation given to the victims in each accident;

(d) whether it has been allegedly stated by the Indian Air Force that most of the air crashes take place due to human error; and

(e) if so, the details thereof and the concrete steps taken by Government to impart adequate training to pilots to prevent reoccurrence of such accidents?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) During the last three years (Financial Year 2008-2009 to 2010-2011) and current financial year 2011-12 (upto 11.8.2011), 26 fighter aircraft of Indian Air Force (IAF) have crashed as given below:

Year	No. of fighter aircraft crashes
2008-09	08
2009-10	10
2010-11	06
2011-12 (upto 11.8.2011)	02

(b) and (c) In these accidents, 6 service personnel and 6 civilians were killed. 25 civilians were also injured in these accidents. Apart from loss of aircraft, compensation is paid by the Government to the next kin of the deceased service personnel and civilians, to injured civilians and towards civil property damage, as per extant Government instructions.

(d) and (e) Accidents caused by human error have accounted for approximately 23% of accidents of fighter aircraft in the Indian Air Force during the last three years (FY 2008-09 to 2010-11). Various steps have been taken by the Government to provide adequate training to pilots to prevent accidents due to human error. Some of these steps include increased use of simulators to practice procedures and emergency action, focused and realistic training with additional emphasis on the critical aspects of mission, introduction of Crew Resource Management and Operational Risk Management to enable safe mission launches, Aviation Psychology courses and introduction of Aerospace Safety capsules in the *ah initio* training of aircrew.

**Slackness in purchase of defence equipments**

†1755. SHRI MOHAN SINGH: Will the Minister of DEFENCE be pleased to state:

(a) the value of the defence equipments contracted for import during last three years, whether all the defence equipments have been bought in India in accordance with the contract, if not, the reasons therefor; and

(b) whether it is a fact that the prices of defence equipments escalates after the contract with foreign companies, if not imported, for a long time, if so, the reasons for this slackness?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) Sir, value of contracts signed for import of defence equipment during the last three years under Capital acquisition is around Rs. 46,389 crore. The contracted equipment are delivered by the vendors as per delivery schedule stipulated in the contract.

(b) Delays occur sometimes in execution of contracts due to unavoidable circumstances. There are contractual provisions for penalties including imposition of liquidated damages for delay in execution of contracts.

**Kickbacks by Navy Officials from a US Defence firm**

1756. DR. MANOHAR JOSHI: Will the Minister of DEFENCE be pleased to state:

(a) whether it is a fact that the Navy is probing into the kickbacks paid to its officers by a US defence firm last year;

(b) if so, the details thereof;

(c) the outcome of the probe so far;

(d) whether it is a fact that the American firm has refused to reveal details of the illegal payments made to the officers to secure contracts of heating and air conditioning on ships;

(e) if so, the details thereof; and

(f) the steps being taken by Government to get details from the US firm and book the corrupt officers?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) Yes, Sir.

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†Original notice of the question was received in Hindi.

(b) and (c) An intimation was received from Embassy of India in September 2009 on alleged involvement of Indian Navy (IN) officials in receiving payments from York International Corporation (presently part of Johnson Controls) through its subsidiaries to secure business for York. A Board of Officers (BOO) was constituted in October 2009 to investigate into allegations of illegal payments to Indian Naval Officials by M/s York international/subsidiaries. No IN personnel was found to be involved.

(d) No, Sir. The firm submitted all details which they have said were with them. Representative of the firm viz. Vice President, Legal Compliance, Johnson Controls was questioned by the Board. Johnson Controls had no evidence indicating Indian Navy Officials of having accepted bribes.

(e) and (f) Do not arise.

**Proposal to provide control to HAL to IAF**

1757. SHRI NAND KUMAR SAI: Will the Minister of DEFENCE be pleased to state:

(a) whether Government has received any proposal to change the prevailing bureaucratic/administrative system and empower the Indian Air Force to control the functioning of Hindustan Aeronautics Limited (HAL) independently;

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

(c) whether Government has noticed any problem/hurdles in the existing functioning of HAL;

(d) if so, the details thereof; and

(e) if not, the reasons for making such change in the HAL?

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

(b) Does not arise.

(c) No, Sir.

(d) and (e) Do not arise.

**Increase in defence imports**

1758. SHRI P. RAJEEVE: Will the Minister of DEFENCE be pleased to

state:

(a) whether it is a fact that the defence imports have climbed to 75 per cent rather than dropping to 30 per cent as envisaged by the Defence Procurement Procedure put forward in 2002; and

(b) if so, the details of plans Government have conceived to achieve goals set almost a decade back?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) and (b) Sir, the primary objective of the Defence Procurement Procedure (DPP) is to ensure expeditious procurement of the requirements of the Armed Forces in terms of capabilities sought and time-frame prescribed by optimally utilizing the allocated budgetary resources, keeping in view the goal of self-reliance. Procurement of defence equipment is made from various indigenous as well as foreign sources to keep the Armed Forces in a state of readiness to meet any eventuality.

With a view to have greater self-reliance in Defence production, Government has announced Defence Production Policy in January, 2011. The 'Make' procedure was promulgated in 2006 to enhance the indigenous component in defence acquisitions. Besides, the Government has included a new categorization 'Buy & Make (Indian)' in the Defence Procurement Procedure in November, 2009 to encourage indigenous production in the country.

#### **Modernisation drive of armed forces**

1759. SHRIMATI T. RATNA BAI: Will the Minister of DEFENCE be pleased to state:

(a) whether Government is embarking on a massive modernisation drive of its armed forces;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) Modernization of the Armed Forces is a continuous process based on threat perception, operational challenges, technological changes and available resources.

(b) A well structured process is in place for modernization of the Armed Forces, based on a Long Term Integrated Perspective Plan (LTIPP) covering a period of 15 years.

(c) Does not arise.

**Integrated website for missing persons  
in the country**

1760. SHRI GOVINDRAO ADIK:

SHRI SANJAY RAUT:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the State-wise number of children and persons who went missing during the last three years in the country;

(b) the number of persons and children rescued by various Government agencies so far;

(c) whether Government is considering to launch integrated website for missing persons in the country so that affected families could be benefited;

(d) if so, the details thereof; and

(e) if not the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) and (b) As per National Crime Records Bureau (NCRB) the details regarding number of missing/traced children and persons are given in the Statement-I and Statement-II (See below).

(c) to (e) Ministry of Home Affairs is implementing a project - Crime and Criminal Network and Tracking Systems (CCTNS). The CCTNS has exhaustive online module on missing children and missing persons. The module is designed to help police track all missing children/person across the States/UTs.

**Statement-I**

**National Crime Records Bureau**

*Number of Children Missing - Genderwise During 2008 - 2010\**

Year		2008			2009			2010		
Sl.No.	State/UT	Male	Female	Total	Male	Female	Total	Male	Female	Total
1	2	3	4	5	6	7	8	9	10	11
1	A & N Islands	21	35	56	16	30	46	15	16	31
2	Andhra Pradesh	1231	1583	2814	1335	1749	3084	1501	2199	3700
3	Arunachal Pradesh	6	6	12	NR	NR	NR	NR	NR	NR
4	Assam	355	392	747	406	493	899	403	592	995
5	Bihar	232	328	560	NR	NR	NR	NR	NR	NR
6	Chandigarh	51	67	118	51	68	119	NR	NR	NR
7	Chhattisgarh	1089	1617	2706	997	1826	2823	NR	NR	NR
8	D & N Haveli	8	15	23	8	9	17	9	8	17
9	Daman & Diu	6	8	14	2	5	7	9	11	20
10	Delhi	3370	2898	6268	3273	2673	5946	2634	2457	5091
11	Goa	107	150	257	90	146	236	NR	NR	NR



12	Gujarat	1158	1486	2644	1071	1647	2718	1045	1823	2868
13	Haryana	580	265	845	598	317	915	NR	NR	NR
14	Himachal Pradesh	192	170	362	131	139	270	NR	NR	NR
15	Jammu & Kashmir	155	121	276	209	157	366	NR	NR	NR
16	Jharkhand	NR	NR	NR	NR	NR	NR	NR	NR	NR
17	Karnataka	1818	2374	4192	1697	2299	3996	2279	2566	4845
18	Kerala	496	710	1206	401	595	996	411	626	1037
19	Lakshadweep	0	1	1	0	0	0	NR	NR	NR
20	Madhya Pradesh	3857	4798	8655	4121	5377	9498	4254	6466	10720
21	Maharashtra	6206	7009	13215	5927	7172	13099	6573	8250	14823
22	Manipur	29	16	45	28	17	45	NR	NR	NR
23	Meghalaya	28	43	71	65	103	168	NR	NR	NR
24	Mizoram	0	0	0	NR	NR	NR	NR	NR	NR
25	Nagaland	64	64	128	50	67	117	NR	NR	NR
26	Orissa	620	1113	1733	633	1249	1882	NR	NR	NR
27	Puducherry	31	45	76	25	32	57	29	43	72
28	Punjab	188	80	268	198	79	277	170	112	282

1	2	3	4	5	6	7	8	9	10	11
29	Rajasthan	1385	1092	2477	1248	1483	2731	1541	1951	3492
30	Sikkim	82	136	218	93	133	226	145	197	342
31	Tamilnadu	683	1130	1813	763	1092	1855	994	1510	2504
32	Tripura	67	225	292	NR	NR	NR	NR	NR	NR
33	Uttar Pradesh	2624	973	3597	2236	900	3136	NR	NR	NR
34	Uttarakhand	295	119	414	260	171	431	342	212	554
35	West Bengal	4220	6872	11092	3926	7601	11527	5016	10819	15835
GRAND TOTAL :		31254	35941	67195	29858	37629	67487	27370	39858	67228

Note: Statement is prepared on the basis of data received from State Crime Record Bureau.

Data not yet received from States has been indicated as 'NR'.

\* Figures are provisional.

**Statement-II***Number of Persons - Missing (Gender-Wise) During 2008 - 2010*

Sl.No.	State/UT	2008		2009		2010	
		Male	Female	Male	Female	Male	Female
		Missing	Missing	Missing	Missing	Missing	Missing
1	2	3	4	5	6	7	8
1	A&N Islands	88	90	80	100	79	69
2	Andhra Pradesh	3132	3668	3517	4212	3917	5253
3	Arunachal Pradesh	17	20	NR	NR	64	69
4	Assam	688	777	906	1093	933	1317
5	Bihar	530	473	NR	NR	NR	NR
6	Chandigarh	221	168	160	196	204	256
7	Chhattisgarh	2550	3742	2626	4279	NR	NR
8	D&N Haveli	15	28	13	19	20	18
9	Daman & Diu	16	21	16	16	23	25
10	Delhi	3969	3031	3843	3073	4048	3456

1	2	3	4	5	6	7	8
11	Goa	439	443	479	425	NR	NR
12	Gujarat	3475	4681	3560	4955	3515	5876
13	Haryana	1644	890	1597	1100	NR	NR
14	Himachal Pradesh	538	794	424	717	NR	NR
15	Jammu & Kashmir	440	389	637	549	NR	NR
16	Jharkhand	NR	NR	NR	NR	NR	NR
17	Karnataka	4607	5794	4793	6100	5934	7195
18	Kerala	1636	2614	1337	2701	1367	2698
19	Lakshadweep	10	1	NR	NR	0	0
20	Madhya Pradesh	8569	11729	9749	13643	10194	15662
21	Maharashtra	18636	20339	18330	20756	19642	23603
22	Manipur	70	43	93	72	NR	NR
23	Meghalaya	77	77	133	155	NR	NR
24	Mizoram	0	0	NR	NR	0	0
25	Nagaland	80	71	76	76	NR	NR

26	Orissa	1440	2523	1406	2947	NR	NR
27	Puducherry	83	97	61	67	65	99
28	Punjab	880	406	877	447	854	484
29	Rajasthan	3014	3087	3060	4049	3857	5157
30	Sikkim	178	323	177	317	266	442
31	Tamilnadu	1919	2260	2157	2605	2798	3721
32	Tripura	138	460	NR	NR	253	563
33	Uttar Pradesh	5482	2127	4694	1988	NR	NR
34	Uttarakhand	634	372	683	439	907	663
35	West Bengal	11750	14787	10995	16749	13704	22803
TOTAL :		76965	86325	76479	93845	72644	99429

Note: Statement is prepared on the basis of data received from State Crime Record Bureau.

Data not yet received from States has been indicated as 'NR'.

\* Figures are provisional.

**Proposal to create Citizen Intelligence Network**

1761. SHRI SANJAY RAUT:

SHRI GOVINDRAO ADIK:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government has received any proposal to create a Citizen Intelligence Network meant to make ordinary citizens part of the intelligence gathering mechanism to prevent blasts and unlawful activities in various parts of the country; and

(b) if so, the details thereof and Government's response thereto?

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

(b) Does not arise.

**Increase in crimes against women**

†1762. SHRI RAGHUNANDAN SHARMA:

SHRI MEGHRAJ JAIN:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that incidents like atrocity, rape and murder, against women are increasing in States including Delhi;

(b) if so, whether the Central Government is formulating any new plan to check these incidents; and

(c) if so, the steps taken by Government in this regard so far?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) to (c) As per the information provided by the National Crime Records Bureau (NCRB) State/UT wise details of cases registered, cases charge sheeted, cases convicted, persons arrested, person charge sheeted and persons convicted for crimes against women are given in the Statement (See below).

As per Seventh Schedule, 'Police' and 'Public Order' are State subjects under the Constitution, and as such the primary responsibility of prevention, detection, registration, investigation and prosecution of crimes, including crimes against women, lies with the State

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†Original notice of the question was received in Hindi.

Governments and Union Territory Administrations. However, the Union Government attaches highest importance to the matter of prevention and control of crime against women. Ministry of Home Affairs has sent detailed advisories dated 4th September, 2009 to all State Governments/UTs, wherein they have been, inter-alia, advised to adopt appropriate measures for swift and salutary punishment to the persons found guilty of violence against women, improve the quality of investigations, minimize delays in investigations of crime against women, set up 'Crime against Women Cells' in districts, advised to undertake gender sensitization of the police personnel, special women courts and initiate steps for security of women working in night shifts at call centres. Majority of the States/ UTs have established 'Women Cells'. Some States/UTs have also set up 'All Women Police stations' at district level and 'Mahila /children help desk' at police station level. Ministry of Home Affairs has also sanctioned a comprehensive scheme "Strengthening law enforcement response in India against trafficking in persons through training and capacity building" wherein it is proposed to establish 335 Anti Human Trafficking Units (AHTUs) throughout the country and impart training to 10,000 police officers through Training of Trainers (TOTs) in three years. Ministry of Home Affairs has released funds as first installment amounting to Rs. 8.72 crores to all the State Governments for establishment of 115 Anti Human Trafficking Units. All the States have received funds.

Statement																			
Cases Registered (CR), Cases Chargesheeted (CS), Cases Convicted (CV), Persons Arrested (PAR), Persons Chargesheeted (PCS) & Persons Convicted (PCV) Under Total Crimes Against Women* During 2007-2009																			
		2007										2008							
2009																			
Sl.No.	State	CR	CS	CV	PAR	PCS	PCV	CR	CS	CV	PAR	PCS	PCV	CR	CS	CV	PAR	PCS	PCV
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	Andhra Pradesh	24738	20967	3911	35121	34088	6093	24111	20107	2948	35831	35377	4507	25569	20907	2668	36465	34101	4118
2	Arunachal Pradesh	185	128	16	203	155	20	175	122	18	180	139	25	164	147	25	182	158	25
3	Assam	6844	4148	821	8797	5755	851	8122	4776	436	8531	5814	1007	9721	5324	622	11810	6435	892
4	Bihar	7548	5941	764	14955	11842	1425	8662	5654	881	14223	12348	1603	8803	5423	788	14457	12000	1822
5	Chhattisgarh	3775	3637	580	5855	5764	1038	3962	3796	682	6026	5896	1097	4002	3928	669	6337	6259	866
6	Goa	80	48	10	145	88	14	130	89	22	176	144	49	164	97	20	235	158	27
7	Gujarat	8260	7763	298	21665	21625	581	8616	8165	289	22194	22258	631	8009	7449	236	21170	21336	825
8	Haryana	4645	3368	636	7071	6876	1111	5142	3690	869	7421	7397	1407	5312	3726	851	7350	7371	1403
9	Himachal Pradesh	1018	727	53	1476	1302	76	979	796	86	1494	1462	143	954	899	65	1428	1527	122



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
10	Jammu & Kashmir	2521	2192	123	4411	4398	183	2295	1619	92	3233	3233	176	2624	2125	207	4095	4086	362
11	Jharkhand	3317	2383	829	4528	4047	854	3183	2584	579	4932	4503	947	3021	2797	1076	4309	4205	1645
12	Karnataka	6569	5576	685	11302	11049	1412	6890	5904	486	12780	11972	1081	7852	6387	368	13941	13432	833
13	Kerala	7837	7267	470	11210	11440	805	8117	7203	553	11353	11410	851	8049	7759	664	11132	11694	1068
14	Madhya Pradesh	15370	15030	3737	25990	25989	6932	14908	14447	4941	26163	26100	10908	15827	15887	3657	28262	28193	6430
15	Maharashtra	14924	13516	597	36040	34625	1073	15862	14748	698	38390	37015	1224	15048	14393	636	41095	39858	1116
16	Manipur	188	3	1	133	3	1	211	6	0	147	6	0	194	8	0	183	10	0
17	Meghalaya	172	67	16	130	71	30	208	75	25	161	90	24	237	130	12	178	190	12
18	Mizoram	151	142	84	152	163	95	162	147	125	177	159	134	150	160	117	165	235	123
19	Nagaland	32	25	38	58	40	49	47	36	24	68	40	26	46	49	26	72	62	54
20	Orissa	7304	6098	547	10424	9902	1391	8303	6618	633	10910	10760	1185	8120	6576	486	11346	11142	742

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
21	Punjab	2694	1672	274	4211	3358	708	2627	1852	378	4233	3943	779	2631	1849	565	4100	3428	1034
22	Rajasthan	14270	8693	2446	14548	14528	4138	14491	8925	2619	14097	14080	4099	17316	10092	2408	15455	15460	4006
23	Sikkim	55	33	2	63	44	2	48	49	9	55	56	9	41	63	19	76	66	25
24	Tamil Nadu	7811	5963	2116	11601	10449	3338	7220	5834	2104	11345	10304	3185	6051	4858	1596	9450	9499	2977
25	Tripura	1067	1078	133	1107	1175	222	1416	1292	97	1774	1517	90	1517	1406	87	2727	1910	121
26	Uttar Pradesh	20993	15626	6918	48291	39978	17392	23569	17802	8900	57874	46420	22787	23254	17364	8555	63332	47745	23471
27	Uttarakhand	1097	810	329	2711	2059	804	1151	918	354	1690	1694	1227	1188	999	397	2064	1963	974
28	West Bengal	16544	14424	467	22175	22423	667	20912	15120	540	24328	22167	650	23307	18648	467	20671	19766	651
	Total State	180009	147325	26901	304373	283236	51305	191519	152374	29388	319786	296304	59851	199171	159450	27287	332087	302289	55744
29	A&N Islands	56	36	3	80	50	6	80	55	0	85	87	0	92	64	2	126	108	2
30	Chandigarh	230	128	28	290	232	40	143	92	22	216	138	39	150	64	43	158	148	69

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
31	D&N Haveli	18	14	1	21	17	1	28	26	0	64	54	0	20	18	3	20	34	4
32	Daman & Diu	11	7	1	57	30	1	15	11	0	51	69	0	13	7	1	38	22	0
33	Delhi UT	4804	2587	646	5648	4739	1022	3938	2784	482	3115	4237	856	4251	2569	623	2753	3339	800
34	Lakshadweep	5	2	0	2	2	0	4	1	1	2	1	1	1	3	0	0	0	1
35	Puducherry	179	178	32	337	351	69	129	113	17	191	194	27	106	119	19	152	176	47
Total UT		5303	2952	711	6435	5421	1139	4337	3082	522	3724	4780	923	4633	2844	691	3247	3827	923
Total All India		185312	50277	27612	310808	288657	52444	195856	155456	29910	323510	301084	60774	203804	162294	27978	335334	306116	56667

Source: Crime in India.

Note: Information on disposal by police and courts includes the information on pending cases from previous years also.

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

**Officials involved in cases of human trafficking**

†1763. SHRIMATI HEMA MALINI:

SHRI PRABHAT JHA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether any case has come to Government's notice where several officials of Department of Immigration and Ministry of Labour have been found to be involved in human trafficking; and

(b) if so, the details thereof and the action taken in this regard so far?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) and (b) As per report of Delhi Police, one Immigration officer, namely Chaman Azhar and one Sub Inspector of Delhi Police have been arrested for their involvement in Human Trafficking cases.

Four cases vide FIR No. 160/11, 166/11, 167/11 and 168/11 in the matter have been registered at Police Station IGI Airport by Delhi Police.

**SIMI responsible for Mumbai Blasts**

†1764. SHRI RAMCHANDRA PRASAD SINGH:

SHRI RAM JETHMALANI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that Government machinery is fixing responsibility for the bomb blasts in Mumbai on 13 July, 2011 on home grown Student Islamic Movement of India (SIMI);

(b) if so, the facts in this regard and whether it is also a fact that this organization has also remained involved in the terrorist violence incidents earlier too;

(c) if so, the details of terrorist violence for which this organisation is held responsible; and

(d) the number of activists of this organisation lodged in jails so far along with the number of activists on bail after made accused?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) The matter is under investigation. No outfit has been identified as responsible for the incident.

†Original notice of the question was received in Hindi.

(b) The members of SIMI organization, a banned outfit have been found involved in the terrorist violence incidents in the past.

(c) and (d) Details of involvement of members of SIMI in blasts cases since, 2002 and number of SIMI activists lodged in Jails/on bail after made accused are given in the statement.

**Statement**

*Details of involvement of members of SIMI in blasts since, 2002 and number of SIMI activists lodged in Jails/on bail after made accused*

Sl.No.	Name of violent incident made	Nos. of SIMI activists lodged in Jails (2008)	Nos. of SIMI activists on bail after accused
1.	The Ghatkopar Bomb blast in Mumbai (December, 02,2002)	03	Not Available
2.	The blast at Mc Donald Food Plaza restaurant, Mumbai Central Railway Station (December 06, 2002)	08	-do-
3.	Vile Parle blast (January 27, 2003)	08	-do-
4.	The Mulund bomb blast (March 13, 2003)	11	01
5.	Mumbai serial blasts (July 11, 2006)	12	Not available
6.	Jaipur serial blasts (July 11, 2006)	14	-do-
7.	Ahmadabad serial blasts (July 26, 2008)	18	-do-
8.	Delhi serial blasts (September 13, 2008)	03	-do-

**Ceasefire with terrorist organizations in NESS**

†1765. SHRI RAM JETHMALANI:

SHRI RAVI SHANKAR PRASAD:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that Government has declared ceasefire by reaching an agreement with terrorist organisations in North-Eastern States;

†Original notice of the question was received in Hindi.

(b) if so, the facts in this regard and the names of those terrorist organisations with which Government has reached an agreement of ceasefire so far;

(c) whether it is also a fact that State Governments have also informed Government in writing that terrorist organisations are violating the said agreement; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) The Central/State Government have signed Suspension of Operations (SoO) agreements with National Democratic Front of Bodoland/Pro-talk (NDFB/P); Dima Halam Daogah (DHD); and United Peoples Democratic Solidarity (UPDS) in Assam, and Achik National Volunteer Council (ANVC) in Meghalaya. Peace talks are in progress with these outfits. The Assam Government has also entered into SoO agreement with Adivasi Cobra Military of Assam (ACMA), Birsa Commando Force (BCF), Dima Halam Daogah/Joel (DHD/J) and Karbi Longri National Liberation Front (KLNLF). In Nagaland, ceasefire agreements are in force with the factions of National Socialist Council of Nagaland. Peace talks are in progress with National Socialist Council of Nagaland/Isak-Muivah (NSCN/IM). In Manipur, SoO agreements are in force with umbrella organizations such as Kuki National Organisation (KNO) and United People's Front (UPF).

(c) and (d) Ceasefire and Suspension of Operations (SoO) agreements are implemented through observance of Ground Rules framed for the purpose. Some violations of Ground Rules are reported from time to time by the State Governments and Ceasefire Monitoring Agencies. These are discussed with the representatives of the Ceasefire/SoO groups in the monitoring meeting at regular intervals, and whenever applicable, action as per law is taken for such violations.

#### **Increase in dowry deaths**

1766. DR. T. SUBBARAMI REDDY:

SHRI N. BALAGANGA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether cases of dowry deaths are on the increase in the country;

(b) if so, the details thereof and the State-wise and year-wise total number of cases registered during the last two years;

(c) the State-wise total number of persons arrested and action taken against them; and

(d) the steps taken by Government to prevent such crimes in future?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) to (c) As per inputs provided by NCRB a total of 8093, 8172 and 8383 cases of dowry deaths (Section 304B IPC) were registered during 2007, 2008 and 2009 respectively. The State/UT-wise details of cases registered, persons arrested and convicted under dowry death (Section 304B IPC) during 2007- - 2009 are given in the statement (See below).

(d) As per Seventh Schedule, 'Police' and 'Public Order' being State subjects under the Constitution, the primary responsibility of prevention, detection, registration, investigation and prosecution of crimes, including crimes against women, lies with the State Governments. However, the Union Government attaches highest importance to the matter of prevention of crime against women, and has been advising all the State Governments/UT Administrations from time to time to give more focused attention to the administration of criminal justice system with emphasis on prevention and control of crime against women. In this regard, a detailed advisory dated 4th September, 2009 has been sent to all States/UT Governments wherein States have been advised to make comprehensive review of the effectiveness of the machinery in tackling the problem of violence against women, and to take appropriate measures aimed at increasing the responsiveness of the law and order machinery. The comprehensive advisory has enumerated various steps for improving effectiveness of the machinery in tackling atrocities against women including dowry deaths. Point xxv and xxvi of the advisory specifically states that dowry related cases must be adjudicated expeditiously to avoid further harassment of the women and ensuring appointment of Dowry Prohibition Officers and notifying the Rules under the Dowry Prohibition Act, 1961. Majority of the States/UTs have established 'Women Cells'. Some States/UTs have also set up 'All Women Police stations' at district level and 'Mahila desk' at Police Station level.

Statement																			
Cases Registered (CR), Cases chargesheeted (CS), Cases Convicted (CV), Persons Arrested (PAR), Persons Chargesheeted (PCS) Person Convicted (PCV) under dowry deaths during 2007-2009																			
2008		2007							2009										
Sl.No.	State	CR	CS	CV	PAR	PCS	PCV	CR	CS	CV	PAR	PCS	PCV	CR	CS	CV	PAR	PCS	PCV
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	Andhra Pradesh	613	573	97	1562	1450	252	556	471	67	1585	1619	179	546	500	62	1220	1270	284
2	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3	Assam	100	72	20	172	139	29	103	83	20	159	143	32	170	95	20	297	181	51
4	Bihar	1172	1028	167	3265	2512	375	1210	783	177	2605	2561	381	1295	705	140	2908	2166	433
5	Chhattisgarh	100	106	23	247	241	131	106	92	25	254	250	89	128	136	31	353	354	78
6	Goa	2	0	0	8	0	0	2	3	0	2	10	0	3	2	0	3	2	0
7	Gujarat	42	38	4	121	139	11	27	27	1	79	76	1	24	20	0	53	55	0
8	Haryana	269	238	62	572	581	160	302	258	69	622	603	169	281	253	63	633	635	142
9	Himachal Pradesh	8	5	1	31	29	3	3	5	3	8	12	7	1	2	1	3	5	5
10	Jammu & Kashmir	9	7	0	21	21	0	21	15	0	25	24	0	12	18	1	46	45	1



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
11	Jharkhand	303	223	92	559	518	131	266	219	55	570	538	96	295	281	80	562	541	167
12	Karnataka	251	189	27	582	620	66	259	244	24	698	669	66	264	205	13	666	537	33
13	Kerala	27	27	4	40	52	8	31	25	2	35	25	3	20	21	2	32	33	3
14	Madhya Pradesh	742	738	279	2127	2120	727	805	790	295	2302	2292	765	858	938	257	2474	2473	621
15	Maharashtra	436	376	30	1349	1286	89	390	397	24	1464	1408	73	341	334	30	1233	1205	83
16	Manipur	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0
17	Meghalaya	2	1	0	4	1	0	2	1	0	2	3	0	0	0	0	0	0	0
18	Mizoram	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20	Orissa	461	338	31	958	866	175	401	333	37	733	693	93	384	346	47	857	850	81

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
21	Punjab	133	119	43	316	291	141	128	88	39	286	224	108	126	97	61	323	248	154
22	Rajasthan	439	330	118	683	674	215	439	348	121	643	643	234	436	331	93	553	550	188
23	Sikkim	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
24	Tamil Nadu	208	189	64	503	457	117	207	187	44	488	433	114	194	190	35	430	479	113
25	Tripura	36	21	11	42	40	23	16	31	2	31	27	5	29	27	7	60	57	14
26	Uttar Pradesh	2076	1768	739	7310	6018	2551	2237	1777	870	8541	6439	3142	2232	1786	823	9203	6518	3245
27	Uttarakhand	70	74	28	244	225	81	73	64	19	168	164	101	94	84	42	218	194	87
28	West Bengal	451	459	46	1068	1148	73	451	339	40	1082	943	80	506	372	36	1002	825	92
Total State		7950	6919	1886	21784	19428	5358	8036	6580	1934	22383	19799	5738	8239	6743	1844	23129	19223	5875
29	A & N Islands	1	0	0	2	0	0	2	2	0	3	3	0	1	1	0	0	1	0
30	Chandigarh	1	2	3	3	7	8	3	3	1	7	7	1	2	2	2	3	6	6

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
31	D & N Haveli	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32	Daman & Diu	1	1	0	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0
33	Delhi UT	138	123	56	313	272	211	129	115	13	230	297	75	141	144	35	242	255	64
34	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
35	Puducherry	2	3	1	8	7	3	2	0	0	1	0	0	0	3	1	0	4	4
TOTAL UT		143	129	60	329	289	222	136	120	14	241	307	76	144	150	38	245	266	74
TOTAL ALL INDIA		8093	7048	1946	22113	19717	5580	8172	6700	1948	22624	20106	5814	8383	6893	1882	23374	19489	5949

Source: Crime in India.

Note: Information on disposal by police and courts includes the information on pending cases.  
from previous years also.

**Border Management Agreement with Bangladesh**

1767. SHRI N.K. SINGH: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether a border management agreement to reduce incidents of killing and crime along the common frontier was held between India and Bangladesh recently;

(b) if so, the details thereof;

(c) whether all the border related issues with Bangladesh have been resolved and if so, to what extent the illegal activities prevailing on Indo-Bangla border would be checked; and

(d) the other steps Government proposes to take to ensure proper implementation of agreements?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (d) Director General, Border Security Force (BSF) and Director General, Border Guard Bangladesh (BGB), have jointly signed the India-Bangladesh Coordinated Border Management Plan (CBMP) on 30th July, 2011.

The CBMP aims at synergizing the efforts of both the Border Guarding Forces (BSF and BGB) for more effective control over cross-border illegal activities and crimes as well for maintenance of peace and harmony along India-Bangladesh Border.

In addition, issues like coordinated patrolling, coordinated pillar checking, flag meeting, border violations, developmental works and coordinated screening of persons crossing the border for trade purposes on the basis of lawful documents have also been covered under CBMP.

Nodal officers from both BSF and BGB have been nominated to ensure proper implementation of CBMP Agreement.

**Pakistan's objection to installation of flood lights on Kashmir border**

†1768. SHRI MOTILAL VORA:

SHRI SATYAVRAT CHATURVEDI:

Will the Minister of HOME AFFAIRS be pleased to state:

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†Original notice of the question was received in Hindi.

(a) whether it is a fact that Pakistan has raised objection over the flood light being installed by India along the border in Kashmir;

(b) if so, the basis therefor;

(c) the steps being taken by Government for ensuring the satisfactory and speedy installation of flood light; and

(d) whether it has also been ensured that the cables and other material being used in this work are of high quality?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) As per information available, there have been no such objections raised by Pakistan along the Line of Control in Jammu & Kashmir.

(c) Out of a total of 678.748 kilometres of Line of Control fence, 271.47 kilometres is floodlite, while 407.278 kilometres of the fence is not flood lit due to operational considerations and terrain configuration.

(d) High quality cables and other material are being used for the lighting of the Line of Control fence.

**Inadequate funds for compensating damage  
caused by flood in Kosi**

†1769. SHRI UPENDRA KUSHWAHA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that adequate funds have not been released by the Central Government for compensating the damage caused by flood in river Kosi that ravaged Bihar in 2009;

(b) whether it is also a fact that the land of farmers is still covered under the sand brought by the flood in Kosi river forcing lakhs of people to migrate from there;

(c) whether it is also a fact that the infrastructure destroyed in the flood also could not be reconstructed; and

(d) if so, the action being taken by Government to restore the normalcy in Kosi belt and by when?

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†Original notice of the question was received in Hindi.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (d) The Government of India approved an amount of Rs. 614.56 crore (Rs. 497.35 crore from National Calamity Contingency Fund + Rs. 117.21 crore as Additional Central Assistance for relief) for immediate relief. In addition Rs. 2273.15 crore has also been allocated by concerned Central Ministries for repair, reconstruction/rehabilitation in their respective sectors for the damage caused by Kosi flood 2008.

The State Government has informed that no instance of migration of people from Kosi area on account of siltation of land has come to its notice.

Regarding reconstruction of infrastructure destroyed in flood, the State Government has informed that they have negotiated loan assistance with the IDA (WB) under 'Bihar Kosi Flood Recovery Project' for reconstruction of damaged houses and infrastructure. The reconstruction work is in progress. The total cost of the project is \$ 259 million (about Rs. 1194 crore).

**CRPF personnel killed in anti-naxal operations**

1770. SHRI N. BALAGANGA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) how many Central Reserve Police Force (CRPF) personnel got killed or injured in anti-naxal operations during the last one year and this year, till date;

(b) whether any inquiry committee has been constituted to go into the attacks where the CRPF personnel had suffered casualties;

(c) if so, the details thereof including the findings of such committees;

(d) whether there is any intelligence failure in such attacks; and

(e) if so, the details thereof and the action taken by Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) to (e) The number of CRPF personnel killed during 2010 and 2011 (up to 2nd August) are 132 and 20 respectively. The corresponding figures in respect of CRPF personnel injured are 80 and 86.

The Government had constituted an Inquiry Committee with a single

member, Shri E.N. Rammohan, to conduct an inquiry into the circumstances leading to the ambush of security force personnel of the 62nd Battalion of the CRPF on 6th April, 2010 at Tarmetla in Dantewada district of

Chhattisgarh in which 75 CRPF personnel were killed. The E.N. Rammohan Committee made observations on three counts i.e. (i) Operational (ii) Leadership & Training and (iii) Logistics. Action has been taken by CRPF on all the recommendations.

'Police' and 'Public Order' being State subjects, action with respect to maintenance of law and order lies primarily in the domain of the concerned State Governments, who deal with the various issues related to public order & security. The Central Government closely monitors the situation and supplements the efforts of the State Governments over a wide range of schemes including providing Central Armed Police Forces (CAPFs) to assist the States in dealing with the problem of naxalism.

**Police forces not fully equipped and trained to  
combat terror attacks**

1771. SHRI V. HANUMANTHA RAO: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that our police forces are not fully equipped and trained to combat terror attacks;

(b) whether it is also a fact that there is acute shortage of funds for modernising the police force and their equipments; and

(c) if so, what steps Government proposes to take in this direction?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (c) No Sir. Under the Scheme for Modernization of State Police Forces (MPF Scheme), the Central Government has been supplementing the resources of the State Governments in their modernization efforts. Under the MPF Scheme Central assistance has been extended for construction of residential and non residential buildings, acquisition of vehicles, modern weaponry, communication equipment, training infrastructure facilities, forensic science facilities, purchase of security and other equipment etc. The following are the year-wise Central funds released from 2000-01 to 2010-11:

Year	Central funds released
	(Rs. in crore)
1	2
2000-01	1000.00



2001-02

1000

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1	2
2002-03	695.00
2003-04	705.27
2004-05	960.00
2005-06	1025.00
2006-07	1065.22
2007-08	1248.70
2008-09	1157.64
2009-10	1230.00
2010-11	1224.63

During 2011-12 funds have not yet been released to States under the MPF Scheme.

#### **Bills of States pending with Government**

†1772. SHRI PRABHAT JHA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that a number of Bills of various States are pending with Central Government;

(b) if so, the details thereof; and

(c) the details of Bills of the State of Madhya Pradesh pending with Central Government since 2009 and the details regarding present status of decision taking process on these Bills?

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

(b) and (c) A statement containing list of Pending State Bills and the status of Madhya Pradesh State Bills is given in the statement (See below).

The State Legislations are examined from three angles viz. (i) repugnancy with Central Laws, (ii) deviation from National or Central Policy and (iii) legal and Constitutional validity. Whenever

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†Original notice of the question was received in Hindi.

necessary, the State Governments are advised to modify/amend provision of such legislations keeping the above in view. With a view to expeditiously arrive at a decision, discussions are also held with State Governments and Ministries/Departments of the Government of India.

**Statement**

*(A) The list of Pending Bills*

*(As on 12.08.2011)*

Sl. No.	Name of the State Legislation
1	2
1.	The Andhra Pradesh Excise (Third Amendment) Bill, 2010.
2.	The Industrial Disputes (Andhra Pradesh Amendment) Bill, 2010.
3.	The Contract Labour (Regulation and Abolition) (Andhra Pradesh Amendment) Bill, 2010.
4.	The Andhra Pradesh Community Service of Offenders Bill, 2010.
5.	The Andhra Pradesh Money Lenders Bill, 2010.
6.	The Andhra Pradesh Self Help Group Women (leasing of agriculture land) bill, 2010
7.	The Assam Gratuity (Amendment) Bill, 2009.
8.	The Assam Rural Health Regulatory Authority Bill, 2004.
9.	The Assam Cooperative societies Bill 2007.
10.	The Assam State Vigilance Commission Bill, 2010.
11.	The Assam Land Grabbing (Prohibition) Bill, 2010
12.	The Assam Preventive Detention (Amendment) Bill, 2009
13.	Bihar Sugarcane (Regulation of Supply and Purchase) (Amendment) Bill, 2007.
14.	The Registration (Bihar Amendment) Bill, 2010.
15.	The Bengal, Agra and Assam Civil Courts (Bihar Amendment) Bill, 2010
16.	The Code of Criminal Procedure (Bihar Amendment) Bill, 2011

1	2
17.	The Chhattisgarh Co-operative Societies Bill, 2006.
18.	The Chhattisgarh Rent Control Bill, 2011.
19	The Goa Lokayukta Bill, 2003.
20	The Gujarat Control of Terrorism and Organised Crime Bill, 2003.
21	The Gujarat Educational Institution Services Tribunal Bill, 2006.
22.	The Bombay Prevention of Fragmentation & consolidation of holders (Gujarat Amendment) Bill 2011.
23.	The Gujarat Tenancy and Agricultural Lands Laws (Amendment) Bill, 2011.
24.	The Haryana Public Premises and Land (Eviction and Rent Recovery) Amendment Bill, 2006.
25.	The Indian Forest (Himachal Pradesh Amendment) Bill, 2009.
26.	The Himachal Pradesh Excise Bill, 2009.
27.	The Himachal Pradesh Urban Rent Control (Amendment) Bill, 2009.
28.	The Himachal Pradesh Maintenance of Parents and dependents (Amendment) Bill, 2010.
29.	The Himachal Pradesh Tenancy and Land Reforms (Amendment) Bill, 2010.
30.	The Criminal Law (Himachal Pradesh Amendment) Bill, 2011.
31.	The Code of Criminal Procedure (Jharkhand Amendment) Bill, 2011.
32.	The Jharkhand University of Technology Bill, 2011.
33.	The Indian Penal Code and the Code of Criminal Procedure (Karnataka Amendment) Bill, 2009.
34.	The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Gamblers, Goondas, Immoral Traffic offenders and Slum Grabbers (Amendment) Bill, 2009.
35.	The Karnataka Co-operative Societies (Second Amendment) Bill, 2010.

1	2
36.	The Code of Criminal Procedure (Karnataka Amendment) Bill, 2009.
37.	The Karnataka Prevention of Slaughter and Preservation of Cattle Bill, 2010.
38.	The Karnataka Bhu Kabalike (Nishedha) Vidheyaka, 2007. (The Karnataka Land Grabbing (Prohibition) Bill, 2007).
39.	The Karnataka Atyavashyaka Sevegda Nirvahana Vidheyaka, 2009.
40.	The Karnataka Control of Organised Crime (Amendment) Bill, 2009.
41.	The Karnataka Mulageni Athava Volamulageni Genidararige Malikathvavannu Pradana Maduva Vidheyaka, 2011 (The Karnataka Conferment of Ownership on Mulageni or Volamulagent Tenants Bill, 2011).
42.	The Factories (Karnataka Amendment) Bill, 2011 (for increasing the working hours).
43.	The Industrial Employment (Standing Order) (Karnataka Amendment) Bill, 2005.
44.	The Registration (Kerala Amendment) Bill, 2009.
45.	The Kerala Grants and Leases (Modification of Rights) Amendment Bill, 1999.
46.	The Kerala Land Reforms (Amendment) Bill, 2004.
47.	The Code of Criminal Procedure (Kerala Amendment) Bill, 2008.
48.	The Plachimada Coca Cola Victims Relief and Compensation Claims Special Tribunal Bill, 2011.
49.	The Kerala Tax on Entry of Goods in to Local Areas Bill, 2007. (Re-opened on 1.7.2010).
50.	The Madhya Pradesh Stamp Bill, 2009.
51.	The Madhya Pradesh Parisar Kirayedari Vidheyak, 2010.
52.	The Madhya Pradesh Aatankvadi Evam Uchhedak Gatividhiyan Tatha Sangathit Apradh Niyantran Vidheyak, 2010.
53.	The Madhya Pradesh Govansh Vadh Pratishedh (Sanshodhan) Vidheyak, 2010.

1	2
54.	The Madhya Pradesh Kapas Bij (Purti, Vitaran, evam Vikraya ka viniyaman tatha vikraya mulya ka nirdharan) Vidheyaka 2010.
55.	The Madhya Pradesh Vishesh Nyayalaya Vidheyak, 2011.
56.	The Orphanages and Other Charitable Homes (Supervision and Control), the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) and the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) (Maharashtra Amendment) Bill, 2009.
57.	The Code of Criminal Procedure (Maharashtra Amendment) Bill, 2006.
58.	The Maharashtra Money Lending (Regulation) Bill, 2010.
59.	The Minimum Wages (Maharashtra Amendment) Bill, 2010.
60.	The Maharashtra Municipal Corporations, Municipal Councils and Maharashtra Regional and Town Planning (Amendment) Bill, 2010.
61.	The Bombay Primary Education (Amendment) Bill, 2009.
62.	The Registration (Maharashtra Amendment) Bill, 2010.
63.	The Maharashtra Land Revenue Code and the Maharashtra Restoration of Lands to Scheduled Tribes (Amendment) Bill, 2010.
64.	The Motor Vehicles (Maharashtra Amendment) Bill, 2010.
65.	The Mumbai Municipal Corporations, the Bombay Provincial Municipal Corporations,, the City of Nagpur Corporation, the Bombay Police and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Bill, 2009.
66.	The Maharashtra Animal Preservation (Amendment) Bill, 1995.
67.	The Bombay Civil Courts (Amendments) Bill, 2011.
68.	The Maharashtra Slum Areas (Improvement, Clearance and Redevelop-ment) (Amendment) Bill, 2011.
69.	The Manipur Compulsory Registration of Marriage Bill, 2008.
70.	The Manipur Medical Council Bill, 2009.

1	2
71.	The Meghalaya Transfer of Land (Regulation) Amendment Bill, 2010.
72.	The Mizoram Taxes on Entry of Goods in Local Areas Bill, 2011.
73.	The Orissa Excise Bill, 2008.
74.	The Code of Criminal Procedure (Punjab Amendment) Bill, 2008.
75.	The Indian Penal Code (Punjab Amendment) Bill, 2008.
76.	The Industrial Disputes (Punjab Second Amendment) Bill, 2009.
77.	The Punjab Compulsory Registration of Marriages Bill, 2008.
78.	The Punjab Land Reforms (Amendment) Bill, 2010.
79.	The Punjab Prevention of Human Smuggling Bill, 2010.
80.	The Punjab Prevention of Damage to Public and Private Property Bill, 2010.
81.	The Prisons (Punjab Amendment) Bill, 2011.
82.	The Rajasthan Dharam Swatantrata Vidheyak, 2008.
83.	The Rajasthan Tenancy (Amendment) Bill, 2010.
84.	The Rajasthan Stamp (Amendment) Bill, 2011.
85.	The Sikkim Promotion of Local Employment Bill, 2008.
86.	The Sikkim (Constitution of Special Eco.Task Forest Guards) Bill, 2008.
87.	The Sikkim Lokayukta Bill, 2011.
88.	The Tamil Nadu Business Facilitation Bill, 2009.
89.	The Indian Penal Code and the Code of Criminal Procedure (Tamil Nadu Amendment) Bill, 2006.
90.	The Tamil Nadu Professional Educational Institutions (Regulation of Admission and Determination of Fee) Bill, 2006.
91.	The Industrial Employment (Standing Orders) Tamil Nadu Amendment Bill, 2008.
92.	The Tamil Nadu Preservation of Private Forests (Amendment) Bill, 2011.

1	2
93.	The Tripura State Minority Commission Bill, 2008.
94.	The Revenue Recovery (Uttarakhand Amendment) Bill, 2006.
95.	The Indian Stamp (Uttarakhand Amendment) Bill, 2011.
96.	The Indian Registration (Uttarakhand Amendment) Bill, 2011.
97.	The Uttar Pradesh Administrators General (Uttar Pradesh Amendment) Bill, 2010.
98.	The Code of Criminal Procedure (Uttar Pradesh Amendment) Bill, 2010.
99.	The Uttar Pradesh Revenue Code Bill, 2006.
100.	The Indian Partnership (Uttar Pradesh Amendment) Bill, 2011.
101.	The Uttar Pradesh State Authority for Minority Educational Institutions Bill, 2011.
102.	The West Bengal Administrative (Adjudication of School Disputes) Commission Bill, 2008.
103.	The Daridra Bandhav Bhandar (Taking over of Management & Subsequent Acquisition) Bill, 2009.
104.	The West Bengal Protection of Interest of Depositors in Financial Establishment Bill, 2009.
105.	The West Bengal Rural Health Regulatory Authority Bill, 2009.
106.	The Calcutta Unani Medical Collage and Hospital Bill, 2010.
107.	The Indian Stamp (West Bengal Amendment) Bill, 2010.
108.	The West Bengal Medical Council Bill, 2010.
109.	The West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen (Amendment) Bill, 2010.
110.	The West Bengal Taxes on Entry of Goods in Specified Areas Bill, 2003. (Re-opened on 11.02.2010).



*(B) Present status of pending Madhya Pradesh State Legislation*

Name of the Legislation	Date of Receipt in the Ministry of Home Affairs	Present Status
The Madhya Pradesh Stamp Bill, 2009. are  20.12.2010,	03.03.2010	Comments of Department of Financial Services  awaited since  who have been last reminded on 20.7.2011
The Madhya Pradesh Parisar Kirayedari Vidheyak, and 2010. since  been	03.05.2010	Comments awaited from Ministry of Housing  Poverty Alleviation  11.5.2010 who have  last reminded on 20.7.2011
The Madhya Pradesh Aatankvadi Evam Uchhedak Gatividhiyan Tatha Sangathit Apradh Niyantran Vidheyak, 2010.	25.05.2010	Intra Division consultation is underway.
The Madhya Pradesh Govansh Vadh Pratishedh (Sanshodhan) Agriculture, Vidheyak, 2010.  Environment	14.09.2010	As suggested by the Ministry of  the comments of Ministry of  and Forests have been invited on 15.3.2011. They have been last reminded on 20.7.2011.
The Madhya Pradesh Kapas of Bij (Purti, Vitaran, evam Vikraya ka viniyaman tatha vikraya mulya ka nirdharan) Vidheyaka, 2010. 6.6.2011.	08.10.2010	Comments of Ministry  Agriculture have been sent to State Government for clarifications on
The Madhya Pradesh Vishesh Nyayalaya Vidheyak, 2011.	18.04.2011	Comments awaited from Ministry of Personnel

been

and Training since  
27.4.2011 who have

last reminded on  
20.7.2011.

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**Shortage of immigration staff at T3 of Delhi Airport**

†1773. SHRIMATI MAYA SINGH: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether foreign bound passengers have to stand in queue for hours for checking due to shortage of staff in the immigration department at T3 of Delhi Airport causing lot of inconvenience to them;

(b) whether junior officials are made to do work of checking in place of senior officers due to shortage of staff in security check;

(c) the details of such flights that were delayed due to non-completion of immigration check in time during the last three years;

(d) whether any action has been taken against any officer for these lapses during the last three years; and

(e) if so, the details thereof?

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

(b) Due to shortage of manpower at the level of Assistant Central Intelligence Officers-II or Sub-Inspectors, the staff of rank of Junior Intelligence Officers/Security Assistants, Head Constables/Constables who are graduate and computer knowing, are also deployed as counter officer after imparting adequate training.

(c) No, Sir.

(d) and (e) Do not arise.

**Arms supplied to naxals from PTCs**

1774. SHRI RAJKUMAR DHOOT: Will the Minister of HOME AFFAIRS be pleased to state:

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†Original notice of the question was received in Hindi.

(a) whether it is a fact that cases of arms and ammunitions having been supplied to Naxals from some Police Training Centres have come to light recently;

(b) if so, the details thereof; and

(c) what action Government has taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) to (c) There is no input indicating supply of arms to naxals from Police Training Centres. However, cases of supply of ammunition to anti-social elements have come to light in 2010 in Uttar Pradesh in which FIR number 613/2010 under section 409 IPC & FIR number 614/2010 under section 25/27/35 Arms Act was registered in police station Civil Lines, district Rampur, FIR number 487/2010 under section 409 IPC & 25/27/35 Arms Act was registered in police station Civil Lines, district Moradabad and FIR number 574/2010 & 575/2010 under section 3/25 Arms Act was registered in police station Haldharpur district Mhow. In these cases, a number of accused including two Uttar Pradesh police personnel (1 retired & 1 serving) and two retired CRPF personnel were arrested and a large number of live as well as empty cases of cartridges of rifles and small arms seized. The Government of Uttar Pradesh has issued instructions regarding inspection of armoury and quarter guard and to audit arms and ammunition regularly to prevent recurrence of such incidents.

#### **Capital punishment to contract killers**

1775. SHRI RAJKUMAR DHOT: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government proposes to bring forward a legislation for amending the criminal law for providing capital punishment to contract killers;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (c) Section 302 of IPC, *inter alia*, already provides punishment of death

or imprisonment for life for the offence of murder. At present, there is no proposal to amend either the Code of Criminal Procedure, 1973 or the Indian Penal Code, 1860 for providing capital punishment to contract killers.

**Home guards grossly underpaid**

1776. DR. K.V.P. RAMACHANDRA RAO: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that Home Guards in the country are grossly underpaid and under utilized;

(b) if so, the average salary paid to them; and

(c) what steps are proposed to be taken to strengthen the Home Guards organization?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) Home Guards in States/Union Territories are governed, employed and administered under the respective State Home Guards Acts and Rules. The organization of Home Guards has two component viz. permanent staff and volunteers. The permanent staff is paid salary by the State Governments where as the volunteers of Home Guards are paid training/duty allowance at varying rates fixed by the State Government.

The extent of utilization of the Home Guards is the prerogative of the State Governments as it is a State subject. Central Government usually requisition the services of Home Guards during Lok Sabha/Vidhan Sabha Election to assist administrative authorities of the State Governments for conduct of peaceful and fair elections.

(b) The average salary paid to Permanent Staff of Home Guards is same as other Government employees of equivalent grade depending upon State to State. The training/duty allowance paid to Home Guard Volunteers varies from Rs. 45/- to Rs. 300/- per day depending upon the State as Home Guards is a State subject.

(c) In view of the reply to part (a) above, it is for the State Governments to address this issue.

**Modernization of fire services**

1777. DR. K.V. P. RAMACHANDRA RAO: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the fire services in various States are out dated and do not have state of the art technology besides facing financial crunch; and

(b) if so, what steps are proposed to be taken to modernize the fire services across the country and provide the necessary grants to the States?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) Yes, Sir. There is a gap between the demand and supply of fire service across the country. 'Fire Services' is a State subject. As such, it is the primary responsibility of the State Governments/Municipal bodies to allocate sufficient resources for strengthening and equipping Fire Services.

The Government of India is supplementing the efforts of the States to modernize and strengthen the fire & rescue service in the country. The details of monetary assistance are as under:

(Rs. in crore)

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(i) Centrally Sponsored Scheme on Strengthening of Fire & Emergency Services (2009-2012)	200.00
(ii) XIIIth Finance Commission grant (2010-2015) State-wise	
• Andhra Pradesh	17.00
• Haryana	100.00
• Mizoram	20.00
• Orissa	150.00
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• Tripura	15.00
• Uttar Pradesh	20.00
• West Bengal	150.00
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TOTAL	472.00
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(iii) As per recommendations of the Xlllth Finance Commission, a portion of the grant of ₹ 87519 crores is available to the Local Bodies to revamp the fire services of certain urban local bodies (of population more than one million) subject to complying with nine conditions including putting in place a Fire Hazard Response and Mitigation Plan for their respective jurisdiction.

#### **Terrorist attacks in the country**

†1778. SHRI NARESH CHANDRA AGRAWAL: Will the Minister of HOME affairs be pleased to state:

(a) the number of terrorist attacks in the country during last three years along with the number of people killed and injured in them;

(b) whether Government will furnish the names of the country or organization behind these terrorist attacks and whether Government has formulated any plan to prevent these terrorist attacks; and

(c) if so, the steps taken in this regard and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) There was no major terrorist incident in the hinterland in the year 2009. Since 2010 as per the assessment of the Central Intelligence and State Police Agencies, terrorist action was responsible for the following two incidents of bomb blast in the hinterland, viz.,

- 13th February, 2010 - bomb blast at German Bakery in Pune.
- 13th July, 2011 - serial bomb blasts at Zaveri Bazar, Opera House and Dadar area of Mumbai.

Apart from the above two, in two separate incidents of firing and bomb blast on 9th Sept, 2010 near Jama Masjid, Delhi and on 7th December, 2010 at Sheetalaghat, Varanasi, responsibility has been claimed by some terrorist groups. This incidents as well as the claims are under investigation.

Lastly, incidents of bomb blasts which have been reported and are under investigation, in which no pointer/fact suggesting terrorist involvement is available, are:

- 29th March, 2010 - bomb blast at Mehrauli, New Delhi.
- 17th April, 2010 - bomb blast at Chinnaswamy Stadium, Bangalore.
- 25th May, 2011 - bomb blast near High Court in Delhi.

In all these incidents/bomb blasts, as per available information, in all, 45 persons were killed and 236 persons were injured.

(b) to (c) The matter is still under investigation.

In order to deal with the terrorism, Government has taken various measures which *inter-alia*, include establishment of NSG hubs at Chennai, Kolkata, Hyderabad and Mumbai; empowerment of DG, NSG to requisition aircraft for movement of NSG personnel in the event of any emergency; strengthening and re-organizing of Multi-Agency Centre to enable it to function on 24x7 basis for real time collation and sharing of intelligence with other intelligence and security agencies; tighter immigration control; augmenting the strength of Central Armed Para Military Forces; effective border management through round the clock surveillance & patrolling on the borders; establishment of observation posts, border fencing, flood lighting, deployment of modern and hi-tech surveillance equipment; up-gradation of Intelligence setup; and coastal security. The Unlawful Activities (Prevention) Act, 1967 has been amended and notified in 2008 to strengthen the punitive measures to combat terrorism. The National Investigation Agency has been constituted under the National Investigation Agency Act, 2008 to investigate and prosecute offences under the Acts specified in the Schedule. As a part of steps to counter terrorists threats, the National Intelligence Grid (NATGRID) has been created.

The Prevention of Money Laundering Act has been amended in 2009 to *inter alia*, include certain offences under the Unlawful Activities (Prevention) Act, as predicate offence.



Further the Government continues to raise the issues of Cross-Border Terrorism in all its aspects including its financing at various multi-lateral and bilateral for a and also at the multi-level bi-lateral interactions.

**Communication of EU on execution of  
Devinder Singh Bhullar**

1779. SARDAR SUKHDEV SINGH DHINDSA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the European Union (EU) has written to Indian Government recently regarding execution of Devinder Singh Bhullar, whose mercy petition has been rejected by the President;

(b) if so, when the communication was received;

(c) the contents of the communication;

(d) the reply sent to European Union, if any;

(e) whether Punjab Government has also requested the Central Government to reconsider the execution; and

(f) if so, the details thereof?

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

(b) The communication was received on 03.06.2011.

(c) and (d) European Union (EU) in their letter has *inter-alia* requested to commute the death sentence of Devender Pal Singh Bhullar to life imprisonment. As a decision in the matter has already been taken, no reply has been sent to EU.

(e) No, Sir.

(f) Doesn't arise.

**Rape with dalit woman in Bihar**

†1780. SHRI RAM VILAS PASWAN: Will the Minister of HOME AFFAIRS be pleased to state:

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†Original notice of the question was received in Hindi.

(a) whether it is a fact that in Chilhari village of Buxar District of Bihar, a dalit girl was gang raped on July 25;

(b) if so, whether Government has taken note of the news item 'Dalit girl gang raped, paraded naked' in the Asian Age dated 27 July, 2011 published from Delhi;

(c) if so, whether Government has got the incident investigated; and

(d) if so, the actions taken by Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) to (d) As per information provided by the State Government of Bihar, an incident of gang rape in Village Chilhari, PS Dumrav, District Buxar has occurred on 25.7.2011 with a girl who is not a Dalit, but belongs to backward class (kamkar). The case has been registered on the same day in Police Station Dumrav under Section 147/148/341/323/376/504/34, IPC. The investigation of the concerned incident is being conducted seriously and speedily by the State Government. The victim's medical examination has been done and local police protection has been provided. Six accused have been named in the case and out of them, four have been arrested and are in jail. Against the remaining two absconding accused persons, a raid team has been constituted under Sub-Divisional Police Officer of Dumrav for arresting them immediately and action to seize their property is also being taken.

The Government is aware that news item on the incident appeared in Asian Age.

#### **Pending applications for Indian citizenship**

1781. SHRI ANIL MADHAV DAVE: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number, of pending applications for Indian citizenship from people who had migrated during or soon after partition in 1947;

(b) the State-wise list, including that of Jammu and Kashmir, West Bengal and Assam; and

(c) by what time does Government plan to dispose of the pending applications?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (c) The grant of Indian citizenship under the Citizenship Act, 1955 and Rules made there under is a multi-level and multi-agency activity. As per rule 11 and 12 of the Citizenship Rules, 2009, an application for grant of Indian citizenship is to be submitted by the applicant to the Collector/District Magistrate within whose jurisdiction the applicant is ordinarily a resident. The Collector/District Magistrate, after satisfying himself/herself regarding eligibility of the applicant to become a citizen of India, forwards the application to the State Government/UT administration concerned within a period of 60 days from the date of its receipts along with a report on applicant under Rule 12(1) of Citizenship Rule 2009. The State Government/UT administration in turn forwards the application along with its recommendation to the Ministry of Home Affairs, Government of India within a period of 30 days from the date of receipts of the report of the Collector under Rule 12(1) of Citizenship Rule, 2009. If the Collector or the State Govt, or Union Territory Administration, as the case may be, is unable to forward the application within a period specified in sub-rule (1) or sub-rule (2) of Rule 12 of Citizenship Rule, 2009, the same may be forwarded to the State Govt, or Union territory Administration or the Central Government, as the case may be, after the expiry of the period so specified but not exceeding ninety days along with the reasons for delay. Thereafter, the application is processed further as per the provisions of the Citizenship Act, 1955 and the rules made there under.

Since initial application is submitted to the Collector concerned and a number of agencies are involved in the processing of applications for grant of citizenship, centralized data base of such applicants is not available.

All cases received in the Ministry of Home Affairs are processed as expeditiously as possible.

#### **Non-utilization of Disaster Reduction Funds**

1782. SHRI RAM DAS AGARWAL: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether India is still seriously lagging behind, as nearly 100 per cent of the disaster reduction funds meant for modernization of weather forecast, ocean movement and prediction of other natural disasters have remained unutilized;

(b) what was the budget sanctioned in this regard during last three years, yearwise, indicating expenditure incurred (percentage-wise); and

(c) what are the reasons for not spending amount sanctioned for Disaster Risk Reduction (DRR) when there is worldwide demand for better preparedness in dealing with calamities especially after the Japan's crisis?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (c) Ministry of Earth Science is concerned with the subject matter. The information is being collected and will be laid on the Table of the House.

**Work done under BADP in Bihar**

1783. SHRI TARIQ ANWAR: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the details of the works done under Border Area Development Programme in Bihar;

(b) whether State of Bihar has demanded more money under this scheme; and

(c) the amount released and utilized under this scheme in Bihar?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) Sector wise details of work done under Border Area Development Programme (BADP) in State of Bihar are given below:

(Rs. in Lakh)			
Sl.No.	Name of Sectors	No. of scheme taken	Approved amount
1	2	3	4
1.	Road & Bridges	331	15549.16
2.	Health	34	229.70
3.	Education	155	681.26
4.	Water Supply	3	6.97

1	2	3	4
5.	Irrigation	7	33.32
6.	Agriculture	5	50.16
7.	Animal Husbandry	13	1041.25
8.	Security	84	646.00
9.	Sports	5	235.00
10.	Aganbari Centre	238	947.95
11.	Energy	1603	552.57
12.	Community Hall	92	709.29
13.	Toilet	13	25.31
14.	Yatri shed	2	15.00
15.	Others	61	175.57
TOTAL		2646	20898.51

(b) No, Sir.

(c) The amount released under the Border Area Development Programme from 1999-2000 to 2010-11 is Rs. 21547.08 lakh of which, Rs. 20016.39 lakh has been utilized till 31.7.2011.

**Action Plan tackling narcotics trade**

†1784. SHRI KAPTAN SINGH SOLANKI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that narcotics trade in the country has increased a lot;

(b) if so, the details thereof;

†Original notice of the question was received in Hindi.

(c) whether it is a fact that drug trade is being made the main source of funding for terrorists in the country;

(d) if so, whether Government has formulated any action plan in this regard; and

(e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) The reported seizure of narcotic drugs for the last three years do not show any significant increase in the drug seizure in the country.

(c) Government have no specific information that indicates direct involvement of terrorist groups in narcotics business in the country.

(d) and (e) Questions do not arise.

#### **Kidnapping of women**

†1785. SHRI AVTAR SINGH KARIMPURI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the total number of women kidnapped during last three years;

(b) the State-wise and year-wise details thereof;

(c) the number of cases in which chargesheet has been filed; and

(d) the State-wise and year-wise details of number of cases in which kidnapped women have been killed so far?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) to (c) As per National Crime Records Bureau (NCRB) a total of 20416, 22939 and 25741 number of cases of kidnapping and abduction in case of women and girls were reported during 2007-2009. The State/UT-wise details of cases of kidnapping and abduction of women regarding case registered, cases charge sheeted, persons arrested and persons convicted during 2007-2009 is given in the Statement (See below).

The details regarding women who have been killed after kidnapping is currently not available.

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†Original notice of the question was received in Hindi.

Statement																			
Cases Registered (CR), Cases Chargesheeted (CS), Cases Convicted (CV), Persons Arrested (PAR), Persons Chargesheeted (PCS) & Persons Convicted (PCV)																			
Under Kidnapping & Abduction of Women & Girls (Section 363 To 369, 371 To 373 IPC) During 2007-2009																			
2007										2008									
2009																			
Sl.No.	State	CR	CS	CV	PAR	PCS	PCV	CR	CS	CV	PAR	PCS	PCV	CR	CS	CV	PAR	PCS	PCV
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	Andhra Pradesh	1564	1003	60	1674	1424	129	1396	925	37	1606	1635	96	1526	968	50	1889	1637	93
2	Arunachal Pradesh	44	33	4	51	37	5	47	26	4	57	35	7	28	31	4	38	34	4
3	Assam	1471	886	250	1721	1034	225	1789	780	89	1965	1269	248	2092	774	77	2392	1159	118
4	Bihar	1260	787	78	2085	1742	157	1789	837	138	2382	1978	264	1986	772	114	2397	1961	300
5	Chhattisgarh	181	148	16	196	198	38	216	178	23	229	210	33	229	173	40	267	250	4
6	Goa	7	2	2	8	2	3	28	8	1	28	10	1	22	13	0	18	22	0
7	Gujarat	1089	789	55	1356	1310	87	1119	764	44	1320	1324	67	1162	808	42	1494	1493	73
8	Haryana	554	311	50	490	463	95	644	327	71	594	563	90	659	339	74	530	549	104
9	Himachal Pradesh	150	51	3	106	75	7	137	67	10	144	133	17	122	66	5	102	106	17

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
10	Jammu & Kashmir	707	496	2	959	956	2	656	267	1	523	524	1	825	427	11	696	694	10
11	Jharkhand	534	339	125	549	487	129	499	318	57	604	533	92	517	366	129	397	399	129
12	Karnataka	390	194	13	373	337	25	405	201	6	487	394	11	408	245	5	506	490	16
13	Kerala	177	147	9	194	214	14	166	155	1	179	194	5	173	131	8	202	185	14
14	Madhya Pradesh	701	585	146	906	920	301	736	619	204	1013	1006	215	841	679	121	106	1042	188
15	Maharashtra	967	676	53	1286	1243	79	998	723	47	1487	1351	63	926	722	31	1388	1388	61
16	Manipur	83	1	1	59	1	1	87	0	0	68	0	0	97	1	0	95	1	0
17	Meghalaya	22	3	4	12	15	6	25	3	0	14	3	0	26	5	0	17	10	0
18	Mizoram	0	0	0	0	0	0	1	1	0	1	1	0	0	0	1	0	0	1
19	Nagaland	6	3	2	12	11	7	7	4	5	5	3	1	10	8	1	8	4	9
20	Orissa	660	402	28	681	684	61	762	504	67	633	602	71	799	485	40	814	762	52



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
21	Punjab	545	210	26	592	381	63	514	257	22	573	470	42	513	212	34	566	358	66
22	Rajasthan	1694	556	132	942	944	270	1863	612	121	942	938	169	2310	732	120	1138	1132	198
23	Sikkim	9	2	0	3	3	0	4	5	1	8	8	1	6	3	2	7	4	3
24	Tamil Nadu	1097	453	53	1107	835	118	1160	521	138	1405	1116	263	1133	527	56	1312	1090	126
25	Tripura	81	66	5	81	80	12	110	87	4	112	93	12	92	71	6	125	73	10
26	Uttar Pradesh	3363	1948	804	5683	4166	1843	4439	2571	1172	8280	5932	2782	5078	2941	1251	10487	6777	3527
27	Uttarakhand	227	120	37	363	269	76	222	125	44	203	174	118	247	150	36	191	193	97
28	West Bengal	1590	931	31	1742	1549	56	1907	1130	36	1857	1466	58	2187	1137	31	1958	1790	7
Total State :		19173	11142	1989	23231	19380	3809	21726	12015	2343	26719	21965	4727	24014	12786	2289	30094	23603	5286
29	A&N Islands	9	3	0	6	3	0	13	7	0	10	10	0	14	2	0	5	2	0
30	Chandigarh	46	23	10	45	31	13	42	13	8	42	22	21	36	17	11	29	23	13

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
31	D&N Haveli	6	5	0	7	7	0	11	6	0	16	8	0	9	10	2	12	18	3
32	Daman & Diu	1	1	0	3	3	0	1	0	0	0	0	0	0	0	0	0	0	0
33	Delhi UT	1167	277	38	352	204	80	1136	405	27	412	458	41	1655	293	46	375	378	57
34	Lakshadweep	0	0	0	0	0	0	1	0	0	1	0	0	0	1	0	0	0	0
35	Puducherry	14	9	1	14	18	3	9	5	0	8	7	0	13	13	0	11	13	0
TOTAL UT :		1243	318	49	427	266	96	1213	436	35	489	505	62	1727	336	59	432	434	73
TOTAL ALL INDIA :		20416	11460	2038	23658	19646	3905	22939	12451	2378	27208	22470	4789	25741	13122	2348	30526	24037	5359

Source: Crime in India

Note: Information on disposal by police and courts includes the information on pending cases from previous years also.

### Missing girls from Assam

1786. SHRI BHUBANESWAR KALITA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether there has been an increase in the number of missing girls from Assam;

(b) whether a study has been conducted on the pattern, like age-group, economic background, etc.;

(c) whether enquiry has been conducted on whether the missing girls from Assam have been forced into flesh trade; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) to (d) As per the information provided by the National Crime Records Bureau a total cases of 392, 493, 592 number of girls missing were reported in the years 2008, 2009 and 2010 in the state Assam.

As per the input provided by the Government of Assam, it is stated that there are various reasons for missing such as leaving homes in search of jobs, education and other economic opportunities. Few young girls elope for marriage purposes also. Although in many such cases girls end up being trafficked, sexually/physically abused. Rate of the missing children is higher in the backward rural areas. The details regarding missing/traced female children in the state of Assam are given in the statement.

### Statement

#### *Number of girl children missing durig 2008-2010*

		2008		2009		2010	
Assam		Missing	Traced	Missing	Traced	Missing	Traced
		392	255	493	343	592	364

### Fulfilment of promises to families of martyrs of 26/11 Mumbai attack

†1787. SHRI JAI PRAKASH: Will the Minister of HOME AFFAIRS be pleased to state:

†Original notice of the question was received in Hindi.

(a) whether all the promises made with the families of martyrs of Mumbai attack (26/11) have been fulfilled;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) to (c) Since, 'Law and Order' is the subject matter of State Governments as per the VII Schedule of the Constitution of India, the details of compensation to families of Martyrs/victims of terrorist activities are not centrally maintained. However, Government is administering a scheme titled "Central Scheme for Assistance to civilian victims of Terrorist/Communal/Naxal violence" under which central assistance of Rs. 3 lakh is given to the NOK of the civilian victims of terrorist violence.

#### **Monitoring of working of NHRC**

1788. SHRI AVINASH RAI KHANNA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Ministry monitors the working of Human Rights Commission in India;

(b) whether the National Human Rights Commission (NHRC) has been submitting Annual Reports to the Ministry;

(c) if so, whether Government has presented the reports in Parliament;

(d) what is the action taken on the report;

(e) the details whether the State Human Rights Commissions (SHRCs) have been submitting report to the respective States; and

(f) what action the States have taken on the reports?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) No, Sir, National Human Rights Commission (NHRC) is an autonomous organisation established under the Protection of Human Rights Act, 1993. The Act does not give any power to the Government of India to issue directions to the commission, making it fully independent in its functioning.

(b) to (d) Yes, Sir. Annual Reports of NHRC up to the year 2009-10 have been received. While the Government has laid the Annual Reports of

NHRC up to the year 2007-08 before the

Parliament, the Annual Report for the year 2008-09 along with Memorandum of Action Taken is ready for laying during the ongoing Session.

(e) and (f) As per Section 28 of the Protection of Human Rights Act, 1993, the State Human Rights Commissions (SHRCs) submit their Annual Report to the State Government, which are required to lay the Report along with Memorandum of Action Taken before the each House of State Legislature.

**Rehabilitation of youths wrongly detained for bomb blasts**

1789. SHRIMATI BRINDA KARAT: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of muslim youths arrested on charges of carrying out bomb blasts at Mecca Masjid, Ajmer Sharif, Malegaon and Samjhauta Express;

(b) how many are still in detention; and

(c) whether Government has any plan to rehabilitate all those youths who were wrongly accused and detained?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) As per available information, a total 13 number of muslim youths were arrested in Malegaon-I bomb blasts (08.09.2006) case. No muslim youth was arrested in other cases.

(b) As per available information, 09 number of muslim youths are still in detention.

(c) The investigation under section 173 (8) of Cr.PC by the National Investigation (NIA) is in progress in all viz., Mecca Masjid, Ajmer Sharif, Malegaon and Samjhauta Express, cases and the accused/suspects continue as such.

**Integrated strategy to check naxal incidents**

†1790. SHRI PRAKASH JAVADEKAR: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the State-wise details of violent incidents carried out by naxalites in various parts of the country during last three months;

(b) the details of efforts made by Government in this regard;

†Original notice of the question was received in Hindi.

(c) whether Government has prepared any integrated strategy to check this violence in several States; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) State-wise details of incidents of naxal violence during the last three months are given below:

State	Incidents
Andhra Pradesh	09
Bihar	89
Chhattisgarh	119
Jharkhand	123
Madhya Pradesh	2
Maharashtra	41
Orissa	59
Uttar Pradesh	1
West Bengal	16
TOTAL	459

(b) to (d) 'Police' and 'Public Order' being State subjects, action with respect to maintenance of law and order lies primarily in the domain of the concerned State Governments, who deal with the various issues related to public order and security. The Central Government closely monitors the situation and supplements the efforts of the State Governments over a wide range of schemes. The Government of India has an integrated Policy of Development and calibrated Police action to deal with LWE problems.

#### **Naxal attacks**

†1791. SHRI RAGHUNANDAN SHARMA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the details of number and places of naxal attacks between January, 2010 to June, 2011 and the number of civilians and security personnel killed in such attacks;

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†Original notice of the question was received in Hindi.



(b) the number of arms looted from arm depots of various police stations during naxal attacks and number of arms snatched from security personnel; and

(e) the extent of damage to national and public property in naxal attacks during the above said period?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) The details of number of naxal incidents, civilians and security forces killed, between January, 2010 to June, 2011 is given in the statement (See below).

(b) The total number of arms snatched by Maoists from security forces in the year 2010 was 218 and in the current year (up to June 30), it is 28.

(c) In 2010, 365 incidents of damage to economic infrastructure took place, whereas, in the current year (up to June, 30), 166 such incidents have occurred.

**Statement**

*Details of naxal incidents, civilians and Security Forces  
killed during 2010 & 2011 (up to June, 30)*

State	2010			January 1 to June 30, 2011		
	Incidents	Civilians	Security	Incidents	Civilians	Security
		Killed	Forces		Killed	Forces
			Killed			Killed
1	2	3	4	5	6	7
Andhra Pradesh	100	24	0	14	3	0
Bihar	307	72	25	187	19	3
Chhattisgarh	625	171	172	242	52	50
Jharkhand	501	132	25	259	66	17
Madhya Pradesh	7	0	1	4	0	0
Maharashtra	94	35	10	51	21	6
Orissa	218	62	17	92	16	12
Uttar Pradesh	6	1	0	0	0	0

1	2	3	4	5	6	7
West Bengal	350	223	35	63	31	1
Others	4	0	0	0	0	0
TOTAL	2212	720	285	912	208	89

**Patrol boats lying idle on coast line of Mumbai**

1792. SHRI M.P. ACHUTHAN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that post 26/11 attack on Mumbai, Government purchased several patrol boats with bullet proof drivers cabin to effectively guard the coast line of Mumbai;

(b) if so, the details thereof;

(c) whether it is a fact that almost all of them are anchored idle;

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

(e) whether Government is taking any steps to make these boats mobile with a view to keep vigil on the coast line; and

(f) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) Yes, Sir. Post 26/11 attack on Mumbai, Ministry of Home Affairs has purchased 204 boats, of which 120 boats are of 12 Ton size and 84 boats are of 5 Ton size. 28 boats have been delivered to State of Maharashtra, of which 6 boats are of 12 Ton size and 22 boats are of 5 Ton size.

(c) to (f) No, Sir. As per the information available, the boats delivered to State of Maharashtra are operational and are being used for patrolling in the coastal area of Maharashtra including Mumbai. An Annual Maintenance Contract has been signed with the boats supplier, i.e. Goa Shipyard Ltd. (GSL), a Government of India, Undertaking. GSL is regularly doing the maintenance work of the boats to keep the boats operational.

**Increasing incidents of crime by motorcyclists**

1793. SHRI TARIQ ANWAR: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that incidents of crime through motorcyclists are increasing day by day specially in Delhi and the NCR;

(b) if so, the details thereof; and

(c) the measures Government is taking in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) The details of cases in which motorcycle was used by the criminals to commit crime during the last three years and current year are given below:

Year	Cases reported/registered		
	Delhi	Gurgaon	NOIDA
2008	1013	192	45
2009	997	179	101
2010	1315	157	83
2011	767	94	61
	(upto 30.06.2011)	(upto 31.07.2011)	

#### **Ghaziabad**

During the last three years and current year (upto 31.07.2011) 282 cases were registered.

(c) Preventive measures taken to check such activities are as under:

(a) Special drives are launched from time to time to intensify picket checking and verify the ownership of motorcycles.

(b) Door to door verification of motorcycles for checking the ownership.

(c) Joint checking of motorcycles by traffic police and local police.

(d) Checking of defective number plates of motorcycles is also undertaken.

#### **Shortage of IPS cadre in Orissa**

1794. SHRI RUDRA NARAYAN PANY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that there is a severe shortfall in the IPS

cadre in Orissa Police;

(b) whether Government is aware that Orissa State requires some young officers of the rank of Assistant Commandant and Deputy Commandant of Central Paramilitary Forces as well as officers from Army in the rank of Major, Lt. Colonel and Colonel to cope up with the severe shortfall in the IPS cadre;

(c) whether it is also a fact that the State Government has requested the Centre in this regard; and

(d) if so, what steps have been taken by Government?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) As on 01.01.2011, the total authorized strength of IPS officers in Orissa was 188 against which 99 officers were in position.

(b) to (d) No such requirement has been projected to this Ministry by the Government of Orissa. However, to mitigate shortage in the IPS Cadre the strength of the State Cadres has been reviewed, the number of direct recruits has been raised and third mode of recruitment, i.e., Limited Competitive Examination has been approved.

#### **Initiative to solve problem of ULFA**

†1795. SHRI MOHAN SINGH: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is taking initiative to solve the problem of United Liberation Front of Assam (ULFA) extremists who are active in Assam for a long time by holding talks with them;

(b) if so, the initiative taken for ULFA solution;

(c) whether many ULFA extremist leaders have been released from jail at the initiative of Government of India; and

(d) if so, the effect of this step in restoring peace in Assam?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (d) Government has always shown willingness to enter into dialogue with any group, which is willing to abjure the path of violence and place its demand within the framework of the Constitution of India.

Government has appointed an interlocutor (Shri P. C. Haldar former Director, IB) to take forward the process for initiating peace talks with United Liberation Front of Asom (ULFA). Chairman

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†Original notice of the question was received in Hindi.

of ULFA including some other ULFA leaders were released on bail by the Court in January, 2011. The first round of talks between representatives of Government of India, Government of Assam and ULFA were held on 10.02.2011 at New Delhi. On 12.07.2011, ULFA has announced to shun all forms of violence/armed campaign for an indefinite period. The outfit has also advised its cadres to implement the said decision in letter and spirit. ULFA has submitted its charter of demands to the Union Home Minister in the presence of Chief Minister of Assam on 05.08.2011 at New Delhi. Peace initiatives with ULFA has seen a declining trend of violence in Assam.

**Application from kin of militants for rehabilitation in J & K**

1796. SHRI SYED AZEEZ PASHA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that a large number of applications from the kin of militants from different part of J & K have been submitted to Government for rehabilitation in the main stream;

(b) if so, the details thereof;

(c) whether it is also a fact that those militants, whose names have been cleared by the joint screening committee, could not be rehabilitated till now;

(d) if so, the details thereof; and

(e) the details of steps to expedite the rehabilitation process?

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

(b) The agencies of the State Government have received about 750 applications from the kin of those who crossed over to POK/ Pakistan.

(c) to (e) A Joint Screening Committee of the State Government has initially cleared 12 names. The policy for return of ex-militants finalized by Government of J&K provides for rehabilitation by training of returnees in suitable skills, after their return to the State.

**Security for women at night in Delhi Metro**

1797. SHRI SYED AZEEZ PASHA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government's attention has been drawn to a report published in Hindustan Times on 3 July, 2011, that reveals that young working women are being harassed inside Metro train and Metro stations in the night;

(b) if so, the details thereof;

(c) whether Government has taken up the issue with DMRC for beefing up the security for women at night including provision of security personnel inside the Metro train at night; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (d) The issues raised in the news item have been taken note of and the following steps have been taken to ensure safe journey for women commuters in Delhi Metro:

- (i) Central Industrial Security Force (CISF) deploys Bunch Domination Groups, who travel by Metro and have been mandated to take corrective action in case any harassment to women commuters is noticed.
- (ii) Special drive to evict/penalize male commuters travelling in coaches reserved for female is also conducted. In this connection, 151 male passengers were apprehended and fined on 03.08.2011 and 47 male passengers were fined on 04.08.2011.
- (iii) Even though dedicated train Marshalls are not deployed, CISF has sensitized all its personnel traveling to/from duty by Metro train to take appropriate action in case of noticing harassment of women commuters.

**Funds from Special Component Plan for SCs diverted to CWG**

1798. SHRI PRAMOD KUREEL: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Rs. 734 crores diverted from Delhi Government's Special Component Plan for SCs to Common Wealth Games 2010 has been reverted back to the same account;

(b) if so, when and how much; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (c) Planning Commission, having



recognized the diversion of SCSF

funds, appointed a Task Force under Dr. Narendra Jadhav to re-examine and revise the extant guidelines issued by Planning Commission for implementation of SCSP and Tribal Sub Plan (TSP) and to understand the operational difficulties in consultation with implementing Ministries and suggest remedial action so that SCSP and TSP can be implemented effectively in future. The special circumstances and problems of Delhi in formulating the SCSP as per the guidelines have been referred to Planning Commission by GNCT of Delhi and it has further referred the matter to Jadhav Committee for examination and recommendations. The Report of Jadhav Committee is awaited.

In the meantime, allocation for the Dept. for welfare of SC/ST/OBC of GNCT of Delhi during 2010-11 has been increased by 37.85 crore from BE provision of Rs. 49.75 crore to Rs. 87.60 crore in RE. In the current year 2011-12, the allocation has been increased to Rs. 250.00 crore. The finalisation of SCSP for 2011-12 is held up for want of recommendations by Jadhav Committee.

**Differential treatment at immigration to passengers  
travelling in economy class**

1799. SHRI K.N. BALAGOPAL: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether international airport at Delhi has continuing a differential treatment at immigration counters to passengers travelling in Economy Class; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) No, Sir. The immigration clearance procedure is same for all the passengers. There is no differential treatment to passengers travelling on economy class.

**Criteria for allocation under New MPF Scheme**

1800. SHRI MANGALA KISAN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that allocation of funds to the State under new MPF Scheme should be worked out basing on a fixed set of criteria i.e. population, crime index, sanctioned strength of Police Force and number of Police Stations; and

(b) if so, what steps have been taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) A proposal for extension of the Scheme for Modernization of State Police Forces (MPF Scheme) for the next five years i.e. 2011-12 to 2015-16 is under consideration of the Central Government. The proposal includes revised criteria for allocation of funds to States under the MPF Scheme. After the proposal is approved by the competent authority and requisite funds are provided for 2011-12, allocation of funds under the MPF Scheme will be made to States.

**Dhamara port as an immigration port**

1801. SHRI MANGALA KISAN: Will the Minister of HOME AFFAIRS be pleased to state whether Government would take immediate steps to declare Dhamara Port as an immigration port for the purpose of embarkment/disembarkment?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): Dhamra Port is a privately managed seaport and known as Dhamra Port Company Limited (DPCL) located at Dhamra, Distt. Bhadrak in Orissa. There are 77 authorised immigration check posts in the country for purpose of embarkation/disembarkation of the passengers. Dhamra Port is not an authorised immigration check post and presently there is no need for declaring Dhamra as an authorised immigration check post.

**Police personnel died in encounters with naxalites/maoists**

1802. DR. JANARDHAN WAGHMARE: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of police personnel died in encounters with the Naxalites and Maoists in different States;

(b) whether Government has given compensation to their families; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) In the current year (up to July, 31), 92 security personnel have been killed by Maoists in Left Wing Extremist affected states.

(b) and (c) The Central Government under the security related Expenditure Scheme grants ex-gratia payment of Rs. 3 lakhs to the family of Security personnel killed in to naxal attacks. In

addition, ex-gratia compensation of Rs. 15 lakhs is paid to the next of kin of personnel of Central Armed Police Forces killed in action. Besides this, the State Governments have their own policies for payment of ex-gratia to the families of security personnel killed in naxal attacks.

**Government's failure in preventing terrorist attacks**

1803. DR. JANARDHAN WAGHMARE: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government has failed in preventing terrorist attacks;

(b) whether Government is serious enough in establishing the National Counter Terrorism Centre (NCTC); and

(c) if so, by when it will be established?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) After 26/11/2008, the Government has taken concerted steps to build anti-terrorism capacity and infrastructure in the country - both at the central level and supported the same efforts of the State Governments.

There was no major terrorist incident in the hinterland in the year 2009. Since 2010 as per the assessment of the Central Intelligence and State Police Agencies, terrorist action was responsible for the following two incidents of bomb blast in the hinterland, viz.,

- 13th February, 2010 - bomb blast at "German Bakery" in Pune.
- 13th July, 2011 - serial bomb blasts at Zaveri Bazar, Opera House and Dadar area of Mumbai.

Apart from the above two, in two separate incidents of firing and bomb blast on 9th September 2010 near Jama Masjid, Delhi and on 7th December, 2010 at Sheetalaghat, Varanasi, responsibility has been claimed by some terrorist groups. This incidents as well as the claims are under investigation.

Lastly, incidents of bomb blasts which have been reported and are under investigation, in which no pointer/fact suggesting terrorist involvement is available, are:

- 29th March, 2010 - bomb blast at Mehrauli, New Delhi.
- 17th April, 2010 - bomb blast at Chinnaswamy Stadium, Bangalore.

- 25th May, 2011 - bomb blast near High Court in Delhi.

In all these incidents/bomb blasts, in all, 45 persons were killed and 236 persons were injured.

(b) and (c) No final decision has been taken as of now on the constitution and structure of the proposed National Counter Terrorism Centre (NCTC).

**Including frost and cold wave in notified natural calamities**

†1804. SHRI ASHK ALI TAK: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that farmers in Rajasthan are suffering heavy loss in the crops of Rabi Season every year due to frost and cold wave;

(b) whether Central Government proposes to provide help to the affected farmers by including frost and cold wave in the notified natural calamities of CRF like famine, hailstorm, flood and other calamities; and

(c) if so, by when?

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

(b) and (c) The issue of inclusion of any calamity in the list of notified natural calamities has traditionally been considered by the successive Finance Commissions. Presently, the natural calamities identified for the purpose of relief assistance are cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanche, cloud burst and pest attack. Further, the Government of India has constituted a Group of Ministers (GoM) to look into the issue of inclusion of cold wave/frost as an eligible calamity for relief under SDRF/NDRF. The GoM has considered the matter and suggested the constitution of a working group of agricultural scientists/experts to examine the issue of quantifying the damages caused by cold wave/frost for assistance as appropriate. Based on the report of the working group a final decision on the issue of its inclusion will be taken.

**Disputed border areas between States in the country**

1805. SHRI P. RAJEEVE: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the details of disputed border areas between States in the country;

†Original notice of the question was received in Hindi.

(b) whether any dispute has been solved till date since Independence; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) to (c) The details are given in the statement.

***Statement***

***The details borders between States in the country***

The boundary dispute between Karnataka and Maharashtra relates to the claim of Karnataka for the transfer of contiguous Kannada-speaking areas in Maharashtra to Karnataka and the claim of Maharashtra for transfer of Marathi-speaking areas in Karnataka to Maharashtra. Karnataka has also claimed the Taluka of Kasargod in Kerala. The dispute is persisting from 1956. Kerala had not accepted the claim of Karnataka. The Governments of Maharashtra and Karnataka have taken opposite stands on the recommendations of the Mahajan Commission, which has been constituted by the Union Government with a view to settle the boundary dispute. The Government of Maharashtra has filed a suit in the Hon'ble Supreme Court of India, which is pending in the Apex Court.

**Punjab - Haryana**

The dispute between Punjab and Haryana from 1966 pertains to the transfer of Chandigarh to Punjab and part of Fazilka Tehsil of Punjab to Haryana.

**Andhra Pradesh - Karnataka**

Karnataka had informed the Central Government in February, 2009 that there is a inter State boundary dispute between Karnataka and Andhra Pradesh and requested for a joint survey of the Inter State boundary line between Bellary Taluk of Bellary District of Karnataka and Rayadurga Taluk of Anantpur district in Andhra Pradesh. Government of Andhra Pradesh agreed to the proposal of Government of Karnataka to conduct the joint survey by Survey of India with the officials of the Governments of Karnataka and Andhra Pradesh, subject to acceptance of the recommendations of the said joint survey by the Government of Andhra Pradesh.

**Tamil Nadu - Karnataka**

Government of Karnataka has informed the Government of India that the



Hogenakal Drinking Water Project undertaken by the Government of Tamil Nadu is an Inter State Water Dispute and that

Karnataka apprehends that the project falls in territories in Karnataka. Government of Karnataka has indicated that Government of Tamil Nadu did not co-operate with the survey team deputed by the Survey of India for a joint survey of the inter State boundary between Karnataka and Tamil Nadu and therefore have requested to direct the Survey of India to undertake a joint survey of the interstate boundary between Tamil Nadu and Karnataka at the proposed Hogenakal Works. Government of India have asked the Survey of India to conduct the joint survey of the inter State boundary at H. Siddapuram and Obulapuram villages of District Hirehal Mandal, formerly of Rayadurg Taluk of Ananthpur district of Andhra Pradesh and Bellary Taluk of Bellary District of Karnataka.

**Andhra Pradesh - Orissa, Maharashtra, Tamil Nadu and Puducherry**

As per available information, the State of Andhra Pradesh has boundary disputes with Orissa, Maharashtra, Karnataka, Tamil Nadu and Puducherry. None of these State Governments have approached the Central Government to resolve their boundary disputes.

**Orissa- Jharkhand, Chhattisgarh and West Bengal**

The State of Orissa, as per available information, has boundary disputes with Jharkhand, Chhattisgarh and West Bengal. None of these State Governments have approached the Central Government to resolve their boundary disputes.

**Uttarakhand and Himachal Pradesh**

As per available information, there are boundary disputes between Uttarakhand and Himachal Pradesh. However neither of the State Governments has approached the Central Government to resolve their boundary disputes.

**Assam - Meghalaya**

The Central Government has advised both the State Governments to settle the dispute amicably. Meetings have been held at the level of Chief Ministers and Chief Secretaries of the States.

**Assam - Nagaland**

The Government of Assam had filed an Original Suit in the Supreme Court of India under Article 131 of the Constitution for demarcation of its boundaries on the ground. The supreme Court in its

Judgment dated 25.09.2006 has appointed a Local Commission for identification of boundaries of the States of Assam - Nagaland. The Local Commission is continuing its hearings. Hon'ble Supreme Court vide their order dated 20.08.2010 has, *inter alia*, directed that apart from continuation of the Local Commission, possibility to resolve this issue through mediation may also be explored. Hon'ble Court appointed two co-mediators for mediation to resolve the issue and directed the co-mediators to submit a report to the Court on or before 06.12.2010 to proceed further in the matter. Two rounds of meetings between co-mediators and Chief Secretaries of governments of Assam and Nagaland have been held so far.

#### **Assam - Arunachal Pradesh**

The Government of Assam has filed an Original Suit in the Supreme Court of India under Article 131 of the Constitution for demarcation of its boundaries on the ground. The Supreme Court in its Judgment dated 25.09.2006 has appointed a Local Commission for identification of the boundaries of Assam - Arunachal Pradesh. The Local Commission is continuing its hearings.

#### **Assam - Mizoram**

The Government of Mizoram has requested the Central government to constitute a separate Boundary Commission to resolve the Assam-Mizoram boundary dispute. The Central Government has sought comments of State Government of Assam in this regard. The Government of Assam has been taking the position that inter-State border dispute between Assam and Mizoram should be settled by enforcing the Constitutional boundaries of the State and at present, it does not favour the constitution of a separate boundary Commission to determine the Assam-Mizoram inter-State boundary. Setting up of such a Commission is likely to entail hearings over a prolonged period. The Government of Assam will take a final view of the matter after the local Commission constituted by the Hon'ble Supreme Court to settle the boundary dispute in respect of Assam - Arunachal Pradesh and Assam-Nagaland submits its report.

The approach of the Central Government has consistently been that inter State boundary disputes can be resolved only with the willing cooperation of the State Governments concerned and that the Central Government works only as a facilitator for amicable settlement of the dispute in a

spirit of mutual accommodation and understanding. The Central Government has constituted the Mahajan Commission in October, 1966 to resolve the Maharashtra-Karnataka-Kerala boundary dispute. Three Commissions have so far been appointed to determine the areas of Punjab that should go to Haryana in lieu of Chandigarh. Government of India made, efforts in the past to resolve the boundary dispute between Assam and Nagaland, but these efforts were in vain.

**Proposals received by Home Secretary for tapping of telephones**

1806. SHRI JAI PRAKSH NARAYAN SINGH: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the names of individual proposals received by the Home Secretary for tapping of telephones from various agencies since 1 January, 2007;

(b) how many days HS generally takes in deciding and approving such proposals of phone tapping;

(c) whether Government is aware that tapping of phones have been leaked by the officers of Central Board of Direct Taxes; and

(d) if so, the reasons for not registering an FIR against officers responsible for the leak?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) Due to reasons of privacy and national security implications, the individual proposals/'targets' for interception cannot be revealed.

(b) Home Secretary takes a decision within a time frame that meets the requirements of the requesting authorized Law Enforcement Agency after satisfying himself that the conditions prescribed in Section 5(2) of Indian Telegraph Act 1885 are fulfilled.

(c) and (d) As an allegation to this effect is a matter of Writ Petition with the Apex Court, the matter is thus, sub-judice.

**Rajiv Awas Yojana**

1807. SHRI RANJITSINH VIJAYSINH MOHITE PATIL: Will the Minister of HOUSING AND URBAN POVERTY ALLEVIATION be pleased to state:

(a) with an aim to make urban India slum free, whether Government is going to approve 'Rajiv Awas Yojana';

(b) if so, whether the scheme, when approved, is likely to address the problem of urban slums focusing on bringing existing slums within the format system and enabling them to avail the same level of basic amenities as rest of the town; and

(c) if so, the details thereof?

THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION (KUMARI SELJA):

(a) In pursuance of the Government's vision of creating a Slum-free India, a new scheme 'Rajiv Awas Yojana' (RAY) has been launched on 02.06.2011.

The Scheme is expected to cover about 250 cities, across the entire country by the end of 12th Plan (2017). The selection of the cities will be done in consultation with the Centre. The States would be required to include all the mission cities of JNNURM, preferably cities with more than 3 lakh population as per 2001 Census; and other smaller cities, with due consideration to the pace of growth of the city, of slums, predominance of minority population, and areas where property rights are assigned.

(b) and (c) Under the scheme financial assistance will be provided to the States that are willing to assign property rights to slum dwellers. Rajiv Awas Yojana envisages inclusive and equitable cities in which every citizen has access to basic civic and social services and decent shelter. It proposes to create the enabling conditions that will encourage States to tackle the problem of slums in a definitive way, by bringing existing slums within the formal system and enabling them to avail of the same amenities as the rest of the town; redressing the failures of the formal system that lie behind the creation of slums; and tackling the shortages of urban land and housing that keep shelter and housing out of reach of the poor and force them to resort to extralegal solutions in a bid to retain their sources of livelihood.

The Phase I of Rajiv Awas Yojana is for a period of two years from the date of approval of the scheme with a budget of Rs. 5,000 crores. Under the Scheme, Fifty percent (50 %) of the cost of provision of basic civic and social infrastructure and amenities and of housing, including rental housing, and transit housing for in-situ redevelopment - in slums would be borne by the Centre, including operation & maintenance of assets created under this scheme. For the North Eastern and

Special Category States the share of the Centre would be 90% including the cost of land acquisition, if required.

The Affordable Housing in Partnership Scheme, which is intended to encourage public private partnerships for the creation of affordable housing stock is dovetailed into RAY. Under this scheme central support will be provided at the rate of Rs 50,000 per unit of affordable dwelling unit or 25% of the cost of civic infrastructure (external and internal), whichever is lower.

#### **Number of urban poor**

1808. SHRI TARUN VIJAY: Will the Minister of HOUSING AND URBAN POVERTY ALLEVIATION be pleased to state:

(a) the status of the number of urban poor in the country, State and district-wise;

(b) the details of the criteria on which the level of an urban poor is determined and whether this criteria is accepted by all State Governments; and

(c) if not, the names and reasons of such State Governments for not accepting Centre's criteria?

THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION (KUMARI SELJA):

(a) As per the Planning Commission estimates 807.60 lakhs urban people were below poverty line in the year 2004-05. A Statement showing State-wise number of urban poor is given in the statement (See below). District-wise data of urban poor is not available.

(b) and (c) The poverty line has been traditionally defined by the Planning Commission on the basis of Monthly Per Capita Consumption Expenditure (MPCE) as the criterion. The number and proportion of persons living below the poverty line are computed for the States as well as the country using the data from Large Sample Surveys on Household Consumer Expenditure carried out by the National Sample Survey Organization (NSSO).

No State Government has approached the Ministry of Housing and Urban Poverty Alleviation regarding reservations on the criteria for determination of urban poor.

**Statement**

*Population below poverty line urban areas (2004-2005)*

Sl.No.	States/UTs	Urban Poverty line (Rs. Per capita per month)	No. of Persons (Lakhs)	Head Count Ratio (%)
1	2	3	4	5
1	Andhra Pradesh	563.16	51.30	23.40
2	Arunachal Pradesh	618.45	0.70	23.50
3	Assam	600.03	8.40	21.80
4	Bihar	526.18	40.90	43.70
5	Chhattisgarh	513.70	13.40	28.40
6	Delhi	642.47	18.90	12.90
7	Goa	671.15	1.70	22.20
8	Gujarat	659.18	41.90	20.10
9	Haryana	626.41	15.80	22.40
10	Himachal Pradesh	605.74	0.30	4.60
11	Jammu & Kashmir	602.89	2.90	10.40
12	Jharkhand	531.35	15.60	23.80
13	Karnataka	588.06	50.80	25.90
14	Kerala	584.70	15.70	18.40
15	Madhya Pradesh	532.26	61.70	35.10
16	Maharashtra	631.85	116.10	25.60
17	Manipur	641.13	2.10	34.50
18	Meghalaya	745.73	1.20	24.70
19	Mizoram	699.75	0.40	7.90
20	Nagaland	782.93	0.20	4.30

1	2	3	4
	5		
21	Orissa	497.31	22.70
22	Punjab	642.51	17.20
23	Rajasthan	568.15	42.80
24	Sikkim	741.68	0.20
25	Tamil Nadu	559.77	61.30
26	Tripura	555.79	1.30
27	Uttar Pradesh	532.12	130.30
28	Uttarakhand	602.39	6.40
29	West Bengal	572.51	57.90
30	Pondicherry	506.17	0.70
	ALL INDIA	578.80	807.60
			25.70

Note: The new poverty lines have been generated for all the states including the north-eastern states. However, in the absence of adequate data, the expert group has suggested use of poverty line of the neighboring states for union territories.

Source: Tendulkar Committee Estimates of Poverty released by The Planning Commission.

#### **Release of funds for ray in A.P.**

1809. SHRI NANDI YELLAIAH: Will the Minister of HOUSING AND URBAN POVERTY ALLEVIATION be pleased to state:

(a) whether Andhra Pradesh Government has recently sent a proposal for Rs. 5,000 crores to the Central Government for immediate release of funds out of the said amount for 'Rajiv Awas Yojana' for construction of pucca houses to the poor in every slum area of the State;

(b) if so, the details of various slum areas to be covered under the said project;

(c) whether necessary funds had been released immediately under the said project; and

(d) if not, the reasons for the delay?



THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION (KUMARI SELJA):  
(a) and (b) The Government of Andhra Pradesh had submitted a draft Slum  
Free State Plan of Action

under the preparatory phase of Rajiv Awas Yojana (RAY) i.e. the Slum Free City Planning Scheme in September, 2010. This Plan of Action covered 25 Urban Local Bodies (ULBs) and the fund requirement for the first year for the construction of houses in the slums was indicated at Rs. 3091.26 crores.

(c) and (d) 'Rajiv Awas Yojana' has been approved on 2nd June, 2011. Under the Scheme, Central Government support will be calculated and dependent on the State/City Plans of Action and funds are to be released on the basis of projects. Detailed Project Reports have not been received from the Government of Andhra Pradesh as per the guidelines of Rajiv Awas Yojana. However, for undertaking the preparatory activities including preparation of Slum Free City Plans of Action and Detailed Project Reports, the Government of India has released Rs. 14.41 crores under the preparatory phase of the Rajiv Awas Yojana i.e. Slum Free City Planning Scheme.

**Regulatory body for protection of home buyers**

1810. SHRI PARSHOTTAM KHODABHAI RUPALA: Will the Minister of HOUSING AND URBAN POVERTY ALLEVIATION be pleased to state:

(a) whether there is any agenda or any protocol reign existing to protect the interest of the buyers who buy home from their very hard money and to ensure the best quality of home, as currently there is no regulatory system in this regard;

(b) whether the Ministry has received any representation in this regard;

(c) if so, the details of action taken by the Ministry in this regard; and

(d) by when Government will finalize draft regulation in this regard?

THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION (KUMARI SELJA):

(a) to (d) 'Land' and 'Colonisation' being State subjects, the primary responsibility for regulating/controlling the Real Estate Industry rests with the State Governments/Urban Local Bodies (ULBs)/Development Authorities under the provisions of respective State Town & Country Planning/Development Authority Acts. The contract between buyers and sellers is covered under Indian Contract Act, 1972 and other Consumer Protection Acts. Criminal misdeeds are also covered under various

provisions of Civil Procedure Code and Criminal Procedure Code.

The Ministry of Housing & Urban Poverty Alleviation has received some representations in regard to individual cases of alleged frauds and non-adherence to contract conditions by builders/promoters in which case this Ministry has transferred them to concerned State Governments for necessary action. Further it has been advised that options of taking up the matter with Confederation of Real Estate Developer's Associations of India (CREDAI)/National Real Estate Development Council (NAREDCO) the representative forums of builders and realtors which have consumer redressal platforms and other legal remedies available may also be considered.

This Ministry has also got many requests regarding enactment of Real Estate Regulation of Development Act. In order to promote planned development of colonies and to protect consumer interest, the Ministry of Housing & Urban Poverty Alleviation in consultation with various stake holders drafted a Model Real Estate (Regulation of Development) Bill 20\_\_ and the same was put on the website of the Ministry (<http://mhupa.gov.in>). Comments/suggestions on the draft bill were invited from public and other stakeholders including State Governments and Union Territory administrations. Series of workshops with representatives of the State Governments and other stakeholders were held and the opinion of Ministry of Law & Justice was sought as to whether it would be appropriate for Parliament to legislate on the matter; and in keeping with its advice, the bill is now being redrafted as a Central legislation.

No time frame for its finalization can be assigned at this stage.

**Creation of regulator in the real estate and housing sector**

1811. SHRI RAJIV PRATAP RUDY: Will the Minister of HOUSING AND URBAN POVERTY ALLEVIATION be pleased to state:

(a) whether Government is considering for creation of a regulator in the real estate and housing sector;

(b) if so, the details thereof;

(c) the steps taken by Government to ensure that hard earned money of citizens are not embezzled by the builders;

(d) whether Government has increasingly withdrawn its role from the housing sector and the responsibility now rest upon private players; and

(e) if so, the details thereof?

THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION (KUMARI SELJA):

(a) to (e) 'Land' and 'Colonisation' being State subjects, the primary responsibility for regulating/controlling the Real Estate Industry rests with the State Governments/Urban Local Bodies (ULBs)/Development Authorities under the provisions of respective State Town & Country Planning/Development Authority Acts.

In order to promote planned development of colonies and to protect consumer interest, the Ministry of Housing & Urban Poverty Alleviation in consultation with various stake holders drafted a Model Real Estate (Regulation of Development) Bill 20\_\_ and the same was put on the website of the Ministry. Comments/suggestions on the draft bill were invited from public and other stakeholders including State Governments and Union Territory Administrations. Series of workshops with representatives of the State Governments and other stakeholders were held and the opinion of Ministry of Law & Justice was sought as to whether it would be appropriate for Parliament to legislate on the matter; and in keeping with its advice, the bill is now being redrafted as a Central legislation.

No time frame for its finalization can be assigned at this stage.

#### **Right to shelter**

†1812. SHRI JAI PRAKASH: Will the Minister of HOUSING AND URBAN POVERTY ALLEVIATION be pleased to state:

(a) whether Government considers to start a national debate on solving the problem of shelter along with the justification of formulating "Right to Shelter" law keeping the basic needs of the human being *i.e.* food, cloth and shelter and seeking inclusion in the next Five Year Plan;

(b) if so, the details thereof; and

(c) if not, the reasons therefore?

THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION (KUMARI SELJA):

(a) to (c) The Ministry of Housing & Urban Poverty Alleviation is already seized of the challenge of housing shortage faced by this country in the urban housing sector. The National Urban Housing & Habitat Policy (NUHHP) 2007 aims at promoting sustainable development of habitat in the country

with a view to ensuring equitable supply of land shelter and services at affordable prices to all sections of the society.

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†Original notice of the question was received in Hindi.

However, 'land' and 'colonisation' being State subjects, it is for the State Governments to pursue the initiatives under the NUHHP: 2007 and no timeframe for facilitation of housing to all citizens can be assigned.

However, the Central Government is supporting the construction of housing for poor sections of the society in urban areas through various programmatic interventions namely;

- The Jawaharlal Nehru National Urban Renewal Mission (JNNURM), launched by the Government in the year 2005 supports provision of housing and basic services to urban poor in slums in 65 specified cities under the Sub Mission Basic Services to the Urban Poor (BSUP) and in other cities and towns under the Integrated Housing and Slum Development Programme (IHSDP). The schemes are demand driven and so far 16,12,503 Dwelling Units have been sanctioned for construction/upgradation in 936 cities/towns under BSUP & IHSDP components of JNNURM as on 12.07.2011.
- The Interest Subsidy Scheme for Housing the Urban Poor (ISHUP) provides for interest subsidy on housing loans to the Economically Weaker Sections (EWS) and Low Income Group (LIG) as part of credit-enablement measures and encourages those households to avail of loan facilities through Commercial Banks/Housing Finance Companies for the purposes of construction/acquisition of houses and avail 5% subsidy in interest payment for loans upto Rs. 1 lakh. The scheme aims to cover 3.10 lakh beneficiaries over the 11th Plan Period. Cumulatively, as on 03/08/2011, 7904 beneficiaries in Andhra Pradesh, Chhattisgarh, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan and Tamil Nadu have been covered under the Scheme and a subsidy of Rs. 12.27 crore has been released.
- The scheme of Affordable Housing in Partnership seeks assembly of land for construction of affordable housing and provides Central Government assistance towards provision of internal and external infrastructure connectivity. The scheme which was launched in 2009 with an outlay of Rs. 5000 crores, seeks construction of 1 million houses for EWS/LIG/Middle Income Group (MIG) with at least 25% for EWS Category.
- A new scheme 'Rajiv Awas Yojana' (RAY) has been launched on 02.06.2011. The Scheme will provide financial assistance to States that are willing to assign property rights to slum dwellers for

provision of decent shelter and basic civic and social services for  
slum redevelopment, and



for creation of affordable housing stock. Fifty percent (50 %) of the cost of provision of basic civic and social infrastructure and amenities and of housing, including rental housing, and transit housing for in-situ redevelopment - in slums would be borne by the Centre, including operation & maintenance of assets created under this scheme. For the North Eastern and Special Category States the share of the Centre would be 90% including the cost of land acquisition, if required.

A Technical Group constituted by the Ministry of Housing & Urban Poverty Alleviation to estimate housing shortage at the beginning of 11th Plan, has estimated housing shortage as on 2007 is 24.71 million dwelling units and it was also estimated that the Housing requirement during 11th Plan period (2007 - 2012) will be 26.53 million.

There is a requirement of an investment of Rs. 3,61,318 crores over the 11th Plan Period to meet the housing requirement which has now been revised to about Rs. 6,00,000 crores for both housing and basic infrastructure.

'Right to Shelter' law needs to be examined in the light of the position stated above and the mammoth investments that it calls for. However, programmatic interventions as stated above are being undertaken by the Ministry of Housing and Urban Poverty Alleviation.

**Providing residential units to migrants in metro cities**

†1813. SHRI BALAVANT ALIAS BAL APTE: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether a large number of people migrate to Delhi and more than 80 per cent out of them are homeless;

(b) if so, the details thereof;

(c) the measures taken to provide sufficient residential units with appropriate infrastructure to them;

(d) whether the tendency of migrating from other places and setting other metros including Chennai, Mumbai, Kolkata, Bangalore and Hyderabad has been assessed by the Government with respect to them; and

(e) if so, the details thereof and the steps taken to provide sufficient residential infrastructure in the such cities?

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†Original notice of the question was received in Hindi.

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) to (c) The National Capital Region Planning Board (NCRPB) has reported that as per last Census of India, migration contributed about 22.22 lakhs to the growth of Delhi during the decade 1991-2001. The percentage of migrants in the growth of NCT-Delhi has decreased from 40.78% in 1991 to 39.82% in 2001. The details are given in the following table:

Year	1991	2001
Population	94.20	138.50
Growth Rate	51.45%	47.02%
Growth of population (in lakhs)	32.00	44.30
Component of Migrants (in lakhs)		
a) Immigrants	15.87	22.22
b) Out migrants	2.82	4.58
c) Net migrants	13.05	17.64
	(40.78%)	(39.82%)
Component of natural increase	18.95	26.66
(in lakhs)	(59.21%)	(60.18%)

The specific information whether 80% of these migrants are homeless is not available. However, the Master Plan for Delhi (MPD)-2021 has indicated that as per the Census 2001, Delhi has 24.5 lakh Census houses under the category of residence and residence-cum-other uses in which 25.55 lakh households are residing. This reflects a net housing shortage of about 1 lakh houses/dwelling units. Based on the projected population of 230 lakh by 2021, the estimated additional housing stock required will be around 24 lakh dwelling units. This includes an estimated housing requirement of 20 lakh dwelling units for additional population and backlog of about 4 lakh units comprising of 1 lakh net shortage and the rest by dilapidated and kutcha structures requiring replacement. To augment the availability of housing, the Master Plan visualizes major initiatives which include:

- (i) Land assembly based on optimum utilization of available resources both public and private in land assembly, development and housing.
- (ii) Incentivised development with additional FAR.

- (iii) Shift from plotted housing to group housing for optimal utilization of land.
- (iv) Private sector participation for development/redevelopment of housing.
- (v) Removing unnecessary controls for optimum utilization of land.
- (vi) Enhancement of ground coverage, Floor Area Ratio and height for all categories of residential plots.
- (vii) *In situ* rehabilitation including using land as a resource for private sector participation.
- (viii) Housing for urban poor to the extent of 50-55% of the total.
- (ix) Mandatory provision for EWS housing.

The MPD-2021 analyses the various issues involved in physical infrastructure and provides for a detailed perspective plan for water, sewage, power, solid waste, etc.

(d) and (e) Over the period of five decades, the annual rates of growth of urban population ranged between 2.7 to 3.8% on account of natural increase of population and migration from rural to urban areas in search of livelihood.

A technical Group constituted in 2006 to assess the Urban Housing Shortage in the country has estimated that at the end of the 10th Five Year Plan (2007-2008), the total housing shortage in the country was 24.71 million. Further, an additional requirement of 1.82 million dwelling units has been projected for the 11th Plan, bringing the total housing requirement during the 11th Plan Period to 26.53 million dwelling units.

The National Urban Housing & Habitat Policy (NUHHP) 2007 aims at promoting sustainable development of habitat in the country with a view to ensuring equitable supply of land shelter and services at affordable prices to all sections of the society. However, 'Land' and 'Colonization' being state subjects, it is for the State governments to pursue the initiatives under the NUHHP-2007 and no timeframe for facilitation of housing to all citizens can be assigned.

However, the Central Government is supporting the States through various programmatic interventions.

The Jawaharlal Nehru National Urban Renewal Mission (JNNURM), launched by the Government in the year 2005 supports provision of housing and basic services to urban poor in slums

in 65 specified cities under the Sub Mission Basic Services to the Urban Poor (BSUP) and in other cities and towns under the Integrated Housing and Slum Development Programme (IHSDP).

The Interest Subsidy Scheme for Housing the Urban Poor (ISHUP) provides for interest subsidy on housing loans to the Economically Weaker Sections (EWS) and Low Income Group (LIG) as part of credit enablement measures and encourages those households to avail of loan facilities through Commercial Banks/Housing Finance Companies for the purpose of construction/acquisition of houses and avail 5% subsidy in interest payment for loans upto Rs. 1 Lakh. The scheme aims to cover 3.10 lakh beneficiaries over the 11th Plan Period.

The scheme of Affordable Housing in Partnership seeks assembly of land for construction of affordable housing and provides Central Government assistance towards provision of internal and external infrastructure connectivity. The scheme which was launched in 2009 with an outlay of Rs. 5000 crore, seeks construction of 1 million houses for Economically Weaker Section (EWS)/Lower Income Group (LIG) / Middle Income Group(MIG) with at least 25% for EWS category.

The proposed scheme of Rajiv Awas Yojana (RAY) aims to provide support for shelter and basic civic and social services for slum redevelopment and creation of affordable housing stock to States that are willing to assign property rights to slum dwellers.

#### **Demand of houses in urban areas**

1814. SHRI TARUN VIJAY: Will the Minister of HOUSING AND URBAN POVERTY ALLEVIATION be pleased to state:

(a) the number of the demand of houses in urban areas, State-wise and district wise;

(b) whether Government has any time period/achievable deadline to provide at least one roof to every homeless Indian; and

(c) the State-wise details of families living without a home in India, and ' Government schemes to address this situation?

THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION (KUMARI SELJA):

(a) to (c) A Technical Group constituted by the Ministry of Housing & Urban Poverty Alleviation to estimate housing shortage at the beginning of 11th Plan, has estimated housing shortage as on 2007

is 24.71 million dwelling units. Further the Committee estimated the Housing requirement during 11th Plan period (2007-2012) will be 26.53 million. State-wise housing shortage is given in the Statement-I (See below).

There is a requirement of an investment of Rs. 3,61,318 crores over the 11th Plan Period to meet the housing requirement which has now been revised to about Rs. 6,00,000 crores for both housing and basic infrastructure.

The Census of India 2001 does not define homeless and instead 'Houseless Households' have been enumerated as households who do not live in buildings or census houses but live in the open on roadside, pavements, in Hume pipes, under flyovers and staircases, or in the open in places of worship, mandaps, railway platforms, etc.. The Census of India, 2001 estimated 1,87,810 houseless households throughout the country in urban areas. Statewise details of urban houseless households are given in the statement-II (See below).

The National Urban Housing & Habitat Policy (NUHHP) 2007 aims at promoting sustainable development of habitat in the country with a view to ensuring equitable supply of land shelter and services at affordable prices to all sections of the society. However, 'land' and 'colonisation' being state subjects, it is for the State Governments to pursue the initiatives under the NUHHP:2007 no timeframe for facilitation of housing to all citizens can be assigned.

However, the Central Government is supporting the construction of housing for poor sections of the society in urban areas through various programmatic interventions namely;

- The Jawaharlal Nehru National Urban Renewal Mission (JNNURM), launched by the Government in the year 2005 supports provision of housing and basic services to urban poor in slums in 65 specified cities under the Sub Mission Basic Services to the Urban Poor (BSUP) and in other cities and towns under the Integrated Housing and Slum Development Programme (IHSDP). The schemes are demand driven and so far 16,12,503 Dwelling Units have been sanctioned for construction/upgradation in 936 cities/towns under BSUP & IHSDP components of JNNURM as on 12.07.2011.

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- A new scheme 'Rajiv Awas Yojana' (RAY) has been launched on 02.06.2011. The Scheme will provide financial assistance to States that are willing to assign property rights to slum dwellers for provision of decent shelter and basic civic and social services for slum redevelopment, and for creation of affordable housing stock. Fifty percent (50 %) of the cost of provision of basic civic and social infrastructure and amenities and of housing, including rental housing, and transit housing for *in-situ* redevelopment - in slums would be borne by the Centre, including operation & maintenance of assets created under this scheme. For the North Eastern and Special Category States the share of the Centre would be 90% including the cost of land acquisition, if required.

**Statement-I**

*Urban Housing Shortage at the end of the 10th Five Year Plan*

The estimated housing shortage of 24.71 million has been divided amongst the States on the basis of the proportion of the number of households in the urban areas of State to the total number of households in the urban India as per the Census of India, 2001. The distribution of the housing shortage amongst the States as on 2007 is as follows:

(dwelling units in million)

State/UTs	Housing Shortage
1	2
Andhra Pradesh	1.95
Arunachal Pradesh	0.02
Assam	0.31
Bihar	0.59
Chhatisgarh	0.36
Goa	0.07
Gujarat	1.66
Haryana	0.52
Himachal Pradesh	0.06
Jammu & Kashmir	0.18
Jharkhand	0.47
Karnataka	1.63
Kerala	0.76
Madhya Pradesh	1.29
Maharashtra	3.72
Manipur	0.05
Meghalaya	0.04
Mizoram	0.04
Nagaland	0.03
Orissa	0.50
Punjab	0.69
Rajasthan	1.00
Sikkim	0.01



1	2
Tamil Nadu	2.82
Tripura	0.06
Uttaranchal	0.18
Uttar Pradesh	2.38
West Bengal	2.04
A&N Islands	0.01
Chandigarh	0.08
Dadra & Nagar Haveli	0.01
Daman & Diu	0.01
Delhi	1.13
Lakshadweep	0.00
Pondicherry	0.06
All India	24.71

State/UT-wise breakup of shortage in terms of different income groups is not available.

**Statement-II**

*Houseless Households and Population by residence-India,  
States/UTs-2001*

Sl.No.	India/States/UT's	T/R/U	Houseless Households	Population
1	2	3	4	5
	India	Total	447585	1943766
		Rural	259775	1165167
		Urban	187810	778599
1	Jammu & Kashmir	Total	2123	12751
		Rural	1641	10129
		Urban	482	2622

1	2	3	4	5
2	Himachal Pradesh	Total	1634	8364
		Rural	1356	7047
		Urban	278	1317
3	Punjab	Total	8579	46958
		Rural	4065	23549
		Urban	4514	23409
4	Chandigarh	Total	757	2722
		Rural	32	41
		Urban	725	2681
5	Uttarakhand	Total	2940	14703
		Rural	1942	10768
		Urban	998	3935
6	Haryana	Total	11860	59360
		Rural	6806	35384
		Urban	5054	23976
7	Delhi	Total	10044	24966
		Rural	235	1063
		Urban	9809	23903
8	Rajasthan	Total	27196	143497
		Rural	16194	87866
		Urban	11002	55631
9	Uttar Pradesh	Total	43033	201029
		Rural	21800	104387
		Urban	21233	96642

1	2	3	4	5
10	Bihar	Total	6940	42498
		Rural	4235	29768
		Urban	2705	12730
11	Sikkim	Total	80	286
		Rural	55	228
		Urban	25	58
12	Arunachal Pradesh	Total	105	442
		Rural	82	360
		Urban	23	82
13	Nagaland	Total	452	2002
		Rural	260	1254
		Urban	192	748
14	Manipur	Total	555	2897
		Rural	462	2525
		Urban	93	372
15	Mizoram	Total	72	336
		Rural	15	73
		Urban	57	263
16	Tripura	Total	246	857
		Rural	162	670
		Urban	84	187
17	Meghalaya	Total	380	1827
		Rural	333	1644
		Urban	47	183

1	2	3	4	5
18	Assam	Total	3126	13355
		Rural	2571	10989
		Urban	555	2366
19	West Bengal	Total	19385	110535
		Rural	5337	19726
		Urban	14048	90809
20	Jharkhand	Total	2559	10887
		Rural	1585	6998
		Urban	974	3889
21	Orissa	Total	13044	42871
		Rural	7998	31039
		Urban	5046	11832
22	Chhattisgarh	Total	7504	28772
		Rural	5611	22558
		Urban	1893	6214
23	Madhya Pradesh	Total	53489	231246
		Rural	37827	169376
		Urban	15662	61870
24	Gujarat	Total	48095	220786
		Rural	31409	148691
		Urban	16686	72095
25	Daman & Diu	Total	227	1071
		Rural	135	659
		Urban	92	412

1	2	3	4	5
26	Dadra & Nagar Haveli	Total	305	1471
		Rural	255	1261
		Urban	50	210
27	Maharashtra	Total	87474	340924
		Rural	56880	236412
		Urban	30594	104512
28	Andhra Pradesh	Total	40818	163938
		Rural	24167	97101
		Urban	16651	66837
29	Karnataka	Total	26057	102226
		Rural	14690	61898
		Urban	11367	40328
30	Goa	Total	1393	5280
		Rural	701	2991
		Urban	692	2289
31	Lakshadweep	Total	-	-
		Rural	-	-
		Urban	-	-
32	Kerala	Total	5654	16533
		Rural	2885	9096
		Urban	2769	7437
33	Tamil Nadu	Total	20532	86472
		Rural	7913	29344
		Urban	12619	57128

1	2	3	4	5
34	Pondicherry	Total	710	1662
		Rural	81	194
		Urban	629	1468
35	A & N Island	Total	217	242
		Rural	55	78
		Urban	162	164

Source: Primary Census Abstract, Census of India 2001.

#### **Shortage of housing facilities in Delhi**

1815. SHRI O.T. LEPCHA: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether Government has developed any comprehensive strategy to counter the acute shortage of housing facilities for residents of Delhi;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) and (b) Yes, Sir. The Ministry of Urban Development, Government of India notified Master Plan for Delhi (MPD)-2021, which is in force w.e.f. 07.02.2007.

As per the MPD-2021, based on the projected population of 230 lakh by 2021, the estimated additional housing stock requirement will be around 24 lakh Dwelling Units. This includes an estimated housing requirement of 20 lakh Dwelling Units for additional population and backlog of about 4 lakh units (comprising of 1 lakh net shortage and the rest by dilapidated and Kutcha structures requiring replacement).

The proposed housing strategy incorporates specific approaches for development of new housing areas, up-gradation and re-densification through redevelopment of existing housing areas including unauthorized colonies, housing in villages and Special Area. It is proposed to adopt a multi-pronged housing strategy for provision of housing stock and for delivery of serviced land, involving the private sector to a significant extent, public agencies and co-operative societies etc.

The housing stock in both planned and unplanned areas can be enhanced through various approaches such as redevelopment of old plotted/group housing & intensive development in low density employer housing in planned areas as well as redevelopment of traditional inner city & unplanned areas.

(c) Does not arise in view of the above.

#### **Increase in real estate prices**

1816. SHRI MOINUL HASSAN: Will the Minister of HOUSING AND URBAN POVERTY ALLEVIATION be pleased to state:

(a) whether real estate price have been increasing at a very high rate in the past few years;

(b) whether public transport is being cross-subsidised and hence land is treated as a revenue generator;

(c) whether the property tax and circle rates are doubled in order to finance public transport;

(d) if so, the details thereof; and

(e) if not, the reasons therefore?

THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION (KUMARI SELJA):  
(a) to (e) The information is being collected and will be laid on the Table of the Sabha.

#### **Extending MNREGA to urban areas**

1817. SHRIMATI BRINDA KARAT: Will the Minister of HOUSING AND URBAN POVERTY ALLEVIATION be pleased to state:

(a) whether Government is aware of the unanimous recommendations of the 43rd session of the Indian Labour Conference to extend MNREGA to urban areas; and

(b) what is Government's response in view of the large numbers of urban unemployed?

THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION (KUMARI SELJA):  
(a) 43rd Session of India Labour Conference held on 23-24th November, 2010 recommended for introduction of an urban employment guarantee scheme on similar lines of MGNREGA.

(b) In the urban areas what is more required is skill development of urban poor as well as sustainable self employment. The Ministry of Housing & Urban Poverty Alleviation is implementing scheme of Swarna Jayanti Shahari Rozgar Yojana (SJSRY) aimed at to provide gainful employment to the urban unemployed and under-employed poor, through encouraging the setting up of self employment ventures by the urban poor living below the poverty line, skills training and also through providing wage employment by utilizing their labour for construction of socially and economically useful public assets. The SJSRY scheme has been comprehensively revamped with effect from 2009-2010.

**Features of model property rights to Slum Dwellers Act, 2011**

1818. SHRI SHIVANAND TIWARI: Will the Minister of HOUSING AND URBAN POVERTY ALLEVIATION be pleased to state:

(a) what are the features of Model Property Rights to Slum Dwellers Act, 2011; and

(b) by when the Act in question is likely to be introduced and cleared for implementation in the country?

THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION (KUMARI SELJA):

(a) The salient features of the draft Model Property Rights to 'Slum Dwellers Act, 2011' which has been circulated to the States for their comments are as follows:

- i. The Act states that every landless person living in a slum area in any city or urban area (on a date to be specified by the State Government) shall be entitled to a dwelling space at an affordable cost;
- ii. Every Slum dweller shall be given a legal entitlement, which shall be in the name of the female head of the household or in the joint name of the male head of the household and his wife;
- iii. The dwelling space so provided shall not be transferable but shall be mortgageable for the purpose of raising housing loan;
- iv. It provides for the establishment of City/Urban Area Slum Redevelopment Committee for carrying out functions specified under the Act and the establishment of a State Slum Redevelopment Authority to continuously monitor implementation of the Act and to recommend corrective measures wherever necessary.



(b) Land is a state subject. It is not possible to indicate the time frame by which all the states would suitably adopt and introduce the Property Rights to Slum Dwellers Act.

### **Schemes for agricultural labourers**

†1819. SHRI MEGHRAJ JAIN:

SHRI RAGHUNANDAN SHARMA:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) the names of Centrally sponsored schemes in vogue for providing assistance to agricultural labourers in case of accidents in various parts of the country particularly in Madhya Pradesh along with the details thereof; and

(b) the number of cases wherein grants have been provided so far under the above said schemes along with the State-wise details thereof?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) and (b) The Aam Admi Bima Yojana (AABY) was launched on 02.10.2007 with a view to providing insurance cover to the head of family or one earning member of rural landless households. The member should be aged between 18 years and 59 years. Under the scheme, the head of the family or an earning member of the family is eligible to receive the benefits of Rs. 30,000/- in case of natural death, Rs.75,000/- accidental death, Rs. 75000/- for total permanent disability (loss of two eyes or two limbs or loss of one eye or one limb in accident) and Rs. 37,500/- for partial permanent disability (loss of one eye and one limb in accident). The premium under the scheme is Rs. 200/- per member per annum equally shared in the ratio of 50 : 50 between Central Government and respective State Government/ Union Territory. AABY also includes Shiksha Sahyog Yojana (SSY), a free add-on benefit of scholarship of Rs. 100 per month up to a maximum of two Children of the beneficiaries studying between class IX and XII. A Statement showing State-wise number of lives covered, including Madhya Pradesh, under Aam Admi Bima Yojana is given in the statement.

#### **Statement**

*State-wise coverage under Aam Bima Yojana as on 31.07.2011*

Sl. No.	State/ Union Territory	Lives Covered
1	2	3
1.	Himachal Pradesh	5,000
2.	Andhra Pradesh	72,92,606
3.	Maharashtra	16,21,671

4.	Gujarat	8,60,053
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1	2	3
5.	Chandigarh	1,297
6.	Jammu & Kashmir	91,740
7.	Madhya Pradesh	13,98,376
8-	Bihar	19,21,604
9.	Jharkhand	53,231
10.	Karnataka	7,45,843
11.	Kerala	3,93,160
12.	Uttar Pradesh	22,34,849
13.	Chhattisgarh	3,34,696
14	West Bengal	6,62,987
15	Puducherry	1,48,452
16	Punjab	19,013
17	Assam	46,904
TOTAL		1,78,31,482

**Non-submission of PF returns by companies**

1820. SHRI K.E. ISMAIL:

SHRI M.P. ACHUTHAN:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether it is a fact that the management of various companies are not submitting their of returns in time though it is mandatory by law;

(b) if so, the State-wise details thereof with list of companies that are keeping pending the submission of PF returns;

(c) whether it is also a fact that due to this non-submission, the workers become the victims as they do not receive the receipt for their contributions from Employees Provident Fund Organisation (EPFO);

(d) if so, the details thereof; and

(e) the details of Government action against the erring companies regarding these delays?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) As per the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 it is mandatory for the establishments covered under the Act to submit the Provident Fund returns as per the time stipulated in this respect. However, there are cases where the management of various companies do not submit returns or submit the returns after due dates.

(b) The details are given in the statement-I (See below).

(c) Due to non submission/delay in submission of returns the workers become victims as they do not get up to date statement of their PF accounts in the form of Account slips in time.

(d) The details are given in the statement (See below).

(e) As per section 14(2) of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 read with para 76 of the Employees' Provident Fund Scheme, 1952 default in submission of returns is the punishable offence and liable for prosecution.

The number of prosecution cases filed against chronic defaulting establishments including non submission of returns are mentioned In Annexure-11.

**Statement-I**

*Number of establishment (State-wise) defaulted in  
submission of PF returns*

Sl.No.	Name of the State	No. of establishments defaulted in submission of PF returns
1	2	3
1.	Andhra Pradesh	213
2.	Bihar	927
3.	Chhattisgarh	570
4.	Delhi	11842
5.	Goa	500
6.	Gujarat	6165
7.	Haryana	4508

1	2	3
8.	Himachal Pradesh	1230
9.	Jharkhand	1573
10.	Karnataka	8068
11.	Kerala	3696
12.	Madhya Pradesh	3489
13.	Maharashtra	18666
14.	North East Regions	78
15.	Orissa	1780
16.	Punjab	7285
17.	Rajasthan	2237
18.	Tamil Nadu	13734
19.	Uttar Pradesh	8757
20.	Uttaranchal	638
21.	West Bengal	4209
TOTAL :		120165

**Statement-II**

*Prosecution Cases - As on 31.03.2010*

Region	Employees' Provident Fund Scheme, 1952	Employees' Pension Scheme, 1995	Employees' Deposit Linked Insurance Scheme, 1976
1	2	3	4
Dehradun	4	4	4
Delhi-North	382	264	210
Delhi - South	300	130	181

1	2	3	4
Chandigarh	424	251	452
Ludhiana	498	306	319
Shimla	75	0	0
Kanpur	152	45	40
Meerut	55	55	55
Patna	1546	1336	1336
Faridabad	334	302	296
Gurgaon	187	177	186
Jaipur	334	80	85
Ahmedabad	1419	216	203
Baroda	489	346	442
Indore	1378	1013	1412
Surat	369	161	167
Kandivali	517	77	76
Mumbai-I Bandra	657	327	344
Mumbai-II Thane	70	70	70
Nagpur	202	172	77
Pune	1270	1252	1272
Raipur	516	283	356
Bangalore	491	436	400
Gulbarga	549	370	353
Mangalore	561	243	248
Panaji	168	178	153
Peenya	178	178	175

1	2	3	4
Bhubaneshwar	906	477	617
Guntur	344	326	317
Hyderabad	2219	1780	1343
Nizamabad	178	149	139
Chennai	270	233	250
Coimbatore	640	303	306
Madurai'l	467	321	237
Tambaram	223	227	226
Thiruvananthapuram	1318	954	759
Guwahati	647	470	589
Jalpaiguri	838	838	838
Kolkata	1746	431	417
Ranchi	856	854	726
TOTAL :	23777	15635	15676

**Urban Employment Guarantee Scheme for urban poor**

1821. SHRI KANJIBHAI PATEL: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government is planning for a programme for providing Urban Employment Guarantee on the lines of NREGA;

(b) if so, the details of steps taken by Government to ensure employment to the urban poor youth;

(c) whether Government has any programme like NREGA to ensure the employment guarantee to urban populace; and

(d) if so, the various components that are being suggested as the part of this initiative?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) No, Sir. There is no such proposal under consideration of the Government.



(b) There is already a Scheme titled Swarna Jayanti Shahari Rojgar Yojana being implemented in urban areas to provide skills and job opportunities to urban youth with effect from 01-12-1997. SJSRY has five major components, namely:

- (i) Urban Self Employment Programme (USEP)
- (ii) Urban Women Self-help Programme (UWSP)
- (iii) Skill Training for Employment Promotion amongst Urban Poor (STEP-UP)
- (iv) Urban Wage Employment Programme (UWEP)
- (v) Urban Community Development Network (UCDN).

(c) No, Sir.

(d) Question does not arise.

**Non-registration of workers under Social Security Act, 2008**

1822. SHRI. R.C. SINGH: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether it is a fact that the Unorganized Worker's Social Security Act, 2008, mandates all States to register workers.

(b) whether it is also a fact that even after three years of its implementation, none of the States have registered workers under the above Act;

(c) if so, the details thereof; and

(d) what efforts his Ministry is making to persuade the States to register workers forthwith?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) to (c) Under the Unorganised Worker's Social Security Act, 2008, States are to register unorganized workers. As per available information, the States have not yet started registration of workers under the Act. At present smart cards are being issued to such unorganized workers and their families as are below poverty line under the Rashtriya Swasthya Bima Yojana (RSBY) to provide health insurance cover. More than 2.4 crore smart cards have been issued as on 31.07.2011.

(d) The issue of constituting State Social Security Boards, Rules and registration of

unorganized workers under the Act has been taken up with the State Governments through letters and was re-iterated during the State Labour Ministers' Conference held in January, 2010.

**Expert Group regarding creating employment**

1823. SHRIMATI VIPLOVE THAKUR: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether an expert group constituted by Government in view of creating employment in the country including Himachal Pradesh, has submitted its recommendations;

(b) if so, the salient features of the report;

(c) whether Government has accepted its recommendations;

(d) if so, the details of step taken by Government to implement the recommendations of the expert group State-wise including Himachal Pradesh; and

(e) if not, the reasons therefor?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) No, Sir. However, an expert group was constituted headed by Dr. C. Rangarajan to formulate a job plan for the State of Jammu & Kashmir only.

(b) to (e) Question does not arise.

**NCLP in Andhra Pradesh**

1824. SHRIMATI GUNDU SUDHARANI: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) the number of children benefited under National Child Labour Project (NCLP) in Andhra Pradesh during the last three years, year-wise and district-wise;

(b) the rescue and rehabilitation measures Government has taken for the well-being of the child labour in Andhra Pradesh; and

(c) how the Central Monitoring Committee is succeeding in overall supervision, monitoring and evaluation of National Child Labour Project in A.P.?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) As per the available information the number of children benefited under National Child Labour Project in Andhra Pradesh during 2007-08 to 2008-

10, year-wise and district-wise is given in the statement (See below).

(b) The Government is implementing National Child Labour Project (NCLP) for rehabilitation of children withdrawn from work in Andhra Pradesh. Under the Project, children withdrawn from work are enrolled in the special schools, where they are provided with bridge education, vocational training, nutrition, stipend, health care, etc. before mainstreaming into formal education system.

(c) A Central Monitoring Committee under the Chairpersonship of Secretary, Ministry of Labour & Employment with representation from State Governments including A.P. and concerned Ministries/Departments has been set up for the supervision, monitoring and evaluation of the National Child Labour Project. The committee meets periodically and undertakes detailed review of progress of all the districts throughout the country where NCLP scheme is being implemented and keep close monitoring on them.

**Statement**

*NCLP in Andhra Pradesh*

Sl.No.	Name of District	Children Benefitted		
		2007-08	2008-09	2009-10
1	2	3	4	5
1	Adilabad	1166	501	400
2	Anantapur	0	0	550
3	Chittoor	849	719	409
4	Cuddapah	863	1873	657
5	East Godavari	0	0	0
6	Guntur	478	1062	1132
7	Hyderabad	0	0	518
8	Karimnagar	469	706	432
9	Khammam			716
10	Krishna	3987	1416	785
11	Kurnool	1350	310	750
12	Mahabubnagar	0	0	150

1	2	3	4	5
13	Medak	0	0	0
14	Nalgonda	0	0	70
15	Nellore	200	117	457
16	Nizamabad			455
17	Prakasam	287	45	90
18	Ranga Reddy	1852	2844	3069
19	Srikakulam	0	230	207
20	Vishakhapatnam	0	0	262
21	Vizianagaram	Nil	956	Nil
22	Warangal			1647
23	West Godavari			933
TOTAL :		11501	10779	13689

#### Child labourers rescued

†1825. SHRI AVTAR SINGH KARIMPURI: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) the State-wise and year-wise details of number of child labourers rescued during the past three years in the country;

(b) the effective steps taken by Government to check child labour, the number of persons punished for child labour and the number of persons against whom cases have been registered; and

(c) State-wise and year-wise details thereof?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) The Government is implementing National Child Labour Project (NCLP) for rehabilitation of children rescued/withdrawn from work. Under the Project, children rescued/withdrawn from work are enrolled in the special schools, where they are provided with bridge education, vocational training, nutrition, stipend, health care, etc. before mainstreaming into formal education system. As per the

available information, the State-wise and year-wise details of number of child labourers rescued/withdrawn from work during 2007-08 to 2009-10 in the country is given in the Statement-I (See below).

(b) and (c) The Government of India has adopted a multi-pronged strategy for eradication of child labour which is as follows:

(i) A legislative action plan in the form of Child Labour (Prohibition & Regulation) Act, 1986.

(ii) Project-based action plan in areas of high concentration of Child Labour under National Child Labour Project Scheme.

(iii) Focus on general development programmes for the benefit of the families of Child Labour.

As per available information, State-wise and year-wise number of Prosecutions launched and Convictions made during 2008 to 2010 is given in the Statement-II.

#### **Statement**

*No. of child labourers rescued during last three years in the country*

Sl.No.	State	No. of children rescued/withdrawn		
		2007-08	2008-09	2009-10
1	2	3	4	5
1	Assam	Nil	Nil	3685
2	Andhra Pradesh	11,501	10779	13689
3	Bihar	657	1126	7998
4	Chhattisgarh	3015	1674	1063
5.	Gujarat	620	845	1437
6	Haryana	Nil	1164	1354
7	Jammu & Kashmir	6	Nil	Nil
8	Jharkhand	617	4785	1816
9	Karnataka	4343	4549	3217
10	Maharashtra	3430	3495	5150

1	2	3	4	5
11	Madhya Pradesh	9692	9582	9692
12	Orissa	9661	10283	10585
13	Punjab	460	428	1023
14	Rajasthan	4155	11630	12326
15	Tamil Nadu	9215	7950	6321
16	Uttar Pradesh	9500	26390	40297
17	West Bengal	1092	3127	13187
18.	Delhi*	382	694	737
19	Kerala**	Mil	Nil	Nil
20.	Lakshadweep**	Mil	Nil	-
21.	Mizoram**	Nil	Nil	Nil
22.	Tripura**	Nil	Nil	Nil

\* Schools are not operational

\*\* Non-NCLP State

#### **Statement-II**

*Statewise and yearwise number of prosecutions launched and convictions made during 2008 to 2010*

State	No. of Prosecutions			No. of Convictions		
	2008	2009	2010	2008	2009	2010
1	2	3	4	5	6	7
Andaman & Nicobar I. U.T.						
Andhra Pradesh	138	88	74	5	23	22
Arunachal Pradesh						
Assam	11	1	12			
Bihar	1217	1481	632			

1	2	3	4	5	6	7
Chandigarh U.T.	15	2	33	Nil	Nil	6
Chhattisgarh	96	1	25			
Dadra & Nagar H. U.T.						
Daman & Diu U.T.						
Delhi U.T.	313	284	313			
Goa						
Gujarat	302	218	117	11		
Haryana	251	35	210	43	33	81
Himachal Pradesh	0			0		
Jammu & Kashmir	41	5	35	25	62	19
Jharkhand	31	21	14	1	5	3
Karnataka	348	245	198	148	59	84
Kerala	4	3		4	Nil	
Lakshadweep UT	Nil	Nil	Nil	Nil	Nil	Nil
Madhya Pradesh	7264	7707	5772	68	447	324
Maharashtra	106	29	15	4	10	1
Manipur	0			0		
Meghalaya						
Mizoram	Nil	Nil	Nil	Nil	Nil	Nil
Nagaland						
Orissa	60					
Pondicherry U.T.	Nil	Nil	Nil	Nil	Nil	Nil
Punjab	76	69	709	100	29	251
Rajasthan	9	6	18	2	15	5
Sikkim	Nil			Nil		
Tamil Nadu	218	79	38	295	178	56



1	2	3	4	5	6	7
Tripura	1(1997-2011)					
Uttar Pradesh	678	643	356	99	198	444
Uttaranchal	29	Nil	2	Nil	1	2
West Bengal	2	5		Nil	Nil	

**Protocol by ICLO to protect child rights**

†1826. SHRI KAPTAN SINGH SOLANKI: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether it is a fact that the number of child labour has increased in the country during the last five years;

(b) if so, the details thereof;

(c) whether it is also a fact that a protocol has been formed by International Child Labour Organisation to protect the child rights;

(d) if so, whether Government has approved it; and

(e) if so, the details thereof?

THE MINISTER OF LABOUR AND EMPLOYMENT I (SHRI MALLIKARJUN KHARGE):  
(a) and (b) As per Census 2001, there were 1.26 crore working children in the country in the age group of 5-14 which came down to 90.75 lakh as per National Sample Survey Organisation (NSSO) survey in 2004-05, which shows the decline trend.

(c) As per the information received from International Labour Organisation, ILO has not developed any protocol to protect child rights.

(d) and (e) In view of above question do not arise.

**Embezzlement in EPFO**

1827. SHRI SABIR ALI: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government has recently unearthed embezzlement to the tune of RS. 175 crores of Employees Provident Fund (EPF) amount;

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†Original notice of the question was received in Hindi.

(b) whether it is a fact that some employees of the Employees Provident Fund Organisation (EPFO) have been found involved in the embezzlement; and

(c) if so, the details in this regard and the punitive actions being taken in the matter?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) No, Sir. However, a case of evasion of Employees Provident Fund membership has been detected recently in Delhi in respect of M/s. B.L. Kashyap & Sons, a major construction company, where massive evasion of Provident Fund contribution has been detected.

(b) On the basis of report of the Vigilance Directorate, Employees' Provident Fund Organization, the Central Bureau of Investigation has started an investigation in respect of the matter. As per FIR lodged by the Central Bureau of Investigation, the evasion is to the tune of Rs. 169 crores. In this connection, raids were carried out against some officials of the Employees' Provident Fund Organisation as well as premises of the establishment and their senior officers. In this context, the Central Bureau of Investigation has registered a case No. RC No. 2172011A0008 CBI ACU-IV, New Delhi.

(c) The case is under investigation by the Central Bureau of Investigation. The Regional Provident Fund Commissioned, Regional Office, Delhi (South) has made an assessment of Provident Fund dues (including interest) under section 7Q of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 to the tune of Rs. 592.76 crores vide his order under section 7A of the Act dated 29.07.2011.

#### **Enrolment in RSBY**

1828. SHRI RAMA CHANDRA KHUNTIA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) how many unorganized labourers and BPL card holders have already enrolled in Rashtriya Swasthya Bima Yojana (RSBY), year-wise and State-wise; and

(b) how many of them have been enrolled from Orissa?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a)  
A statement showing the year-wise and state-wise number of BPL families  
(a unit of five) in the unorganized sector enrolled under RSBY is given  
in the Statement. (See below).

(b) 3,91,439 BPL families have been enrolled in the State of Orissa.

**Statement**

*Enrollment in RSBY*

Sl. No.	Name of the State/UTs	Smart card issued			
		2008-2009	2009-2010	2010-11	2011-12 (as on 31.07.2011)
1	2	3	4	5	6
1.	Arunachal Pradesh	-	-	15,711	30,815
2.	Assam	-	81,565	2,04,465	2,04,548
3.	Bihar	5,57,002	20,38,909	51,01,901	56,95,042
4.	Chandigarh	3,627	5,407	4,913	4,913
5.	Chhattisgarh	-	9,27,672	12,30,378	14,97,963
6.	Delhi	41,990	2,18,055	1,13,608	1,44,518
7.	Goa	1,679	3,505	0	0
8.	Gujarat	6,70,517	6,82,354	19,19,086	19,19,086
9.	Haryana	4,01,587	6,82,354	6,21,741	6,17,700
10.	Himachal Pradesh	78,370	115828	2,37,946	2,37,946
11.	Jharkhand	1,01,219	4,34,762	13,29,254	14,12,081
12.	Karnataka	-	36,971	1,57,405	1,57,405
13.	Kerala	7,03,570	11,73,388	17,96,315	15,54,653
14.	Maharashtra	1,35,804	14,40,407	15,16,687	16,98,361
15.	Manipur	-	-	18,259	18,259
16.	Meghalaya	-	22,579	59,055	61,926
17.	Mizoram			15,240	15,240
18.	Nagaland	7,645	39,301	39,290	66,670
19.	Orissa	-	3,41,653	4,33,079	3,91,439

1	2	3	4	5	6
20.	Punjab	76,528	1,69,306	1,93,541	2,03,296
21.	Rajasthan	1,20,123	Discontinued the scheme		
22.	Tamil Nadu	57,925	1,49,520	0	0
23.	Tripura	-	1,45,780	2,58,402	2,58,402
24.	Uttar Pradesh	8,34,871	42,96,865	42,33,626	39,43,371
25.	Uttarakhand	50,071	53,940	3,35,424	3,20,495
26.	West Bengal	1,19,327	8,02,974	35,27,137	35,57,668
TOTAL		39,61,855	1,38,65,338	2,33,62,463	2,40,11,797

#### Survey on bonded labourers

1829. DR GYAN PRAKASH PILANIA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether to enforce the Bonded Labour System (Abolition) Act, 1976, any survey has been undertaken to identify number of bonded labourers in the country:

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

(c) the number of bonded labourers released and rehabilitated during the last five years, State-wise;

(d) whether rehabilitation assistance @ Rs. 20,000/- per bonded labour is merely a pittance; and

(e) whether the above statistics suggest that India has become free of endemic curse of bonded labour?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) and (b) In order to assist the State Governments in the task of identification, release and rehabilitation of bonded labourers, a Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labour is in operation. Under the Scheme, an amount of Rs. 2.00 Lakhs per District is provided to the State Governments concerned for conducting survey for identification of bonded labour in sensitive Districts once in three years. So far total Central Assistance of Rs. 494.00 lakhs has been provided to the State Governments for conducting survey of bonded labour.

(c) As per information received from States/Union Territories, the number of bonded labourers released and rehabilitated during the last five years, State-wise and year-wise is as under:

Year	Name of the State/UTs	No. of bonded labourers released and rehabilitated
2006-07	Uttar Pradesh	104
	West Bengal	93
2007-08	Bihar	150
	Madhya Pradesh	192
	Haryana	09
	Uttar Pradesh	277
	West Bengal	88
2008-09	Bihar	409
	Uttar Pradesh	80
	West Bengal	54
2009-10	Bihar	264
	Uttar Pradesh	100
2010-11	Chhattisgarh	688
	Uttar Pradesh	100
	West Bengal	77

(d) Under the Bonded Labour System (Abolition) Act, 1976, the freed bonded labour is entitled to benefits such as extinguishing the liability to repay bonded debt, property to be freed from mortgage etc. and non-eviction from homesteads or other residential premises occupied as part of consideration for the bonded labour. The rehabilitation assistance of Rs. 20,000/- under the Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labour is in addition thereof.

(e) As a result of concerted efforts made by the Government through various anti-poverty programmes, awareness, sensitization etc., the incidence of bonded labour has witnessed a downward trend over the years.

#### Rehabilitation of freed bonded labourers

1830. DR GYAN PRAKASH PILANIA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) the State-wise and year-wise number of bonded labourers freed and rehabilitated by Government during the last three years;

(b) the FIRs registered thereof, their disposal, State-wise and year-wise;

(c) the estimate of the total number of bonded labourers at present in the country, State-wise; and

(d) the steps taken for their identification, liberation rehabilitation?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) As per information received from States/Union Territories, the number of bonded labourers released and rehabilitated during the last three years, State-wise and year-wise is as under:

Year	Name of the State/UTs	No. of bonded labourers released and rehabilitated
2008-09	Bihar	409
	Uttar Pradesh	80
	West Bengal	54
2009-10	Bihar	264
	Uttar Pradesh	100
2010-11	Chhattisgarh	688
	Uttar Pradesh	100
	West Bengal	77

(b) As per the Bonded Labour System (Abolition) Act, 1976, the States/Union Territories are mandated to implement the provision of the Act. The information about FIRs registered and disposed is not maintained by the Central Government.

(c) According to the reports received from the State Governments, the number of bonded labourers identified, released and rehabilitated under the Centrally Sponsored Plan Scheme as on 31.03.2011 is as under:

Name of the State	Number of Bonded Labourers	
	Identified and Released	Rehabilitated
Andhra Pradesh	37988	31534
Arunachal Pradesh	3,526	2992
Bihar	14,615	13797
Chattisgarh	812	812
Gujarat	64	64
Haryana	591	89
Jharkhand	196	196
Karnataka	63,437	57185
Kerala	823	710
Madhya Pradesh	13,317	12,392
Maharashtra	1,404	1,325
Orissa	50,029	46901
Punjab	69	69
Rajasthan	7488	6331
Tamil Nadu	65,573	65,573
Uttar Pradesh	29046	29046
Uttaranchal	5	5
West Bengal	344	344
TOTAL	2,89,327	2,69,365

(d) The responsibility for rehabilitating the freed bonded labourers lies with the respective State Governments. In order to assist the State Governments in the task of rehabilitation of identified and released bonded labourers, a Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labour is in operation since May, 1978. Under the scheme, rehabilitation assistance @ Rs. 20,000/- per bonded labour is provided which is equally shared by the Central and State Government.

In collaboration with the ILO, the Central Government and State Government of Tamil Nadu have launched a pilot project in the State for the purpose of reducing vulnerability to bondage through promotion of decent work. Attempt is now being made to replicate this approach in some other states of the country.

#### **Welfare of domestic workers**

1831. DR. PRABHAKAR KORE: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government proposes to support the convention on Decent Work for Domestic Workers which was finally adopted by the Committee on Domestic Workers of the International Labour Conference (ILC) 2011 on 7 June, 2011;

(b) if so, whether Government is contemplating a new national policy for the welfare of domestic workers in the country; and

(c) if so, the details thereof?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) The Government supported the adoption of Domestic Workers Convention (C-189) supplemented by Domestic Workers Recommendation (R-201) at the International Labour Conference of ILO (ILC) at its 100th Session held in Geneva in June, 2011.

ILO Conventions are international treaties, open for ratification to Member countries. As per existing policy, Government ratifies an ILO Convention only when its laws and practices are in total conformity with the provisions of the Convention.

(b) and (c) The Government has enacted the Unorganized Workers' Social Security Act, 2008 for the social security and welfare of unorganized workers which includes domestic workers. The Government has also set-up a Task Force to evolve policy framework for domestic workers in the context of regulatory mechanism and providing social security.

#### **Registration of placement agencies**

1832. SHRI Y.S. CHOWDARY: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:



(a) whether it is mandatory for the placement agencies to register themselves with local police station across the country;

(b) if so, the details thereof;

(c) whether Government has received any complaints against some placement agencies;

(d) if so, the details thereof;

(e) the details of cases booked/registered for minor abuse by the placement agencies; and

(f) the action proposed to be taken against the agencies involving in such activities?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) and (b) There are various types of private placement agencies operating in the country. On the basis of their regulation/coverage, these agencies can be broadly classified into four categories: (i) Manpower Export and Placement Agencies - covered under Immigration Act, 1983; (ii) Labour Contractors covered under Contract (Abolition & Regulation) Act, 1970 and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; (iii) Private Security Agencies-governed by Private Security Agencies (Regulation) Act, 2005; and (iv) Private Placement Agencies catering to specific needs of the employers/labour market or temporary workers and not covered under first three categories.

The first three categories of private placement agencies have to obtain licence and register themselves with respective authorities as per the provisions of relevant Act/Rules. However, the fourth category of private placement agencies is not covered by any specific Act. Some States/UTs have issued guidelines to register them under their Shop & Establishment Act by the Labour Department.

In order to safeguard the interest of jobseekers, Ministry of Labour & Employment issued guidelines on 30.10.2003 to the State Governments/Union Territory Administrations to consider regulation of the functioning of Private Placement Agencies, as per local needs. These guidelines do not stipulate mandatory registration with local police station.

(c) to (f) Complaints, if any, are received by respective State Government/UT Administrations, and are dealt with by them as per the provisions of above mentioned Act(s) and/or provisions of Indian Penal Code. The details of these complaints are not maintained centrally.

**Discussion with Ministry of Finance on demands of  
retired and working personnel**

†1833. SHRI ISHWARLAL SHANSKARLAL JAIN: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether the Ministry had held discussion/meetings with the Ministry of Finance with reference to the pending demands of retired and working personnel under scheme of 1995;

(b) if so, the details thereof;

(c) whether Ministry of Finance itself is capable of meeting the years old pending demands of this scheme of 1995 or wants to extend cooperation; and

(d) if so, the details thereof?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) No discussions/meetings were held with the Ministry of Finance.

(b) to (d) Does not arise in view of reply to part (a) of the question.

**Providing jobs to Diploma/Degree Holders in ITIs**

1834. SHRI A. ELAVARASAN: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government has ordered Industrial Training Institutes (ITIs) to ensure that engineering diploma and degree holders from at least half of their faculty;

(b) if so, the details thereof;

(c) whether the order will help provide teaching jobs to at least 20,000 people every year besides improving teaching standards;

(d) if so, the details thereof;

(e) whether the country has 9,500 ITIs catering over 1.2 million students and engaging 76,000 teachers who do not have engineering degree/diploma; and

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†Original notice of the question was received in Hindi.

(f) if so, the step taken to fill up the vacancies with proper qualified engineering graduates/diploma holders?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) and (b) Yes Sir. On recommendation of National Council for Vocational Training (NCVT), which is an apex advisory body set up by Government of India to advise it on issues relating to Vocational Training, Government has issued orders that institutes seeking affiliation from NCVT must apply for a minimum of two units or multiples thereof a trade at a time and appoint two instructors, one for each unit, as per norms. Out of these two instructors, one instructor should be with Diploma/Degree in relevant branch of engineering from recognised board/university and experience as prescribed by NCVT.

(c) and (d) As seating capacity in Government and Private ITIs is growing @ 10% every year and with an average instructor - trainee ratio of 1:16, the new norms will provide teaching/training jobs to around 3000 such graduates every year and this would help in improving the quality of teaching/training standards in these institutes.

(e) and (f) As on 30.6.2011 country has 9025 Government and Private ITIs with total seating capacity of 12,69,552. Around 79,000 instructors are engaged in providing skill training in these institutes. As the decision was taken in 2010, the State Governments have been advised to appoint at least 50% instructors of ITIs with Diploma/Degree qualifications which is expected to happen over a period of time.

#### **National Tea Wage Board for tea labourers**

†1835. SHRI SAMAN PATHAK: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government has data with it regarding the number of tea labourers (permanent labourers) in the country;

(b) whether the tea labourers are being paid uniform wages all over the country;

(c) whether Government has constituted a National Tea Wage Board for the tea labourers of Darjeeling, Duars, Assam and rest of the country;

(d) if so, the details thereof; and

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†Original notice of the question was received in Hindi.

(e) if not, the reasons therefor?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) Tea Board under the Ministry of Commerce & Industry has reported that the total number of workers employed in tea plantations in India is 1.26 million out of which 1.03 million are permanent labourers.

(b) No, Sir. The Plantations Labour Act, 1951 is being implemented by the respective State Governments. Since plantations fall under the category of schedule employment the rate of wages are fixed by the State Governments concerned. As such the wages vary from state to state and region to region.

(c) to (e) The Government of India had constituted only one Wage Board for the Tea Plantation workers in the year 1960. After 1960, no Wage Board has been constituted by the Ministry of Labour & Employment.

The Second National Commission on Labour recommended that there should be no statutory or non-statutory Wage Boards as it was felt that the interest of workers can be protected by negotiations and collective bargaining because Central Wage Board for Tea Plantation Workers being a non-statutory Committee would have no binding force of law and therefore, it would be difficult to get the recommendations of such boards implemented.

#### **Shortage of skilled workers**

†1836. SHRI SHREEGOPAL VYAS: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether the shortage of skilled workers along with those unemployed is going up;

(b) the effort being made to enhance the skills in the private and public sectors; and

(c) the names of these disciplines for which the centres to enhance the skills have been opened in the States in the last three years?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) As per the findings of survey conducted by National Sample Survey Office in 2009-10, employment has increased from 459 million in 2004-05 to 465 million in 2009-10.

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†Original notice of the question was received in Hindi.

Various steps have been taken by the Govt. to enhance the skilled workforce supplied to private and public sectors such as modernization of all Govt. Industrial Training Institutes, Apprenticeship Training Schemes, Modular Employable Skills under Skill Development Initiative, etc.

(c) There are 117 trades under Craftsmen Training Scheme being run in 9025 Industrial Training Institutes/Industrial Training Centres of the country with a total seating capacity of 12.69 lakh. Under Apprenticeship Training Scheme, training is being conducted in approximately 25,500 establishments in 235 trades with a seating capacity of 3.06 lakh. Similarly, there are 1259 Modular short-term courses being run under Skill Development Initiative, covering 59 sectors of economy with an annual capacity of about 1 million. The new courses include Automotive Repair, Banking and Accounting, Gem and Jewellery, Hospitality and Tourism, Medical and Nursing, Plastic Processing, Retail, Toy Making, Construction, Security, Leather and Sports Goods, Insurance, Courier and Logistic, Renewable Energy, Spa and Wellness, etc.

#### **Vocational education in different sectors**

1837. SHRI B.S. GNANADESIKAN: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government has planned to start a nationwide project in vocational education on different sectors like agriculture, horticulture technology, hotel management, tourism, banking and animal husbandry; and

(b) if so, the details thereof and time frame fixed by Government for implementation of this project in all states especially in rural areas and metro cities where the rate of unemployment is high?

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

(b) Government has operationalised Skill Development Initiative (SDI) scheme with effect from May, 2007 for skill development of school leavers and existing workers throughout the country to improve their employability by optimally utilizing the infrastructure available in Government, Private Institutions and the Industry. The objective of the scheme is to train one million persons in first five years and then one million every year.

So far 1260 Modular Employable Skill (MES) courses have been developed in 59 sectors including agriculture, horticulture technology, hotel management, tourism, banking and animal husbandry. The training is being provided through a network of about 6398 vocational training providers and assessment being done by 36 independent assessing bodies throughout the country. On the basis of their assessment, a National Council for Vocational Training certificate is issued which entitles them to work anywhere in the country or abroad.

#### **Unemployed youths in the country**

1838. SHRI NARENDRA KUMAR KASHYAP: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) the district-wise and State-wise, number of unemployed youths in the country at present;

(b) whether Government proposes to implement the reservation quota in private jobs as well as to increase the shifts in the factories to reduce the problem of unemployment in the country;

(c) if so, the details thereof; and

(d) if not, the reasons therefor and the reaction of the Government thereon?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) State-wise number of youth job seekers in the age group of 15-29, all of whom may not be necessarily unemployed, registered with employment exchanges in the country as on 31st December, 2008 is given in the statement (See below). District-wise data are not maintained centrally.

(b) and (c) There is no such proposal under consideration of Government. However, a Group of Ministers was formed in September, 2004, to examine issue of affirmative action, including reservation in private sector, and to initiate a dialogue with industry and other associations to fulfill aspirations of youth belonging to Scheduled Castes and Scheduled Tribes. The Group met five times and also held consultations with representatives of Apex Industry Associations. In October, 2006 a Coordination Committee was constituted under the chairmanship of Principal Secretary to the Prime Minister, to carry forward the dialogue with Industry on affirmative action in private sector. The Committee held discussions with representatives of Apex Industry Chambers/Associations. As

decided in the third meeting of the Coordination Committee held on 11.7.2008 a Group of Officers has been constituted in September, 2008, to study the issue of providing fiscal incentives to industries for setting up manufacturing units in backward districts with large SC/ST population. Meetings of this Group of Officers and the apex industry associations were held in September, 2008 and February, 2009. It was decided that the experiences of states in promoting industrialization and enhancing employment of SC/ST groups through incentives would be studied for designing a suitable fiscal incentive scheme for setting up manufacturing units in backward districts with large SC/ST population.

Ministry of Labour & Employment has no proposal to increase the shifts in the factories under the purview of Factories Act, 1948.

(d) Government of India is fully aware of the magnitude of unemployment problem prevailing in the country particularly, among the youth and to tackle this problem, the Government has undertaken skill development in a big way. In order to achieve this objective, the coordinated Action Plan for Skill Development has set a target of 500 million skilled persons by the year 2022, and all concerned Ministries and Departments have been mandated to undertake skill development programmes accordingly. All the Government Industrial Training Institutes (ITIs) are being modernized. New Govt. and Private ITIs and ITCs are set up to augment training capacity. A new scheme, titled Skill Development Initiative has been started to train one million persons in five years and then one million every year in short term modular employable skills. In addition, Government has also been implementing various employment generation programmes and some of the important ones are: Swarnajayanti Shahari Rojgar Yojna, Swarnajayanti Gram Swarojgar Yojna, Mahatma Gandhi National Rural Employment Guarantee Act and Prime Minister's Employment Generation Programme.

#### **Statement**

*State-wise number of youth job seekers in the age group  
of 15-29 as on 31st December, 2008*

(In thousand)

Sl. No.	States/UTs	Job seekers
1	2	3
1	Andhra Pradesh	1473.3





1	2	3
3	Assam	1480.3
4	Bihar	591.7
5	Chhattisgarh	970.4
6	Delhi	391.6
7	Goa	82.6
8	Gujarat	607.0
9	Haryana	618.8
10	Himachal Pradesh	514.2
11	Jammu And Kashmir	55.4
12	Jharkhand	671.4
13	Karnataka	453.6
14	Kerala	2892.6
15	Madhya Pradesh	1415.0
16	Maharashtra	2338.3
17	Manipur	391.7
18	Meghalaya	20.9
19	Mizoram	47.6
20	Nagaland	38.6
21	Orissa	594.7
22	Punjab	283.7
23	Rajasthan	632.0
24	Sikkim*	
25	Tamil Nadu	3593.3
26	Tripura	339.1
27	Uttarakhand	359.1
28	Uttar Pradesh	2168.3
29	West Bengal	3689.7

1	2	3
<b>(B) Union Territories</b>		
30	A. & N. Islands	28.4
31	Chandigarh	30.5
32	D. & N. Haveli	5.5
33	Daman And Diu	7.6
34	Lakshadweep	10.1
35	Puducherry	139.9
TOTAL		26965.3

\* No Employment Exchanges is functioning in this State.

#### Updating of records of trade union membership

1839. SHRI VIJAY JAWAHARLAL DARDA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government has updated its record of unions' membership only till 2002;

(b) if so, whether the unions have been filing membership returns every year with respective State Governments;

(c) whether these membership data has been routed to the Ministry;

(d) whether there is any mechanism to verify the veracity of the correctness of figures given by the trade unions; and

(e) by when the records will be updated so that industrial relations does not suffer any setback due to non-representation of trade unions in bipartite and tripartite committees?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) The general verification of membership of Trade Unions affiliated to Central Trade Union Organizations (CTUOs) was last done with date of reckoning as 31.12.2002 and state-wise as well as industry-wise result was notified by this Ministry vide order dated 11.1.2008.

(b) and (c) The registration of Trade Unions is done by the respective Registrars of the Trade Unions of the State Governments and the registered Trade Unions are required to submit annual

Statutory Returns to the Registrars of Trade unions of the State Governments. The membership data is not required to be routed to the Ministry under the Trade Unions Act, 1926 and, hence, not maintained centrally.

(d) Section 28 (4) of the Trade Unions Act, 1926 provides for examination of the documents relating to annual returns submitted by the Trade Unions, by the Registrar or any officer authorized by him.

(e) The process of fresh general verification of Trade Unions affiliated to Central Trade Union Organizations has already commenced. This is a lengthy and time consuming process. So far, two meetings of the Standing Committee on general verification, comprising representatives from various Central Trade Union organizations have been held under the chairmanship of Chief Labour Commissioner (Central) and the date of reckoning for fresh general verification unanimously decided as 31.12.2011.

#### **Enhancing daily wages for agricultural labourers**

†1840. SHRI BHAGAT SINGH KOSHYARI: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government has taken any decision to enhance the daily wages of agricultural labourers along with daily wages labourers keeping in view the rising prices in the country;

(b) if so, the details thereof;

(c) whether any mechanism has been formed by Government to ensure the payment of fixed minimum wage;

(d) if so, the details thereof; and

(e) the difference between the wage of skilled and unskilled labourers?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) and (b) In order to protect the minimum wages against inflation, the Central Government and most of the State Governments/Union Territories have adopted the system of Variable Dearness Allowance (VDA) which is revised twice a year on the basis of increase in Consumer Price Index Numbers for Industrial Workers. On the basis of information available for Central Sphere and that made available

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†Original notice of the question was received in Hindi.

by States/UTs, minimum rates of wages for agricultural labourers including daily labourers, is given in the statement-I and statement-II respectively. (See below).

(c) and (d) Under Section 19 of the Act the appropriate Government may, by Notification in the official Gazette, appoint such person as it thinks fit to be Inspectors for the purposes of this Act. The enforcement of the Act is secured at two levels. While in the Central sphere, the enforcement is secured through the Inspecting Officers of the Chief Labour Commissioner (Central) commonly designated as Central Industrial Relations Machinery (CIRM), the compliance in the State sphere is ensured through the State Enforcement Machinery. These officers conduct regular inspections and in the event of detection of any case of non-payment or under-payment of minimum wages, they direct the employers to make payment of the shortfall of wages. In case of non-compliance, penal provisions against the defaulting employers are invoked as per Section 22 of the Act. The details regarding enforcement of Minimum Wages Act, 1948 in the Central and the State sphere for year 2009-10 as made available by State Governments/UTs, is given in the Statement-III (See below).

(e) A statement showing the difference between the wages of skilled and unskilled labourers in the State Sphere and the Central Sphere is already given in the Statement-II.

#### **Statement-I**

*Minimum rates of wages for different category of workers engaged in agriculture workers in different States/Union Territories under the Minimum Wages Act, 1948*

(in Rupees per day)			
Sl.No.	Appropriate Governments	Category	Minimum Wages for Agricultural Workers
1	2	3	4
1	Central Sphere	Unskilled	151.00- 169.00
		Semi-skilled	156.00- 185.00
		Skilled	170.00-201.00

1	2	3	4
<b>States/Union Territories</b>			
1	Andhra Pradesh	Lowest	112.00
		Highest	261.00
2	Arunachal Pradesh	Unskilled	134.62- 153.85
		Skilled	146.15 - 165.38
3	Assam	Unskilled	100.00
		Semi-skilled	110.00
		Skilled	120.00
4	Bihar		120.00
5	Chhattisgarh	Unskilled	104.60
6	Goa	Unskilled	157.00
7	Gujarat		100.00
8	Haryana	Unskilled	173.19
		Semi-skilled	178.19 - 183.19
		Skilled	188.19 - 193.19
9	Himachal Pradesh	Unskilled	110.00
10	Jammu & Kashmir	Unskilled	110.00
		Semi-skilled	150.00
		Skilled	200.00
11	Jharkhand	Unskilled	127.00
		Semi-skilled	140.00
		Skilled	180.00
12	Karnataka		133.80
13	Kerala	For Light Work	150.00
		For Hard Work	200.00

1	2	3	4
14	Madhya Pradesh	Unskilled	119.00
15	Maharashtra	Zone -I	120.00
		Zone - II	110.00
		Zone - III	105.00
		Zone - IV	100.00
16	Manipur	Unskilled	122.10
		Semi-skilled	129.97
		Skilled	132.60
17	Meghalaya	Unskilled	100.00
		Semi-skilled	120.00
		Skilled	140.00
18	Mizoram	Unskilled	132.00
		Semi-skilled	148.00
		Skilled	184.00-235.00
19	Nagaland	Unskilled	80.00
		Semi-skilled	90.00
		Skilled	100.00
20	Orissa	Unskilled	90.00
		Semi-skilled	103.00
		Skilled	116.00
21	Punjab	With meal	138.29
		Without meal	153.81
22	Rajasthan	Unskilled	135.00
		Semi-skilled	145.00
		Skilled	155.00
23	Tamil Nadu	Women workers (5 Hours)	85.00
		Men workers (6 Hours)	100.00

1	2	3	4
24	Tripura		100.00
25	Uttar Pradesh	Unskilled	100.00
26	Uttarakhand		121.65
27	West Bengal	Unskilled With Food	102.50
		Unskilled Without Food	112.50
		Skilled	120.50
28	A & N Islands	Unskilled	196.00-207.00
		Semi-skilled	208.00-216.00
		Skilled	221.00-238.00
29	Chandigarh	Unskilled	219.93
		Semi-skilled	225.00 - 228.85
		Skilled	236.54-245.19
30	Dadra & Nagar Haveli	Unskilled	147.60
		Semi-skilled	154.10
		Skilled	160.60
31	Delhi	Unskilled	234.00
		Semi-skilled	259.00
		Skilled	285.00
32	Puducherry		
	(i) Karaikal	Light work 6 hours	100.00
		Hard work	150.00
	(ii) Puducherry	Light work	100.00
		Hard work	150.00
	(iii) Mahe	Hard work men 8 hours	160.00
		Light work women 8 hours	120.00
	(iv) Yanam	Light work 6 hours	100.00
		Ploughing 5 hours	100.00



**Statement-II**

*Rates of Minimum Wages for different category of workers  
in different States/Union Territory*

(Rs. Per day)			
Sl.No	State / Union Territory	Unskilled	Skilled
1	2	3	5
1	Andhra Pradesh*	68.96-231.71	104.73-474.31
2	Arunachal Pradesh	134.62	146.15
3	Assam	100.00	120.00
4	Bihar	114.88	147.00
5	Chhattisgarh	151.04	168.04
6	Goa	150.00	158.00
7	Gujarat	100.00	115.00
8	Haryana	173.19	188.19
9	Himachal Pradesh	110.00	123.00
10	Jammu & Kashmir	110.00	200.00
11	Jharkhand	127.00	163.00
12	Karnataka	111.83	117.69
13	Kerala	110.00	158.27
14	Madhya Pradesh	169.03	179.81
15	Maharashtra	95.65	112.79
16	Manipur	122.10	132.60
17	Meghalaya	100.00	140.00
18	Mizoram	132.00	184.00
19	Nagaland	80.00	100.00
20	Orissa	90.00	116.00

1	2	3	5
21	Punjab	147.73	164.69
22	Rajasthan	135.00	155.00
23	Sikkim	100.00	130.00
24	Tamil Nadu	88.29	123.48
25	Tripura	65.77	104.23
26	Uttar Pradesh	100.00	137.50
27	Uttarakhand	98.67	137.33
28	West Bengal	108.07	111.49
29	A & N Islands	196.00	221.00
30	Chandigarh	219.23	236.54
31	Dadra & Nagar Haveli	147.60	160.60
32	Daman & Diu	143.60	160.60
33	Delhi	234.00	285.00
34	Lakshadweep	152.20	172.20
35	Puducherry	100.00	100.00

#### Central Sphere

Cities classified as

Area "C"	151.00-165.00	170.00-232.00
Area "B"	153.00-205.00	185.00-273.00
Area "A"	169.00-247.00	201.00-301.00

\* Range of minimum wages in respect of scheduled employment of lowest and highest category.

**Under unskilled category of workers** - the maximum range have been shown as minimum wages in the states of Assam, Chhattisgarh and Madhya Pradesh as majority of scheduled employments have the maximum wages.

**Under semi-skilled category of workers** - the maximum range have been shown as minimum wages in the state of Madhya Pradesh as majority of scheduled employments have the maximum wages.

**Under skilled category of workers** - the maximum range have been shown as minimum wages in the states of Chhattisgarh and Madhya Pradesh as majority of scheduled

employments have the maximum wages.

**Statement-III**

*Details regarding enforcement of Minimum Wages Act, 1948 during 2009-10*

Sl. No.	Name of the State/UTs	Inspections made	Irregularities				Claims		Prosecution cases		Amount	
			Detected	Rectified	Filed	Settled	Pending	Filed	Decided	of Compensation (Rs. '000)	of Fine (Rs. '000)	Recovered
1	2	3	4	5	6	7	8	9	10	11	12	13
	Central Sphere*	15951	161562	173225	2724	2046	51512	5599	3415	9801	2342	-
	State Sphere											
1	Andhra Pradesh	65115	7368	4461	8504	7723	356	720	186	3571	67	10
2	Arunachal Pradesh*	29	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
3	Assam	8683	5589	3659	80	71	18	8	3	1018	Nil	Nil
4	Bihar	241509	49925	48258	25596	14361	1296	275	4	10704	2218	-
5	Chhattisgarh*	6522	1076	633	156	231	11721	1094	375	25	120	371
6	Delhi	5522	5359	4365	263	132	N.A	876	87	7385	165	165
7	Goa*	971	7003	98	2	9	17	9	3	Nil	12	-

8	Gujarat	19462	81374	54209	0	0	46383	3514	4987	13566	5792	5792
9	Haryana	1612	316	316	231	175	1126	217	214	6602	79	-
10	Himachal Pradesh	3043	3043	2947	11	10	9	6	131	168	86	-
11	Jammu & Kashmir	1981	120	-	2	1	548	269	168	-	1	-
12	Jharkhand	39162	13206	4788	18252	728	669	26	1	2327	1	-
13	Karnataka	21168	21168	2186	1480	1855	2028	1443	944	13994	1270	-
14	Kerala	32786	68861	24274	307	109	690	1567	1384	2412	1481	1481
15	Madhya Pradesh	6681	2307	2724	233	205	3218	1049	501	524	227	52
16	Maharashtra	50537	55774	41074	5	1	1808	230	172	8459	148	38
17	Manipur	1284	8	8	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
18	Meghalaya	238	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
19	Mizoram	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
20	Nagaland	30	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
21	Orissa	20751	16786	9999	97	1	10700	681	7	Nil	2	-
22	Punjab	14624	2818	2209	250	142	4996	335	211	130	143	-

1	2	3	4	5	6	7	8	9	10	11	12	13
23	Rajasthan	8577	146	88	348	193	838	45	43	7339	23	-
24	Sikkim	8250	-	-	-	-	-	-	-	-	-	-
25	Tamil Nadu	152084	3597	2	950	737	2557	163	107	19518	92	42
26	Tripura	19444	Nil	Nil	Nil	Nil	88	Nil	Nil	Nil	230	Nil
27	Uttarakhand	3398	1007	328	153	133	286	342	210	913	57	57
28	Uttar Pradesh	38683	13247	1081	4573	5361	5377	1224	1300	1864000	304	-
29	West Bengal	8695	2980	1896	-	-	1026	275	83	-	43	-
30	Andaman & Nicobar Islands	48	240	240	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
31	Chandigarh	375	77	56	26	21	-	21	27	29	11	-
32	Dadra & Nagar Haveli	21	4	4	1	1	2	1	-	9	-	-
33	Daman & Diu*	395	-	-	-	-	-	-	-	-	-	-
34	Lakshadweep	-	-	-	-	-	-	-	-	-	-	-
35	Puducherry	7010	185	185	Nil	Nil	1	Nil	1	Nil	0.5	0.5

# Provisional

\* Relates to the Calender Year i.e. 2009

**Agitation by textile mills workers in Mumbai**

1841. SHRI GOVINDRAO ADIK:

SHRI SANJAY RAUT:

Will the Minister of TEXTILES be pleased to state:

(a) whether Government's attention has been drawn towards the agitation of textile mills workers against mill owners in Mumbai for providing them housing facilities;

(b) if so, the details thereof; and

(c) the steps taken or proposed to be taken in this issue for the benefit of mill workers?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAKA LAKSHMI): (a) No, Sir.

(b) Does not arise.

(c) Government of India under Textile Workers Rehabilitation Fund Scheme (TWRFS) provides interim relief to the textile workers rendered unemployed as a consequence of permanent closure of any particular portion or entire textile unit in the private sector. Assistance under the Scheme is payable to eligible workers for the purpose of enabling them to settle in another employment.

**Benefits of TWRFS**

1842. DR. T.N. SEEMA: Will the Minister of TEXTILES be pleased to state:

(a) the details of the number of Jute Mills closed and declared sick and are on the line of closure and the number of workers have been rendered jobless;

(b) whether Government has launched the Textile Workers' Rehabilitation Fund Scheme (TWRFS);

(c) if so, the details of the status of implementation;

(d) whether it is a fact that not even a single worker of the closed jute mills has been provided with any financial benefits under TWRFS; and

(e) if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAKA LAKSHMI): (a) The details of the Jute mills closed and declared sick and

on the line of closure are



given in the statement-I and the number of workers rendered jobless in the closed private sector mills is given in the statement-II (See below).

Voluntary Retirement Scheme (VRS) for workers and staff of National Jute Manufactures Corporation (NJMC) has been introduced as per the Union Cabinet's approval of 2005. Accordingly, 17000 workers and staff have taken VRS and got released after full and final settlement of all dues.

(b) Yes, The Ministry of Textiles has launched a Textiles Workers Rehabili-tation Fund Scheme (TWRFS) on September 15, 1986 to provide interim relief to workers rendered jobless as a consequence of permanent closure/liquidation of the textiles units in the private sector. This scheme is not applicable to the State/Central Government Public Sector Undertakings and the textile units in the co-operative sector of the State/Central Government.

(c) The workers of 83 Textile Mills other than Jute Mills have been benefited under TWRFS since inception up to July 2011. The State wise details are given in the Statement-III (See below).

(d) and (e) TWRFS is applicable for the workers of those mills that have been declared closed after 5.6.1985 under Section 25 (O) of Industrial Dispute Act, 1947 or alternatively after appointment of official liquidator under the Companies Act, 1951 in the process of winding up of unit. As such no closed Jute Mill meets with the above criteria, the benefit of TWRFS is not applicable to them.

#### **Statement-I**

##### *BIFR referred Sick/Closed Jute Mills*

Sl. No.	Name of Mills	Remarks
1	2	3
<b>West Bengal</b>		
1	Agarpara	BIFR/SICK
2	Angus	BIFR/SICK
3	Baranagore	BIFR/SICK
4	Calcutta	BIFR/SICK
5	Ganges	BIFR/SICK

1	2	3
6	Empire	BIFR/SICK
7	Delta	BIFR/SICK
8	Kanoria	CLOSED
9	Kanknarrah	BIFR/SICK
10	Vijay Shree	BIFR/SICK
11	Titagaurh#	SICK
12	North Brook#	SICK
13	New Central	BIFR/SICK
14	Nuddea (not in operation)	CLOSED
15	National	On the time of closure of NJMC
16	Kinnison (At present under trial production)	On the time of closure of NJMC
17	Khardah (At present under trial production)	On the time of closure of NJMC
18	Alexandra	BIFR
19	Union	BIFR
20	RDB Textiles	BIFR/SICK
21	Shree Gourishankar	BIFR/SICK
22	Soorah (Not in operation)	CLOSED
23	Gouripur (Not in operation)	CLOSED
	<b>Orissa</b>	
24	KONARK	BIFR/SICK
	<b>Andhra Pradesh</b>	
25	Nellimarla	BIFR/SICK
26	Chittavalsa	CLOSED
	<b>Uttar Pradesh</b>	
27	JK Jute	CLOSED
28	Kanpur	CLOSED

1	2	3
	<b>Bihar</b>	
29	RBHM (At present under trial production)	Under NJMC
	<b>Tripura</b>	
30	Tripura Jute Mill#	SICK
	<b>Chhattisgarh</b>	
31	Mohan	CLOSED

# Mills not referred to BIFR

**Statement-II**

*Worker-wise Breakup at the Time of Closure of 8 Private Jute Mills*

Name of Jute Mill	Total no. of workers
Kanpur Udyog	1300
Gouripur	1136
Soorah	1575
Kanoria Jute	4800
J.K. Jute	3250
Mohan	697
Chitavalsa	3565
Nuddea	1400

**Statement-III**

*Status of State-wise, Number-wise, Payment of the relief under Textile Workers Rehabilitation Fund Scheme since inception upto month July, 2011*

Sl. No.	State	No. of Mills paid relief upto July, 2011	No. of workers on Roll of the mill	No. of workers paid upto July, 2011 under TWRFs	Amount disbursed upto July, 2011 (Rs. in Lakh)
1	2	3	4	5	6
1	Gujarat	43	80749	63639	15959.54
2	Maharashtra	6	9958	7893	2321.22

1	2	3	4	5	6
3	Madhya Pradesh	5	19800	18663	5227.02
4	Tamil Nadu	6	5685	4761	744.58
5	Kerala	1	500	437	247
6	Karnataka	9	10020	5817	2133.97
7	Andhra Pradesh	5	2677	1487	618.89
8	Delhi	1	5187	5170	1193
9	West Bengal	3	2072	2042	533.49
10	Punjab	4	6685	2310	895.83
TOTAL		83	143333	112219	29874.54

**Proposal to allow import of cotton**

1843. SHRI SHADI LAL BATRA: Will the Minister of TEXTILES be pleased to state:

(a) whether the prices of cotton in the country are higher than in some of the neighbouring countries;

(b) if so, the details thereof;

(c) whether Government proposes to allow import of cotton from abroad in view of the cost;

(d) if so, the details thereof; and

(e) the manner in which it affects purchase of cotton in the country?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAKA LAKSHMI): (a) and (b) No Sir. Cotlook A Index has been higher than the domestic cotton price through the cotton season 2010-11 by an average of US \$ 25 cents/lb. Price map for cotton season 2010-11 is given in the Statement (See below).

(c) The Government of India is not engaging itself in the activity of import of cotton. However, the Government formulate the Export-Import policy and tariff for various items including raw cotton. The import of raw cotton is already under Open General Licence (OGL) with effect from 19.04.1994 and the said policy is still being continued. The current custom duty on import of raw cotton is 0%. As such, the textile units are

at liberty to import cotton of any variety/quality from any country to meet their requirement.

(d) and (e) Question does not arise in view of above.

**Statement**

(A) The Cotton Corporation of India Ltd., Navi Mumbai

Domestic sale prices of S-6 in Rs. per candy spot as announced by Cotton Association of India, Mumbai (CAI) and equivalent price in US C/lb vis-a-vis average price of Cotlook A Index

Date	Price of S-6 in Rs.candy spot	Conversion Factor (Exch Rate × 7.84) to per candy	Conversion of S-6 price in US C/lb	Cotlook A (CFR) in US Cents/lb
1	2	3	4	5
03-01-11	42500	350.13	121.38	171.95
04-01-11	42500	351.08	121.06	170.90
05-01-11	42500	353.90	120.09	171.90
06-01-11	42200	354.76	118.95	173.55
07-01-11	42000	355.78	118.05	170.00
10-01-11	43000	356.33	120.67	169.25
11-01-11	43500	355.31	122.43	172.25
12-01-11	43300	353.98	122.32	176.25
13-01-11	43500	353.51	123.05	176.80
14-01-11	43900	354.84	123.72	172.6
17-01-11	44600	354.84	125.69	170.10
18-01-11	45000	354.84	126.82	170.10
19-01-11	45000	355.62	126.54	174.10
20-01-11	44800	355.62	125.98	177.10
21-01-11	44800	358.68	124.90	181.70
24-01-11	46300	357.27	129.59	185.70

1	2	3	4	5
25-01-11	47100	356.64	132.07	190.70
27-01-11	49400	356.96	138.39	194.50
28-01-11	50000	358.21	139.58	197.50
31-01-11	48800	360.09	135.52	193.25
01-02-11	49000	359.39	136.34	197.05
02-02-11	50000	357.27	139.95	201.05
03-02-11	52500	357.50	146.85	205.05
04-02-11	52500	357.74	146.75	201.55
07-02-11	53000	357.11	148.41	197.55
08-02-11	55500	355.78	156.00	203.75
09-02-11	56500	355.15	159.09	205.45
10-02-11	60000	357.11	168.02	209.75
11-02-11	59500	358.52	165.96	216.75
14-02-11	59000	356.96	165.28	217.30
15-02-11	58500	356.25	164.21	214.90
16-02-11	58500	356.25	164.21	219.50
17-02-11	58000	355.94	162.95	226.50
18-02-11	59000	354.21	166.57	233.50
21-02-11	58500	354.21	165.16	226.50
22-02-11	57300	353.66	162.02	226.50
23-02-11	56000	354.29	158.06	219.50
24-02-11	55000	355.62	154.66	215.75
25-02-11	54300	355.70	152.66	209.30
28-02-11	58000	354.76	163.49	216.30

1	2	3	4	5
01-03-11	59000	353.74	166.79	22
02-03-11	59000	353.74	166.79	225.50
03-03-11	59000	352.80	167.23	231.90
04-03-11	59500	352.49	168.80	236.25
07-03-11	58700	352.49	166.53	243.25
08-03-11	58500	352.49	165.96	243.65
09-03-11	57500	352.49	163.13	236.05
10-03-11	58200	352.49	165.11	233.25
11-03-11	58200	354.13	164.35	229.65
14-03-11	59200	353.98	167.24	233.40
15-03-11	59000	354.68	166.35	226.60
16-03-11	59000	354.21	166.57	229.60
17-03-11	59200	354.37	167.06	214.25
18-03-11	59500	353.58	168.28	221.05
21-03-11	59900	353.11	169.64	228.05
22-03-11	60200	353.27	170.41	228.15
23-03-11	60500	352.33	171.71	234.75
24-03-11	61000	350.92	173.83	230.75
25-03-11	61500	350.92	175.25	237.65
28-03-11	61500	351.00	175.21	233.45
29-03-11	61500	350.60	175.41	226.45
30-03-11	61500	350.92	175.25	223.45
31-03-11	61500	350.21	175.61	221.95
01-04-11	61500	350.21	175.61	227.75



1	2	3	4	5
04-04-11	61500	350.21	175.61	223.00
05-04-11	61500	359.39	171.12	223.00
06-04-11	61000	354.76	171.95	228.00
07-04-11	61000	346.84	175.87	234.40
08-04-11	61000	346.84	175.87	234.25
11-04-11	60800	346.84	175.30	228.55
13-04-11	58800	348.64	168.66	224.35
15-04-11	57800	348.64	165.79	219.45
18-04-11	56300	347.08	162.21	218.95
19-04-11	56000	349.90	160.05	218.95
20-04-11	56000	349.90	160.05	212.65
21-04-11	55000	347.23	158.40	206.35
25-04-11	55200	348.41	158.43	NQ
26-04-11	55200	349.51	157.94	196.15
27-04-11	55200	348.02	158.61	179.70
28-04-11	53200	347.47	153.11	172.70
29-04-11	51700	347.94	148.59	NQ
02-05-11	50000	347.47	143.90	NQ
03-05-11	49000	347.86	140.86	173.10
04-05-11	49000	349.12	140.35	174.70
05-05-11	48000	349.12	137.49	168.70
06-05-11	46000	351.08	131.02	164.20
09-05-11	43500	350.29	124.18	163.50
10-05-11	43500	350.60	124.07	163.35

1	2	3	4	5
11-05-11	44000	350.45	125.55	166.65
12-05-11	45000	351.00	128.21	165.65
13-05-11	44000	351.86	125.05	160.55
16-05-11	45000	352.96	127.49	160.95
17-05-11	45000	352.96	127.49	163.6'5
18-05-11	45000	353.35	127.35	164.80
19-05-11	45000	352.41	127.69	167.55
20-05-11	46200	352.17	131.19	163.55
23-05-11	46500	354.52	131.16	163.55
24-05-11	47000	354.45	132.60	165.15
25-05-11	47000	355.78	132.10	165.55
26-05-11	47000	354.92	132.42	167.15
27-05-11	47200	354.37	133.19	163.35
30-05-11	46500	353.58	131.51	NQ
31-05-11	46000	352.96	130.33	164.75
01-06-11	46000	352.25	130.59	168.95
02-06-11	45500	352.17	129.20	170.80
03-06-11	45500	351.55	129.43	173.00
06-06-11	44000	351.08	125.33	171.50
07-06-11	44000	350.84	125.41	167.50
08-06-11	44000	349.66	125.84	160.50
09-06-11	44000	350.21	125.64	157.90
10-06-11	43500	350.68	124.04	NQ
13-06-11	43500	351.55	123.74	NQ

1	2	3	4	5
14-06-11	43500	350.92	123.96	NQ
15-06-11	43000	350.13	122.81	NQ
16-06-11	42000	352.02	119.31	NQ
17-06-11	40500	352.25	114.98	NQ
20-06-11	39000	352.96	110.49	NQ
21-06-11	38000	352.02	107.95	NQ
22-06-11	38000	351.47	108.12	NQ
23-06-11	38000	352.17	107.90	NQ
24-06-11	38000	352.25	107.88	NQ
27-06-11	38000	353.51	107.49	NQ
28-06-11	38000	353.19	107.59	NQ
29-06-11	38000	352.09	107.93	NQ
30-06-11	38000	350.76	108.34	NQ
01-07-11	37500	352.09	106.51	NQ
02-07-11	37500	349.74	107.22	NQ
04-07-11	37500	348.49	107.61	NQ
05-07-11	37000	348.80	106.08	NQ
06-07-11	37000	348.02	106.32	NQ
07-07-11	37000	348.10	106.29	NQ
08-07-11	37000	347.55	106.46	NQ
11-07-11	36500	347.70	104.98	NQ
12-07-11	35500	350.29	101.34	NQ
13-07-11	34500	349.43	98.73	NQ
14-07-11	34000	349.12	97.39	NQ
15-07-11	33500	348.96	96.00	NQ
18-07-11	32000	349.35	91.60	NQ

1	2	3	4	5
19-07-11	31500	349.59	90.11	NQ
20-07-11	31000	348.57	88.93	NQ
21-07-11	31000	349.12	88.79	NQ
22-07-11	31000	347.78	89.14	NQ
25-07-11	30000	348.25	86.15	NQ
26-07-11	30000	347.31	86.38	NQ
27-07-11	30000	351.86	85.26	NQ
28-07-11	30300	345.90	87.60	NQ
29-07-11	30800	346.14	88.98	NQ
01-08-11	32000	345.35	92.66	NQ
02-08-11	32000	346.84	92.26	NQ
03-08-11	32700	347.94	93.98	NQ
04-08-11	34200	348.17	98.23	NQ
05-08-11	35000	350.84	99.76	NQ
08-08-11	34000	352.88	96.35	NQ
09-08-11	34000	354.13	96.01	NQ
10-08-11	34000	346.61	98.09	NQ

Price: Corresponding period last year

10-08-10	30700	362.68	84.65	NQ
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(1 candy=355.62 kgs)

Comparison: Current price vis-a-vis opening price (as on 01-10-10)

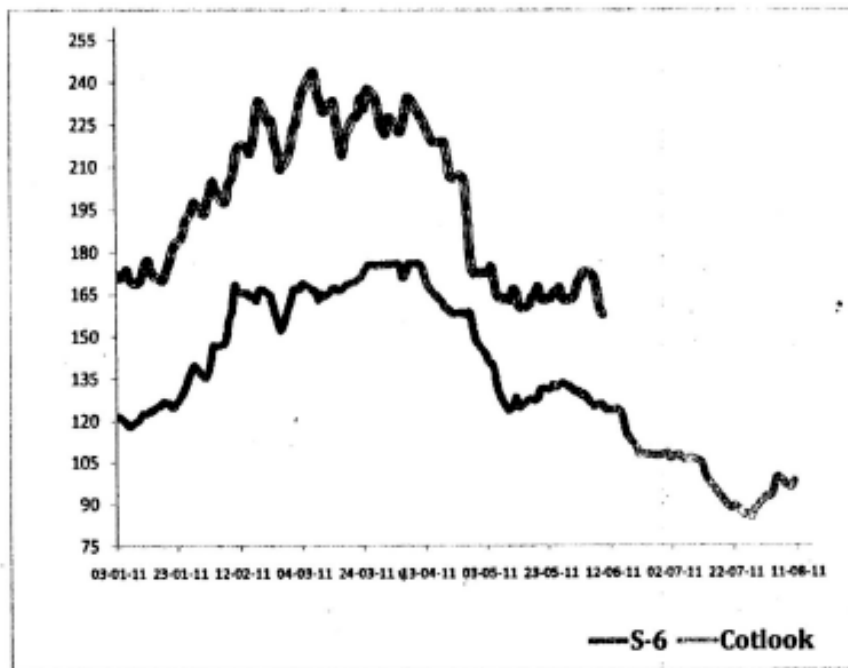
Increase/decrease in actual & in-10%	-3700	-9.56	-
		-9%	-

Comparison: Current price vis-a-vis last year price

Increase in actual & In %age term	3300	13.45	-
	11%	16%	-

D:\Minmails\S-6 vis-a-vis Cotlook from Jan '11.xlsx

(B) Movement of S-6 prices vis-a-vis Cotlook prices - 2010-11



#### Steps to protect textile industry

1844. SHRI MOHD. ALI KHAN: Will the Minister of TEXTILES be pleased to state:

(a) whether textile manufacturers are attributing the decline to the young generation moving away from sarees and salwars to trousers and western wear;

(b) if so, the details thereof;

(c) the present position thereof; and

(d) the steps taken by Government to correct the situation in future to protect the textile industry also?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAKA LAKSHMI): (a) No, Sir. No such representation has been received by Government.

(b) to (d) Do not arise.

#### Current stock of cotton

1845. SHRI NATUJI HALAJI THAKOR: Will the Minister of TEXTILES be

pleased to state:

(a) the size of current stock of cotton available in Gujarat and other States in the context of the corresponding year stock as recorded last year;

(b) the effect on demands as cotton in international markets has sharply increased and India is principle supplier to overseas market; and

(c) the details of steps taken to boost promotion of cotton export?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAKA LAKSHMI): (a) The Cotton Advisory Board (CAB) in its meeting held on 25.07.2011 has estimated the closing stock for the current cotton season 2010-11 (Oct.-Sept.) at 52.50 lakh bales as against 40.50 lakh bales estimated in the corresponding cotton year 2009-10. State-wise cotton stock is not estimated by the CAB.

(b) World cotton consumption is estimated at 1440 lakh bales in 2010-11, 3% lower than in 2009-10, despite firm global economic growth. India's cotton consumption was 250 lakh bales in 2009-10 and is estimated at 253 lakh bales in 2010-11. Demand from spinning mills was strong in the first half of this season, but is now much weaker. Spinners, faced with high prices of cotton and difficulties to access credit on the one side, and declining prices of cotton yam on the other side, have reduced their activity. Stocks of cotton yam have accumulated at many mills. Prices of chemical fibers have remained much lower than cotton prices, encouraging an increased switch to chemical fibers at the spinning level. India has also witnessed reduction in yam and fabric production in the months of June and July, 2011.

(c) Government has taken the following steps to boost promotion of cotton exports:

- i) The cap on the export of cotton [ITC (HS) code 5201 and 5203] has been removed vide Notfn. No. 62 (RE-2010)/2009-14 dated 2.8.2011.
- ii) Export of raw cotton made on or after 1.10.2010 will now be entitled for DEPB benefit vide public Notice No. 68/2009-14 (RE 2010) dated 4.8.2011.

#### **Steps to protect Indian silk industry**

1846. DR. VIJAY MALLYA: Will the Minister of TEXTILES be pleased to state:

(a) the steps taken by Government to protect Indian silk industry in

lieu of competition from other countries;



(b) whether there has been large scale displacement of silk manufacturers as a result of competition from other countries;

(c) whether Government provides superior technology support to silk manufactures to compete with other silk manufacturing countries; and

(d) if not, whether Government proposes to do so?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAKA LAKSHMI): (a) Government of India, through Central Silk Board (CSB), is implementing a Centrally Sponsored Scheme viz "Catalytic Development Programme" (CDP) in collaboration with state sericulture departments in all States for providing support for the development of Indian silk industry to face the competition from other countries. CDP is a unique and an effective tool for transfer of technologies evolved by the Research Institutes to the field. The components under CDP envisaged development and expansion of host plant, development of farm and post cocoon infrastructure, up-gradation of reeling and processing technologies in silk, Enterprise Development Programme, support for extension and publicity etc. Central Silk Board, through its Research & Development Institutes, is providing technological support in terms of high yielding mulberry varieties, robust silkworm races, improved reeling packages for the overall development of productivity and quality of silk to compete with the other countries.

(b) There was large scale dumping of raw silk & silk fabric from China PR affecting/displacing the Indian silk producers. In order to curb the dumping of raw silk, the Government of India imposed antidumping duty on raw silk of 2A grade & below imported from China, during January 2003 for a period of 5 years. The same has been extended for another 5 years till Jan-2014. Antidumping duty on silk fabrics (20-100 Gms.) imported from China has also been imposed in November 2006 for 5 years period and is currently under review by DGAD. These steps have prevented large scale displacement of silk manufacturers.

(c) and (d) The Government of India through Central Silk Board provides superior technology support for the silk industry to compete with other silk manufacturing countries. The technologies are either developed by Central Silk Technological Research Institute or other Research Organizations, which are useful for improving the product quality. The technologies include Multi-end reeling machines, Automatic reeling machines, shuttle less looms, Improved Handlooms, Computer aided

textile design (CATD) machines, modern yarn dyeing and fabric dyeing machines, Spun Silk Mill, improved reeling cum twisting machine and spinning wheel for Vanya silk etc.

**Inculsion of Patnagar, Gandhinagar, Gujarat in JNNURM**

1847. SHRI PRAVIN NAIK: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) the state capitals which have been included in Jawaharlal Nehru National Urban Renewal Mission (JNNURM);

(b) whether the names of Patnagar, Gandhinagar of Gujarat has been included in that list and if not, the reasons therefor;

(c) whether any request from the State Government of Gujarat has been sent to the Central Government in this regard and the date when such request has been sent; and

(d) the Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) Except Gandhi Nagar, the Capital of all the States have been included in the Jawaharlal Nehru National Urban Renewal Mission (JNNURM).

(b) No, Sir. As per guidelines, the number of cities covered under Urban Infrastructure & Governance (UIG) of JNNURM is to remain around 60. Presently, 65 cities are covered under UIG.

(c) and (d) Yes, Sir. Chief Minister, Gujarat vide his letter dated 8.7.2008 has requested *inter-alia* for inclusion of Gandhinagar being the State Capital of Gujarat as a Mission city. The proposal for inclusion of the Capital city of Gandhinagar was considered by National Steering Group (NSG) under JNNURM in its meeting, held on 5.1.2009 but the city was not recommended for inclusion as Mission City.

**Facilitating installation of air conditioners in GPRAs**

1848. PROF. ANIL KUMAR SAHANI: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether a decision has been taken by Government in 2010 to change window design to facilitate installation of air-conditioners in the General Pool Residential Accommodation (GPRA);

(b) whether CPWD is not entertaining the request of the GPRA allottee in the matter saying that CPWD is not aware of any such decision of Government;

(c) if so, the reaction of Government thereon and action taken to

implement the said decision; and

†Original notice of the question was received in Hindi.

(d) whether Government has received complaints in the matter from MPs etc. and if so, the action taken thereon?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) Yes, Sir.

(b) to (d) The instructions for change of window design for installing air-conditioners in GPRAs will be issued and communicated to CPWD.

#### **DDA Projects in Delhi**

†1849. SHRI PARVEZ HASHMI: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) the details of projects to be built by Delhi Development Authority in Dwarka;

(b) the details of projects built in Narela and Dhirpur;

(c) whether the proposal of any other project is under consideration in addition to above said three schemes; and

(d) the details of schemes regarding construction of flats by Delhi Development Authority in coming years?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) Details of Projects planned/to be undertaken at Dwarka as intimated by Delhi Development Authority (DDA) include:

- i) Development of Golf Course at sector-24, Dwarka
- ii) Construction of Socio-Cultural centre at sector-11, Dwarka
- iii) Development of Bharti Vandana Park
- iv) Providing/Laying of dense bituminous concrete on Master plan roads
- v) Development of Sports Complex in sector-8, 17, 19 & 23
- vi) Construction of Community Hall in Dwarka; Sector-3, 5, 9, 10, 11, 14, 16-A, 16-B & 19 & Village Palam, Village Dhool Siras, Village Pochan Pur
- vii) Construction of Community Centre at sector-17, Dwarka
- viii) Online Channel treatment of polluted water flow in Palam Drain from Madhu Vihar to out fall of Najafgarh Drain. Dwarka

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†Original notice of the question was received in Hindi.

- ix) Construction of Command Tank No-6 at sector-26, Dwarka
- x) Laying lines for treated effluent to be supplied in parks
- xi) Construction of 100 m Right of Way, Urban Extension Road No.2 from Najafgarh road to NH-8 passing via Dwarka
- (b) Details of Projects developed in Narela as intimated by DDA include:
  - i) Construction of 80 m Right of Way, Urban Extension Road No.1 from Western Yamuna Canal to NH-1 (Phase-I of road 7 km constructed)
  - ii) Construction of 100 m Right of Way, Urban Extension Road No.2 from Western Yamuna Canal to NH-1 (Phase-I of road 3.2 km constructed)
  - iii) 170 M1G Houses in pocket B-4
  - iv) 940 EWS Houses at pocket-7, sector A-6
  - v) 608 Janta Houses at pocket-11, sector A-6
  - vi) 48MIG/48L1G in pocket-1 in sector A-9
  - vii) 64MIG/184LIG in pocket-3, sector A-9
  - viii) 120MIG/96LIG in pocket-4, sector A-9
  - ix) 64 M1G/24 LIG in pocket-4, Sector A-9
  - x) 64 MIG/88 LIG in pocket-1, sector A-9
  - xi) 96 M1G/112 LIG Pocket-2, Sector A-10
  - xii) 96 MIG/112 LIG Pocket-6, sector A-10
  - xiii) 96 MIG/120 LIG Pocket-6, sector A-10
  - xiv) 1260 LIG in Sector B-2
  - xv) 348/344 Janta Houses in pocket-1, sector A-5
  - xvi) 312 Janta Houses in pocket-1, sector A-5
  - xvii) 672 MIG Houses in pocket-6. sector A-5
  - xviii) Sport complex.

DDA has also informed that no project has been developed by it in Dhirpur.

(c) DDA has informed that as far as major sub city development projects, like Narela.

Dwarka and Dhirpur are concerned, there is no other project as on date.

(d) Details of DDA's plans relating to the construction of flats in coming years as A informed by DDA include:

- (i) 6340 Houses in G-2,G-6, G-7 & G-8, Narela
- (ii) 10860 Houses in sector-34 & sector-35, Rohini
- (iii) 316 HIG Houses in sector-26, Rohini.
- (iv) 256 Multi-storey Houses in sector-19, Rohini
- (v) 50 LIG Flats in Pocket-J, Sector-16, Rohini
- (vi) 1240 HIG (Multi-Storey) Houses in sector 19-B, Dwarka
- (vii) 208 HIG (Multi-Storey) Houses in sector-14, Dwarka
- (viii) 346 MIG Houses in pocket-2. Sector 16-B, Dwarka.
- (ix) 352 Multi-storey houses in pocket-3, Sector-19, Dwarka.
- (x) 483/384 Multi-storey Houses at sector A-9, Narela
- (xi) 160 MIG Houses at Pocket-9-B, Jasola
- (xii) 240 Multi-storey flats at Bakkarwala

**Central Assistance for improving Mithi river**

†1850. DR. YOGENDRA P. TRIVEDI: Will the MINISTER OF URBAN DEVELOPMENT be pleased to state:

(a) whether after heavy rains of 2006 and damage caused by it in Mumbai and after the meeting between State and Central Government for financial assistance, it has been decided to give financial assistance to the project of improving Mithi river by bringing it under 'Additional Central Assistance (ACA)';

(b) if so, when and whether after this decision Central Government has given this fund to the State Government;

(c) if not, the reasons therefor, whether Government does not feel that Mumbai, the financial capital of country, needs to be freed from the difficulties of rains at the earliest; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) and (b) A project report for development and protection of Mithi river was sent by Government of Maharashtra which has been appraised by Ministry of Water Resources. Comments of Ministry of Water Resources have been sent to the state government.

(c) and (d) The Government of India has approved Brihan Mumbai Storm Water Drainage Project (BRIMSTOWAD) at a cost of Rs.1200.53 crore. Out of this, an amount of Rs.1000 crore has been released.

**Funds to states under JNNURM**

1851. SHRI NAND KUMAR SAI: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether Government provides assistance to States under the Urban Infrastructure and Governance component of Jawaharlal Nehru National Urban Renewal Mission (JNNURM);

(b) if so, the State-wise, details of assistance provided to various projects during 2010-11;

(c) the details of the criteria fixed for allocations of assistance under the said component;

(d) whether funds allocated to these projects has been utilized properly by the various States during the year;

(e) if so, the details in this regard; and

(f) the States found violating the utilization of said assistance?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) Yes, Sir. Assistance is provided to States/Union Territories (UTs) under Urban Infrastructure & Governance (UIG) submission of Jawaharlal Nehru National Urban Renewal Mission (JNNURM).

(b) Details of Additional Central Assistance (ACA) committed and ACA released for utilisation during the year 2010-11 State-wise is given in the statement (See below).

(c) The original allocation provided under UIG is based on urban population of the Mission cities.



(d) to (f) The progress of the Projects is periodically reviewed by the Government of India. However, the execution and monitoring of projects is done by the States/UTs in accordance with rules and procedures. States/UTs report on the proper utilization of funds through Quarterly Progress Reports (QPRs).

**Statement**

*Details of assistance provided to various projects during 2010-11*

Sl.No.	Name of State	Additional Central Assistance (ACA) released during the (ACA) committed in 2010-11	ACA released during the year 2010-11 for projects approved during the Mission Period (Rs. in lakhs)
1	2	3	4
1	Andhra Pradesh	0.00	15569.86
2	Arunachal Pradesh	0.00	0.00
3	Assam	0.00	3792.54
4	Bihar	0.00	0.00
5	Chandigarh	0.00	734.52
6	Chhattisgarh	0.00	3643.68
7	Delhi	47520.00	43509.00
8	Goa	0.00	0.00
9	Gujarat	2104.84	7297.21
10	Haryana	0.00	5283.80
11	Himachal Pradesh	0.00	0.00
12	Jammu & Kashmir	0.00	0.00
13	Jharkhand	1668.12	417.03
14	Karnataka	0.00	7659.85
15	Kerala	0.00	0.00
16	Madhya Pradesh	9000.00	4828.66

1	2	3	4
17	Maharashtra	0.00	42004.49
18	Manipur	0.00	0.00
19	Meghalaya	0.00	0.00
20	Mizoram	0.00	0.00
21	Nagaland	0.00	0.00
22	Orissa	0.00	0.00
23	Punjab	0.00	0.00
24	Puducherry	0.00	0.00
25	Rajasthan	0.00	0.00
26	Sikkim	0.00	0.00
27	Tamil Nadu	4063.50	2635.84
28	Tripura	0.00	0.00
29	Uttar Pradesh	0.00	25479.16
30	Uttarakhand	3501.86	981.06
31	West Bengal	42259.61	17412.81
TOTAL		110117.93	181249.51

**Unauthorised encroachments in CPWD colony, Vasant Vihar**

1852. SHRIMATI KUSUM RAI: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether the Ministry is aware of the large-scale unauthorized construction by contractors in open space near 67 Block, CPWD Colony, Vasant Vihar to accommodate labourers for construction activities thereby creating nuisance and safety concerns for resident and unhygienic conditions are prevailing due to dumping of garbage and defecating in the open;

(b) whether vehicles carrying construction materials ply in the area throughout the day disturbing the peace and quiet and creating all sorts of hazards and the RWA has also objected to these activities;

(c) if so, the action Ministry proposes to remove the encroachments;  
and

(d) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) As per CPWD, there is no large scale unauthorized construction by the contractors in the said locality. As per terms and conditions of agreements, erection of temporary stores with two persons for watch and ward are allowed. 10 Nos. of works have recently been awarded to various agencies to execute works in the complex. The temporary stores are erected in vacant land away from the residential houses. No labour is allowed to stay during night on the campus. The contractors' labourers are not allowed to dump malba, create nuisance and defecate in the open. All the temporary stores shall be removed after completion of work.

Construction material is brought only when the entry is opened by the Traffic Department. However, contractors are directed not to disturb the peace of residents.

(c) As stated to reply to (a) above.

(d) Does not arise.

#### **Metro projects in States**

1853. SHRI NATUJI HALAJI THAKOR: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether Government has granted approval/sanction for metro rail projects in various parts of the country including Bangalore, Jaipur, Hyderabad and Ahmedabad;

(b) if so, the details thereof along with the projects completed/under construction and the length and cost of each such project;

(c) whether the fund sharing pattern between the Union Government and State Government has been decided;

(d) if so, the project-wise and State-wise details thereof; and

(e) the details of proposals received from States/under consideration for providing metro-rail connectivity in metropolitan/medium cities and their status?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) to (e) Yes, Sir. Government has received proposals from some of the State Governments

and granted approval/sanction for metro rail projects. A list of proposals approved so far are given in the statement-I and the proposals not sanctioned so far by the Central Government are given in the statement-II (See below). The final approval for the project requires a number of approvals at various levels involving inter ministerial consultations including Planning Commission, tie up of funding arrangements etc. The Central Government has not received any metro rail proposal for Ahmedabad from Government of Gujarat so far.

**Statement-I**

*The State-wise sanctioned Metro Rail Projects, their length,  
estimated cost and funding pattern:*

Sl. No	Project	Length (km.)	Cost (Rs. in crore)	Funding Plan (Rs. in crore)
1	2	3	4	5
<b>National Capital Region</b>				
1.	<b>Delhi MRTS</b>	65.05	10571	Equity GoI- 1464.00
	<b>Phase I- Delhi</b>			Equity GNCTD- 1464.00
				Sub. Debt GoI- 252.00
	Shahdara-Rithala	22.06		Sub. Debt GNCTD - 252.00
				JBIC loan 6839.00
	Vishwavidyalaya- Central Secretariat	10.84		Property development- <u>300.00</u>
	Indraprastha- Dwarka	25.65		<b>Total - 10571.001</b>
	Dwarka sub-city (Dwarka- Dwarka VI)	6.5		
2.	<b>Delhi MRTS</b>	54.68	8605.36	Equity GoI - 1194.195
	<b>Phase II- Delhi</b>		+	Equity GNCTD- 1194.195
			<u>3086.00</u>	Sub. Debt GoI- 175.000
	Vishva Vidyalaya - Jahangir Puri	6.36	11691.36	Sub. Debt GNCTD- 175.000
				JICA loan- 5056.970
	Central Secretariat- Qutab Minar	12.53		Property development- 405.000
				Internal accrual- 405.000

Shahdara - Dilshad 3.09

**Sub Total - 8605.360**

Garden

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1	2	3	4	5
				Rolling Stock
	Indraprastha - New	8.07		Equity GoI - 1265.50
	Ashok Nagar			Equity GNCTD- 1265.50
	Yamuna Bank -	6.16		Property
	Anand Vihar ISBT			development- 555.00
				<b>Sub Total - 3086.00</b>
	Kirti Nagar-Ashok	3.36		
	Park			<b>Grand Total - 11691.36</b>
	Inderlok-Mundka	15.15		
	<b>3. Extension of Delhi</b>			<b>Haryana portion</b>
	<b>Metro to Gurgaon-</b>			Land GoH- 20.00
	<b>Haryana</b>			Grant GoH - 456.00
				Grant Gol- 114.00
	Ambedkar Nagar in	14.47	1589.44	Rolling Stock
	Delhi to Sushant			DMRC- 98.00
	Lok in Gurgaon			<b>Sub total- 688.00</b>
				<b>Delhi portion</b>
				Sub. Debt for
				land GoI- 24.50
				Sub. Debt for land
				GNCTD- 24.50
				Equity Gol - 111.00
				Equity GNCTD- 111.00
				Grant GoH - 111.00
				JICA loan 352.00
				<b>Sub total - 734.00</b>
				<b>Central Taxes Haryana</b>
				<b>portion</b>
				Gol - 55.00
				GoH - 20.00
				<b>Sub total 75.00</b>
				<b>Central Taxes Delhi portion</b>
				GoI 30.00
				GNCTD 30.00
				GoH 24.00
				<b>Sub total 84.00</b>
				Shifting of Entry-Exit
points				and provision of
escalators				in 3 Metrostations at
				Gurgaon
				GoI - 2.59
				GoH - 5.85
				<b>Sub total 8.44</b>
				<b>Grand total- 1589.44</b>

1	2	3	4	5
4.	<b>Extension of Delhi Metro to NOIDA-UP</b>			Land GoUP - 32.00 Grant GoUP - 488.80 Grant Gol 122.20 Rolling Stock DMRC- 93.00 <b>Sub total 736.00</b>
	New Ashok Nagar in Delhi to Sector-32 NOIDA	7.0	827.00	
				<b>Central Taxes</b> GoI- 69.00 GoUP- 22.00 <b>Sub total 91.00</b> <b>Grand Total - 827.00</b>
5.	<b>Central Secretariat to Badarpur - Delhi</b>	20.16	4012.00	Equity GoI - 612.50 Equity GNCTD- 612.50 Sub.Debt land GoI-17.50 Sub.Debt land GNCTD- 117.50 JICA loan 2143.00 Central Tax Gol-165.00 Central Tax GNCTD- 165.00 State taxes - 79.00 <b>Total - 4012.00</b>
	Central Secretariat to Sarita Vihar			
	Sarita Vihar to Badarpur			
6.	<b>Metro link from Dwarka Sector-9 to Sector-21-Delhi</b>	2.76	356.11	Grant DDA - 275.00 Rolling Stock DMRC- <u>81.11</u> <b>Total- 356.11</b>
7.	<b>Airport Metro Express Link - Delhi</b>			Grant Airport Operator- 350.00 Equity GoI 599.00 Equity GNCTD- 599.00 Equity Concessionaire- 461.00 Debt Concessionaire- 1067.00 <b>Total - 3076.00</b> Equity Gol- 158.60 Equity GNCTD - 158.60 Grant DDA 217.40 Concessionaire - 77.50 Investment Debt Concessionaire- <u>180.00</u> <b>Total - 793.00</b>
	New Delhi Railway Station to IGI Airport	19.2	3076.00	
	IGI Airport to Dwarka Sector-21	3.50	793.00	



1	2	3	4	5
<b>Other than National Capital Region</b>				
8.	Bangalore Metro (Karnataka)			Equity GoI - 1223.70 Equity GoK- 1223.70 Sub.Debt GoI- 815.80
	Hesaraghatta	42.3	8158.00	Central taxes
	Cross to			Sub.Debt GoK- 1223.70
	Puttenahalli and			JICA loan - 2877.75
	Bayappanahalli to			Local Govt.
	Mysore Road Terminal.			sources- 793.35
				<b>Total - 8158.00</b>
9.	<b>Kolkata East-West Metro Corridor (West Bangal) Central taxes</b>			Equity Gol - 701.50 Equity GoWB- 701.50 Sub.DebtGol- 467.50
	Howrah Maidan to	14.67	4874.58	Sub.Debt GoWB- 751.14
	Salt Lake Sector-V			JICA loan - 2252.94
				<b>Total - 4874.58</b>
10	<b>Chennai Metro (Tamil Nadu)</b>	45.046	14600.00	Equity GoI - 2190.00 Equity GoTN- 2190.00 Sub.Debt GoI- 730.00
	Washermanpet to	23.085		Central taxes
	Chennai Airport			Sub.Debt GoTN- 844.00
	Chennai Central to	21.961		JICA loan - 8646.00
	St. Thomas Mount			<b>Total - 14600.00</b>
11	<b>Mumbai Metro Line-1 (Maharashtra)</b>			Equity Reliance-354.00 Equity Connex- 26.00 Equity MMRDA- 134.00 Debt - 1192.00
	Versova-Andheri-	11.07	2356.00	VGf grant Gol- 471.00
	Ghatkopar			VGf grant GoM- 179.00
				<b>Total - 2356.00</b>
12	<b>Mumbai Metro Line-2 (Maharashtra)</b>			Equity MMRDA- Nil Equity
				Concessionaire- 1609.00
				Debt - 3753.00
				VGf grant GoI- 1532.00
	Charkop-Bandra-	31.87	7660.00	VGf grant GoM- 766.00
	Mankurd			<b>Total - 7660.00</b>

1	2	3	4	5
13	Hyderabad Metro (Andhra Pradesh)	71.16	12132	GOI (VGF): 1458.00 GoAP 1980.00 PPP Partner: <u>8694.00</u> <b>Total - 12132.00</b>
14	Jaipur Metro Stage-I (Rajasthan)	9.25	1250.00	Equity/grant/Loan by Govt, of Rajasthan and its agencies/Bonds etc. <b>Total: 1250.00</b>

**Statement-II**

*Proposals considered by Empowered Group of Ministers  
on 9.8.2011 and minutes processed*

Sl.No.	Project Pattern	Length (Km.)	Total tentative cost (Rs. in Cr.)	Funding (Rs. in crore)
1	2	3	4	5
1.	Delhi Metro Phase-III (Delhi)	103.05	35242	Equity by GoI & GNCTD (10.636% Each) 7497.00 Interest free Sub-Debt 5100.00 Grant by DDA 1500.00 Property Dev. By DMRC 1586.00 JICA Loan 14097.00 Loan from IIFCL & or other Fin. Inst.  <u>5462.00</u> <b>Total- 35242.00</b>
2	Extension to Faridabad (Haryana)	13.875	2533	Cost of land provided by GoH 85.00 Grant GoH: 1342.40 Grant GoI 335.60 Sub. Debt. GoH 52.20 Sub Debt. GoI 208.80 States Taxes GoH 109.00 Sub Total: 2048.00 Rolling Stock Borne by DMRC <u>400.00</u> <b>Total: 2533.00</b>

1	2	3	4	5
3	Extension to Ghaziabad (Vaishali) (Uttar Pradesh)	2.6	320	Capital cost of the Network borne by GDA 260.00 Rolling Stock Borne by DMRC <u>60.00</u> <b>Total 320.00</b>

***Projects not sanctioned so far***

Sl.No.	Project pattern (State)	Length (Km.)	Total tentative (Rs. in crore)	Tentative funding (proposed by the State cost Govt.) (Rs. in crore)
1	2	3	4	5
1	Kochi Metro Rail (KERALA)	25.30	2991.50	Equity by GoI 450.00 Equity by GoK 450.00 Sub. Debt. By GoI 299.10 Sub. Debt by GoK 450.00 JICA Loan 1350.40 Total (excluding State Taxes): 2991.50
2	Jaipur Metro Stage-II Govt, Sitapur via SMS Viability Hospital) (Rajasthan)	29.11 (including 9.25 (Ambabari to km of civil infrastructure constructed under stage-I)	8723.37	Implementation through Concessionaire on PPP basis. Support from of India in form of Gap Funding (VGF).
3	Colaba- Mahim/ Bandra Corridor (Line-III) (Maharashtra)	20.40	12000.00	Equity by GoI 2280.00 Equity by GoM 2520.00 Sr. Term Debt, by JICA Loan <b>7200.00</b> <b>Total: 12000.00</b>
4	Bangalore High Speed Rail Link (Karnataka) Govt, Viability	33.65	6542.29	Implementation through Concessionaire on PPP basis. Support from of India in form of

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Gap Funding (VGF).

1	2	3	4	5
5	Ludhiana Metro (PUNJAB)	28.954	8705	Equity by BOT 802.00 Domestic Debt 1603.00 Grant by GoI & State Govt. <u>6300.00</u> <b>Total: 8705.00</b>

**Abbreviations:**

GoI - Government of India  
GNCTD - Government of National Capital Territory of Delhi  
GoH - Government of Haryana  
GoUP - Government of Uttar Pradesh  
GoK - Government of Karnataka/Kerala  
GoAP - Government of Andhra Pradesh  
GoWB - Government of West Bengal  
GoTN - Government of Tamil Nadu  
GoM - Government of Maharashtra  
DMRC - Delhi Metro Rail Corporation Ltd.  
NCR - National Capital Region  
IGI - Indira Gandhi International Airport  
DDA - Delhi Development Authority  
HUDA - Haryana Urban Development Authority  
MMRDA - Mumbai Metropolitan Regional Development Authority  
JICA - Japan International Cooperation Agency  
Sub.Debt - Subordinate Debt  
PPP - Public Private Partnership  
VGF - Viability Gap Funding  
BOT - Built Operate & Transfer  
ISBT - Inter State Bus Terminus  
GDA - Ghaziabad Development Authority.

**Change of name of GHs and DDA flats in Nasirpur  
as Dwarka Kunj in Delhi**

1854. SHRI M.V. MYSURA REDDY: Will the Minister OF URBAN DEVELOPMENT be pleased to state:

(a) whether it is a fact that DDA had changed the name of the area pertaining to Group Housing Societies and DDA flats in 'Nasirpur' to 'Dwarka Kunj', Dwarka Sector 1-A;

(b) if so, whether there has been no signages put on the airport Dwarka Flyover, on Dabri Palam Road and at the entrance to the Colony by DDA so that there is clarity to the public in general and especially for people living in the area; and

(c) by when DDA would install signages at all the relevant junctions?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) DDA has intimated its No Objection to the State Naming Authority (SNA) of Govt. of NCT of Delhi for renaming Pockets 6-9, Nasirpur, Dwarka as Sector-1 A, Dwarka. Decision of the SNA in the matter has not been communicated to DDA.

(b) and (c) Signages would be installed after receipt of the decision of the State Naming Authority.

**Encroachment at Palam Dabri road, Delhi**

1855. SHRI M.V. MYSURA REDDY: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether it is a fact that the shop owners along the Palam Dabri Road have encroached both sides of the road, by keeping their materials and parking vehicles thereby causing inconvenience to the road users;

(b) the action being taken by MCD to demolish and encroachment/removal of materials pertaining to the shop owners from the encroached area; and

(c) the action being taken by Delhi Traffic Police to remove the illegal parking of vehicles in order to ensure smooth flow of vehicles on the road?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) and (b) MCD has intimated that temporary encroachment as and when detected are removed on a continuous basis. 8 Actions for removal of temporary encroachment were conducted during the last 7 months by the Licensing/General Branch, Najafgarh.

(c) Office of the Commissioner of Delhi Police has intimated that Delhi Police is regularly taking action against the vehicles which are found parked improperly/ obstructively on the Palam Dabri Road and cases are registered against encroachment by shop owners at Palam Dabri Road keeping in view the inconvenience caused to the people. Actions taken during the year 2009, 2010 and 2011 (upto 31.07.2011) are as under:

Year	Action Taken
1	2
2009	04 cases have been registered/reported u/s 283/290 IPC,

04 persons arrested and convicted in these cases.

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1	2
2010	1. 07 Kalandras prepared u/s 83/97 D.P. Act. 14 persons were arrested out of which 07 persons of
	06 Kalandras were convicted. 01 Kalandra in respect of 07 persons is pending trial.
	2. U/s 66 D.P. Act 08 vehicles were impounded from
	Palam Dabri Road.
2011 (upto 31.07.2011)	U/s 66 D.P. Act 09 vehicles have been impounded from
	Palam Dabri Road.

The Office of the Commissioner of Delhi Police has intimated that Delhi Traffic Police takes regular action against the vehicles which are parked improperly / obstructively on Palam-Dabri Road. During the current year (upto 31.07.2011) a total of 281 vehicles have been prosecuted on the road for improper/obstructive parking and 118 notices have also been pasted for the same. Apart from this, 81 vehicles which were found parked improperly/obstructively were also towed away by crane from the said road. Special drives against improper parking are also conducted from time to time to discourage such violation. Moreover, field staff including motorcycle patrol deployed on the said road have also been briefed and directed to take stringent action against violators in future also to ensure smooth and free flow of traffic on Palam-Dabri Road.

#### **Establishment of UMANG at Bhubneswar**

1856. SHRI RUDRA NARAYAN PANY: Will the Minister of HOUSING AND URBAN POVERTY ALLEVIATION be pleased to state:

(a) whether it is a fact that a serious thinking on establishing Institute of Urban Management and Governance (UMANG) has come up in the recent days;

(b) if so, the details thereof;

(c) whether it is also a fact that Orissa Government has given a proposal for the establishment of an institute like this in Bhubaneswar; and

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



THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION (KUMARI SELJA):  
(a) to (d) Under Basic Services to the Urban Poor and Integrated Housing  
and Slum Development

Programme components of Jawaharlal Nehru National Urban Renewal Mission (JNNURM), Central assistance is provided to States for capacity building activities. Proposals from some State Governments, including Orissa for establishment of resource centres/institutes of urban management have been received for support under JNNURM. No final view has been taken by the Government on the proposals.

**Need to improve urban infrastructure**

1857. DR. MANOHAR JOSHI: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether Government is aware that by 2030, India's urban population will grow from 340 million in 2008 to 590 million;

(b) if so, whether it is a fact that if existing services are not improved, the per capita water supply could drop from 105 litres to 65 litre a day in the next 20 years and 70-80 per cent of the sewage generated would go untreated;

(c) if so, the details thereof and the steps being taken by Government to drastically improve urban infrastructure; and

(d) the amount earmarked and spent during the last three years for improvement of urban infrastructure?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) According to the information available with the Ministry, the Census has projected urban population for 2026 as 468 million.

(b) to (d) As per 65th round of the National Sample Survey, 74% of urban households are served by piped water supply, leaving 26 % population to be covered by other sources like tube wells and hand pumps etc. As per Central Pollution Control Board (CPCB) report of 2009, treatment capacity installed was only 30%. The actual treatment was estimated at 72.2% in 2008 which implies that only about 20% sewage generated was treated before disposal in Class I cities and Class II towns (as per 2001 census). If the present levels of service are not improved then the increase in population would lead to a deterioration of services. The Ministry has launched a number of schemes for improvement in urban infrastructure including Jawaharlal Nehru National Urban Renewal Mission (JNNURM), Urban Infrastructure Development of Small and Medium Towns

(UIDSSMT), Urban Infrastructure Development Scheme for Satellite Towns (UIDSST), 10 % lump sum scheme for North Eastern States including Sikkim and North Eastern Region Urban Development Programme (NERUDP). In addition, it also provides support for developing Mass Rapid Transit Systems in identified cities. Under the aforesaid schemes of the total allocation of Rs.31291.52 crore, a total amount of Rs.28116.04 crore was released as Central Assistance during the last three years for improvement of urban infrastructure.

**Metro project for Jaipur city**

†1858. SHRI OM PRAKASH MATHUR: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether Central Government has accorded approval to both the phases of Metro Project for Jaipur city;

(b) the amount approved therefor as Centre's share;

(c) whether Rajasthan Government has sent some proposals for modification in the earlier proposed Bus Rapid Transit System (BRTS) project following approval of the Metro Project; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) and (b) No, Sir. Central Government has accorded 'in-principle' approval for taking up Stage-I of the Jaipur Metro Rail Project Phase-I, with entire funding from the State Government/State Government Agencies.

(c) and (d) No, Sir. No such proposal has been submitted following approval of Jaipur Metro Stage-I (on 21.01.2011). However, earlier on 22.06.2010 one revised proposal was submitted by Government of Rajasthan in the light of Metro alignment and Right of way constraints of roads in earlier proposal.

**Inclusion of urban forestry in Urban Planning Road Map**

1859. SHRI K.N. BALAGOPAL: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether the concept of Urban Forestry is included in the Urban Planning Road Map;

(b) if so, the details thereof; and

(c) if not, included in the urban planning schemes, whether Government would initiate steps to include it?

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†Original notice of the question was received in Hindi.

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) and (b) Master Plans / Development Plans formulated under relevant State Acts provide for green areas under designated recreational use zones which include parks, botanical gardens, zoological parks and other open spaces at various hierarchies. The management of such parks, gardens is the responsibility of Urban Local Bodies / authorities etc.

(c) Under the National Mission on Sustainable Habitat formulated by the Ministry, one of the strategy is increasing green cover in cities and development of green belts. The National Urban Housing and Habitat Policy framed by the Ministry of Housing and Urban Poverty Alleviation lists creation of green belts around cities for maintaining ecological balance; providing and developing green recreational areas in Master Plans of cities and towns.

**Heritage and urban renewal of Chamundi  
hills in Karnataka**

1860. DR. VIJAY MALLYA: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether the State Government of Karnataka has submitted a detailed project proposal of Heritage and Urban Renewal of Chamundi Hills in Karnataka in September, 2008 to the Ministry;

(b) the reason for the delay in considering the proposal;

(c) the present stage of consideration of the proposal; and

(d) by when the Ministry will communicate its approval to the State Government?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): (a) Yes, Sir.

(b) to (d) The project on Heritage and Urban Renewal of Chamundi Hills at Mysore was returned to the State Government of Karnataka as the State has exhausted its 7 years' allocation of funds under Urban Infrastructure and Governance (UIG) Sub-Mission of Jawaharlal Nehru National Urban Renewal Mission (JNNURM).

(MR. DEPUTY CHAIRMAN in the Chair)

**PAPERS LAID ON THE TABLE**

**Report and Accounts (2009-10) of the LBDD, Kavaratti**

THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND THE MINISTER OF CULTURE (KUMARI SELJA): Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:

- (a) Annual Report and Accounts of the Lakshadweep Building Development Board (LBDB), Kavaratti, for the year 2009-10, together with the Auditors Report on the Accounts.
- (b) Reviews by Government on the Annual Report and Accounts of the above Board.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (a) above. [Placed in Library. See No. L.T. 4953/15/11]

**I. Notification of the Ministry of Home Affairs.**

**II. Audit Report of the CAG of India on the Accounts (1998-99 to 2005-06) of the Port Blair Municipal Council, Port Blair and related papers.**

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): Sir, I lay on the Table:

- I. A copy (in English and Hindi) of the Ministry of Home Affairs Notification No 309/2010/F.No 6-6(1)/2003-PR, dated the 10th October, 2010, publishing the Andaman and Nicobar Islands (grant-in-aid to Panchayati Raj Institutions) Rules, 2010, under Section 204 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994, along with delay statement.
- II. A copy each (in English and Hindi) of the following papers:
  - (a) Separate Audit Report of the Comptroller and Auditor General of India on the Accounts of the Port Blair Municipal Council, Port Blair, for the year 1998-99. [Placed in Library. See No. L.T. 4956/15/11]
  - (b) Separate Audit Report of the Comptroller and Auditor General of India on the Accounts of the Port Blair Municipal Council, Port Blair, for the year 1999-2000. [Placed in Library. See No. L.T. 4957/15/11]

- (c) Separate Audit Report of the Comptroller and Auditor General of India on the Accounts of the Port Blair Municipal Council, Port Blair, for the year 2000-01. [Placed in Library. See No. L.T. 4958/15/11]
- (d) Separate Audit Report of the Comptroller and Auditor General of India on the Accounts of the Port Blair Municipal Council, Port Blair, for the year 2001-02. [Placed in Library. See No. L.T. 4959/15/11]
- (e) Separate Audit Report of the Comptroller and Auditor General of India on the Accounts of the Port Blair Municipal Council, Port Blair, for the year 2002-03. [Placed in Library. See No. L.T. 4960/15/11]
- (f) Separate Audit Report of the Comptroller and Auditor General of India on the Accounts of the Port Blair Municipal Council, Port Blair, for the year 2003-04. [Placed in Library. See No. L.T. 4961/15/11]
- (g) Separate Audit Report of the Comptroller and Auditor General of India on the Accounts of the Port Blair Municipal Council, Port Blair, for the year 2004-05. [Placed in Library. See No. L.T. 4962/15/11]
- (h) Separate Audit Report of the Comptroller and Auditor General of India on the Accounts of the Port Blair Municipal Council, Port Blair, for the year 2005-06. [Placed in Library. See No. L.T. 4963/15/11]
- (i) Statement giving reasons for the delay in laying the papers mentioned at (a to h) above. [Placed in Library. See No. L.T. 4963A/15/11]

**I. Notification of the Ministry of Commerce and Industry.**

**II. Report and Accounts (2008-09 and 2009-10) of STCL Ltd., Bangalore and comments of CAG of India.**

**III. Report and Accounts (2009-10) of ICA, New Delhi and related papers.**

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): Sir, I lay on the Table:

- I. A copy (in English and Hindi) of the Ministry of Commerce and Industry (Department of Commerce) Notification No G.S.R. 784

(E), dated the 28th September, 2010,



publishing the Special Economic Zone (Fourth Amendment) Rules 2010, under sub-section (3) of Section 55 of the Special Economic Zones Act, 2005, along with Statement of Objects and Reasons. [Placed in Library. See No. L.T. 3619/15/11]

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

(a) Twenty-sixth Annual Report and Accounts of the STCL Limited, Bangalore, for the year 2008-09, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Twenty-seventh Annual Report and Accounts of the STCL Limited, Bangalore, for the year 2009-10, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(c) Reviews by Government on the working of the above Company. [Placed in Library. See No. L.T. 5009/15/11]

(2) Statements (in English and Hindi) giving reasons for the delay in laying the papers mentioned at (1) above.

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

(a) Forty-fifth Annual Report and Accounts of the Indian Council of Arbitration (ICA), New Delhi, for the year 2009-10, together with the Auditor's Report on the Accounts.

(b) Review by Government on the working of the above Council.

(c) Statement giving reasons for the delay in laying the papers mentioned at (a) above. [Placed in Library. See No. L.T. 5008/15/11]

**I. MoU between Government of India and Mazagon Dock Limited.**

**II. MoU between Government of India and Mishra Dhatu Nigam Limited.**

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI M.M. PALLAM RAJU) Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:

I. Memorandum of Understanding between the Government of India (Ministry of Defence, Department of Defence Production) and the

Mazagon Dock Limited, for the year 2011-12. [Placed in Library.  
See No. L.T. 5020/15/11]

- (b) Memorandum of Understanding between the Government of India (Ministry of Defence, Department of Defence Production) and the Mishra Dhatu Nigam Limited, for the year 2011 - 12. [Placed in Library. See No. L.T. 5022/15/11]

**I. Report and Accounts (2009-10) of NIUA, New Delhi.**

**II. MoU between Government of India and NBCC**

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:

- I. (a) Annual Report and Accounts of the National Institute of Urban Affairs (NIUA), New Delhi, for the year 2009-10, together with the Auditor's Report on the Accounts.
- (b) Statement by Government accepting the above Report.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (a) above. [Placed in Library. See No. L.T. 4469/15/11]
- II. Memorandum of Understanding between the Government of India (Ministry of Urban Development) and National Buildings Construction Corporation Limited (NBCC), for the year 2011-12. [Placed in Library. See No. L.T. 4968/15/11]

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**REPORTS OF THE DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON  
TRANSPORT, TOURISM AND CULTURE**

SHRI SITARAM YECHURY (West Bengal): Sir, I present the following Reports (in English and Hindi) of the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture:

- (i) One Hundred and Seventy-first Report on the Functioning of the Sahitya Akademi, the Lalit Kala Akademi, the Sangeet Natak Akademi and the National School of Drama; and
- (ii) One Hundred and Seventy-second Report on the Development of Tourism in North-Eastern Region.
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**REPORTS OF DEPARTMENT RELATED PARLIAMENTARY STANDING COMMITTEE ON COAL  
AND STEEL**

श्री किशोर कुमार मोहन्ती (उड़ीसा): महोदय, मैं विभाग संबंधित कोयला और इस्पात संबंधी संसदीय स्थायी समिति (2010-11) के निम्नलिखित प्रतिवेदनों की एक-एक प्रति (अंग्रेज़ी तथा हिन्दी में) सभा पटल पर रखता हूँ:

- (i) कोयला मंत्रालय की अनुदान मांगों (2010-11) के संबंध में चौथे प्रतिवेदन में अंतर्विष्ट समुक्तियों/सिफारिशों पर सरकार द्वारा की गई कार्रवाई के संबंध में तेरहवां प्रतिवेदन;
- (ii) खान मंत्रालय की अनुदान मांगों (2010-11) के संबंध में पांचवें प्रतिवेदन में अंतर्विष्ट समुक्तियों/सिफारिशों पर सरकार द्वारा की गई कार्रवाई के संबंध में चौदहवां प्रतिवेदन; और
- (iii) इस्पात मंत्रालय की अनुदान मांगों (2010-11) के संबंध में छठे प्रतिवेदन में अंतर्विष्ट समुक्तियों/सिफारिशों पर सरकार द्वारा की गई कार्रवाई के संबंध में पन्द्रहवां प्रतिवेदन।

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**REPORTS OF THE COMMITTEE ON EMPOWERMENT OF WOMEN**

DR. PRABHA THAKUR (Rajasthan): Sir, I lay on the Table, a copy each (in English and Hindi) of the following Reports of the Committee on Empowerment of Women (2010-11):

- (i) Ninth Report on Action Taken by the Government on the recommendations contained in the Sixth Report (Fifteenth Lok Sabha) of the Committee on the subject 'Women in Paramilitary Forces'; and
- (ii) Tenth Report on the subject 'Women in Armed Forces'.

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**REPORTS OF THE DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON  
ENERGY**

SHRIMATI SHOBHANA BHARTIA (Nominated): Sir, I lay on the Table, a copy each (in English and Hindi) of the following Reports of the Department-related Parliamentary Standing Committee on Energy (2010-11):

- (i) Seventeenth Report on Action Taken by the Government on the recommendations contained in the Eleventh Report (Fifteenth Lok Sabha) on "Renewable Energy for Rural Applications";
- (ii) Eighteenth Report on 'Demands for Grants (2011-12)' of the Ministry of New and Renewable Energy; and
- (iii) Nineteenth Report on 'Demands for Grants (2011-12)' of the Ministry of Power

**STATEMENTS OF THE DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON ENERGY**

SHRIMATI SHOBHANA BHARTIA (Nominated): Sir, I lay on the Table, a copy each (in English and Hindi) of the following Statements of the Department-related Parliamentary Standing Committee on Energy (2010-11):

- (i) Action Taken by the Government on the recommendations contained in Chapter-1 and Chapter-V of the Fourth Report (Fifteenth Lok Sabha) on Action Taken on Thirtieth Report (Fourteenth Lok Sabha) on the subject 'Role of Central Electricity Regulatory Commission and State Electricity Regulatory Commissions in Protection of Interests of Consumers';
- (ii) Action Taken by the Government on the recommendations contained in Chapter-1 and Chapter -V of the Eighth Report (Fifteenth Lok Sabha) on Action Taken on the First Report (Fifteenth Lok Sabha) on 'Demands for Grants (2009-10)' of the Ministry of Power;
- (iii) Action Taken by the Government on the recommendations contained in Chapter-1 of the Twelfth Report (Fifteenth Lok Sabha) on Action Taken on the Fifth Report (Fifteenth Lok Sabha) on 'Demands for Grants (2010-11)' of the Ministry of Power; and
- (iv) Action Taken by the Government on the recommendations contained in Chapter-I of the Thirteenth Report (Fifteenth Lok Sabha) on Action Taken on the Sixth Report (Fifteenth Lok Sabha) on 'Demands for Grants (2010-11)' of the Ministry of New and Renewable Energy.

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**REPORTS OF THE DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON RAILWAYS**

SHRI ISHWAR SINGH (Haryana): Sir, I lay on the Table, a copy each (in English and Hindi) of the following Reports of the Department-related Parliamentary Standing Committee on Railways (2010-11):

- (i) Tenth Report on Action Taken by the Government on the recommendations/observations contained in the Eighth Report (Fifteenth Lok Sabha) of the Committee on 'Protection and Security of Railway Property and Passengers'; and
- (ii) Eleventh Report on 'Demands for Grants (2011-12)' of the Ministry of Railways.

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**STATEMENT OF THE DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON RAILWAYS**

SHRI ISHWAR SINGH (Haryana): Sir, I lay on the Table, a copy of the Statement (in English and Hindi) of the Department-related Parliamentary Standing Committee on Railways on Action Taken by the Government on the recommendations contained in Chapter-I and Chapter-V of the Ninth Report (Fifteenth Lok Sabha) on Action Taken by the Government on the recommendations contained in the Seventh Report (Fifteenth Lok Sabha) on 'Demands for Grants (2010-11)' of the Ministry of Railways.

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**REPORTS OF THE DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON WATER RESOURCES**

DR. GYAN PRAKASH PILANIA (Rajasthan): Sir, I lay on the Table, a copy each (in English and Hindi) of the following Reports of the Department-related Parliamentary Standing Committee on Water Resources (2010-11):

- (i) Seventh Report on 'The Dam Safety Bill, 2010'; and
- (ii) Eighth Report on 'Demands for Grants (2011-12)' of the Ministry of Water Resources.

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**STATEMENT OF THE DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON WATER RESOURCES**

DR. GYAN PRAKASH PILANIA (Rajasthan): Sir, I lay on the Table, a copy of the Statement (in English and Hindi) showing Further Action Taken by the Government on the recommendations/observations contained in the Sixth Report (Fifteenth Lok Sabha) on action taken by Government on the recommendations/observations contained in the Second Report (Fifteenth Lok Sabha) on 'Demands for Grants (2010-11)' of the Ministry of Water Resources.

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**STATEMENT BY PRIME MINISTER**

**The situation arising out of the agitation launched by  
Shri Anna Hazare (contd..)**

MR. DEPUTY CHAIRMAN: Now, Shri Rajeev Shukla to move the motion; not present.

Now, Shri D. Raja to continue the clarifications on the statement made by hon. Prime Minister.

SHRI D. RAJA (Tamil Nadu): Sir, at the outset, I disapprove the arrest of Mr. Anna Hazare and his supporters. In fact, I rise here to condemn that arrest. I demand that all those arrested should be released forthwith unconditionally. I urge upon the Government not to snatch away the right to protest, the right to dissent, the right to express opposition to the Government which is a fundamental right given to the citizens by our own Constitution.

Having said that, Sir, I would like to pose a few questions on the statement made by the Prime Minister. The Prime Minister says, "Executive drafts the Bill". Nobody questions that. It is, of course, Executive which has to draft the Bill. But, in the first para itself, the Prime Minister says, "including deliberations in a Joint Drafting Committee". What is this Joint Drafting Committee? Who authorised this Joint Drafting Committee? Is it not outsourcing of drafting of a Bill by the Government? I call it 'outsourcing'. If Executive is competent, if bureaucracy is competent, they could have done the drafting. Why did the Government, at the initial stage, agree for a Joint Drafting Committee? It shows that the Government was willing for outsourcing the drafting, or, you are putting your own bureaucracy to shame, or, you are putting your own Executive to shame. We would expect a proper answer from the Government, from the Prime Minister.

Then, Sir, the Prime Minister goes on to say in para 17, "India is an emerging economy. We are now emerging as one of the important players at world stage. There are many forces that would not like to see India realise its true place in the comity of nations." Who are these forces? The House will be enlightened if the Prime Minister comes out openly and tells us who are the forces who try to undermine India in the comity of nations.

Sir, the issue here is corruption. Corruption has become a major issue which is haunting the entire nation. The whole nation is agitated on this issue, and the Government suffers from a crisis - the crisis of confidence, the crisis of credibility. People trust Mr. Anna Hazare in fighting corruption. They do not trust the Government; they do not trust the Prime Minister. That is the issue. This Government suffers from a crisis of confidence, a crisis of credibility. That is what I would like



to point out. Sir, when the Prime Minister talks about emerging economy,  
in what context, is the corruption

issue being raised by the people? It is being raised in the context of your own economic policies. The neo-liberal economic policies, financial policies pursued by your own Government have resulted in increasing unemployment in the country, in increasing poverty in the country and you are unable to control the prices and inflation. There is social unrest in the country. In this context, people think that the country is looted, the wealth of the people is looted. Whether it is 2G or whether it is Commonwealth Games or some other scams, it is all alarming. The scams are taking place in a diabolical dimension which really shatters the conscience of the nation, the conscience of the people. That is where they are asking whether this Government is having the political will to fight corruption. It is not a confrontation between civil society and the Parliament. I do believe, and every citizen believes, that legislations are made in the Parliament, by the Parliament. Legislations are not made at Jantar Mantar or Ramlila Maidan. But, there is always a need for effective public pressure.

This effective public pressure was acknowledged by Mahatma Gandhi; it was acknowledged by Dr. Ambedkar. Unless there is effective public pressure, you cannot force the Government of the day to bring an effective legislation on any issue, particularly, to fight corruption. That is why, there is public pressure, and, the Government will have to acknowledge the public pressure and bring a strong and effective Lokpal. ...(*Time-bell rings*)... Sir, in one sentence, I will finish.

Sir, on Independence Day, the Prime Minister spoke about strong Lokpal Bill. How can the people trust what the Prime Minister spoke about strong Lokpal Bill, when the Prime Minister himself has not spelt out anything on inclusion of the Prime Minister in the ambit of Lokpal? The Prime Minister has not spelt out anything on constitution of National Judicial Commission. How can the people trust the Government; how can the people trust the Prime Minister? That is why, this entire statement is a diversionary statement. It does not answer the pertinent questions which are being raised by the citizens of this country, and, this Government is lacking confidence, lacking credibility in the fight against corruption. With these words, I conclude. Thank you.

**श्री शिवानन्द तिवारी (बिहार):** उपसभापति महोदय, अभी-अभी प्रधानमंत्री जी ने जो बयान दिया है उस बयान से दो बातें साफ होती हैं। एक तो यह कि सरकार की शासन करने की क्षमता खत्म हो गई है और इससे भी ज्यादा गंभीर चिंता पैदा करने वाली बात यह है कि यह सरकार लोकतंत्र चलाने में असमर्थ है। उपसभापति

महोदय, मुझे कभी-कभी आश्चर्य होता है कि देश की सबसे पुरानी पार्टी, स्वतंत्रता आंदोलन में मुख्य भूमिका निभाने वाली यह पार्टी, इसी पार्टी के साथ महात्मा गांधी का नाम जुड़ा हुआ था, इसी पार्टी के साथ सरदार पटेल, मौलाना आजाद, पंडित जवाहर लाल नेहरू और खान अब्दुल गफ्फार खान जैसे लोगों का नाम जुड़ा हुआ था, जिनका नाम हम आज भी श्रद्धा के साथ लेते हैं, आज क्या हालत हो गई है इस पार्टी की। अभी प्रधानमंत्री जी ... (व्यवधान) ...

**श्री एम. वेंकैया नायडु:** तिवारी जी, वह पार्टी अलग है, यह पार्टी नयी कांग्रेस है।

**श्री शिवानन्द तिवारी:** प्रधानमंत्री जी ने जो बयान दिया है उस बयान से सरकार की मजबूरी दिखाई देती है।

**श्रीमती विप्लव ठाकुर** (हिमाचल प्रदेश): हमारी पार्टी छोड़िए। ... (व्यवधान) ...

**श्री शिवानन्द तिवारी:** उपसभापति महोदय, उम्र के साथ विज़डम बढ़ता है। लेकिन उम्र के साथ एक रोग भी पैदा होता है। आदमी सेनाइल हो जाता है। उसको समझ में नहीं आता है कि किस रास्ते पर जाए।

**श्री उपसभापति:** तिवारी जी, यह तो क्लेरिफिकेशन है। आप क्लेरिफिकेशन पूछ लीजिए।

**श्री शिवानन्द तिवारी:** हमको लगता है कि यह पार्टी उसी का शिकार हो गई है। उसको समझ नहीं आ रहा है कि हमको क्या करना चाहिए। पिछले दो-तीन दिनों से, चार दिनों से जो कुछ घटनाएं हो रही हैं, एक तरफ आपने अन्ना हजारे को गिरफ्तार किया और दूसरी तरफ बाद में रिहाई का आदेश लेकर भेज दिया। यही बताता है कि आपको कुछ नहीं दिखाई दे रहा है, समझ में नहीं आ रहा है। उपसभापति महोदय, मेरा मानना है कि मुझे इतिहास का विषय अच्छा लगता है कि कांग्रेस पार्टी के इतिहास के बारे में जो हमने जाना है, समझा है उसको पढ़ा है। हमको ऐसा लगता है कि भ्रष्टाचार कांग्रेस पार्टी की कोख से पैदा हुआ है, भ्रष्टाचार कांग्रेस पार्टी की संतान है। कोई भी मां अपनी संतान की हत्या नहीं करना चाहती है। भले ही प्रधानमंत्री जी लाल किले की प्राचीर से यह भाषण देते हों कि हम मजबूत लोकपाल बनाएंगे और उसके जरिए हम भ्रष्टाचार को खत्म करेंगे, कोई भी इस बात पर यकीन करने के लिए तैयार नहीं है। लगातार कांग्रेस पार्टी के राज में, आजादी से पहले और आजादी के बाद, भ्रष्टाचार की एक से एक बढ़कर घटनाएं होती रही हैं। लेकिन आज तक आपने उनको रोकने की, उनको नियंत्रित करने की कोशिश नहीं की है। प्रधानमंत्री ने कहा है कि "I acknowledge that Shri Anna Hazare may be inspired by high ideals."

एक तरफ तो आप यह बात कर रहे हैं और दूसरी तरफ आपकी पार्टी के प्रवक्ता अन्ना हजारे के बारे में क्या कह रहे हैं। वे उनको भ्रष्ट बता रहे हैं, उनको फासीवादी ताकतों के हाथ का खिलौना बता रहे हैं, उनको माओवादियों के हाथ का खिलौना बनता रहे हैं। आप एक तरफ कबूल कर रहे हैं कि अन्ना हजारे ईमानदार नीयत

के साथ भ्रष्टाचार के खिलाफ आवाज उठा रहे हैं और दूसरी तरफ पार्टी उनके चरित्र हनन का प्रयास कर रही है। आपने कहा कि हम इमरजिंग इकॉनामी हैं, हमारा देश तरक्की कर रहा है।

उपसभापति महोदय, मैं आपके माध्यम से एक सवाल इस सदन से करना चाहता हूँ कि आजादी के इतने वर्षों बाद, इस पार्टी का देश पर सबसे लम्बे समय तक शासन रहा। आज क्या देश में incentive for goodness है? आज अगर कोई ईमानदार बनना चाहे, अगर आज कोई सभ्य नागरिक बनना चाहे, कानून का पालन करने वाला नागरिक बनना चाहे, क्या इस देश में उसकी गुंजाइश है? आज देश में जो ईमानदार लोग हैं, उनको मूर्ख माना जाता है और इस देश में संदेवनशील लोग हैं, कानून को मानने वाले लोग हैं, ... (समय की घंटी)...

**श्री उपसभापति:** तिवारी जी, अब आप समाप्त कीजिए।

**श्री शिवानन्द तिवारी:** जो अनुशासनप्रिय नागरिक है, उसको मूर्ख माना जाता है और कहा जाता है कि यह आदमी अव्यवहारिक है। आज आपकी जो emerging economy है, उसमें देश के अंदर...

**श्री उपसभापति:** ठीक है।

**श्री शिवानन्द तिवारी:** उसमें आदमी के अच्छा बनने का, एक सभ्य नागरिक बनने का incentive बिल्कुल खत्म कर दिया है। इसलिए प्रधानमंत्री जी ने जो भाषण दिया है और गोलमोल बातों के जरिए जो पिछले दिनों की कुछ गलतियाँ हैं, उनको जायज़ ठहराने का जो प्रयास किया है, मैं उसका विरोध करता हूँ। इस बयान के बारे में, मैं यह कहना चाहता हूँ कि डॉ. मनमोहन सिंह जी की सरकार न शासन चलाने लायक है, न लोकतंत्र चलाने लायक है। इसी के साथ, आपने मुझे बोलने का समय दिया, आपको बहुत-बहुत धन्यवाद।

SHRIMATI BRINDA KARAT: Thank you, Sir. Sir, going through the statement of the hon. Prime Minister, I can only say that this statement add salt to the wounds which have been inflicted on the polity of this country by the authoritarian and undemocratic actions of the UPA Government in the last two days. What we have seen on the streets of Delhi is a blatant assault on the democratic rights of citizens of this country granted to them by the Constitution of India to peaceful protest. Going by what the hon. Prime Minister has said, it seems that he wants to add a new chapter to the fairytales which this country has been fed by the Home Minister.

For the last two days, this country has been subjected to statements by the Home Minister who wants the nation to believe that it is not a political decision of the Government; there have been no discussion at the higher levels of the Government. The Government has been closing its eyes to

what is happening on the streets of this country saying that the entire responsibility is that of the Delhi Police to take action on something which obviously requires political action. If this is true, if it is the Delhi Police in fact which has been taking the action, then one can only say and accuse this Government of the worst type of dereliction of duty. You have withdrawn from your duty of taking action and intervening on an issue which has enraged and outraged the massive people of this country. But we know, Sir, that this is a fairytale. We know that it is a Government which decided to browbeat the group of protesters led by Anna Hazare who had appealed to the Prime Minister himself for permission to go on hunger strike. That was the correct decision they took because they knew that ultimately it will have to be a political decision to allow them to exercise their democratic right to protest. On both these issues - on the aspect of the political decision which was required and on the aspect of ensuring that the democratic rights of the citizens are protected in this country - this Government has utterly failed. Therefore, Sir, on the issue of democratic rights, we strongly condemn the Government and regret that the Prime Minister's statement is so insensitive to this assault on democratic rights.

The second issue which the Prime Minister's statement has raised is that of civil society challenging Parliament. We have our differences with Anna Hazare and his team but I am simply amazed at the selective amnesia of this Government. Have there not been occasions in the past when there have been Bills in Parliament and there have been protests outside? Have you forgotten what happened with the Women's Reservation Bill? For the last 12 years, that Bill has been in Parliament.

Sir, it happened twice. First it went to a Select Committee and then it went to a Standing Committee. Were not there protests outside Parliament against the Women's Reservation Bill? Did we hear a single Minister stand up in this House and say that that was an attack on Parliament; that they were trying to hold Parliament to ransom; and that they were defying Parliament? Don't try to feed us these stories. The people of India are not going to accept it. They know it. We want to assert that right. You are bringing in all kinds of Bills using your brute majority to push them through with some help from 'the friends' on the right. Which are all those Bills that you are bringing in

Parliament? The Bank Privatisation Bill and the Insurance FDI Bill. We know that you are going to help them for it. ...(*Interruptions*)... Then, of course, there will be a consensus in Parliament. ...(*Interruptions*)... Of course, they are going to do it. But I want to say and I want to assert the right of the people of this country to protest against these Bills, because it shows that this Government is captive to corporates. You are a Government which is captive to corporates. You know to corporates and you treat civil society with contempt and send them to jail. This is the message which this Government is giving.

Therefore, the second point that I want to make is, yes, civil society, mass organisations, and trade unions of workers or peasants have every right to protest. If weak and ineffective, in case of Lokpal, and blatantly anti-poor legislative drafts are brought to the Standing Committees, we will protest, and we will force this Government to hear the voice of the people.

Therefore, Sir, the third issue here is this. Sir, the Prime Minister has talked about the great majesty of Parliament. Very lofty statements are made. It is this Government, Sir, which has shown utmost contempt for Parliament. Please look at the statement of the Prime Minister. It says, "Notwithstanding the introduction of the Bill..." and then "...extensive consultations and discussions, including deliberations in a Joint Drafting Committee and a meeting of all political parties represented.." Why do you want to mislead the House? What is this meeting of the political parties that you called? First of all you insulted political parties by sending political parties a questionnaire in which you said 'yes' or 'no.' The questions were: Do you agree with this? State 'yes' or 'no.' Do you not agree with this? State 'yes' or 'no.' Is this the way you respect the political parties who are represented in this House? Is that the way you treat the opinions of political parties? You call that 'discussions with political parties'! You insulted political parties. You had a Drafting Committee. Did you ask anybody about it? Did you include any of the representatives of political parties in this House? Who is contemptuous of Parliament? It is you.

Who had sent the Finance Minister, your senior-most Minister after the Prime Minister, to the airport with red carpet and flowers to greet a particular *swamiji*? Who did it? It is you who did it. You held Parliament in contempt by doing that. The Delhi Police has nothing to do with it. The Home Minister has nothing to do with the Delhi Police. After spinning

such fairy tales, at night, suddenly the

'prince charming' comes and you have a political spin and you inform all your TV channels और उन्होंने सब टेलीविजन्स चैनल्स को कहा कि देखो-देखो, अब तो बाहर से कोई आ गए। बड़ी मीटिंग हुई, उच्च स्तरीय मीटिंग हुई और इसलिए हमारी पार्टी के जनरल सेक्रेटरी के आदेश पर हम अन्ना हजारे के खिलाफ कोई गाली नहीं देंगे और हम अन्ना हजारे को रिहा करेंगे। यह क्या तरीका है? But your tales and your cover-up were thoroughly exposed. Because the conditions that you placed in the morning are the same conditions that you placed at night when you came with the so-called release order for Anna Hazare. Therefore, we say, Sir, stop this charade. Don't use the shoulders of Parliament to shoot at people, it's not going to work.

The Parliament and all MPs in this House know their rights. We don't require you to defend them. You kindly see those who are corrupt in your own Government and this is not the end of It. What is the KG gas basin scam of the Petroleum Ministry? Mr. Mani Shankarji is sitting here. I know there are many in the Congress Party today who are deeply dismayed at what is happening. They may not be able to speak here in Parliament. But, we have heard them speaking in private conversations. We know their opinions. They are deeply dismayed. We understand that. We are not saying that everybody in the ruling party or Treasury Benches shares what's happening. But, the fact of the matter is that this Government has established a record of being corrupt, of being arrogant and now of being inept. Therefore, Sir, I would request once again, release Anna Hazare and his colleagues unconditionally. ...(Interruptions)...

**डा. प्रभा ठाकुर:** सर, अनकंडीशनल क्यों ...(व्यवधान)... कल वहां कोई हादसा होगा, तो जवाब तो देना होगा ...(व्यवधान)...

**श्री उपसभापति:** आप बैठिए ...(व्यवधान)... बाद में जवाब देंगे ...(व्यवधान)... यह उनका ओपिनियन है ...(व्यवधान)...

SHRIMATI BRINDA KARAT: Unconditionally. ...(Interruptions)... Remember you are defending corporates. More scams are round the corner. Parliament is not going to sit silent when you give a big business house such rights to go and play ...(Interruptions)... You know very well. ...(Interruptions)... KG gas basin scandal. What has happened with the Air India, the sell-off of Air India? ...(Interruptions)...



**डा. प्रभा ठाकुर:** कोई गलत बात नहीं कह रहे हैं ...*(व्यवधान)*...

**श्री उपसभापति:** यह उनका ओपिनियन है, आप उनको बोलने दीजिए ...*(व्यवधान)*... जब आपको मौका मिलेगा तो आप बोलिएगा ...*(व्यवधान)*... आप बैठिए ...*(व्यवधान)*... Please sit down.

SHRIMATI BRINDA KARAT: This is not the end of it. There are more scams which are waiting to be unearthed like the onion peels, 2G, उसके बाद कॉमनवेल्थ। सर, अभी गैस स्कैम आने वाला है, उसके बाद एयरपोर्ट का स्कैम आने वाला है ...*(व्यवधान)*... You cannot escape. ...*(Interruptions)*... unless the top leadership takes strong action against the corrupt. ...*(Interruptions)*...

**श्री उपसभापति:** आप इस पर बात कीजिए। ...*(व्यवधान)*...

**श्री सीताराम येचुरी:** सर, मेरी यह रिक्वेस्ट है ...*(व्यवधान)*... Sir, my request is, as she is retiring tomorrow, please permit her.

MR. DEPUTY CHAIRMAN: That is why, I have not used the bell. I know that she is retiring. ...*(Interruptions)*... आपकी पार्टी से बोलिए।

SHRIMATI BRINDA KARAT: I have only two points left. I want to say in this House that don't divide civil society. You divide everybody. We know how you play one against the other. Don't divide civil society. Don't select that these people are good because they are from the NAC and they accept what you say. Don't do that. I have great respect for my friends in the NAC but don't privilege one section of civil society and send the other section of the civil society to jail. That is not going to be appreciated by this country. Don't have double standards. ...*(Interruptions)*... Sir, I am saying, do not have double standards in dealing with citizens of this country. ...*(Interruptions)*...

**डा. प्रभा ठाकुर:** \*

MR. DEPUTY CHAIRMAN: Nothing will go on record.

SHRIMATI BRINDA KARAT: If you have double standards in dealing with citizens of this country, people are not going to take that.

Lastly, Sir, the Prime Minister has talked about certain forces. I will read that sentence. It says, "There are many forces that would not like to see India realise its true place in the comity of nations." I would really request the Prime Minister to please spell out who are these forces. We have seen

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\*Not recorded.

these forces. We have seen these forces and their representatives, in the name of strategic alliance, come to India and their Secretary of State come here and tell the Parliament that you have passed a law, the Nuclear Liability Act, but it is a wrong one so change it. Is that not contempt of Parliament? Will the Government accept that? ...(*Interruptions*)... Sir. in whose hands is this Government playing? Therefore, defend India, defend the sovereignty of India and don't bow down before corruption and don't use Parliament's shoulder to shoot at the people of this country. It will not be accepted. With these words, we reject the statement of the Prime Minister. Thank you.

SHRI PYARIMOHAN MOHAPATRA (Orissa): Mr. Deputy Chairman, Sir, first I will only seek clarifications because a lot has been said about the opening remarks. Is there anybody noting down the clarifications?

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF MINORITY AFFAIRS (SHRI SALMAN KHURSHEED): I am noting down.

SHRI PYARIMOHAN MOHAPATRA: At least, thank you. I did not see that activity.

My number two clarification is when will the hon. Prime Minister start acting as the Prime Minister? We have a statement here, in my view; the entire issue has arisen because the Prime Minister has not been able to act. He has been prevented from acting as the Prime Minister. The Prime Minister has to take responsibility for acts of Ministers in his Cabinet, if any Minister deviates from the policies of the Cabinet, any principles, any morals, anything that is not according to what is envisaged by the Party in power or coalition in power, the Prime Minister should be able to act. If he is not able to act, he should go. He should either kick out a Minister or he cannot wait for two or three years in which some court ruling comes up and then say, "I did not know. This has only come to my notice now. I did say something." That is not the parliamentary system of Government or the system of collective responsibility of the Cabinet.

Having said that, the whole system is running in such a manner that the Prime Minister's responsibility seems to have been taken over by all and sundry. As a result, the negotiations meandered on endlessly. There is a right to dissent. The right to dissent has to be respected. The

right to dissent also has to be peaceful and organized. Today, this dissent is the dissent of a middle class, who is tired of corruption taking place in a liberalized economy on a big scale. This particular segment of population could attract the attention of the media, could create a lot of noise, could move leaders to lead and push them. But this segment of the population is not big enough, not strong enough to overturn a Government. Is the Prime Minister aware of the much bigger corruption that is taking place at the grass root level because of the systemic failure, besides the tendency for aggrandizement that takes place among the people at large, at the lower level of the echelon? By looking at what the Rajas are doing, यथा राजा तथा प्रजा। So, what is the Prime Minister doing about grass root level corruption because that is a life threatening thing for this Parliament because when that segment of population which is the largest awakes after seeing the middle class achieving some success, we will have the problem.

My third clarification is...

MR DEPUTY CHAIRMAN: Hon. Members, one minute. There are still 13 hon. Members to seek clarifications on the statement.

SHRI PYARIMOHAN MOHAPATRA: I will finish.

MR. DEPUTY CHAIRMAN: One minute. We have an important session at 3 o'clock. So, it is 1 o'clock. We have to dispense with lunch hour. If we have to go through this, then, we have to complete it as early as possible. I request the hon. Members to take minimum possible time to seek clarifications.

SHRI PRIYAMOHAN MOHAPATRA: Sir, I will just take a minute ...*(Interruptions)*... Only a minute more.

**श्री विनय कटियार:** सर, भोजन तो हो जाने दीजिए।

**श्री उपसभापति:** भोजन करेंगे या क्लैरिफिकेशन पूछेंगे, यह आप लोग डिसाइड कीजिए।

SHRI PRIYAMOHAN MOHAPATRA: Sir, as some of my colleagues have pointed out, Prime Minister ought not to look for a magic wand; Prime Minister shouldn't look like Captain Dhoni, M.S. Dhoni, who went on looking for a magic wand throughout the English tour and has been unsuccessful throughout. Like Dhoni has one match left, Prime Minister also has just one match left now. He must

now go on playing strokes instead of looking for a magic wand which, in one stroke, will make India win. Will he, please, do that?

I will draw the attention of the hon. Prime Minister to para 17. Why this para 17? Is there any intelligence report to sustain para 17 where he says, "'Many forces would not like to see India realise its true place in the Comity of Nations. We must not play into their hands.'"? It reminds me of the foreign hand that another distinguished Prime Minister used to see in everything. Let him not look for any hands, including foreign hands.

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

My last point for clarification is on para 20, Sir. Before advising the Parliament and MPs 'that we must have faith in the capacity of our institutions, our social ideas and values, that we can build a promising future for ourselves', - for ourselves or for our countrymen; not for ourselves. For ourselves we are building an enough promising future - if you really have faith, are you prepared to act?

With these words. I must thank you, Sir, for giving me the opportunity.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Thank you. Now. Dr. Manohar Joshi.

DR. MANOHAR JOSHI (Maharashtra): Thank you, Sir. Today's discussion in the House is is taking place only because the Prime Minister has made a statement on the issue of corruption and agitation that was started in Delhi. Sir, this issue is very serious and I am sure that the issue is reaching every common man. initially, this issue was not started by a particular group. But I am sure that the issue is discussed only because of the words of the hon. Prime Minister; he said in para 15: "I have outlined some of the measures we intend to put in place to strengthen our fight against corruption. I invite all sections of this House to join hands with us to deal with the cancer of ' corruption."

Sir, my question is whether the hon. Prime Minister sincerely wants to decide and take action against the corrupt people. Sir, I remember, in the House, the issue of corruption was not discussed only once, but this was discussed in the House three or four times, and, as a matter of fact, the replies given by the Governments were never satisfactory. And, therefore, if the Prime Minister had been present here, I would have

wanted to ask him about the Adarsh Building in Mumbai. If he really

wants that the corruption issue is to be tackled by all of us and that he would like everybody to help him, I can put a question to the hon. Prime Minister: What was done in case of Adarsh Building in Mumbai?

Sir, action was taken against a few people. But action was not taken against the Ministers from Maharashtra in this House. Why was it not done? A number of times the media reported that these are the Ministers concerned with the offence. They were the Ministers who signed the permission. I would like somebody from the Government to reply to the question as to why no action was taken against these Ministers.

I have always been saying that the discussion on corruption has to be done seriously in the House and if we want to seriously understand the issue, it should start right from the elections to different bodies, may be the elections to the municipalities, may be the elections to the State Assemblies or may be the elections to the Lok Sabha or Rajya Sabha. Can the hon. Prime Minister tell the hon. Members of this House that he had taken action whenever the complaints were made? As a matter of fact, now is the time when an absolutely independent department is necessary to remove corruption. There is corruption not only by the big people but also by the smallest people in the society. Therefore, if somebody asks me the question, I would say: Can the hon. Prime Minister tell this House what the level of corruption in the police department and the revenue department is? These are the departments where you don't find people without corruption. It is absolutely necessary to tackle this issue. But after reading the entire statement of the Prime Minister, I find that the Prime Minister has not given any specific replies to the questions. My only question to the hon. Prime Minister is this. Before the arrest of Shri Anna Hazare a number of reasons were given. How did those reasons disappear in a few hours when the order of release of Shri Anna Hazare was issued? What transpired between the hon. Prime Minister and a Member of Parliament in the Lok Sabha? Both of them discussed the issue and the entire matter took a different turn. The people don't believe in such type of a Government and, therefore, the remedy to remove the corrupt people is to change the Government which supports the corrupt people.

Sir, I am indeed happy today that the Prime Minister came with a statement. Though the statement is not at all satisfactory, it gave us an opportunity to discuss this important issue. I hope

that the Members will participate in the debate and the Prime Minister will also think about it seriously and start taking immediate action. That is the only remedy to stop corruption. Thank you.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Thank you, Dr. Joshi. The House is adjourned for forty-five minutes for lunch.

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

The House re-assembled after lunch at forty-nine minutes past one of the clock,

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

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Now, Shri Mohan Singh. This is only clarifications on the statement. So, the hon. Members should confine themselves to two to three minutes.

**श्री मोहन सिंह (उत्तर प्रदेश) :** दो-तीन मिनट बोलने से तो अच्छा है कि न बोलें।

उपसभाध्यक्ष महोदय, प्रधानमंत्री का वक्तव्य पढ़ने के बाद लगा कि क्राइसिस को हैण्डल करने की सलाहियत इस सरकार में नहीं है। जब कभी कोई क्राइसिस आती है, तो सरकार अपने ही बुने हुए जाल में फंस जाती है। इधर निकट भूत में लोक सभा और राज्य सभा की पिछली बैठक के बाद दो घटनाएं हुईं। सरकार ने 8 अप्रैल को खुद ही एक अधिसूचना जारी की, जो परम्पराओं के भी खिलाफ था, संविधान के भी खिलाफ था और कानून के भी खिलाफ था। आज प्रधान मंत्री भले ही यह कहें कि कानून बनाने का अधिकार संसद का है, लेकिन ये विचार 8 अप्रैल को कहां चले गये थे, जब आपने एक संयुक्त समिति बना दी? उससे एक विश्वसनीयता मिली। थोड़े-से लोगों को इस बात का अवसर मिला कि पूरे देश में उनको एक विश्वसनीय व्यक्ति मान कर उनकी बात को भी सुनने का एक मौका पूरे देश को प्राप्त हुआ। सरकार ने अपना बवाल अपने सिर पर खुद ही ओढ़ लिया। इसके बारे में सरकार को सोचना चाहिए कि ऐसा हमने क्यों किया।

उसी के साथ-साथ हम यह कहना चाहते हैं कि सिविल सोसायटी द्वारा बनाये हुए जन-लोकपाल में हमारा कोई यकीन नहीं है। उसकी बहुत सारी धाराओं से हमारा विरोध है। जब 8 अप्रैल को यह संयुक्त समिति बनी थी, उसी दिन मैंने प्रणब मुखर्जी जी को खुद ही पत्र लिखा था और उसको 'इंडियन एक्सप्रेस' में प्रकाशित करवाया, लेकिन सरकार में इतना भी शिष्टाचार नहीं था कि मेरा पत्र जो सरकार को मिला, उसका उत्तर दिया जा सके। ये बहुत ही अफसोसजनक घटनाएं इस देश में हुईं, जो इस बात को साबित करती हैं कि सरकार सलाहियत नाम की चीज़ को खो चुकी है।

अब इस पूरे वक्तव्य को पढ़िए। कल शाम चार बजे तक टेलीविजन के ऊपर भारत सरकार के तीन वरिष्ठ मंत्री इस बात की पैरोकारी में लगे थे कि अन्ना हजारे की गिरफ्तारी नियम और कानून के तहत हुई है। अन्ना हजारे को गिरफ्तार करना शांति व्यवस्था के लिए आवश्यक था। शाम को सात बजे टेलीविजन से यह खबर आती है कि सरकार को अब उनसे कोई खतरा नहीं, इसलिए उनकी रिहाई के आदेश जारी कर दिये गये हैं। अब यह भी एक बड़ी विडम्बना है कि किसी भी confinement में किसी की रिहाई के आदेश होने के एक मिनट बाद तक भी क्या उसको जेल के भीतर रखा जा सकता है? एक दूसरी समस्या खड़ी हो गयी है, जिसको resolve करने के लिए भारत सरकार क्या कर रही है?

सरकार की ओर से इस क्राइसिस में कई तरह के मंत्र पढ़े गये और उन मंत्रों का अर्थ निकालने में इस देश की जनता असमर्थ रही। मैं अपनी पार्टी और अपनी ओर से कहना चाहता हूँ कि अब यह लड़ाई लोकपाल और जन-लोकपाल की नहीं रही। ...**(समय की घंटी)**... उन लोगों ने इस देश में एक वातावरण बना दिया कि यह लड़ाई भ्रष्टाचार के खिलाफ है और पूरे देश का जनमानस भ्रष्टाचार के विरुद्ध है, इसलिए पूरे देश में उनको सहमति और सहानुभूति प्राप्त हो रही है। भारत सरकार को इस myth को समाप्त करने के लिए अपने प्रचार-माध्यमों से यह कहना शुरू करना चाहिए कि केवल लोकपाल और जन-लोकपाल का गठन हो जाने से देश का सम्पूर्ण भ्रष्टाचार खत्म हो जाएगा, यह बात सही नहीं है, बल्कि इसके लिए चौतरफा प्रयास करना होगा। मैं इस बात की मांग करता हूँ कि भारत सरकार सिविल सोसायटी के लोगों को बिना शर्त तत्काल रिहा करे और प्रोटेस्ट करने का जो भी स्थान वे चाहते हैं, उनको अधिकार दे दिया जाए। क्योंकि सरकार ने देख लिया कि कल से लेकर आज तक जितने लोग उनके समर्थन में आये, किसी ने ईंट-पत्थर नहीं बरसाया, इस दिल्ली शहर में उन्होंने कोई हिंसा नहीं की, कोई उपद्रव और उत्पात नहीं किया। उनकी नेकनीयती का इससे बड़ा प्रमाण और क्या हो सकता है? ...**(समय की घंटी)**... मैं इन्हीं शब्दों के साथ आपको धन्यवाद देते हुए अपनी बात खत्म करता हूँ।

SHRI BIRENDRA PRASAD BAISHYA (Assam): Thank you, Mr. Vice-Chairman, Sir, for allowing me to speak. Sir, to curb corruption in our country is the call of the hour. But, I am very sorry to say that the Central Government has totally failed in curbing corruption in our country. If the Government takes any strong initiative to curb corruption in our country, then definitely my party, the AGP, would support it.

Sir, my party, the Asom Gana Parishat, is always in favour of a strong Lok Pal in the Centre and strong Lok Ayukta in the States. In the year 1996, when there was the United Front Government, the Common Minimum Programme, which was drafted in 1996, one of the leading agendas was setting up of the Lok Pal. My party, the Asom Gana Parishat, supported the setting up of Lok Pal in



1996 by the United Front Government. Sir, today, the situation is somewhat different. The last two days, the Central Government looked very nervous. The Central Government took some unconstitutional and undemocratic decisions against the citizens of our country. It is known to everybody, Sir, that firstly the Government refused to allow fasting in Jantar Mantar for the Civil Society. Then, the Government offered J.P. Park. When the Civil Society accepted the J.P. Park, then the Government laid down some conditions. They allowed only limited hours for the fasting.

A few minutes before, the same Government took another decision. Right now, I got information from the media that the Government is allowing seven days fasting for the Civil Society members. I do not know what type of decision is coming from the Central Government. It is very difficult to understand for me.

Sir, what happened after Emergency in our country is known to everybody. Sir, the history repeats itself. What happened after the imposition of the Emergency in our country is known to everybody.

Now, there is an emergency-like situation prevailing in our country. Is there an undeclared emergency in our country? By arresting Shri Anna Hazare and his team, the Government not only took an undemocratic decision but it also acted against the fundamental rights of the citizens of its country who were fighting for the Constitution of our country.

Sir, I have recognised your indication to finish my speech, I assure that I would not take much time. I respect and confine to the time allocated to me, Sir. The demand of my party, the Asom Gana Parishad is the immediate and unconditional release of Anna Hazare and his team and allowing them to carry on democratic and peaceful movement; allow them wherever they would like to proceed. Otherwise, the situation would be very difficult to manage. It is the duty of the Central Government to allow the rights of every citizen of our country. I hope, the Government would reconsider its decision and release Anna unconditionally. Thank you very much, Sir.

**श्री सलमान खुर्रिद:** उपसभाध्यक्ष महोदय, मैं नेता विपक्ष का आभारी हूँ और साथ ही खेद व्यक्त करता हूँ। महोदय, आभारी इसलिए हूँ कि उन्होंने कुछ संकेत दिए। महोदय, यह एक ऐसा समय है और एक ऐसा विषय है

जिस पर हम सभी लोगों को एक साथ बढ़ना होगा। महोदय, भ्रष्टाचार समाज की समस्या है, अकेले सरकार की समस्या नहीं है। यह सरकार का दायित्व है और इसलिए सरकार अपने दायित्व को समझते हुए भ्रष्टाचार के संदर्भ में जो कुछ कर सकती है, कर रही है और करेगी। उस में आप के सहयोग की अपेक्षा करते हुए हम आगे बढ़ने का प्रयास करेंगे। मगर खेद इस बात का है कि हम ने यह समझा था कि आज कम-से-कम हम पूरे देश को यह बता सकेंगे कि कुछ ऐसे विषय हैं जिन पर हम अपना मत स्पष्ट करेंगे और पूरा सदन, पूरी पार्लियामेंट उस मत पर डंटी रहेगी।

मत क्या है, मत सिर्फ इतना है और बार-बार कई विद्वान सदस्यों ने यह बात कही है कि हमें ही निर्णय करना है कि इस देश में व्यवस्था क्या होगी, हमारा कानून क्या होगा? हम पर ये आरोप भी लगे कि हमने क्यों बढ़कर बाहर किसी से बात की, किसी और से चर्चा की, हमने पहले संसद में चर्चा क्यों नहीं की, हमने पहले सभी दलों से चर्चा क्यों नहीं की? मैं कहना चाहता हूँ कि वह विशेष समय था, विशेष परिस्थितियाँ थीं और जब पहले उन्होंने अनशन किया था, तो हम नहीं चाहते थे कि अन्ना हजारे जी को कोई ऐसा कष्ट हो या कोई नुकसान हो जाए। हमने यह माना कि अगर हम बैठकर बात कर सकें, तो अच्छा है। हमने यह प्रयोग किया कि बैठकर बात करें और अगर उससे कोई सकारात्मक रास्ता निकलता है, तो उस रास्ते को लेकर फिर हम सभी विपक्षी दलों के सामने जाकर बैठ सकते हैं, लेकिन बात कुछ ऐसी बढ़ती चली गई और हमने जो उम्मीदें की थीं और हमारी जो अपेक्षाएँ थीं, उनमें हम सफल नहीं हो पाए। हमारी उम्मीद यह थी कि एक सामूहिक ड्रॉफ्ट संसद के सामने आ सकेगा, लेकिन वह संभव नहीं हो पाया। मैं संक्षेप में इतना कह देता हूँ कि हमारी और उनकी सोच में जो अंतर है, वह यही अंतर है, जिसे आप भी स्वीकार करेंगे, आप भी उसका सम्मान करेंगे।

वंदा जी ने यह कहा कि जब आपने NAC बनाई, तो आपने सिविल सोसायटी को बढ़ा-चढ़ाकर एक विशेष स्थान दिया। हम आज भी यह कहते हैं कि हम पूरी सिविल सोसायटी को विशेष स्थान देना चाहते हैं, लेकिन अगर उसको institutionalize करने का प्रयास होगा, तो समय-समय पर उसमें कुछ ही लोगों को चुना जा सकता है, लेकिन इसका मतलब यह नहीं है कि हम सिविल सोसायटी के दूसरे लोगों को महत्व नहीं देंगे। यही समझते हुए बड़े सम्मानपूर्वक हमने अन्ना हजारे जी और उनके सभी साथियों को सुनने का प्रयास किया। अंतर सिर्फ यह रहा कि वे यह चाहते थे कि देश की पूरी व्यवस्था को एक ही संस्था या एक ही इंस्टीट्यूशन चलाए और वह उसकी समीक्षा तथा निगरानी करे। हम यह मानते थे कि फेडरल स्ट्रक्चर में अगर हमारे प्रांतों की सरकारों के कुछ और निर्णय हैं या उनके कुछ और विचार हैं, तो हम उनको कुचल नहीं सकते, हमें उनका भी सम्मान करना होगा।

दूसरा विषय जहां हमने और उनके अंतर था, वह यह था कि हम यह मानते थे कि एक बहुत उच्च स्तर की संस्था जैसे लोकपाल होंगे, उस संस्था में यही संभव होगा कि उसमें एक सीमित संख्या में ही केसेज़ आ सकते हैं, उसमें यह नहीं हो सकता कि लाखों केसेज़ उनके सामने आ जाएं और वे कुछ कर न पाएं। इसीलिए हमने यह माना

कि हम अलग-अलग संस्थाएं बनाएं या अलग-अलग इंस्टीट्यूशंस बनाएं - जो बड़े स्तर का करप्शन है, उसको लोकपाल देखे और जो रोज़मर्रा की लोगों की कठिनाइयां हैं, उसके लिए CVC को और मज़बूत किया जाए, यानी Citizen's Grievances के लिए हम अलग से एक कानून बनाकर लाएं और उसी के साथ-साथ जजों के लिए अलग से कानून बनाएं, जो प्रस्तावित बिल अभी संसद के सामने आए है, वह कानून बनाया जाए, ताकि इस तरह से हम हर पहलू को निगरानी में ला सकें और व्यवस्था को सुदृढ़ कर सकें, लेकिन हमें इस बात का अफसोस है कि...

SHRIMATI BRINDA KARAT: This is a new discussion, Sir. He is giving the details of the Lokpal Bill. Then, we can also speak on that.

SHRI SALMAN KHURSHEED: I am not telling you the details. I just...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Ministers have the right to intervene.

SHRIMATI BRINDA KARAT: I am just asking ...(Interruptions)...

SHRI SALMAN KHURSHEED: I am just telling you; because the learned Member had raised a serious issue about why we reached out to the civil society, I had to explain that the civil society had concerns.

SHRIMATI BRINDA KARAT: But, then, why are you dividing the civil society? You are putting some in the NAC and you are sending some to the Tihar Jail. That was my question.

SHRI SALMAN KHURSHEED: If it was hyperbole and if it was creative language, then, I am sorry I understood that to be a serious intent and a serious question which I thought I should answer. But I do appreciate if it was only metaphorical language, then, I bow to your metaphorical language and, then, I will proceed on with the last point that I want to make because I do realize that the time is very short.

Fortunately, the Home Minister is here, and the actual goings-on that led to the decision and thereafter, the Home Minister will be able to explain much better, and, I think, it will only be fair that I leave it to the Home Minister. Our only issue is that we believe in liberty, we believe in dissent and we believe in believe. But it is true that all of us know. कि व्यवस्था में कहीं न कहीं अंकुश लगाए जाते हैं, ताकि हम अपनी लिबर्टी को लाइसेंस में कन्वर्ट न कर दें। अब वह कब उचित होता है, कब अनुचित होता है, यह हमेशा

संभव नहीं होता कि हम अपने आप पर कोई अंकुश लगा सकें और प्रश्न लगा सकें, इसीलिए हमारी संवैधानिक व्यवस्था में अंतिम निर्णय के लिए यह कोर्ट के सामने जाता है। जहां बहस होती है, वकील बहस करते हैं और वकीलों के बहस करने के बाद कोर्ट निर्णय सुनाता है और उस निर्णय को हम स्वीकार करते हैं। कभी वह निर्णय हमारे मत का होता है, कभी वह हमें संतुष्ट नहीं करता, लेकिन हमें वह स्वीकार करना पड़ता है क्योंकि हम यह मानते हैं कि अंतिम निर्णय न्यायालय का ही होगा।

हमारे विद्वान मित्र, विपक्ष के नेता ने कहा कि शायद समस्या इस बात की है कि हमारे यहां बहुत ज्यादा वकील हैं। वकील आपके यहां भी बहुत थे और अच्छे वकील थे। अब सवाल सिर्फ इस बात का है कि किधर अच्छे वकील हैं और किधर उतने अच्छे वकील नहीं हैं? शायद हम उतने अच्छे वकील नहीं हैं जितने आप थे, लेकिन इतना आपको बता सकते हैं कि हम वकील न हों, लेकिन सियासत जानते हैं। हम सियासी न हों, लेकिन वकालत जानते हैं और हम सिर्फ एक बात जानते हैं कि हम आपके साथ मिलकर एक-दूसरे की प्रतिद्वंद्विता में नहीं, बल्कि इस विषय पर मिलकर कुछ करें। सिविल सोसायटी को पूरा महत्व देते हुए अंततः हम यहां से यह संदेश भेजें कि हम एक हैं, एक भाषा बोलते हैं, एक आवाज़ में अपनी बात कहेंगे। मैं फिर से बड़े आदर के साथ लीडर ऑफ़ ओपोज़िशन को धन्यवाद देना चाहता हूं कि उन्होंने प्रधान मंत्री जी से कम से कम यह निवेदन किया कि आप लीड कीजिए, हम आपके साथ चलने को तैयार हैं और अगर यही स्पिरिट रही, अगर हमारा यही संदेश पूरे देश के लिए रहा, तो अवश्य हम लोग कामयाब होंगे, ऐसा मेरा मानना है।

SHRI SATISH CHANDRA MISRA (Uttar Pradesh): Mr. Vice-Chairman, Sir, yesterday the whole day, both the Houses of Parliament did not do their regular Business. Today also, instead of regular Business, we are discussing on this issue arising out of the arrest of Shri Anna Hazare. Who is responsible for all this? Sir, much has already been said on this. Looking into the time constraint, I will not be repeating what the hon. Leader of the Opposition and other Members have already said on this issue. But two things require to be considered. That, first, it is the Government which invited the members of the Civil Society to the drafting committee, and in that committee, they asked the members of the Civil Society to participate, and give their proposals. They gave their proposals. Of course, the Govt. did not ask the political parties or the leaders of political parties to give their suggestions till the draft Bill was prepared. After that, the Bill was sent to the Standing Committee. Once the Bill goes to the Standing Committee, an invitation is again sent to the members of the Civil

Society, who had given their draft. They appeared before the Standing Committee. After appearing before the Standing Committee, they gave their suggestions. Now, immediately thereafter, the Chairman of the Standing Committee, which is really unfortunate, goes into the television on that issue. And yesterday also, he was on television, he was sitting in the discussions and criticizing the entire issue with respect to the Civil Society's movement.

Now, once the Chairman of the Standing Committee himself is speaking into the television, how do you believe that the people who have appeared before you in the Standing Committee and given their suggestions will have faith in that Standing Committee or a decision on that? So, this is how we ourselves have denigrated the entire institution. Not only this, Sir. You take yesterday's arrest. The arrest is done early in the morning, at 7 a.m. Earlier in the night itself, it was announced that Shri Anna Hazare will go and protest there, and sit on a fast. It was known to everyone. But, early morning, at 7 o'clock, he was arrested, when he was coming out of his house. The ground which has been given in para 8 of the hon. Prime Minister's statement is there is a justification that under section 151 we have exercised the power. For exercising power under section 151, they say there was an apprehension that he will break the law and that he will commit a cognizable offence. That is how section 151 is attracted under CrPC, otherwise it is not attracted. Now once section 151 is attracted because there was an apprehension in the mind of the policemen that he will go and break the law and since he will commit a cognizable offence by going for fasting, he is arrested. What happens in the night? At 7.00 p.m. after 12 hours, another order is given and it says, 'you are released and unconditionally released.' Now, once he is being released is there a statement by Shri Anna Hazare, "Now, I will not go to JP Park, I will not go for fasting. Where section 144 is enforced, I will not visit that place." He says, "As soon as I will come out, I will go there and again sit for fasting and break-Section 144." If that is so, was the arrest being done? Sir, this entire issue of arrest, the drama of arrest, the action of the arrest cannot be justified for any reason whatsoever, even if it is thrust on the police personnel or Commissioner or whosoever it is. If it has been done at the behest of the Police Commissioner, it has been done under the direction of the Government, if they have taken this decision, I am sure since the hon. Home Minister is here a clarification would be

required, at least, what was the change in the situation. Yesterday in the night and today also when it is being said, 'he is not coming out, we are asking him to come out of the jail.' But he is saying that I want to go there where Section 144 is still there and it has not been lifted. So, looking into this entire matter, the entire country is now disturbed. It looks that corruption has become so rampant that every citizen has risen for this and we have to take it seriously and by just attacking a group or attacking the people who are speaking against corruption is not going to help in any way. Thank you.

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING; THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF STATE IN THE MINISTRY OF EARTH SCIENCES (SHRI ASHWANI KUMAR): Mr. Vice-Chairman, Sir, I rise to make a few observations on the statement of the Prime Minister and also with reference to what the Leader of the Opposition stated. Sir, we are discussing today an extremely important issue, the issue of corruption and then the fast of Mr. Anna Hazare, which led to a situation where the highest forum of India's democracy thought it fit to engage itself and to reflect on where we are today and where we are proceeding.

Sir, I want to make three fundamental points. This debate, Sir, as far as the issue of corruption is concerned, let me reiterate with all the conviction at my command, is not adversarial in nature. It is not a debate between the Opposition vs. Government; it is not a debate which could be equated as Mr. Anna Hazare and his team vs. Government. We are on the same side of history and we are on the same side of the cause, we are on the same side of the issue. It is a national issue. It has national resonance. Therefore, a responsive Government, a Government that is sensitive to the aspirations and the sentiments of the people has irrevocably declared itself as a major fighter against corruption and we will continue to discharge our duties as far as the sensitivities of the nation are concerned, as far as our own obligations to the people of India are concerned on the issue of corruption.

Sir, democracy does not always have to be competitive, does not always have to be conflictive. It is at the end of the day a contestation of ideas. Mr. Anna Hazare and his team have a particular vision of what the Lokpal Bill should contain, what should be its scope, what should be the nature of certain provisions. The Government is voted to office by a free election by free people of

India has a particular point of view. There is not finality to the Bill as yet. The Bill has to go through the processes of parliamentary law making. Therefore, until and unless it has been translated into law, in my very respectful submission, even the occasion for fast or protest has not arisen. But be that as it may, we say democracy is a song that celebrates the differences but also constantly reiterates faith in the judgment of the people as a whole. Sir, the judgment of the people in the Constitutional form of democracy that we have given to ourselves, in what the people of India have consciously chosen as the system of governance, is reflected through the representatives of the people in Parliament and the Government which is accountable to the people of India through Parliament.

Sir, all that has been stated on the side of the Government is, not that you have no right to protest, indeed you have a right to protest, you must have the right to dissent. You must have a right to galvanize the whole people in support of a cause. Nobody questions it. Nobody can question it. It is a Constitutional guarantee of the people of India. But the same Constitution Sir, that give us this irrevocable, non-negotiable right also includes the provision for imposing what are known in Constitutional jurisprudence as reasonable restrictions on rights. My distinguished friend and Leader of the Opposition knows it very well. Each Constitutional right has its ambit and determined by the periphery of the competing Constitutional Right and all must coalesce to make the Constitution work. In that spirit, Sir, Section 144 is drawn from that article 92 of the Constitution, the right to impose restrictions. You have a right to protest but you cannot choose the venue, you cannot choose the ambit, the manner. These are all subject to another over-arching right of the people of India to live in peace, to ensure that there is no breakdown of law and order. Now, who decides that? The local administration decides that. They decided in a particular way. You can certainly have your view that this particular restriction was unreasonable. I am not pushing that right and rightly so, Team Anna has gone to the court to say that these 22 restrictions are unreasonable and if the court were to say that these are unreasonable restrictions, this Government would be bound by the judicial decision.

Sir, therefore, I have tried very hard to understand, where is it that there is an irreconcilable difference between the two sides? Everybody has agreed on the right to dissent. Everybody has agreed that

corruption has to be fought unitedly and that is why, Sir, in para 15 to 20 of the Prime



Minister's Statement, he has said the country together must fight corruption. The Government and the Opposition must fight corruption. The Government, Opposition, Parliament, civil society, NGOs, all of them must join hands to fight corruption. We want to do that, Sir, and therefore, the only issue today which this House must debate, and, I ask for one more minute to conclude, the only issue that we are debating today is, what are the means for resolving the differences? The means are as important as the ends and Mr. Anna Hazare, who proudly proclaims himself to be a Gandhian, and we wish him well, above all must realize that Gandhiji insisted on the legitimacy of the means and the ends. The means must be right. The ends must be right and if in this Gandhian spirit, we seek to resolve the differences, I think, Sir, we would have done our nation proud. Thank you.

**श्री मोहम्मद अदीब** (उत्तर प्रदेश): सर, आज की जो बहस है, मैं इसलिए बोलने के लिए खड़ा हुआ हूँ कि मैं बड़ा दुखी इंसान हूँ। यह बहस लोकपाल बिल पर हो रही थी लेकिन पूरे हिन्दुस्तान में यह कहा जा रहा है कि हम जो लोग पार्लियामेंट में बैठे हैं, हम भ्रष्ट हैं, हम चोर हैं और हमको कोई अख्तियार नहीं है। यह मौजू है जिस पर किसी ने भी बात नहीं कही कि यह कहाँ से मूवमेंट चला और कहाँ पहुँच गया। आज यह कहा जा रहा है कि उनका मुकाबला जे.पी. से किया जा रहा है। मैं जे.पी. मूवमेंट से रहा हूँ। मुझे मालूम है कि वह कैसे हाइजैक हुआ था और यह मूवमेंट भी हाइजैक हुआ है। एक मिनट में वे पकड़े गए, पूरे हिन्दुस्तान में हजारों-करोड़ों पोस्टर छप गए। तो ये कहाँ से आ गए? इसके पीछे एक साजिश है और साजिश यह है कि इस पार्लियामेंट की अस्मिता को खत्म कर दिया जाए। हमारे लीडर ऑफ अपोजिशन ने कहा कि अन्ना हजारे को वक्त दिया जाए। मैं कहता हूँ कि अगर उनका बिल आपको मंजूर है तो आप मंजूर कीजिए, हम आपका साथ देंगे, लेकिन यह वायदा करिए कि इसके बाद कोई भ्रष्टाचार नहीं होगा। अगर आप इसका यकीन दिला दें तो उसे लाइए, हम आपको सपोर्ट करेंगे। लेकिन ऐसा नहीं है। खुद छिपते भी नहीं हैं और सामने आते भी नहीं हैं। खुद ही इस बिल को एक्सेप्ट करने को तैयार नहीं हैं। लेकिन बड़ी खूबसूरती के साथ कह दिया कि साहब, यह बिल नहीं, इस बिल को आप नहीं लाए तो हम नहीं मानेंगे। आज पूरे हिन्दुस्तान में चर्चा इस बात पर कर दी गई कि भ्रष्टाचार के खिलाफ बहस हो रही है, इस भ्रष्टाचार के अंदर जो आठ सौ पार्लियामेंटेरियन बैठे हैं, उनको बेईमान और भ्रष्ट कहा जा रहा है खुलेआम टेलीविजन और जलसों में और हम कुछ भी नहीं बोलते।

हमारा दिल बैठता है जब हम यह सोचते हैं कि इसकी अज़मत इस तरह से खत्म की जा रही है। अगर उनकी गिरफ्तारी की बात कही जा रही है, उनको गिरफ्तार करना है, इससे पहले भी वह बैठे थे और उनके साथ बैठने वालों में ऋतम्बरा बैठे और उनके साथ बैठने वालों में बाबा रामदेव बैठे थे, जिन्होंने साबित किया था ... (व्यवधान) ...

SHRI VIKRAM VERMA (Madhya Pradesh): Sir, what is this? He is taking the names of persons who are not present in this House. How can they defend themselves. ...(Interruptions)... It is fair.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): There is nothing unfair ...(Interruptions)... Let him have his say. Why do you object? ...(Interruptions)...

**श्री मोहम्मद अदीब:** इस तरह की फिर परमिशन आप उनको देंगे, तो ...(व्यवधान)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You can also have your say. Don't worry ...(Interruptions)...

**श्री मोहम्मद अदीब:** आप फिर से परमिशन उनको दीजिए। ...(व्यवधान)... फिर, आप देखिए, कौन-कौन लोग वहां बैठेंगे? ...(व्यवधान)... पूरी साजिश के तहत यह हो रहा है। इस बिल को छोड़कर यह सारा मसला सरकार को कमजोर करने का है। जो मेरे सबसे अज़ीज़ लोग हैं, जो लेफ्ट के लोग हैं, जिनकी मैं बहुत कदर करता हूँ, वे भी आज समझ में नहीं आ रहा है क्या कर रहे हैं? मैं यह समझता हूँ कि उनकी एक आदत है, ये लोग habitual critic होते हैं, मैं तालिबइल्मी के ज़माने से जानता हूँ। आइने के सामने खड़े होते हैं और खुद कहते हैं कि हम जमीं पर एक बोझ हैं, यह उनके लिए मुसीबत है, ये समझ नहीं रहे हैं कि पार्लियामेंट के सिस्टम के ऊपर यह पूरा का पूरा बोझ पड़ गया है। मैं इन अल्फाज़ के साथ आपसे विनती करता हूँ कि इस पार्लियामेंट की अज़मत को बचाइए और इस तमाशे को बंद कीजिए। अगर वे छोड़ने जा रहे हैं, तो यह भी पूछ लीजिए अपोजिशन से और जो अन्ना हज़ारे की हिमायत कर रहे हैं कि उनके ज़लसे मैं, उनकी मीटिंगों में कौन लोग आकर बैठेंगे। वही लोग आकर बैठेंगे, वही त्रतम्बरा आकर बैठेंगी, वही रामदेव आकर बैठेंगे, जिन्होंने करोड़ों का घपला किया हुआ है।

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** आप समाप्त कीजिए। Please wind up. Please wind up.

**श्री मोहम्मद अदीब:** मैं इन अल्फाज़ के साथ, प्राइम मिनिस्टर के इस बयान से पूरी तरह से सहमत हूँ, लेकिन यह समझता हूँ कि कांग्रेस पार्टी इस मसले को सुलझाने में सक्षम है। ...(समय की घंटी)... मेरी इनसे गुज़ारिश है कि जो लोग आप जैसे हैं, आप उनसे बात कीजिए। आप लेफ्ट से बात कीजिए, मुलायम सिंह से बात कीजिए।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Your time is over. Your time is over. Now, Mr. Tariq Anwar.

**श्री मोहम्मद अदीब:** लालू जी से बात कीजिए, पासवान जी से बात कीजिए और दूसरे लोगों से बात करके एक पूरा सिस्टम बनाइए, क्योंकि यह लड़ाई बहुत आगे जा चुकी है। आपका बहुत-बहुत शुक्रिया।

لئے بولنے کے لئے کھڑا ہوا ہوں کہ میں بڑا دکھی انسان ہوں۔ یہ بحث لوک پال پر ہو رہی تھی لیکن پورے ہندوستان میں یہ کہا جا رہا ہے کہ ہم جو لوگ پارلیمنٹ میں بیٹھے ہیں، ہم بھڑست ہیں، ہم چور ہیں اور ہم کو کوئی اختیار نہیں ہے۔ یہ موضوع ہے جس پر کسی نے بھی بات نہیں کہی کہ یہ کہاں سے موومینٹ چلا اور کہاں پہنچ گیا۔ آج یہ کہا رہا ہے کہ ان کا مقابلہ جے پی۔ سے کیا جا رہا ہے۔ میں جے پی۔ موومینٹ میں رہا ہوں۔ مجھے معلوم ہے کہ وہ کیسے ہٹی جیک ہوا تھا اور یہ موومینٹ بھی ہٹی جیک ہوا ہے۔ ایک منٹ میں وہ پکڑے گئے، پورے ہندوستان میں ہزاروں کروڑوں پوسٹر چھپ گئے۔ تو یہ کہاں سے آ گئے؟ اس کے پیچھے ایک سازش ہے اور سازش یہ ہے کہ اس پارلیمنٹ کی عظمت کو ختم کر دیا جائے۔ ہمارے لیڈر آف اپوزیشن نے کہا ہے کہ انا ہزارے کو وقت دیا جائے۔ میں کہتا ہوں کہ اگر ان کا بل آپ کو منظور ہے تو آپ منظور کیجئے، ہم آپ کا ساتھ دیں گے، لیکن یہ وعدہ کرنے کے بعد بھڑستاجار نہیں ہوگا۔ اگر آپ اس کا یقین دلا دیں تو اسے لائے ہم آپ کو سپورٹ کریں گے۔ لیکن ایسا نہیں ہے۔ خود چھپتے بھی نہیں ہیں اور سامنے آتے بھی نہیں ہیں۔ خود بھی اس بل کو ایکسپٹ کرنے کو تیار نہیں ہیں۔ لیکن بڑی خوبصورتی کے ساتھ کہہ دیا کہ صاحب، یہ بل نہیں اس بل کو آپ نہیں لانے تو ہم نہیں مانیں گے۔ آپ پورے ہندوستان میں چرچا اس بات پر کر دی گئی کہ بھڑستاجار کے خلاف بحث ہو رہی ہے، اس بھڑستاجار کے اندر جو آٹھ سو پارلیمنٹریں بیٹھے ہیں، ان کو بے ایمان اور بھڑست کہا جا رہا ہے اور کھلے عام ٹیلی ویژن اور جلموں میں اور ہم کچھ بھی نہیں بولتے۔ ہمارا دل بیٹھتا ہے جب ہم یہ سوچتے ہیں کہ اس کی عظمت اس طرح سے ختم کی جا رہی ہے۔ اگر ان کی گرفتاری کی بات کہی جا رہی ہے، ان کو گرفتار کرنا ہے، اس سے پہلے بھی وہ بیٹھے تھے

جناب محمد ادیب: اس طرح کی پھر پرمیشن آپ ان کو دیں گے، تو۔ (مداخلت)۔

جناب محمد ادیب: آپ پھر سے پرمیشن ان کو دیجئے۔ (مداخلت)۔ پھر، آپ دیکھنے کون کون لوگ وہاں پر بیٹھیں گے؟۔ (مداخلت)۔ پوری سازش کے تحت یہ ہو رہا ہے۔ اس بل کو چھوڑ کر یہ سارا مسئلہ سرکار کو کمزور کرنے کا ہے۔ جو میرے سب سے عزیز لوگ ہیں، جو لیفٹ کے لوگ ہیں، جن کی میں بہت قدر کرتا ہوں، وہ بھی آج سمجھہ میں نہیں آ رہا ہے کیا کر رہے ہیں؟ میں یہ سمجھتا ہوں کہ ان کی ایک عادت ہے، یہ لوگ habitual critic ہوتے ہیں، میں طالب علمی کے زمانے سے جانتا ہوں۔ انہی کے سامنے کھڑے ہوتے ہیں اور خود کہتے ہیں کہ ہم زمین پر ایک بوجھ ہیں، یہ ان کے ساتھ مصیبت ہے، یہ سمجھہ نہیں رہے ہیں کہ پارلیمنٹ کے سسٹم کے اوپر یہ پورا کا پورا بوجھ پڑ گیا ہے۔ میں ان الفاظ کے ساتھ آپ سے ونٹی کرتا ہوں کہ اس پارلیمنٹ کی عظمت کو بچائیے اور تماشے کو بند کیجئے۔ اگر وہ چھوڑنے جا رہے ہیں، تو یہ پوچھ لیجئے اپوزیشن سے اور جو لوگ انا ہزارے کی حمایت کر رہے ہیں کہ ان کے جلسے میں، ان کی میٹنگوں میں کون لوگ آکر بیٹھیں گے۔ وہی لوگ آکر بیٹھیں گے، وہی رنمبرا آکر بیٹھیں گی، وہی رام دیو آکر بیٹھیں گے، جنہوں نے کروڑوں کا گھیلہ کیا ہوا ہے۔

جناب محمد ادیب: میں ان الفاظ کے ساتھ، پرائم منسٹر کے اس بیان سے پوری طرح سے سہمت ہوں، لیکن یہ سمجھتا ہوں کہ کانگریس پارٹی اس مسئلے کو سلجھانے میں سکنم ہے۔ (وقت کی گھنٹی)۔ میری ان سے گزارش ہے کہ جو لوگ آپ جیسے ہیں، آپ ان سے بات کیجئے۔ آپ لیفٹ سے بات کیجئے، ملانم سنگھ سے بات کیجئے،

جناب محمد ادیب: لالو جی سے بات کیجئے، پاسوان جی سے بات کیجئے اور دوسرے لوگوں سے بات کر کے پورا سسٹم بنائیے کیوں کہ یہ لڑائی بہت آگے جا چکی ہے۔ آپ کا بہت بہت

شکریہ۔

**श्री तारिक अनवर (महाराष्ट्र):** सर, हमारे लोकतंत्र में इस बात की पूरी इजाजत है कि ... (व्यवधान) ...

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** प्लीज़-प्लीज़।

**श्री तारिक अनवर:** हमारे लोकतंत्र में इस बात की पूरी इजाजत है कि कोई व्यक्ति हो, कोई समूह या सोसायटी का कोई भी सैंक्शन हो, वह अपनी बात शांतिपूर्ण तरीके से कह सकता है। कोई भी व्यक्ति सरकार के सामने, समाज के सामने अपनी बात को रख सकता है, इस बात की इजाजत हमारे संविधान ने दी है और इससे कोई इनकार नहीं कर सकता है। लेकिन कोई भी व्यक्ति हमारे संविधान के ऊपर नहीं है और इस बात को भी उन्हें देखना होगा। अभी जिस बात का जिक्र अदीब साहब ने किया, मैं उससे सहमत हूँ कि इधर लगातार लोकतंत्र के नाम पर हमारे देश में इस बात का प्रचार हो रहा है, इस बात की कोशिश हो रही है कि हमारे लोकतंत्र का जो बुनियादी ढांचा है, उसको किस तरह से कमजोर किया जाए। जैसा कि उन्होंने कहा कि हमारे यहां जो चुनाव होता है, उसमें भ्रष्टाचार है। हमारे यहां जो मतदाता हैं, वे जो वोट डालते हैं, उनको साड़ी और धोती दी जाती है, उस पर वे वोट डालते हैं। कोई भी ईमानदार व्यक्ति चुनाव जीतकर लोक सभा में या विधान सभा में नहीं जा सकता है, यानी जितने हम लोग चुनकर लोक सभा में, विधान सभा में पहुंचे हैं, हम लोग सब भ्रष्टाचार के रास्ते से होकर यहां आए हैं। इस तरह का एक दुष्प्रचार किया जा रहा है और यह हम लोगों के लिए, जो लोग राजनीति में हैं, समाज सेवा में हैं, उनके लिए फिक्र का यह मुकाम है। सोचने की जरूरत है कि क्या इस तरह से जो लगातार एक प्रचार तंत्र का इस्तेमाल किया जा रहा है राजनैतिक लोगों के खिलाफ क्या वह सही है?

दूसरी बात भ्रष्टाचार की कही जा रही है, भ्रष्टाचार को मिटाने की बात कही जा रही है। उपसभाध्यक्ष महोदय, मैंने अपने राजनीतिक जीवन में दो बार ऐसे आंदोलन देखे हैं, जिनकी शुरुआत भ्रष्टाचार के खिलाफ हुई। एक आन्दोलन जय प्रकाश नारायण जी के नेतृत्व में देखा, जो जे.पी. आन्दोलन के नाम से शुरू हुआ। सम्पूर्ण क्रांति की बात कही गई, कहा गया कि सारी व्यवस्था बदलनी है, देश में बहुत भ्रष्टाचार है, लेकिन हमने देखा कि उसका क्या हश्र हुआ। भ्रष्टाचार तो समाप्त नहीं हुआ, व्यवस्था तो नहीं बदली, राजनैतिक सत्ता का परिवर्तन जरूर हुआ, लेकिन उसमें आमूलचूल परिवर्तन की बात नहीं हुई, भ्रष्टाचार आज भी वैसा ही है। मैंने यह देखा कि भ्रष्टाचार के खिलाफ इसी तरह का आंदोलन वी.पी. सिंह के नेतृत्व में हुआ था। उसका क्या हश्र हुआ? क्या भ्रष्टाचार समाप्त हो गया? नहीं, सिर्फ सत्ता का परिवर्तन हुआ। ... (व्यवधान) ... उसका सिर्फ राजनीतिक लाभ हुआ। ... (व्यवधान) ...

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** प्लीज़-प्लीज़।

**श्री तारिक अनवर:** उपसभाध्यक्ष महोदय, हमारे देश में जो राजनैतिक दल निराश हैं, हताश हैं, जो जानते हैं कि हम चुनाव के माध्यम से नहीं जीत सकते, उन्होंने यह रास्ता अपनाया है। मैं साफ शब्दों में यह कहना चाहता

हूँ कि आज अन्ना हजारे को राजनैतिक मोहरा बनाने की कोशिश हो रही है, इसके अलावा इसके पीछे और कुछ नहीं है। उनको राजनैतिक मोहरा बनाकर सत्ता में आने का प्रयास है। जो एक सराकर चल रही है, जो एक व्यवस्था चल रही है, उसको destabilize करने का एक तरीका अपनाया गया। इसके पीछे दूसरा कोई मकसद नहीं है। मैं इस बात को अच्छी तरह से समझ रहा हूँ, ... (समय की घंटी) ... मैं देख रहा हूँ क्योंकि मैंने दोनों आंदोलनों को बहुत नज़दीक से देखा है।

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** आप समाप्त कीजिए।

**श्री तारिक अनवर:** आज फिर उसी तरह से आंदोलन के नाम पर ... (व्यवधान) ... वही कोशिश हो रही है और फिर से पिछले दरवाजे से वे राजनीतिक दल, जो सत्ता में आने के लिए व्याकुल हैं, वे इसका इस्तेमाल कर रहे हैं। इसके पीछे उनका और कोई मकसद नहीं है।

उपसभाध्यक्ष महोदय, कानून सबके लिए बराबर है। कोई भी कानून से ऊपर नहीं है। सबके लिए एक ही मापदंड है, लेकिन जब ऐसी कोई बात होती है, लोगों को महसूस होता है कि उनके खिलाफ कुछ हो रहा है, तो वहां मापदंड दूसरा आ जाता है, कहा जाता है कि यह नाइंसाफी हो रही है। महोदय, मैं अपनी बात समाप्त कर रहा हूँ, लेकिन मैं इतना ही कहना चाहता हूँ कि इस देश में जो बातें हो रही हैं, इन पर चिंता करने की जरूरत है। जो लोग यह सोच रहे हैं कि हम इस तरह से सत्ता में आ जाएंगे, तो यह उनकी गलतफहमी है। यह तरीका सही नहीं है, इससे पूरे देश की बुनियाद हिल जाएगी।

SHRI RAM JETHMALANI (Rajasthan): Mr. Vice-Chairman, Sir, I have read the Prime Minister's statement with great care. I wish he had read, at least, the morning papers, 'which frequently, almost incessantly, speak on behalf of the Congress Party. Take, for example, the Times of India. The Headlines are: Government Can't Stop August Kranti; A Major Mutiny Erupt Across India. The extent of the countrywide support has shocked you, Mr. Prime Minister. The Times of India says, "Spontaneous protests broke out from Baroda to Bhuvneshwar, from Kanpur to Kochi, leaving the Government gasping at this amazing demonstration of democratic dissent. I wish the Prime Minister had the honesty to admit that there has been a demonstration of democratic dissent and that is being reflected in the large crowds that are assembling throughout the country, in all parts of the country, including the places outside India where people are congregating in large numbers and talking of Anna.

Sir, it was the duty of the Prime Minister, it was the duty of the Congress Party, the ruling party, and their supporters to find out why is it that the crowds who don't know Anna, who have not heard of Anna are, now, trying to come and meet him and kiss his feet, if they can't meet him, they

are willing to kiss the earth on which he has treaded and walked. Why is it today that the Congress Party is not able to organize some counter demonstration, adjoining Anna's demonstration, and see how many people come and attend to you, and see if they come to kiss your feet or will they come there to jeer at you, if not spit at you. I wish only to tell you that the crowds, which are now collecting, are victims of the very corruption about which Anna has, now, become a prophet who is trying to quicker the spirit of people; who is going to illumine the brains of people; who is able to tell them as to who is responsible for this corruption; and, from where this corruption originates? I wish to give you only two illustrations. In recent times, the most important aspect of corruption has been the stolen wealth from this country; the stolen wealth of such a magnitude that if it was distributed in this country, every Indian family will have two and a half lakh rupees and poverty will disappear overnight.

Sir, the people who are congregating in these places are people who are victims of corruption. They are condemned to eternal disease, eternal malnutrition, eternal lingering death and eternal suicide. It is these people who are now protesting against what is happening in this country. Sir, the Prime Minister has never contested any election all his life. I don't know how he would know the pulse of the people at all. Sir, there is a problem. You have lost your control of the people's understanding and their will. You don't understand which way the wind is today blowing. Sir, we are a poor country. The Germans are a rich country. They wanted to break the Swiss System of Banking and get at the names of the criminals and dacoits who have robbed all the countries of the world and stashed money there. What did they do? They paid Rs. 475 millions to an employee of a bank and got the names from that employee. They made a public pronouncement that we are willing to share this information with all friendly Governments without condition, without any expense, and without any cost. If I was the Prime Minister, I would form a Group of Ministers and immediately go to Germany, kiss the feet of the Germans and say please give us the names of the \*. We want to go and prosecute them, punish them and send them to Tihar Jail where you have sent poor Anna today. They did nothing of the kind. Their names are not being disclosed even till today. Till today we have been wrangling. We have gone to the Court and knocked the doors of the Judiciary. Sir, the names

are not forthcoming. They are being hidden by them. Sir, is it not a commonsense inference why you are hiding those names? You are hiding those names because the names are of those people who are today in control of your party. That is why you are not able to tell us the names. ...(*Interruptions*)...

Sir, please give me one more minute. Listen to one more amazing fact. The United Nations realised that corruption is a world-wide phenomenon. Therefore, Sir, the United Nations got into action and created a convention against corruption. India signed it in 2005. But before it becomes binding, sufficient number of countries have to ratify it. From 2005-2011, they did not ratify that convention because that convention gives you full access to the information about the dacoits who have stolen the poor people's money from this country.

Sir, ultimately, in May this year, when they were expecting a very thundering judgment from the Supreme Court of India about this stolen money, they pretended to ratify the convention. Sir, the Prime Minister went on record to say, 'See, we have now ratified the convention. This shows that we have a very honest intention to get back this money.' But the Prime Minister did not have the ordinary decency and the ordinary courtesy to tell the people that they had rendered the ratification useless. Why? This is the \* which I wish to expose before this hon. House. Sir, in August 2010, they called the Swiss Minister and signed a protocol. They signed a new protocol under which they gave up the right to require any information about the past. All information will be about the future and that future will start from 1st April, 2011. ...(*Interruptions*)... When they are ratifying this convention, they put a reservation. The reservation they have put is that wherever a bilateral treaty exists, we will act only under that treaty and not under the convention. Now, you have got a treaty with the Swiss under which you have given up the right to require any previous information of any kind. Sir, this Government is a Government which ought to go because they don't have the slightest decency and the slightest integrity. They are the biggest \* ...(*Interruptions*)...

**सरदार सुखदेव सिंह ढिंढसा** (पंजाब): उपसभाध्यक्ष जी, पहले तो आज बड़ी उत्सुकता थी कि प्रधानमंत्री जी दोनों हाउसेज़ में बयान देने जा रहे हैं। जब उनका बयान यहां पर आया, तो उसमें वही बातें कही गईं, जो दो दिन पहले उनके पहले मिनिस्टर्स कहते रहे। उसमें कोई नई बात तो कही नहीं गई, वह तो पहले भी मालूम थी। मैं



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\*Expunged as ordered by the Chair.

इस पर ज्यादा नहीं कहूंगा, क्योंकि ऑनरेबल लीडर ऑफ दी ऑपोजिशन ने हाऊस को बिल्कुल facts बताए हैं कि कैसे उनको arrest किया गया, कौन सी conditions लगनी, फिर कैसे उनको release किया गया, केवल इन्होंने ही नहीं, बाकी ऑनरेबल मैम्बर्स ने भी कहा, मैं इसमें नहीं जाना चाहता। मैं यहां पर अपनी पार्टी का point of view देना चाहता हूं और हमारा track record बताना चाहता हूं कि civil rights के सबसे बड़े अलमबरदार हम हैं। जब अंग्रेजों का राज था, उस समय आजादी की लड़ाई में 121 लोगों की शहादत हुई, उनमें 97 लोग हमारे थे। जब हमने गुरुद्वारा आजाद कराने के लिए अंग्रेजों के खिलाफ लड़ाई लड़ी, तो हमारे 600 आदमी शहीद हुए। मैं इसे भी छोड़ता हूं। जब देश आजाद हुआ और पहली दफा यहां पर इमरजेंसी लगी, तो सारे देश के लोग, ऑपोजिशन के सभी लीडर्स arrest कर लिए गए, लेकिन मेरी पार्टी का कोई आदमी arrest नहीं हुआ। हमने बैठ कर यह फैसला किया कि जिस देश को हमने आजाद कराया, हमने जिस देश का कांस्टीट्यूशन बनाया, अभी उसको फिर गुलाम बनाया गया है। हमने फैसला किया और मोर्चा शुरू किया। सारा देश बिल्कुल बन्द हो गया था। माफ करना, कोई पार्टी ऐसी नहीं रही थी, जिसने इतनी देर यह मोर्चा लड़ा। लेकिन उन महीनों में लगातार संत हरचंद सिंह लोंगोवाल की प्रेसिडेंटशिप में, जब तक इमरजेंसी खत्म नहीं हुई, जो एक ही पार्टी लड़ती रही और जिसने मोर्चा लगाया, वह शिरोमणि अकाली दल था। मैं यह भी फख्र के साथ कहता हूं कि सरदार प्रकाश सिंह बादल, जो हमारे लीडर हैं, सिर्फ civil liberty और fundamental rights के लिए आजाद हिन्दुस्तान में 14-15 साल जेल में रहे। हमारी लड़ाई कोई और तो नहीं थी। 4-5 साल तो हम भी जेलों में रहे हैं। मैं यह कहना चाहता हूं कि जहां भी कभी fundamental rights पर हमला होगा, तो हमारा point of view कोई भी हो, मेरी पार्टी, शिरोमणि अकाली दल, सबसे आगे लड़ेगी।

मैं सरकार से पूछना चाहता हूं कि वह पहले तो यह बताए कि अन्ना हजारे जी देशभक्त हैं या देशद्रोही? देशभक्त के साथ ऐसी बात नहीं की जा सकती! उनको एक देशद्रोही की तरह arrest किया गया। सारा देश उनको देशभक्त कह रहा है, वे देश की लड़ाई लड़ रहे हैं। ... (व्यवधान) ... उपसभाध्यक्ष जी, जब प्राइम मिनिस्टर साहब ने ऑल पार्टी मीटिंग बुलाई, तो मैंने उस वक्त भी कहा था और आज फिर कहना चाहता हूं, मैं यह नहीं कहता कि पहले कोई scandal नहीं हुआ, मैं कहता हूं कि यह situation क्यों पैदा हो रही है? आज सारे देश में लोग करप्शन के खिलाफ क्यों खड़े हो रहे हैं? क्योंकि इस सरकार में, जो सरकार अभी चल रही है, जितने बड़े scandals हुए हैं, मेरा ख्याल है कि आज तक दुनिया में कहीं नहीं हुए होंगे, करोड़ों के नहीं, अरबों के नहीं, इससे भी बड़े। कोई ऐसा देश नहीं है, जहां इतने बड़े scandals हुए हों। इसलिए देश में एक ऐसी हवा उठी और सारा देश करप्शन के खिलाफ उठ खड़ा हुआ। मैं दोहराना नहीं चाहता, अगर सुप्रीम कोर्ट और कोर्ट्स इसमें हिस्सा नहीं लेतीं, तो इस सरकार ने न किसी मिनिस्टर को पकड़ना था, न किसी को जेल के अन्दर भेजना था।

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\*Expunged as ordered by the Chair.

उस दिन मैंने डा. मनमोहन सिंह जी से भी यह कहा था कि सिखों का बहुत बड़ा इतिहास रहा है, हम लड़ाई लड़ते हैं, आप भी सरदार बनिए और सब लोगों को पकड़कर अन्दर बंद करिए।

**श्री एस.एस. अहलुवालिया:** सरदार नहीं सिख बनिए।

**सरदार सुखदेव सिंह ढिंढसा:** मैंने स्वयं उस दिन यह बात उनसे कही। इसलिए मैं अपनी पार्टी की तरफ से यह कहना चाहता हूँ कि अन्ना हजारे और उनके साथियों को इमीजिएटली रिलीज़ करो, उनको इस चीज़ का हक है, उनको अनशन पर बैठने दो।

**श्रीमती वृंदा कारत:** बिना शर्त बैठने दो।

**सरदार सुखदेव सिंह ढिंढसा:** जी हां, बिना शर्त बैठने दो और जो लड़ाई उन्होंने देश के लिए लड़नी शुरू की है, उनको वह लड़ाई लड़ने का हक है। जहां भी वह बैठना चाहते हैं, उनको वहां पर बैठने का हक होना चाहिए।

अपनी पार्टी की तरफ से मैं कहना चाहूंगा कि उनको और उनके जो साथी पकड़े गए हैं, सभी को जल्दी ही unconditionally release कीजिए।

**एक माननीय सदस्य:** उनको कल्माड़ी के साथ नहीं रखना चाहिए।

**सरदार सुखदेव सिंह ढिंढसा:** उपसभाध्यक्ष जी, दूसरी बात मैं यह कहना चाहूंगा कि सरकार जो लोकपाल बिल लाई है, उस पर किसी के साथ मशिवरा नहीं किया गया। न तो अपोजीशन के साथ मशिवरा किया गया और न ही किसी और के साथ किया गया, इसलिए हम उसके हक में तो हो ही नहीं सकते, उसके खिलाफ होंगे। जब यह बिल स्टैंडिंग कमेटी से हो कर आएगा, उसके बाद देखेंगे कि उसका क्या करना है, लेकिन मैंने प्राइम मिनिस्टर की मीटिंग में उस दिन भी यह कहा था कि आपको लोकपाल तो बनाना ही पड़ेगा। देश को एक लोकपाल बिल की सख्त जरूरत है और अब सरकार उससे बच नहीं सकती। मैं आज उस बात को फिर से दोहराना चाहता हूँ कि आप इससे बच नहीं सकेंगे।

उपसभाध्यक्ष जी, आपने मुझे बोलने का समय दिया, इसके लिए धन्यवाद।

SHRI S.S. AHLUWALIA: Sir, I just want to say one thing. मैंने जब ढिंढसा जी को सुना, इन्होंने पंजाब का पूरा इतिहास बताया, तो मुझे एक पंजाबी का गीत याद आ गया, जो आजादी की लड़ाई में साधारण लोग बार-बार गांव में गाया करते थे:

सच्चे फाँसी चढ़दे वेखे, झूठ मौज उड़ाए।

लोकी कहंदे रब दी माया, में कहंदा अन्याय।।

में कोई झूठ बोलया, कोई ना, में कोई झूठ बोलया, कोई ना।।

आऊँ आहूँ आहूँ।।

यह सिर्फ प्रधानमंत्री जी के लिए है कि कम से कम वह तो इंसाफ करें कि सच्चों को फाँसी मत चढ़ाएं और झूठों को मौज मत उड़ाएं। कम से कम सच्चे को आजादी से वहां पर बैठ कर अनशन करने का अधिकार right to protest, right to express and right to dissent का अधिकार वापस दिलाएं।

SHRI M.V. MYSURA REDDY (Andhra Pradesh): Sir, there is a proverb in Telugu. Ta Chedda koti wana Mellaa cheruchu', which means a bad monkey destroys an entire garden. A series of \* and bad intentions of this Government not only gave a bad name to the Government but also brought \* to the entire political system of the country.

Sir, yesterday's public anger is not for not bringing the Lokpal Bill, but it is mainly due to the corruption in our political system. Our Minister was just saying that 'we have to decide the things.' We accept that.

But I want to bring one thing to the notice of this august House. When we raised the issue of Radia tapes, on technical matter only, it was obstructed. But they were unable to stop that. Again, the Supreme Court intervened in the matter and whatever happened in the 2G scam was exposed.

Regarding the issue of black money also, the Supreme Court had to intervene. There are only sweet words from the Government but nothing is moving forward.

Even in the appointment of the CVC, they ignored the objections of the Leader of the Opposition and appointed the same person whom they wanted. What a \* they got!

Then regarding mining mafia in Andhra Pradesh, our pleas to the Government fell on deaf ears. We have represented this matter many times to the Government. We represented to the Prime Minister, to the Minister for Mines.

\*Expunged as ordered by the Chair.

We represented to everyone of them, but it fell on deaf ears. Ultimately, the Lokayukta gave a judgement on that issue.

Then, like there is allotment of petrol blocks, allotment of coal blocks might also be started soon. What a \* to this Government! The Government is getting a bad name because of a series of scandals. It is high time that they put a full stop to these scams and corruption. Will they be ready to bring in political reforms, electoral reforms and also financial reforms? They think that economic reforms are bringing health and wealth to this country, but that is not so. Whatever reforms they wish to bring now must not squander away the wealth and property of the people. Will they come up with such a legislation, at least, today, to mitigate the anger of the people? Government must be ready to bring such bills.

With this request and clarification, I shall conclude my speech.

**श्री रामविलास पासवान** (बिहार): उपसभाध्यक्ष जी, ... (व्यवधान)... आप क्या बोलेंगे? आपसे ज्यादा जेल में मैं रहा हूँ।

सर, इन्होंने जे.पी. मूवमेंट की बात कही है। Emergency के समय जे.पी. मूवमेंट में हम लोग 19 महीने तक भ्रष्टाचार के खिलाफ जेल में रहे हैं। अभी हमारे साथी श्री अरुण जेटली जी मीडिया के सम्बन्ध में कह रहे थे। दुर्भाग्य से उस समय यह मीडिया नहीं थी। उस समय एक ही मीडिया थी। यदि उस समय यह मीडिया रहती तो उस समय भी यह दिखलाया जाता कि कितने लाख या कितने करोड़ लोग बाहर निकले हैं। हम लोग जय प्रकाश नारायण जी के सम्बन्ध में कहते थे:

"वह देख भविष्य पुकार रहा, वह दलित देश का त्राता है।

सपनों का द्रष्टा जय प्रकाश, भारत का भाग्य-विधाता है।

कहते हैं उसको 'जय प्रकाश', जो नहीं मरन से डरता है।

अग्नि को बुझते देख, कुंड में स्वयं कूद जो पड़ता है।"

इसलिए, जय प्रकाश नारायण जी से किसी की या अन्ना हजारे की तुलना करके जय प्रकाश नारायण जी के स्टेटस को कम नहीं करना चाहिए, मैं इतना ही कहना चाहूंगा। ... (व्यवधान)...

सर, अब मैं दूसरी बात कहना चाहता हूँ कि प्रधानमंत्री जी ने जो वक्तव्य दिया है, मैं इस बात से सहमत हूँ कि प्रधानमंत्री जी को बतलाना चाहिए था कि दोनों तरफ से कौन-कौन से points रखे गए थे, किस point पर सहमति हुई और किस point पर सहमति नहीं हुई तथा जिस point पर सहमति नहीं हुई, उस पर opposition की क्या राय है? मैं वी.पी. सिंह जी की गवर्नमेंट में था, अटल बिहारी वाजपेयी जी की सरकार में भी था और देवगौड़ा

\*Expunged as ordered by the Chair.

जी की सरकार में भी था ...**(व्यवधान)**... एक मिनट, एक मिनट। ...**(व्यवधान)**... एक मिनट, मुझे बोलने दीजिए। ...**(व्यवधान)**...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please, do not disturb. ...**(Interruptions)**...

**श्री रामविलास पासवान:** सर, ...**(व्यवधान)**... First में मनमोहन सिंह जी के ...**(व्यवधान)**...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Let him speak, please. ...**(Interruptions)**...

**श्री रामविलास पासवान:** क्यों था, वह मामला अलग है। लेकिन, इस लोकपाल बिल में किसी बात पर controversy नहीं है। इसमें अगर किसी बात पर controversy है, तो इस पर कि प्रधानमंत्री को इसके अन्दर रहना चाहिए या नहीं, जजेज़ को रहना चाहिए या नहीं। जब इन्हें इसके अन्दर रहना चाहिए था, तो श्री अटल बिहारी वाजपेयी जी के समय में ऐसा क्यों नहीं हुआ था? ...**(व्यवधान)**... एक मिनट, ...**(व्यवधान)**...

**श्री विक्रम वर्मा:** इसीलिए तो अब कोई आपको ...**(व्यवधान)**...

**श्री रामविलास पासवान:** एक मिनट, आप शांत रहिए। ...**(व्यवधान)**... आप एक मिनट रुकिए। ...**(व्यवधान)**... आप पहले मुझे बोलने दीजिए। ...**(व्यवधान)**...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Let him have his say. ...**(Interruptions)**... Please, do not disturb. ...**(Interruptions)**...

**श्री रामविलास पासवान:** हमने तो resign कर दिया था। ...**(व्यवधान)**... हमने तो resign कर दिया था। ...**(व्यवधान)**...

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** इनको बोलने दीजिए। ...**(व्यवधान)**... Please, allow him to speak.

**श्री रामविलास पासवान:** आप मेरी बात सुनिए। ...**(व्यवधान)**... सर, सबसे ऊपर बैठा व्यक्ति ...**(व्यवधान)**...

**श्री पुरुषोत्तम खोडाभाई रूपाला:** ये मंत्री थे। ...**(व्यवधान)**... अभी इनको पता है तो बता दें ...**(व्यवधान)**...

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** आप बैठिए। ...**(व्यवधान)**...

**श्री रामविलास पासवान:** यह सबको पता है। ...**(व्यवधान)**... यह सबको पता है कि देश का प्रधानमंत्री इसके अन्दर क्यों नहीं रहना चाहिए। ...**(व्यवधान)**... सबको पता है कि सुप्रीम कोर्ट के जज इससे अन्दर क्यों नहीं रहना चाहिए। ...**(व्यवधान)**... इसके अन्दर जजेज़ क्यों नहीं रहने चाहिए। सर, हम सिर्फ इतना ही कहना चाहते हैं कि नेशनल इंटरैस्ट...

श्री शान्ता कुमार (हिमाचल प्रदेश): सर, उस समय कैबिनेट में जब यह विषय आया था, तब प्रधान मंत्री, श्री अटल बिहारी वाजपेयी जी, ने कहा था कि प्रधान मंत्री को लोकपाल के दायरे में होना चाहिए। इस पर कोई बहस नहीं होनी चाहिए। ...**(व्यवधान)**... और प्रधान मंत्री उसमें थे। ...**(व्यवधान)**... तब आप भी कैबिनेट में थे और मैं भी कैबिनेट में था। ...**(व्यवधान)**... वह बिल में भी है। ...**(व्यवधान)**...

श्री तारिक अनवर: सर, ...**(व्यवधान)**... यह तो वर्तमान प्रधान मंत्री जी ने भी कहा है। ...**(व्यवधान)**...

श्री प्रकाश जावडेकर (महाराष्ट्र): सर, ...**(व्यवधान)**...

श्री पुरुषोत्तम खोडाभाई रूपाला: सर, ...**(व्यवधान)**... इन्होंने कहा था कि ...**(व्यवधान)**...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): कृपया आप लोग बैठ जाइए। ...**(व्यवधान)**...

श्री प्रकाश जावडेकर: उस बिल में प्रधान मंत्री भी है। ...**(व्यवधान)**...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): कृपया आप लोग बैठिए। ...**(व्यवधान)**... इनको बोलने दीजिए। ...**(व्यवधान)**... Let him speak. ...**(Interruptions)**...

श्री रामविलास पासवान: सर, मैं यह कहना चाहता हूँ कि माननीय अटल बिहारी वाजपेयी जी, जिनके प्रति हमको बहुत श्रद्धा है, की पर्सनल क्या राय थी और मनमोहन सिंह जी की पर्सनल क्या राय है, लेकिन यह लोकपाल बिल नहीं आ सका। मैं इतना ही कहना चाहता हूँ। ...**(व्यवधान)**... इसलिए मैं सबसे कहना चाहता हूँ कि जब हम यहां पर बैठे हुए हैं, तो सबसे ऊपर नेशनल interest होना चाहिए, उसके बाद पार्टी का interest होना चाहिए और उसके बाद व्यक्ति का interest होना चाहिए। यदि सब लोग इतने क्रांतिकारी बनते हैं, हम लोग तो दलित परिवार में पैदा लिए हैं, तो पार्लियामेंट में सर्वसम्मति से यह बिल पास करें कि संपत्ति का अधिकार लोगों के पास नहीं रहेगा, क्योंकि सब करप्शन की जड़ में संपत्ति है। ...**(व्यवधान)**... सारी प्रॉपर्टीज़ को nationalize किया जाए। ...**(व्यवधान)**...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Let him speak. ...**(Interruptions)**... Allow him to speak. ...**(Interruptions)**... कृपया आप बैठिए। ...**(व्यवधान)**...

श्री रामविलास पासवान: सर, संपत्ति के अधिकार का मामला आएगा, तो ये तिलमिलाएंगे। ...**(व्यवधान)**... संपत्ति के अधिकार को खत्म करने की बात होगी तो ये तिलमिलाएंगे। ...**(व्यवधान)**... दोनों चीजें नहीं हो सकती हैं ...**(व्यवधान)**...

श्री विजय कुमार रूपाणी (गुजरात): इस पर बिल तो लाइए। ...**(व्यवधान)**...

श्री रामविलास पासवान: सर, विदेशों में जो काला धन जमा है, क्या वह किसी दलित का है, किसी गरीब का है या किसी किसान का है? बड़े-बड़े पूँजीपतियों का काला धन विदेशों में जमा है। ... (व्यवधान) ...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): पासवान जी, कृपया आप समाप्त कीजिए। ... (व्यवधान) ...

श्री रामविलास पासवान: सर, मैं समाप्त कर रहा हूँ। सर, हम लोग Standing Committee में हैं, उस कमेटी में जेठमलानी साहब भी हैं। हम लोग वहाँ पर पार्टी स्तर पर कोई प्वाइंट नहीं लेते हैं। वहाँ क्या होता है, उसको मैं नहीं कहना चाहता हूँ, लेकिन सबको मालूम है कि उस कमेटी में सभी पार्टी के लोग हैं। ... (व्यवधान) ...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): पासवान जी, कृपया आप समाप्त कीजिए। ... (व्यवधान) ... पासवान जी, कृपया आप समाप्त कीजिए। ... (व्यवधान) ... Please wind up. ... (Interruptions) ...

श्री रामविलास पासवान: सर, कल अन्ना हजारे की जो गिरफ्तारी हुई है, उससे हम सहमत नहीं हैं। अन्ना हजारे को गिरफ्तार नहीं करना चाहिए, यह मैंने पहले दिन ही कहा था। जो सिविल राइट प्रोटेक्शन है, वह मिलना चाहिए। ... (व्यवधान) ...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): पासवान जी, हो गया, कृपया अब आप बैठिए।

श्री रामविलास पासवान: सर, हमारे एक माननीय साथी ने कहा कि जो पार्लियामेंट की dignity है ... (व्यवधान) ... यदि पार्लियामेंट करप्ट है ... (व्यवधान) ...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): पासवान जी, कृपया आप बैठिए। ... (व्यवधान) ...

श्री रामविलास पासवान: पार्लियामेंट की dignity को बरकरार रखना चाहिए। ... (व्यवधान) ...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): पासवान जी, आपने बहुत ज्यादा समय लिया, अब आप बैठ जाइए। ... (व्यवधान) ... कृपया आप समाप्त कीजिए। ... (व्यवधान) ...

श्री रामविलास पासवान: सर, जब एक तरफ सिविल सोसायटी है, तो हम लोग अनसिविल लोग हैं। क्या उस सिविल सोसायटी में Scheduled Caste का कोई व्यक्ति रहने लायक नहीं था? ... (व्यवधान) ... आपने दस सदस्यों की कमेटी बनाई, लेकिन क्या आपको Scheduled Caste का एक भी सदस्य इस लायक नहीं मिला कि आप उसे उस कमेटी में रख सकें? इस तरह से आप कौन सा कानून बनाना चाहते हैं? ... (समय की घंटी) ... ... (व्यवधान) ... सर, मैं यह कहना चाहता हूँ कि पार्लियामेंट की गरिमा कायम रहनी चाहिए और शांति से आंदोलन करने का जो हमारा मौलिक अधिकार है, वह भी कायम रहना चाहिए। धन्यवाद।



**श्री राजनीति प्रसाद** (बिहार): सर, आपने मुझे तो अंत में समय दिया है, इसलिए घंटी मत बताइएगा।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Last but not the least.

**श्री राजनीति प्रसाद**: सर, मैं अपनी बात एक शेर से शुरू कर रहा हूँ:

"वे जुल्म भी करते हैं, तो चर्चा नहीं होती,  
हम आह भी भरते हैं, तो बदनाम हो जाते हैं।"

सर, मैं एक और शेर सुनाना चाहता हूँ:

"बहुत मुश्किल से पाया है जम्हूरियत ऐ लोगो,  
बहुत मुश्किल से पाया है, जम्हूरियत ऐ लोगो,  
क्यों इसे बदनाम करते हो, क्यों इसे बदनाम करते हो।"

क्या आप सड़क पर फैसला करेंगे?

बहुत मुश्किल से पाया है जम्हूरियत ऐ लोगों,  
क्यों इसे बदनाम करते हो?

यह बदनाम करने की जगह नहीं है। ...**(व्यवधान)**... हमको बोलने दीजिए।  
...**(व्यवधान)**...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please, don't disrupt him.  
...**(Interruptions)**... आप बोलिए।

**श्री राजनीति प्रसाद**: अन्ना हजारे की मीटिंग में लोगों ने कहा कि पार्लियामेंट के लोग \* हैं। एक आदमी ने यह कहा कि संविधान को बदल देना चाहिए। वहां यह भी बोला गया कि संविधान को बदल देना चाहिए। हम आपसे यह पूछना चाहते हैं कि यह आपका कैसा जुल्म है? आप रोज पार्लियामेंट की बैठक को खत्म कर रहे हैं। क्वेश्चन आवर खत्म हो रहा है, क्या यह आपका जुल्म नहीं है? हम पार्लियामेंट के लोग जो यहां आये हैं, हम किसलिए यहां आये हैं? आपने एक ऐसी परम्परा शुरू की है कि आप बाहर में एक पैरलल पार्लियामेंट तैयार करने की कोशिश कर रहे हैं। यह पैरलल पार्लियामेंट चलने वाली नहीं है। यह बाहर की पैरलल पार्लियामेंट नहीं चलेगी। अगर चलानी है तो आप मुम्बई में जाकर चलाइये। यहां यह चलने वाली नहीं है। ...**(व्यवधान)**...

**श्री बलबीर पुंज** (उड़ीसा): आप यह बताइये कि कल संसद किसने नहीं चलने दी?  
...**(व्यवधान)**...

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\*Expunged as ordered by the Chair.

**श्री राजनीति प्रसाद:** आप रुकिये अभी, मुझे बोलने दीजिए ...**(व्यवधान)**... सर, हिन्दुस्तान का संविधान बाबा भीमराव अम्बेडकर ने बनाया और इसलिए बनाया कि हिन्दुस्तान की डेमोक्रेसी में पार्लियामेंट में सारे बिल पास होंगे। आप अलग से बिल बना कर पार्लियामेंट को demoralize करने का काम नहीं कर सकते हैं। यह काम आपका नहीं है।

सर, हम लोगों ने पूरी मीडिया में देखा कि बीजेपी और आरएसएस के लोगों ने किस तरह पूरे हिन्दुस्तान में ...**(व्यवधान)**... आरएसएस और बीजेपी के लोग वहां बच्चों को इकट्ठा कर रहे हैं। सर, उसमें छोटे-छोटे बच्चे आ रहे हैं। यह सब आरएसएस की चाल है। यह आरएसएस देश को चलाना नहीं चाहता है, यह डेमोक्रेसी को चलाना नहीं चाहता है, बल्कि एक अलग से परम्परा बनाना चाहता है। ...**(व्यवधान)**... \* ...**(व्यवधान)**... यह अन्ना हजारे अच्छा आदमी है। अन्ना हजारे को भी इन लोगों ने किडनैप कर लिया है। ...**(व्यवधान)**... \*, यह अन्ना हजारे भी अच्छा आदमी है, इसको भी आरएसएस और बीजेपी के लोगों ने किडनैप कर लिया है। ...**(व्यवधान)**... सर, ये लोग भ्रष्टाचार की त्रिमूर्ति हैं और ये भ्रष्टाचार को खत्म करने वाले लोग नहीं हैं। ...**(व्यवधान)**... इसलिए मैं कहना चाहता हूँ कि इस तरह का अन्ना हजारे, इस तरह की डेमोक्रेसी चलने वाली नहीं है। सर, यह डेमोक्रेसी चलने वाली नहीं है। ...**(व्यवधान)**... वहां आरएसएस और बीजेपी के लोगों को भर दिया गया है। ...**(व्यवधान)**... प्राइम मिनिस्टर ने जो स्टेटमेंट दी है, वह सही है। धन्यवाद। ...**(व्यवधान)**...

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** डा. प्रभा ठाकुर। आपका समय सिर्फ दो मिनट है।

**डा. प्रभा ठाकुर:** सर, माननीय प्रधानमंत्री जी ने बहुत संजीदगी से सारे मुद्दों पर बात कही। प्रधान मंत्री जी ने खुद यह कभी नहीं कहा कि प्रधान मंत्री को इसके दायरे से बाहर नहीं होना चाहिए। वे तो व्यक्तिगत तौर पर इसे स्वीकार करते हैं, लेकिन संवैधानिक तौर पर कमिटी में जैसी सब की राय बनेगी, उसी के अनुरूप लोकपाल बिल बनता है।

**(सभापति महोदय पीठासीन हुए)**

सर, मैं पासवान जी की इस बात से सहमत हूँ कि क्या इस कमिटी में एससी, एसटी, ओबीसी या माइनॉरिटी का ऐसा कोई योग्य व्यक्ति नहीं मिला कि एक ही परिवार के पिता-पुत्र को इसमें रखना पड़ा? ...**(व्यवधान)**...

**श्री बलबीर पुंज:** सर, ...**(व्यवधान)**...

**श्री विजय कुमार रूपाणी:** सर, ...**(व्यवधान)**...

**डा. प्रभा ठाकुर:** सर, मैं यह कहना चाहती हूँ ...**(व्यवधान)**... सर, ...**(व्यवधान)**... सर, ये बोलने नहीं देते हैं। ...**(व्यवधान)**... आप लोगों को गुस्सा तो ऐसे आ रहा है जैसे आंदोलन आप चला रहे हैं। यह तो अन्ना हजारे जी का आंदोलन है। ...**(व्यवधान)**...

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\*Expunged as ordered by the Chair.

3.00 P.M.

सर, हमारे प्रधान मंत्री ने भ्रष्टाचार को मिटाने के लिए लोकपाल पार्लियामेंट में ... (व्यवधान) ...

MR. CHAIRMAN: This discussion is over now. ... (Interruptions)... Please. ... (Interruptions)...

डा. प्रभा ठाकुर: सर, मुझे दो मिनट का समय दिया ... (व्यवधान) ...

MR. CHAIRMAN: This discussion is over. ... (Interruptions)... Please resume your place.

डा. प्रभा ठाकुर: सर, उत्तराखंड में ... (व्यवधान) ... गुजरात, छत्तीसगढ़ ... (व्यवधान) ... सर, मुझे बोलने की permission मिली है।

MR. CHAIRMAN: Hon. Member, please. ... (Interruptions)... We have other Business to transact. ... (Interruptions)... Please resume your place. ... (Interruptions)... I am sorry, the time is over. ... (Interruptions)... The time is over. Please resume your place. ... (Interruptions)...

डा. प्रभा ठाकुर: सर, मुझे दो मिनट बोलने की permission मिली है। ... (व्यवधान) ...

MR. CHAIRMAN: The time is over. ... (Interruptions)... Please resume your place. ... (Interruptions)... Nothing is going on record. ... (Interruptions)...

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डा. प्रभा ठाकुर: \*

#### OBSERVATION BY THE CHAIRMAN

MR. CHAIRMAN: Hon. Members, the House will now take up the Motion for presenting an Address to the President for removal of Justice Soumitra Sen, Judge, High Court of Calcutta from his office together with the Motion for considering the Report of the Inquiry Committee constituted to investigate into the grounds on which removal of Justice Soumitra Sen, Judge, Calcutta High Court was prayed for.

Before calling the mover to move the Motion, I wish to inform the Members the procedure that I propose to follow.

After the motions are moved and the mover of the motion has spoken, I shall call Justice Soumitra Sen to present his defence. After the presentation, Justice Sen shall withdraw.

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\*Not recorded.

The House will then proceed to consider the motion and Members will participate in the discussion on the motion.

I would urge upon the Members to make precise and short speeches restricting themselves broadly to the findings of the Inquiry Committee, as contained in its Report. I also seek cooperation of the Members in maintaining the dignity of the House during the presentation of Justice Soumitra Sen to the House in keeping with the solemnity of the occasion.

After all the Members have spoken, the mover will reply to the discussion. Thereafter, I shall put the Motion for presenting an Address to the President received under article 217 read with clause (4) of article 124 of the Constitution, and, the Address to the President together to the vote of the House in terms of Rule 16(4) of the Judges Inquiry Rules, 1969.

I may inform the Members that the Motion and the Address are required to be adopted by a majority of the total membership of the House, and, by a majority of not less than two-thirds of the Members of the House present and voting in terms of clause (4) of article 124 of the Constitution, and, presented to the President in the same Session.

The matter pertaining to the removal of a Judge is very serious, and, may be dealt with in a careful and sound manner.

I request the Members not to repeat the points and not to bring in any extraneous matter while speaking on the Motion. Since the time allowed for discussion is four hours, excluding the ninety minutes time, which is the time allotted to the Judge for his defence, I would urge the Members to restrict themselves to the facts mentioned in the Judges Inquiry Committee Report and the reply of the Judge. Both the documents have been circulated to the Members on 10th November, 2010, and, on 21st February, 2011, respectively.

Marshal.

MARSHAL: Yes, Sir.

MR. CHAIRMAN: Is Justice Soumitra Sen in attendance?

MARSHAL: Yes, Sir.

MR. CHAIRMAN: Bring him to the Bar of the House.

*(Justice Soumitra Sen was then brought to the Bar of the House)*

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MOTION FOR PRESENTING AN ADDRESS UNDER ARTICLE 217 READ WITH CLAUSE (4)  
OF ARTICLE 124 OF THE CONSTITUTION TO THE PRESIDENT FOR REMOVAL FROM  
OFFICE OF JUSTICE SOUMITRA SEN  
OF THE CALCUTTA HIGH COURT.

AND

MOTION FOR CONSIDERING THE REPORT OF THE INQUIRY COMMITTEE CONSTITUTED TO  
INVESTIGATE INTO THE GROUNDS ON WHICH REMOVAL OF SHRI SOUMITRA SEN, JUDGE  
CALCUTTA HIGH  
COURT WAS PRAYED FOR.

MR. CHAIRMAN: Shri Yechury may now move the motions and speak.

SHRI SITARAM YECHURY (West Bengal): Thank you, Mr. Chairman, Sir.

I rise, Mr. Chairman, Sir, to move these motions in response to the call of duty to my country and my Constitution. Particularly, I rise at a time when waves of protests are taking place all across the country on there issue of corruption at high places. But, I think, though by accident and not by design, these motions are coming up for debate before us in this august House very fortuitously and it is happening at a time when the Parliament can also exercise its will and resolve of fighting corruption in high places. And it is in that context I rise to move these motions, as you have mentioned, fully conscious of the solemnity of the occasion. I also rise with a deep sense of anguish to move these motions. I shall return to these aspects a little later. Let me first move these motions.

Sir I beg to move the following motion:

This House resolves that an address be presented to the President for removal from office of Justice Soumitra Sen of the Calcutta High Court on the following two grounds of misconduct:

- (iii) Misappropriation of large sums of money, which he received in his capacity as receiver appointed by the High Court of Calcutta; and
- (iv) Misrepresented facts with regard to misappropriation of money before the High Court of Calcutta.

Sir, I also move the following motion:

This House do consider the Report of the Inquiry Committee in regard to investigation and proof of the misbehaviour alleged against Shri Soumitra Sen, Judge, High Court of Calcutta which was laid on the Table of the House on the 10th November, 2010.

Sir, as I have said, I moved these motions fully conscious of the solemnity of the occasion. This arises from the fact that it is for the first time that this august House is considering the invocation of our Constitutional provisions for the adoption of such motions. This has not happened in our history so far.

Sir, I also wish to categorically state that by moving this motion we are not moving against the judiciary as a whole which we hold in the highest of esteem. This is not a motion questioning the integrity of the judiciary. This is a motion against one Judge who has been found to have indulged in conduct that constitutes the definition of misbehaviour within the meaning of our Constitution. It thus makes this Judge unsuitable to occupy the exalted office of a Judge of a High Court. Individual acts of misbehaviour can't find refuge, Mr. Chairman, Sir, behind the integrity of the judiciary as a whole. The issue is one of infallibility and, therefore, the integrity of one individual Judge and not the integrity of the judiciary as a whole. This motion is, therefore, moved, as I have said, not to question the integrity but to strengthen that very integrity of our judiciary from being besmirched by one act of a single Judge.

Mr. Chairman, Sir, our Constitution very rightly provides the judiciary with a very important position and role. People's faith in the independence and integrity of our judiciary is a very crucial element in the functioning and maturing of our democracy. It would be a very sad day if this faith of the people is undermined due to the acts of conduct of an individual member. The judiciary is held in high esteem by both the people and the system as it dispenses with justice and is one of the important organs of our State. The Judges are correctly assumed to be people of character, honesty and integrity who discharge their duties and functions without fear or favour in the spirit of upholding justice. It is, therefore, a call of duty to the nation to correct any aberration that may lead to the undermining of this faith. I have moved this motion in response to this call of duty.

As I have said, Sir, I moved these motions also with a deep sense of anguish. There is no sense of frivolity or elation, neither is there any



sense of vindictiveness or retribution. These motions are, therefore, moved with full sanction of our Constitution and in accordance with these provisions.

Sir, my grandfather retired as a Judge of the Andhra Pradesh High Court when I was eight years old and I learnt at that time that a Judge is not a Judge only in the court, but a Judge is a Judge everywhere else in the society and that his acts, inside or outside the court, are reflection on the judiciary as a whole. I think this spirit has been contained in the Inquiry Report to which, Sir, you wanted us to confine. When the Inquiry Report comments on the character of a judge, both inside and outside the court - I read from this; in order to establish the charge - that since these acts of misbehaviour were committed when Justice Soumitra Sen was not a member of the Bench or not a judge, therefore, they cannot be applicable, that I think is untenable on these grounds. I quote from the Inquiry Committee Report. It says, "A judge of the High Court is placed on a high pedestal in our Constitution simply' because Judges of High Courts like Judges of the Supreme Court have functions and wield powers of life and death over citizens and inhabitants of this country, such as are not wielded by any other public body or authority. It is a power coupled with a duty, on the part of the Judge to act honourably at all times whether in court or out of court. Citation of case law is superfluous because the categories of 'misbehaviour' are never closed. In interpreting Articles 124 (4) and (5) and the provisions of the Judges (Inquiry) Act, 1968 and when considering any question relating to the removal of a Judge of the higher Judiciary from his office, it must not be forgotten that it was to secure to the people of India a fearless and independent judiciary that the Judges of Superior Courts were granted a special position in the Constitution with complete immunity from premature removal from the office except by the cumbersome process prescribed in Articles 124 (4) and (5) read with the law enacted by Parliament, the Judges Inquiry Act, 1968.

The very vastness of the powers vested in the Higher Judiciary and the extraordinary immunity granted to Judges of the High Courts and of the Supreme Court require that Judges should be fearless and independent and that they should adopt a high standard of rectitude so as to inspire confidence in members of the public who seek redress before them. While it is necessary to protect the Judges from motivated and malicious attacks, it is also necessary to protect the fair image of the institution of the Judiciary from such of those Judges who choose to conduct themselves in a manner that would tarnish this image. The word 'misbehaviour' after all is the antithesis of 'good behaviour'. It

is a breach of the condition subsequent upon which the guarantee of a fixed judicial tenure rests. High judicial office is essentially a public trust and it is the right of the people through its representatives in the Parliament to revoke this trust but only when there is 'proved misbehaviour'."

This, Sir, is what I think the Inquiry Committee has proven in its report that it submitted to you which has been laid on the Table of the House.

The Constitution also provides specific provisions which are essential, as I said, for the independence of the Judiciary, but also for safeguards in the process of the removal of a judge. These provisions, in my opinion, are aimed at strengthening the independence of the Judiciary rather than undermining it. The provisions for removal, however, are the most stringent and come into effect only in the case of 'proved misbehaviour'.

I think, this hon. House must refresh itself with strict safeguards that have been provided by the Constitution in order to ensure that no particular member of the Judiciary is moved against in a spirit of vendetta or vindictiveness. These are: (1) At least 50 Members of the Rajya Sabha or 100 Members of the Lok Sabha must bring a motion in either House; (2) The hon. Chairman or the hon. Speaker will apply his or her mind before admitting the motion; (3) Once admitted, the Chairman or the Speaker will constitute a high level inquiry committee under the Judges Inquiry Act; the concerned judge will have full opportunity for defence before this Committee; (4) If the Committee does not find the judge guilty, then the matter ends there with no scope of any parliamentary or judicial review. It is only when the Committee finds the concerned judge guilty, will the matter come up before the Parliament; (5) The Parliament cannot decide the matter by a simple majority; a two-thirds majority is required. The concerned judge will have the opportunity to make his defence once again before the Parliament, in that House where it is moved. Sixthly, both the Houses of Parliament will have to decide, by two-thirds of majority, separately and within the same Session of Parliament. Finally, even after his removal by the President of India, following the decision, when we adopt these Motions today, taken up by both the Houses, the Judge in question, in accordance with the Supreme Court's directives, can seek redress from the Supreme Court by way of a judicial review.

Thus, Mr. Chairman, Sir, there is very little ground to apprehend that justice will not be done to these safeguards. Therefore, as far as the present case is concerned, we have reached the fifth stage.

The Report of the Inquiry Committee has been laid before Parliament, on the 10th of September, as I have said, and the Report, unambiguously upholds these charges. I quote: "Whether the grounds of misconduct, which Justice Soumitra Sen has been charged with, if proved, amount to misbehaviour under article 124 (4) read with article 217 (1) of proviso (b). In the opinion of the Committee, the grounds of misconduct, as set out in the Motion, when proved, would amount to misbehaviour under the relevant articles. Then, it proceeds to establish this unambiguously. Sir, since you have told us about the paucity of time, I do not want to go through a long quotation of the Inquiry Committee. But it enlightens us how this entire concept of misbehaviour had come in the Act of 1935, in the Constituent Assembly Debates, and how, under the present constitutional provisions, both the charges against Justice Soumitra Sen have been held to be valid and unambiguously held to be correct. I quote: "In view of the findings on Charge I and Charge II above, the Inquiry Committee is of the opinion that Justice Soumitra Sen of Calcutta High Court is guilty of misbehaviour under article 124 read with proviso (b) to article 127 (1) of the Constitution of India." So, after this, I think, the matter needs to be treated as closed. And the Inquiry Committee has, actually, provided us with all the defence. However, since you have referred to the defence of Justice Soumitra Sen as well, I would like to refer to one of the aspects that he has referred to in his defence. In his defence to the reply to the Motion submitted to the hon. Chairman by myself and 57 others, Justice Soumitra Sen invokes, from French history, the Dreyfus Affair. Then, he proceeds to say, "The march of time has witnessed thousands, all over the world, wrongly persecuted in the name of justice and for upholding the rule of law." He then proceeds to cast aspersions on the then Chief Justice of India, whose letter to the Prime Minister, seeking removal of Justice Soumitra Sen, was appended to our Motion, and other members of the highest judiciary who have either pronounced or opined against him, to try and establish that "the verdict was already reserved even before the trials commenced." Now, the invocation of Dreyfus Affair, I think, is thoroughly inappropriate. The Dreyfus Affair, all of us will know, was brought into public domain by the famous French intellectual and writer, Emile Zola. It was brought about at a time when the entire battle was taking place in

Europe over the formation of the

nation States. It was brought about at a time when secularism and separation of the Church from the State was a big affair in the history of Europe. And, at that point of time, somebody caught in the crossfire cannot be treated as an example of somebody being wronged and abstracted from this history, I think, it will be completely out of context to have brought this in here. But it is from this process of evolution of human civilization, you have the French Philosopher, Charles Montesquieu, who laid down the benchmark, in a modern democracy, for checks and balances between these three important organs, namely, the Executive, the Legislature and the Judiciary. And, it is on that basis that our Constitution has also been drawn up. And, while working out the mechanics of the three wings to play a joint participatory role in our Constitution, we define the centrality of the will of the people." The Preamble begins by saying, "We, the people". This centrality of the will of the people, is expressed through its elected representatives from Parliament, and this centrality is supreme in our constitutional scheme of things. And it is with this supremacy today that we are taking up this matter. And I wish, instead of quoting the Dreyfus Affair, we would have rather recollected what we stand for today, on the basis of what law, and whether these laws are being violated.

But if, at all, you want to go back into history, Sir, I think it is more appropriate to recollect the debate in the British Parliament on the Censure Motion against Robert Clive when he was charged with amassing huge amounts of money after the Battle of Plassey and the loot of Kolkata. And, Sir, Thomas Babington Macaulay, the same Macaulay who is known for his infamous minute on education in colonial India, notes, Clive at that time was trying to justify what he did to the rapacious loot of Kolkata by saying that this was a city waiting to be taken. People welcomed me with both extended hands, one laden with gold, the other laden with gems and jewellery, and, then, justifying his loot, he goes on to say, and it is in the House of Commons Records, Sir, "By God, Mr. Chairman, at this moment, I stand astonished at my own moderation". Now, according to the law of the land, at that point of time you have violated that law and you have committed acts of misbehaviour. You judge yourself from the moment of the law of the time.

Let us not go back into history and draw parallels which are not applicable. Or, for that matter, Sir, if you really want to go back into history, let us go back to the history of impeachment of Warren Hastings.

For seven long years the House of Lords heard the case of Warren Hastings after the House of Commons had impeached him. Edmond Burke in one of his most memorable orations, when he introduced this case to the House of Lords, in fact, defines judges there. It was a brilliant definition, Sir, of what the role of a Judge was in those times. This is 11 scores of years ago, more than two centuries ago. Therefore, there is a time-lag and difference. Where we affirm faith in our Constitution, the faith was affirmed in God then. So, do not misunderstand then when this quotation is given. Burke says in that oration of his recommending the impeachment of Warren Hastings, "Law and arbitrary power are in eternal enmity". And, then, he proceeds to say, "Judges are guided and governed by the eternal laws of justice to which we are all subject. We may bite our chains if we will, but we shall be made to know ourselves and be taught that man is born to be governed by law and that he who substitutes will in the place of law is an enemy of God."

So, what we are talking about is: do we, in accordance with the law of the land as it exists today, the Constitution of the Republic of India and its provisions, find Justice Soumitra Sen guilty of the two charges that we have made?

Sir, even though the proceedings against Clive were not passed because of the times, he committed suicide before he was exonerated. Edmund Burke's plea to the Lordships to impeach Warren Hastings was, "in the name of the people of India whose laws and rights and liberties he has subverted, whose properties he destroyed, whose country he has laid waste and desolate, he needs to be impeached". 'This is why he needs to be impeached' is what Edmond Burke argued. But that precisely was what British colonialism wanted to continue in India. For 190 years, it continued that loot and plunder. And, therefore, impeaching him would not have served their political objective. Therefore, after seven long years, as Macaulay says, "The fatigue of time took over and Hastings was allowed to retreat".

But drawing from this history, Sir, in the instant case that we are discussing now, as I said, all the provisions of the Constitution have been scrupulously adhered to, all the matters of contention have been unambiguously disposed of by the duly constituted Inquiry Committee. I have established these points earlier, Sir. But since the labour of argument of Justice Sen's reply has been that the

motion moved by me and 57 other hon. colleagues does not contain any specific amounts of money that have been misappropriated.

Yes, Sir, the Motion does not contain; the Motion was appended with the letter of the then Chief Justice of India to the hon. Prime Minister where the entire case was argued. And, in order to avoid repetition, all the charges that are contained in his letter, we appended that letter. We appended that letter not as a recommendation that you should accept, our Motion. We appended that letter because it contains all the facts which need not be repeated. If the contention is that these facts are not there, I think, that is wrong. If you permit me, I can read out from the letter of the then Chief Justice of India which details all these charges, which Justice Soumitra Sen now today contends are not correct against him. But, all these have been detailed.

Sir, I will take about 5-7 minutes, I may be permitted to read. It says, "On 10th September, 2007, I had asked Justice Soumitra Sen to furnish his fresh and final response to the judicial observations made against him. After seeking more time for this purpose, he furnished his response on 28th September, 2007 requesting that he may be allowed to resume duties in view of the order of the Division Bench of the Calcutta High Court. Since I felt that a proper probe was required to be made into the allegations to bring the matter to a logical conclusion, I constituted a three-member committee consisting of Justice A.P. Shah, the then Chief Justice of the Madras High Court, Justice A.K. Patnaik, the then Chief Justice of the High Court of Madhya Pradesh and Justice R.N. Lodha, Judge of the Rajasthan High Court. The in-house procedure adopted by the Supreme Court and various High Courts is as envisaged in this procedure to conduct a fact-finding inquiry. The committee submitted its report on such and such date, etc., etc." Then, it concluded by saying, I will read out the main charges: "(1) Shri Soumitra Sen did not have honest intentions right from the year 1993. Since he mixed the money received as a receiver and his personal money and converted receiver's money to his own use, there has been a misappropriation at least temporarily of the sale proceeds, (a) He received Rs. 24,57,000 between 25th February, 1993 to 10th January, 1995. But, the balance in his account number so and so and dated so and so was only Rs.8,83,963.05. (b) Further, a sum of Rs. 22,83,000 was then transferred by him into so and so account number, name so and so, and the entire amount was withdrawn in a couple of months reducing the balance to a



bare minimum of Rs. 811, diverting the sale proceeds for his own use with dishonest intentions, (c) He gave false explanation to the court that an amount of Rs. 25 lakhs was invested from the account where the sale proceeds were kept whereas in fact the amount of Rs.25 lakhs was withdrawn from Special Officer's account number so and so and not from the account number so and so in which the sale proceeds were deposited, (d) Mere monetary deposit under the compulsion of judicial orders does not obliterate breach of trust and misappropriation of receiver's funds for personal gain, (e) The conduct of Shri Soumitra Sen has brought disrepute to the high judicial office and dishonour by the institution of judiciary undermining the faith and confidence reposed by the public in the administration of justice." Then, he goes on to say, "A detailed representation was made by Justice Soumitra Sen on 25th February, 2008 and a collegium consisting of himself, that is, Chief Justice of India, Justice B.N. Aggarwal and Justice Ashok Bahl, seniormost judges of the Supreme Court, gave a hearing to Shri Soumitra Sen and reiterated the advice given to him to submit his resignation or seek voluntary retirement on or before 2nd April, 2008. However, vide his letter dated 26th March, 2008, Justice Soumitra Sen expressed his inability to tender resignation or seek voluntary retirement."

So, the charges, Sir, are very specific and an in-house inquiry committee consisting of two Chief Justices and a justice of a High Court has gone into it and established it. A collegium of judges of seniormost judges of the Supreme Court has re-established them. Now, the Inquiry Committee constituted by your hon. self has, once again, unambiguously established it. So, I do not think there is any degree of ambiguity on the veracity of these charges. Since they stand established by three separate, independent and duly constituted authorities, I think, this is a matter that should be accepted by us as the final issue that these charges have been now proved, Sir.

But, therefore, in this view, I feel that there is no other option but for us to proceed with these Motions. I say that, as I have said earlier, with a sense of call of duty to my country and the Constitution, fully conscious of the solemnity of the occasion and that we are exercising our right in the Constitution, and with a deep sense of anguish that we have to move against a judge, and that in order to strengthen the integrity and safeguard the institution of our Judiciary, in that light, therefore, Sir, I think we should proceed. But, finally,

Sir, I would like to appeal and go back to the speech of Edmund Bruke in the House of Lords when he finally makes the appeal to the Lordship and I quote,

"My Lords, if you must fall, you may so fall. But if you stand, and stand, I trust you will, may you stand as unimpeached in honour as in power. May you stand not as a substitute for virtue, but as an ornament of virtue, as a security for virtue. May you stand as a sacred temple for the perpetual residence of inviolable justice." And this, Sir, is the inviolable justice that this House today represents when it converts itself into a Bar, when it takes up these Constitutional provisions, it is the temple of inviolable justice. And, therefore, Sir, a sacred temple for the perpetual residence of inviolable justice, that is what this House must be, Sir. Justice and temple are used in the terms that Pandit Nehru used after Independence when he talked of our important public sector constructions as the temples of modern India. These are the temples of modern India that our Republic created. Sir, I say this with all honour at my command and all the commitment at my command that the Republic that was founded in India, I was born after that, Sir, both after the Independence and the Republic, but the Republic that was founded was a far-reaching vision in modern civilisation and society. Way back, more than six decades ago, we had given universal adult franchise in our country, which was then considered absolutely abnormal and unusual. We must recollect, Sir, okay, when the President of USA comes and signs in our Golden Book in our Central Hall, all of us are very happy, when he says, "Greetings from the oldest democracy to the largest democracy". But, Sir, remember, the African Americans in the USA had the universal right to vote granted to them one year after President Obama was born. One year after he was born, they were given the universal right to vote. We gave it way back in 1950, Sir. That is the faith that we had in our people, we have in our people. And that is the faith, Sir, that has to be exercised in our constitutional scheme of things through the elected representatives, and it is that faith that today unfortunately is being questioned by some quarters that this august Parliament is not competent or not capable enough to deal with corruption in high places, and, therefore, it cannot and will not move against corruption in high places. Therefore, we must set the precedent. We must give that confidence to the people of India. We owe it to the people of India that we will take action on these Motions precisely in order to strengthen our Republic and it is for

strengthening of our Republic, Sir, I would now commend these Motions for adoption by this House, and commend them to make sure that we convey not only to the people of India but also to the people of the world and modern human civilisation that the Indian Parliament is a sacred temple, it is the perpetual residence of an inviolable justice. And this has to be established, Sir. With this appeal, I commend these Motions for your consideration and adoption. Thank you, Sir.

*The questions were proposed.*

MR. CHAIRMAN: Motions moved. Mr. Justice Sen, you may present your defence in relation to the findings of the Inquiry Committee, as contained in its Report which was laid on the Table of the Rajya Sabha on the 10th of November, 2010, and a copy of which was sent to you by the Rajya Sabha Secretariat vide their letter dated 11th of November, 2010. You may address the House for about one hour and thirty minutes.

JUSTICE SOUMITRA SEN: I am grateful, Mr. Chairman, Sir. I am also extremely grateful to hon. Members of the House for giving me this opportunity for presenting my defence. I am also grateful to Mr. Yechury when he began his moving of the motion by saying that 'this is a motion for a larger interest and not as against me personally.' I am-extremely grateful to you. We are all now in a very crucial stage where the issue of corruption has come up. Everybody wants that there should not be corruption in high places. There cannot be any dispute to this proposition. The hon. Members of this House, you are elected Members of the people, in effect you are my elected representatives also. Therefore, I have come to you to seek justice on certain very fundamental issues not only on questions of law but on questions of facts. It seems that the concept of presumption of innocence has now been reversed into a concept of presumption of guilt. The moment somebody is alleged to have committed some offence, it is presumed to be true. But, Mr. Chairman, Sir, I will prove from the facts as revealed from the Inquiry Committee itself that there has been no misappropriation in fact and in law. The language used in article 124 (4) is 'proven misbehaviour'. The question of 'proven misbehaviour' means to be proved beyond reasonable doubts, not on the basis of presumption or on the basis of probability. Hon. Members, it has been suggested in the Inquiry Report that since that proceedings before the Judges Inquiry Committee is not in the nature of the criminal proceedings, presumption or probability is enough. But at the same time and at the same place, it has been

suggested that proof has to be beyond reasonable doubt, meaning thereby if I have to prove something, I have to prove it beyond reasonable doubt and if charges are proved against me, it can go by way of probability. There cannot be different stand with regard to proof on a matter of facts. Mr. Chairman, Sir, and the Members of this august House, the motions that have been moved are two in number, one is misappropriation of large sums of money which I received in my capacity as a receiver appointed by the High Court of Calcutta, therefore, misappropriation of money as a receiver not as a Judge, and secondly, misrepresentation of facts with regard to misappropriation of money before the Calcutta High Court. Both the motions are inexplicably connected. If I can demonstrate on the basis of the facts and evidence that there has been no misappropriation at all, the second motion automatically fails. Hon. Members, in accordance with the Judges Inquiry Act under section 3, before admission of a motion materials before the House are to be discussed because it presupposes that frivolous motions against Judges may or may not be admitted. So, before the admission stage, there is certain factual material basis to be examined independently by the Legislature. The power conferred to impeach a Judge of High Court or Supreme Court is absolutely on the Legislature. The Constitution has consciously excluded the Judiciary and the Executive to perform any such function of impeachment. Mr. Chairman, Sir, and the hon. Members of the House, I say this with conviction that after my elevation on 3rd of December, 2003, till November 2006, there has been no complaint against my integrity, my honesty in the public domain. Therefore, what is the substance and how could this motion come about?

It is apparent that the Motion came about by reason of a letter written by our former Chief Justice to the hon. Prime Minister. Please don't take me amiss. I am not casting aspersions on anyone. I belong to an august institution which I respect. But, if I can demonstrate before you that there has been an abuse of power in an administrative side by a person holding high office, then, I am sure this House will think twice. In this letter, if you kindly come to a point where he has said, that after the Division Bench judgment, Justice Balakrishnan, hon. Former Chief Justice of India thought that a deeper probe is necessary in order to arrive at a logical conclusion to the allegations. Pausing here for a moment, whose allegation is Justice Balakrishnan talking about? Nobody has alleged anything against me. In the judicial proceeding in which the 10th April order was passed, the parties

did not raise any allegation against me. There is a letter written by our, the then Chief Justice of our Court dated 26th of November. In spite of this judgment, the letter in the last line says, 'However, there is no complaint against Justice Sen. The allegation, if any, is in the form of the adverse observations of a single judge and subsequently substituted by the In House Committee'. In this context, I would like to draw your kind attention to a letter dated 10th September, 2007. That is at page 148 of my reply. I believe the Members have got it. May I proceed?

MR. CHAIRMAN: Please.

JUSTICE SOUMITRA SEN: Although you have written response, prior to that kindly read the first paragraph. The Chief Justice of Calcutta High Court has apprised me in detail about the developments which have taken place pursuant to passing of the judgments dated 10th April, 2006 and 31st July, 2007 wherein adverse observations have been made against you. A copy of the two judgments is enclosed for your ready reference. Although your written response dated 23rd November, 2006 submitted to the then Chief Justice of Calcutta High Court is already on record and subsequently on advice of your Chief Justice, you have orally explained your conduct when you visited my residence on 12th of July, 2007. In the light of the recent order dated 31st July, 2007, you are requested to submit your fresh and final response to the aforesaid adverse judicial observation leading to complaints making allegations of judicial misconduct and impropriety'. Pausing here for a moment, these two judgments arise out of an application filed in a suit between parties inter se where there are even private parties. The suit is filed in the year 1983 and is still pending disposal. No final decision has yet been made. In that suit, an application was filed in the month of March 2003, nine months before my elevation with only the prayers which is normally prayed for return of money. Hon. Chairman, Sir, and hon. Members, we will search the petition in vain with regard to a whisper of an allegation against my conduct as a receiver. The money belongs to third parties. They want it back. They have no complaint against me. On the contrary, before the High Court, when the proceedings went on, none of the parties contested it. They have clearly said they have no allegation against me and they do not wish to contest the proceeding by filing an application. Then, it is whose allegation?

The proceeding before the learned single judge was purely to examine the conduct of a receiver. There was no question of examining the conduct of a judge. Therefore, the statement made in this letter that allegation of judicial misconduct and impropriety, with utmost and humility, is not correct. My conduct, as a Judge, was never in question, was never in examination before a Single Judge; it was the conduct of a Receiver.

Now, kindly come to the next paragraph. It says, 'In these circumstances, it is proposed to hold an enquiry in terms of in-house procedure adopted by all the High Courts, including the Calcutta High Court into the allegation of misconduct and impropriety made against you.' Hon. Chairman and the Members of this House, I would like to draw your attention to certain very relevant facts which may seem that I am casting aspersions. It is not an aspersion; it is a matter of fact. Under the Constitution, the Supreme Court and the High Court are in two different Chapters. The power and duty of Supreme Court and High Court are duly circumscribed. I say this with conviction that the Supreme Court does not have administrative control over the High Courts and they are independent in nature. This is in order to create a dichotomy in furtherance of our Constitutional mandate that India is a Quasi Federal State. Therefore, the learned former Chief Justice of India was allied with the situation that the procedure adopted by the Supreme Court out of and full house - full court - reference is not binding on a High Court, unless it is adopted. Therefore, the expression 'adopted by all the High Courts, including Calcutta High Court', is incorrect. Had I known that these statements are not correct, I would have challenged the constitution of the In-House Committee, because, by that time, when it was constituted, the Division Bench has passed an order completely exonerating me from all the charges. I agree with Mr. Yechury when he said that people in high office should be absolutely clean. There is no doubt about it. But, when a judicial proceeding has taken place and certain allegations are made against me in a judicial proceeding and when I win in the ultimate judicial proceeding will I be still held guilty of the same charges?

Now, the mind of Justice K.G. Balakrishnan is clearly expressed when he rights that in spite of a Division Bench judgment, I want a deeper probe. He wants a deeper probe into a judicial order which he is bound by it in his administrative capacity. Today, Supreme Court is saying that it is all powerful. Why did they not bring the judgment to Supreme Court and

set it aside on the judicial side?



If they are all powerful, they can do that. You allow the Judgment to attain a stage of finality; nobody prefers an appeal. I cannot prefer an appeal, because I have won in that matter. Today, it is being said that I cannot take shelter under a judicial verdict. Therefore, how a person is acquitted by judicial process can again be held guilty in a non-judicial process?

Now, with regard to the adoption, I would like to make one submission. This was a situation which really confuses me, because I did not know about any such resolution being passed by the Calcutta High Court during my tenure. I continued to enquire from Judges in the past and the present whether there is any such resolution. Everybody said that they do not know. I do not have the infrastructure to go and search all the High Courts in the country to find out whether any such adoption took place. So, I filed an application under the Right to Information Act before the Calcutta High Court. A competent officer under the RTI Act of the Calcutta High Court has said, categorically, that there has been no such adoption. I have annexed it. Is this not a misrepresentation of facts by a person sitting in high office? Is that not a corruption? And, you are holding me guilty of corruption when I have been cleared by everybody by a judicial process. So, you are trying to hold me guilty by a non-judicial process because you have already determined what to do - to catch hold of this fellow and hang him in order to show that the Judiciary is being cleaned. I am the sacrificial lamb. The real issues are swept under the carpet. I have got three instances how the real issues of 'corruption were dealt by him. We all know about the Provident Fund Scam of the Allahabad High Court. A key witness died inside a jail under mysterious circumstances. What has been done? A briefcase containing rupees fifteen lakhs was found outside a Judge's chamber. The CBI wanted to prosecute. The sanction to prosecute was refused by Justice K.G. Balakrishnan. Is this the way that one Judge should be treated as against the other? I definitely say one wrong does not make the other right. But, I am not wrong. I will prove it that I am not wrong. Hon. Member, Yechury, referred to the question of diversion of funds from one account to the other. It is said that rupees twenty-two lakhs went from one account to another and secretly reduced to make it eight hundred and eleven; therefore, there is diversion.

Hon. Chairman, Sir, I will prove it from records that this distribution has been made to the workers of a closed factory, pursuant

to a Division Bench's order. The cheques are before the Judge Enquiry Committee. Seventy-nine account payee cheques have been disclosed. Payment of over

rupees fifty-one lakhs was made through account payee cheques out of that money. Is it anybody's case that I had opened seventy-nine fictitious accounts? About forty-seven were bearer cheques. So, more than 120 cheques were issued. All for my personal gain! And, this is the allegation of diversion of funds! And, this money was distributed, pursuant to a Division Bench's Order, to the members of the CITU union of a closed factory. Mr. Yechury, Sir, it is your Union. You can easily call up the Kolkata Office and find out whether they have received the money or not. Find out the presumption of innocence on my part. Find out the identity of one person. Where is the question of misappropriation? The clear evidence has been bypassed. And, that evidence has been taken as the touchstone of the allegation of misappropriation by diversion of funds. If this is held, Mr. Chairman, Sir, the gravest of injustice will be done. A truthful transaction will be buried forever as untruthful. Also see the question of probability. The factory was closed for fifteen years. The money had been distributed in 1997. Has a single worker come forward to complain? The nature of unionism in Bengal is known. If I had taken one naya paisa, I would not be standing here and talking to you today. I would have been hanged. The Union has not come and complained that they have not received the money. The workers have not come here and complained that they have not received the money. But a single Judge says that this is the diversion of funds. It is a unique case! If I pay, I am held guilty; If I don't pay, I am held guilty! Heads I win, tails you lose. Is it justice? So, after making a misrepresentation to me, an In-House Committee is constituted three months after the Division Bench's order. Now, kindly see one more thing. Now, please see the letter of 10th September, 2007, I am again referring to it. It says, 'Allegations against you of judicial misconduct and impropriety in the judgements of the single judge...' So, the presumption is that I am going to make an inquiry on to the allegations existing as on that date. I was asked to give a final response to this letter. By that time the time came to give the reply, the Division Bench had already passed a detailed judgement. Allegations against me were expunged from records of the case and were deleted. They do not exist in the eye of law. So, if the original allegations do not exist, then, what is being inquired into? Whose allegations are being inquired" into by the in-house Committee? Is it the personal allegation of the former Chief Justice of India? Is he not satisfied with the Division Bench judgement? Does not the

Division Bench judgement apply to him in his administrative capacity? I dare say, please don't take me amiss; even a district judge's order is binding on everyone unless it is set aside by a higher judicial forum. I am not trying to take shelter behind a judicial order. I will clear the conscience of this House that there has been no misappropriation at all.

Now, many will ask this question. Even if you have not done this, then, how could this high-powered committee hold investigation against you? With due respect, Mr. Chairman, Sir, the decision was made long time ago to hold me guilty. It is apparent from the letter written to the hon. Prime Minister that after the Division Bench order, the hon. Chief Justice of India wanted to look into the allegations and to reach a logical conclusion. Whose allegations are they and what is the logical conclusion? What has happened in the meantime is only a means to an end. But this is now the real fact, Sir.

The Judges 'Enquiry Committee' has devoted a lot of time on the issue of my silence. According to them, two central issues arise which are supposed to be the heart of the entire case. "One, the submission that during investigation into the conduct of Justice Soumitra Sen, he had the right to remain silent." It is at page 2 of the report. I am told, Mr. Chairman, Sir, that the report which has been circulated in the House is not what was given to me by the Rajya Sabha. So, there may be a variance with regard to pagination. Therefore, kindly permit me. We got this today at around 12.40 p.m. So, I will be relying upon the report which was given to me while I was in Kolkata because my preparation is based on that.

Therefore, kindly allow me to read it for the benefit of the House. It says, "The submission that during the investigation into the conduct of Justice Soumitra Sen, he had the right to remain silent." Mr. Chairman, Sir, in my respectful submission, this is a clear indication of a state of bias. If I was not here and my lawyer was arguing today, was I silent? Is the appearance of my lawyer not my appearance? When did I remain silent? There is a strong allegation against me that I have been avoiding court. I will demonstrate before you how mala fide that submission and that finding is. You will be surprised to know that the trial judge proceeded to investigate against me by suppressing orders. There is a clear direction in an order that these orders which pertain to investigation behind my back into my personal bank account shall not be served upon me. I will draw your kind attention to those orders.

4.00 P.M.

Now, the rules of Judges Inquiry Act, 1969, give me an opportunity - these are statutory rules - that I can appear by myself or through my counsel. Therefore, appearance through a counsel is also my appearance. The notice issued to me by Rajya Sabha clearly says that I can either appear by myself or through my lawyer. That notice is in conformity with the rules. Even then, it is alleged that, because I, personally, did not appear before the Judges Inquiry Committee, I chose to remain silent. Firstly, I have nothing to prove. Witnesses have been produced by the Judges Inquiry Committee. When a committee produces witness in support of its case, it becomes a witness for the prosecution. I am only to disprove it. I have never said that I did not receive the money. I have never ever said that I cannot give it back or should I not give it back. There is a common perception and it has been said in the Judges Inquiry Report and also the in-House Committee that I was compelled to pay until the court ordered. Mr. Chairman, Sir, let me first point out to you what the law is. A Receiver cannot hand over any money to anybody unless the court directs, because his custody alleges. The first order for return of money came on 10th of April, 2006 and I was appointed in 1984. There was no demand, no order, in the meantime. It is alleged that I have not given back and I was compelled to give it back. The 1993 order, which directs sale, categorically, records that I am to hold the money until further orders. Mr. Chairman, Sir, what was my duty in respect of both the accounts? One is, distribution of Rs.70,00,000/- to the workers and the other is to keep Rs.33,22,800/- after I have completed the sale. There is an order dated 3rd August, 2004. When the application came up for the first time before another learned single judge, I was discharged from further acting as a Receiver. This is not adverted to anywhere, but without any direction to pay. Kindly look at my predicament. Then, the 10 April order was passed. Before that, the application, which was filed, contains another prayer which will, actually, establish what I am trying to say here. First prayer is of return of money and the next prayer is to complete the sale, because the purchaser did not even lift the materials within time. So, my obligation under 1993 order to segregate the entire sale proceeds did not arise until the sale was complete. There has been a further direction in 2004, directing the Receiver to sell the balance quantity. There are some amounts still lying. So, when the total corpus came to me, I thought of keeping it apart. But to say that I have always said that

Rs.33,22,800/- was invested from this account at a time only after 1995 would be incorrect, because I did not receive Rs. 33,22,800/- in the year 1993, not even in the year 1994; it became this corpus only after 1995. You will be surprised to know that when the court called for records, the bank came and said, "We don't have accounts from 1993 to 1995." And, this is the vital period in which the alleged misappropriation has been supposed to take place. In absence of the bank accounts, presumption is drawn. The question is: Where did the money go? I have always been saying that the money was invested there.

After the 10th April order, when I filed the recalling application, in the judgment, the Judge records that 'the total amount of money found in possession or the fixed deposit receipts found in the hands of the official liquidator amounts to over Rs. 70 lakhs.' The fixed deposit receipts are still lying in their custody untouched, unencashed. So, if in 1999, between 1997 and 1999, Rs. 71 lakhs of fixed deposits is found, where is the question of misappropriation? It is a clear evidence of fact that there has been no further deposit, except for Rs. 25 lakhs after 1997. Then, by what arithmetical magic, Rs. 25 lakhs becomes Rs. 71 lakhs within two years? Is it not evidence enough that money was duly invested between 1993 and 1995? When the bank account is not there for the last 15 years, when direct evidence is not available, am I not supposed to take advantage of the circumstantial evidence? On the contrary, these are not circumstantial evidence. The fixed deposit receipts in its physical form are still lying. The company had gone into liquidation. I could have taken shelter behind the Companies Act and said that 'you sell the assets of the company, realize money and the balance shortfall I will pay.' I did not do so. Is that a crime? The official liquidator is still in possession and custody of the assets and liabilities of the company. There is no direction anywhere that you take steps in accordance with the Companies Act. The only person guilty here is 'Soumitra Sen' because it is easy to showcase him as a cleansing of the Judiciary.

I am actually a victim of an abuse of process by person in high office. Kindly don't treat me as an issuer. I have decided to come whatever the outcome may be, and I wish that the Members of this august House would actually decide the matter purely on questions of fact in law. Merely because the hon. Chief Justice of India had already formed an opinion, that cannot go against me. In fact, right from the beginning, there has been misrepresentation of facts.

I will point out another very vital misrepresentation of fact. In the letter written to the hon. Prime Minister, it is mentioned that the learned Judge has dismissed my second application. I am sure, many hon. Members here are eminent jurists, legal luminaries in their field. They will be able to understand what is the difference between an application being dismissed and an application being disposed of with liberty to apply afresh. On my application, recalling application, when the facts were brought before the learned Judge, the learned Judge was undecided. There is a clear recording of fact that he neither believes me nor disbelieves me. The Judge did not disbelieve me when the real facts were brought to him. In spite of this fact, the Judge gives me a liberty to come before him once again with fresh materials. That application is still pending. The suit is pending for last 27 years. Money is still lying undistributed in the High Court. The High Court is seized of the matter. I have still the liberty to go to High Court with the fresh material and say that 'your earlier opinion was wrong, and I am being held guilty of misappropriation and impeachment proceedings are going on against me.' Is there a single allegation of dishonesty, corruption in my judicial functioning? Have I passed a single order for extraneous consideration? Are my sons and daughters or my brothers and brother-in-law guilty of amassing wealth, abusing my position? Am I guilty of laundering? No. The entire thing starts from a judicial process and it is ended with a Division Bench order.

Nothing else can continue. Therefore, to say that a Judge should be honest in all respects is absolutely a correct proposition. There cannot be an image tarnished, because tarnishing the image of a Judge is tarnishing the image of the judiciary. But, if he becomes a victim of abuse of power, then, hon. Members, you may kindly decide in accordance with your conscience whether such abuse should continue or not. If a High Court Judge with a constitutional authority can be treated in this manner, imagine the plight of the common man. They will be squished like a fly. I am not fighting here for my position alone. I will tell you, why. After I filed the reply to the in-House Committee Report, I got a telephone call from the Chief Justice's residence to meet him personally. There is no official record of that meeting with the other superior Judges there; you would search in vain; there is no official communication to me. When I went there and met him in his drawing room, I found two other Judges. That is being communicated as a hearing given to me. Is the direction upon a Judge to resign so informal, so petty, that

the only issue discussed was my resignation? Interestingly, VRS



was offered. Now, have you ever seen an organization or an institution where an employee charged with defalcation of funds is rewarded with a VRS? I would have gone back happy with quite a few lakhs of money because I had a long tenure of service left, and I still have a long tenure of service left. So, first, carrot; the stick is coming later; it is an offer of VRS. Next, 'you resign and if you resign, we shall ensure that you get a good post in some public sector undertaking'. I am willing to say this, standing here, before this august House, openly. I challenge anybody to dispute it. Then, 'if I do not take any of the options, I will be further investigated by an Inspector of CBI and, if necessary, third degree will be applied to me'. I was interrogated. Then, I wrote to the Chief Justice of India that 'if you want a further agency to inquire, then how can you ask me to resign on the basis of a report that is already before you?' Then it is inconclusive. If that is conclusive, then what is the need to have further investigation by another agency? It is not a statement of facts that I am saying. I have put it on record. I have written a letter that is uncontroverted till date. Is this the way a high judicial authority shall function in an administrative manner? I would have had no issues if the judgement of the Division Bench had been set aside by a higher judicial forum. I would have never been here. I have exhausted my remedies in accordance with law, and I have succeeded. I repeat, I am not taking shelter behind a judicial order. I am trying to clear the conscience of the House that there has been no misappropriation at all.

With regard to misrepresentation, something very interesting will emerge. The Judges Inquiry Committee holds me guilty of misrepresentation on an account number. They say that you have given this account number, but the money has actually not gone from this account. Therefore, you are guilty of misrepresentation of facts. The chargesheet has been prepared on the basis of this account number. The charge of misrepresentation is based on this account number by The Judges Inquiry Committee itself. But when the account-opening form was brought, it was found that it was some other Soumitra Sen; father's name is different, signature is different, profession is different and address is different.

So, an impeachment Motion is going on in this House with a chargesheet with a wrong Account Number, and I am being held guilty of putting that Account Number. You will be surprised to know what is that Account Number and how did it come into being. It was supplied by the

learned Single Judge that this is the account, money was withdrawn and closed, therefore,

misappropriation. They say, substitute this by "800 Account", it will be wrong. I say if you substitute it by "400 Account", it will be right because money indeed go from the "400 Account". What did I say all along that Rs.32,33,000, or whatever the figure is, is available irrespective of from which account it has come. My duty is to keep that money safe. Even after the winding up orders and even after the company not paying, I have paid back from my own pocket Rs.57 lakhs. I did not take shelter behind the Companies Act because I thought it was my moral responsibility to pay back the money of the parties. They did not pray for interest. The Court granted interest of Rs.24 lakhs. Who has benefited and who is prejudiced? Only the parties have benefited; I am prejudiced. And I am being held liable for impeachment for wrong-doing. This is unique. I will show that. Since this record is not before you, I will place it. What is my ground? Kindly see what is the ground on which the second Motion fully stands. The entire second Motion is based on this one ground. If I may say so with utmost respect and humility, a very huge constitutional requirement and necessity of impeachment of a judge has been so flimsily framed. I had told before the Division Bench for that the learned Judge failed to appreciate that all the investments made by the Receiver in the company by way of cheques drawn on ANZ Grindlays Bank Account No.OISLP56800. In evidence, the bank's official has come with the Account Opening Form. When my senior counsel cross-examined him, he said, 'Probably not his account.' Answer was very skeptic. So, further question was asked. Is this signature his? No. What do I have to prove? I say, a great eulogy has been given to my senior lawyer by the Judges Enquiry Committee for doing a commendable job. I say, my senior counsels who appeared before the Judges Enquiry Committee have demolished their case altogether. They have no witness to prove anything. Kindly don't take this matter in the light that simply because allegations are made, it has to be accepted, a clean judiciary is to be shown, therefore, throw him out.

There is a preponderance of evidence. There is a constitutional requirement of proof. That cannot be taken away. Now I read out the evidence. I put it to you Exhibit C-304 which is annexed to the letter dated 2nd of March. Exhibit 296, Account Opening Form in OISLP156800 is not the Account of the Respondent. Answer is, 'Probably not'. Did you verify the records in the High Court of Calcutta that this Account Number 56800 pertains to the Respondent? The documents in the High Court were

produced by Shri Prabir Kumar Das, the then Manager of the Bank. Shri Prabir Kumar Das is in service, still avoiding not interested in giving the right answer. I have verified as to whether this account bearing OISLP56800 belongs to the respondent. On verification, I found that the signature and the address mentioned are not matching with that of the respondent. And, this is the account number put in the charge-sheet before the Judges Inquiry Committee. It took one-and-a-half years for the Judges Inquiry Committee to enquire. What did they enquire? A great deal of certificate has been given to their lawyer for rendering excellent assistance. This is the assistance rendered. They are too anxious to hold me guilty; they are too anxious to hold me guilty. Therefore, kindly put a blinder in your eye and believe what former CJI said; don't see anything else. Again, I repeat, if the allegation of diversion of funds, which they say, is believed and this Motion proceeds on that basis, it will be the gravest of injustice ever. The dues of the workers have been fully paid. On the contrary, they have been paid one lakh rupees more; whatever interest accrued in the account was paid to them. I have worked in that matter without remuneration because I thought taking remuneration out of poor workers' fund was not moral. The entire work was done freebie. I was the appearing counsel in that matter. The Court reposed trust in me and appointed me as the Special Officer.

Now, with regard to merger of funds, Mr. Yechury began by saying that I have put money in my own account and there has been a merger of funds. It has been repeatedly said that this is Receiver's Account. With due respect, Chairman, Sir, the expression 'Receiver's Account' has a separation connotation in banking parlance as well as in law. It has to be opened by an order of Court. Today, if I go and ask the bank to open a Receiver's Account, they will not open a Receiver's Account. At least, that is the procedure in Kolkata. You may find it out. In the 1993 Order, which directs me to sell and keep the money, there is no direction to open the account. The choice was left to me, 'bank and branch of his choice'. So, what wrong have I committed? The fixed deposit receipts were given from a period from 1993 March onwards till 1995 May - 22 drafts in two-and-a-half years. Is it possible for a junior advocate to run 22 times in 22 different courts and encash them? The drafts are before you, Sir. See the drafts. Drafts are in the name of Soumitra Sen, Advocate; not Soumitra Sen, Receiver. So, where do I encash them? Wherever I encash them, it becomes my personal account. Encashment had to be done to deliver materials to the purchaser. It was a

conscious decision I took. As a Receiver, I took a decision. It may or may not be right. But, that is not misappropriation. It may be alleged against me that I could have handled the accounts in a better way. Agreed. As an Advocate, there may have been some indiscretion on my part, as a junior Advocate having seven-eight years of practice. But, that does not constitute misappropriation. I will go back from this House, even if you hold me guilty, and I will scream from the rooftop in the rest of my life that I have not misappropriated. That is my personal conviction. And the substratum of the allegations of misappropriation based on diversion of funds is demolished by the cheques themselves. The High Court does not produce the entire bunch of cheques. I have calculated it myself from the statement of account which was before the Judge. The High Court one set - one Judge disbelieves me, two Judges believe me. Now comes the question of Justice Balakrishnan. He disbelieves me, again in spite of a Judicial Order. Where do I go? Where do I seek justice? If the man assuming the highest post in the Judiciary has already formed an opinion of guilt, then everything else is a consequence thereof.

Mr. Chairman, Sir, the accounts are all before you. The question is of misappropriation. The misappropriation amounts only when it can be proved that I have utilized it for my personal gain. Mere transfer of money from one account to another is not misappropriation. Where is the evidence today that I have misappropriated it personally? Is there any credit entry into my accounts from these that I have misappropriated? Is it possible for me to create 79 fictitious accounts and obtain money from them? I say, the bearer cheques which were issued to the workers, some of them bore illegible signature of an illiterate man, and, some bore thumb impression. You take my thumb impression. Take my thumb impression and match it with those cheques whether I have gone behind somebody's back and withdrawn the money or not. A fair transaction, an honest transaction is sought to be presented in such a prejudicial manner, which is alleging diversion of funds. Unless you can prove diversion of funds, you cannot prove misappropriation, and, if you cannot prove misappropriation, there is no question of misrepresentation of facts either. It is said, I dare say, and, I do not know whether it is possible to say, that my statement before the Division Bench influenced the Judges; as if, insinuation is that, I got the order by influencing the Judge. Is it not at the same time casting aspersions on the Judges themselves who passed the order? I will read out the Division

Bench Judgement, and, from that you kindly appreciate whether there is an iota of indication whether I influenced the Judges or not, and, I think, the Judgement is before you. Come to Exhibit Volume III, page 1441. Kindly come to the first portion where the prayer in the petition which resulted in the 10th April order containing adverse inference is set out. Kindly see. "Receiver be directed to hand over all the sale proceeds so far received - sale proceeds, no interest - from the sale of the Pericalse Spinnel Bricks to the petitioner towards and in pro tanto satisfaction of the petitioner's claim in the suit and be further directed to pay entire sale proceeds after disposal of the entire lot. Receiver be directed to render true and faithful accounts of all moneys presently held by him in terms of the order." So, order is required to be passed to furnish accounts.

Now, in this case, when the first application was filed, the logic, the explanation of the Judge to proceed with an independent inquiry behind my back is that I have not approached the Court in spite of repeated opportunities. Please note it very carefully. From my little knowledge of English language, I think, repeated means, at least, more than once. In a court of law, when a person does not follow a direction, sometimes, times are given, and, sometimes it is mentioned that time is pre-empted, and, no further time will be granted. This august House will be surprised to know that the application which was filed in the month of March, 2003 was served upon me for the first time in the month of May, 2005. By that time, several orders had been passed. No copies were served upon me. In the month of March, the Judge passes an order, which was not served upon me until May, that you give details, particulars as to the money. In May, another order is passed in modification of that earlier order. Sugar-coated. Perhaps the trap was laid for the first time that you may file an affidavit, so advised, on what, on the application of the plaintiff and the affidavit of the purchaser. In a proceeding in a court of law, you file an affidavit when you controvert the allegations, when you contest the proceedings. Here, I am not controverting anything from this application because there is not a whisper of allegation against me. Why should I controvert? in fact, I wanted this application to be allowed so that I am relieved from the burden. Then, in the month of June, the Judge proceeds to hold an enquiry against me. Official liquidator called, registered a vigilance call, bank called, my personal account investigated under a microscope and a specific direction was given in that order that I shall not be served with that order. Is this a fair

procedure to be adopted in a court of law?

Even a common litigant gets a better chance. You will be surprised to know that subsequent orders have been passed deliberately suppressing it, and today there is an allegation that I did not approach the court, I did not cooperate. In order to dispel that doubt, I am here today. I did not allow anyone to argue lest it is said that he is a person who avoids. I am not a person who avoids; I am not a quitter. I did not quit from the drawing room of the CJI. What shall I quit from? Therefore, once this application was taken up, the presumption is, and he writes in the judgement that because of repeated opportunity given, and because I did not approach the court, he is compelled to make an investigation against me. And, in the findings, based upon those withdrawals which I said, in fact, I have cried horse, that these payments are not my personal withdrawals, these are labour payments, he says this is a diversion of fund to an unknown place and, therefore, misappropriation. Without any order or prayer for interest, he passes an order for interest of nearly twenty five lakh rupees. You will be surprised, on the one hand, direction is given for payment and on the other hand, an order of injunction is passed. In my house property, in my bank account, in my moveable properties, all the assets that I have personally have been enjoined. Is this fun going on? On the one hand you say for payment, on the other hand, you are passing an order for injunction. This order of injunction is clear violation of Chadha's law, clear violation of Order 38, Rule 5 of the Civil Procedure Code, clear violation of Order 39, Rules 1 & 2.

There has to be an apprehension, there has to be a prayer for an *ad interim* order of injunction. Where the parties did not pray for an *ad interim* order of injunction - the prayers are set out here; you will search in vain for an order of injunction - why did the Judge pass an order of injunction against my personal property? Because I am a Judge again in the High Court, he has a special interest in the matter? The application which came out for the first time before him, without any prayers being made by anyone, he put it as 'part heard'. Till date it is 'part heard' before the same single Judge. There is a specific order that the papers and documents relating to this matter shall be kept in a sealed cover, will not go down to the department. I sent my juniors for inspection. I could not get inspection. It was kept in the Judge's chamber. The order was passed on 10th April 2006, and when I almost pay the money, entire text of the Judge comes out in the newspaper. How did it come out of the sealed cover? Kindly, hon. Members, look into the



facts before holding me guilty. When he says that I did

not approach and he is compelled to make an enquiry against me, after making the full payment, I go with a recalling application. I will just read out one order passed by the single Judge. "This matter will appear once again on 25th July 2005. Let a xerox copy of the order dated 30th June be made available to the learned advocate on record, Mr. Chatterjee. Report shall once again be kept in a sealed cover by the officer of this court". I am not making a statement from the air. These are on record. So, when I go before the Single Judge with all the facts that this is your wrong conception, these payments are labour payments, you have yourself recorded seventy one lakhs of investment, then how can you allege misappropriation? Twenty five lakhs by magic cannot become seventy one lakhs in two years' time. Investments must have been made earlier. When there is no evidence, no bank accounts from 1993-1995 is established, how can you make a presumption? Is it not based on pure surmises and conjectures? When faced with all this, what will the judge do? The judge says, "I neither believe him nor disbelieve him." So, at least, he does not believe me, but he does not disbelieve me either. Therefore, he says come to court once again with fresh material. This is a mockery; a total anarchy is going on. And when I establish all this before the Division Bench, the former Chief Justice of India says, "He wants a deeper probe." He disregards the Order of the Division Bench. What is the special suspicion on me? Why? Whose money have I usurped? The money belongs to third party. They never came to me and said that I had misappropriated the money. The real interested parties, whose money it is, do not make an allegation. It is the headache of the Single Judge.

On what evidence did the Judges Inquiry Committee proceed? The official Liquidator said, "We have no record after 1997 and before 1997." The police authorities have seized many documents from this finance company. There is no panchnama. The bank says, 'There is no account.' Neither the account opening form nor the application on which I said that investments were made was available. And the account on which the matter proceeded is not my account at all. And you hold me guilty of misappropriation. I have said that investments in truncated form were definitely made. It is impossible for a person to remember all the nitty-gritty of the account number. Even if I close my account, I won't be able to remember 56800368002176. I don't think anybody remembers

this. It begins with 01SLP and ends with 800. Both are same. Both end with 800; both start with 01SLP. This mistake of fact, which actually emanated from the court, is the ground to hold me guilty of misleading the Division Bench. There is no other charge.

After the Order of the 31st July, when the court held 'it neither disbelieves me nor believes me,' I moved the Appeal Court. I may take a little of your time to place the judgement of the Division Bench. Kindly permit me to do so.

The Learned Single Judge passed an Order in the aforesaid application filed on the 10th of April 2006 directing the erstwhile Receiver to deposit a sum of Rs.52,46,454 with the Registrar, Original Side of this Court, within a period of one month from the date of receipt of the copy of the Order. In the said Order, it was also mentioned that in default of payment of the aforesaid amount, court will initiate proceedings for recovery of the same.

Now pausing here for a moment, the Single Judge passes an Order directing payment to be made within a period of time, and then passes an Order restraining me to pay. My bank account was sealed. Is it the intention of the Learned Judge that I fail to comply with his direction, so that further orders can be passed against me? The erstwhile Receiver deposited the said amount of Rs.52,46,454 with the Registrar, Original Side of this Court, in compliance with the aforesaid direction. This is the observation of the Division Bench passed by the Learned Single Judge. In the Order, as a matter of fact, it's said that the erstwhile Receiver deposited the aforesaid amount in addition to Rs.5,00,000 which was deposited earlier.

So, altogether, it becomes almost Rs.58 lakhs. So, the parties who are entitled to almost Rs.32 lakhs have got Rs.58 lakhs. Is it an act of a person who has misappropriated the money when the fixed deposit receipts are available and there is no encashment of them? After depositing the aforesaid money, an application was filed on behalf of the erstwhile receiver as recorded on the 10th of April, particularly those indicated, for deletion of the adverse remarks. After going through the order of 15th December 2006, we find - now, this is very significant - the advocate represented the parties before the court. It did not go ex parte. The parties were there. What did the party say? They said, "We have no allegation against the receiver. As far as our money is concerned, we have no

allegation against his conduct." Then, whose allegation is. it? Have I taken bribe? Have I misappropriated Government funds? Have I misused my position by buying properties for myself by misusing Government funds? No. It is the money of the private party who has no allegation against me and the rest of the country is interested to know what I have done with the money. It is submitted on instructions by Mr. Kanchan Roy, learned advocate appearing for the plaintiff Steel Authority of India Limited that his client does not want to file any affidavit either in support or in opposition to the present application. Right from the trial court, nobody contested and I can tell you that was a real heartburn for the learned Judge. He, in fact, insisted upon the parties to file an affidavit. They said, "No, we are not interested." So, if the parties, who are really interested in money, do not file affidavit, is it non-cooperation on my part not to file an affidavit by a modified order? And, thereafter, you suppress that order and carry on investigation behind my back. Who has actually abused the process of law? Is it me? Will this House not see how the whole thing was conducted? It is necessary, Mr. Chairman, Sir, that in every proceedings, every trial, there has to be a fairness in procedure. Even an apprehension of bias vitiates the proceedings. That is established law. If anybody has a special interest in me, he should not judge me. Justice K.G. Balakrishnan by writing that letter has become accuser, prosecutor and the Judge. How can that be? He, on one hand, alleges guilt and he constitutes the in-house committee. This is not a fair procedure. Which Judge in this country today has guts to defy the highest person holding the highest office? Where shall I get trial? Where shall I get justice? I will get justice from this House and I am confident I will get.

Now, I will skip over the first few pages because these are all repetitive and very technical in nature. I will read from page 5 of the judgment. Mr. Anindya Mitra, learned senior counsel representing the appellant, submits that the erstwhile receiver was never directed by the learned Single Judge to make any payment prior to the order of 10th of April 2006 wherein the said learned Single Judge has made certain observations and remarks against the erstwhile receiver. Mr. Mitra submits that the aforesaid remarks were not necessary for deciding the matter. Mr. Mitra further submits that the erstwhile receiver never disputed his obligation to pay the money pursuant to the directions of the hon. Court. Learned senior counsel for the appellant specifically submits that possible claimants, namely, 1 and 2 herein, never made any

complaint against the erstwhile receiver; on the contrary, submitted before the Single Judge that they had no grievance against the receiver. This is the recording of finding of fact by the Division Bench.

Referring to the remarks and observations made by the learned single Judge and recorded in the order dated 10th April, Mr. Mitra submits the learned single Judge had no reason to observe that the erstwhile receiver has committed a breach of trust. This is the finding of the Division Bench, a judiciary order. Today, you say you disregard the judicial order because he holds a high office. He has to be like a saint covered with a halo so that whenever he goes people will bow down to him. Is that the test of morality of a Judge? The test which is said in 124/4, has proof for misbehaviour. What have I done as a Judge? All these actions you are talking about are ten years before my elevation. Am I not a victim of circumstances?

Now, I will read the portion where he says - I will not read out the submission made by the Counsel, it is not necessary - I will go with the findings. The objectionable remarks and observations of the learned single Judge recorded in the order dated 10th April, 2006 have been summarized in Annexure 'B', application filed in connection with 'B'. On behalf of the erstwhile decision, on examination of the orders passed by the learned single Judge, from time to time, including the order dated 10th April, 2006, and the judgement order dated 31st July, 2007, we are satisfied that the erstwhile receiver never disobeyed any direction passed by the learned single Judge regarding payment and the refund of the money as was held by him in person to the order of court. So, the Division Bench comes to a finding based on record that I have never committed any wrong on the matter of returning the money.

Undisputedly the application being G.A.No.875 of 2003 was filed in connection with CS No.8 of 1983. Kindly note the date, 1983, today we are in the 2011. So, the suit is still pending. The parties are still awaiting the disposal of the money. We do not even know who will get the money. Misappropriation is alleged against me and I am sought to be impeached. This is anarchy; and complete misuse of power. With utmost respect and humility I submit kindly do not permit this. On the contrary, ensure that people in high office do not misuse their power and make easy target of easy victims. The English language is very interesting. It says 'sacrificial lamb'; it does not say 'sacrificial ram' because lamb is easy to catch.

Undisputedly the application being GA No.875 of the 2003 was filed in connection with the OS No.8 of 1983 on behalf of the plaintiff for issuing a direction upon the receiver to hand over all the

sale proceeds. So far, receipt from the sale of material in question to the plaintiff towards prudent

satisfaction of the claim of the petition, the claimant is the plaintiff, it will be decided finally in the suit who will get it. Money is still held by the Registrar of the Kolkata High Court till nine years. After the disposal of the entire lot, kindly note here for a moment, as I said earlier, in 1993 order, the obligation arises only upon completion of sale for segregation. The sale is still not complete. It is not known how much money will come. It is still not known what sort of directions the court will give.

Therefore, the matter is still sub judice. According to Rule 169 of the Parliamentary rules, when a matter is still sub judice, it should not be discussed in the House. Rule 169 of the Parliamentary Rules also says that abstract questions of law cannot be decided by the House. This judgement decides on certain questions of law. You will also have to decide whether the Division Bench judgement can be negated, can be rendered nugatory by a non-judicial body. You will have to finally take that call. If that is permitted, it will result in judicial anarchy. Anybody and everybody will say, 'I will not follow a Division Bench judgment. I will not follow a Judgment because you have obtained it by misleading of facts or you have obtained it by bribing the Judge.' And, then, probe starts, without setting aside the judgment in a judicial forum! Our Constitution debar this. There is a hierarchy of Judiciary, right from the District Court level. We follow that. As I said, a District Judge's order will have to be followed by a Supreme Court Judge in his administrative side. He cannot defy it. That is the law. If High Court Judges are treated like this by the Judiciary itself, then I dare say 'common man will never get justice.' That is the call I am putting on to the House; prevent this. There is a tendency of misusing of power. Kindly prevent this. I have become a victim of that. Kindly prevent this.

In the said application, the plaintiff never raised any question in respect of the conduct and functioning of the erstwhile receiver, and also did not claim any amount towards interest. The learned Single Judge, on his own, passed various orders, from time to time, in connection with the application filed on behalf of the plaintiff, and also in the application subsequently filed on behalf of the erstwhile receiver. In order to examine the conduct of the receiver, even in absence of any allegation made by the parties, the parties to the suit, namely the Respondent Nos. I and II herein, never made any allegation regarding misappropriation of amount. This is the misappropriation with



regard to diversion of funds, which I have paid to the workers, undisputedly paid to the workers. No worker has come forward today to allege 'that I have not received my dues.' And this is the transaction which you say 'diversion of funds resulting in misappropriation'. Unheard of! The said erstwhile receiver also never refused to discharge his obligation to refund the money held by him. As a matter of fact, the learned Single Judge, by the Order, dated 10th of April, directed the erstwhile receiver to deposit this sum, even in addition to five lakhs, which was deposited earlier. See the observation of the learned Single Judge regarding betrayal of trust. Because it was held, kindly see the gravity of the allegations made in the 10th April Order. He alleges that 'I betrayed the trust, therefore, attracting penal provisions under the IPC' To this extent, the Judge has gone, without any charge being made against me by anyone! Is it an independent charge of the Judge against another Judge? See the observation of the learned Single Judge. This is the finding of the Division Bench. Kindly not, for a moment, think that I am taking shelter behind this judgment.

My conscience is clear, and I will try to clear your conscience on facts and evidence. The observation of the learned Single Judge regarding betrayal of the trust and confidence of this Court by the erstwhile receiver is not based upon proper materials on record. Since the erstwhile receiver, in compliance with the direction of the Court, not only deposited the entire sale proceeds retained by him, pursuant to the earlier direction of this hon. Court, but also paid a substantial amount, as alleged by the learned Single Judge, towards the interest to the plaintiff, never claimed any interest by the receiver. We also do not find two Judges of the Division Bench saying this, 'We do not find any material where from it can be said that the erstwhile receiver utilised any amount for his personal gain.' This is a binding observation on all. Can it be reopened in a non-judicial forum by setting up an In-House Committee? The foundation/formation of the In-House Committee is a misrepresentation of fact on me. The Calcutta High Court has never adopted that resolution. Therefore, the In-House Committee is not applicable on a Calcutta High Court Judge. And whose allegation At that time, when the Committee was formed, the allegation has been disposed of by this Division Bench order, deleted from the record. Even then the former Chief Justice of India proceeds to hold an inquiry into the allegation. Whose allegation?

Now, pausing here for a moment, I will draw the attention of this hon. House, Mr. Chairman, Sir, to the fact that the procedure for forming the In-House Committee was pursuant to a Full Court Resolution of the Supreme Court in 1999. This procedure was not in favour to me before the Committee was formed. Is it a fair procedure? In every investigation the procedure of formation of the Inquiry Committee is furnished to allow the person to know in what form it has to be done. The procedure came after the Report, along with the Report holding me guilty. When I go through the procedure, I find that the prerequisite for holding an inquiry is a complaint. A detailed procedure has been laid as to what happens when a person makes a complaint of corruption or bribery against a Judge. If an allegation is made directly to the Chief Justice of that High Court, a procedure is laid; if an allegation is made directly to the Chief Justice of India, a procedure is laid. Who has raised a complaint against me? How could that procedure be adopted? The prerequisite of the procedure, the substratum, the foundation was not there on the day when the In-House Committee was constituted, irrespective of the fact that all allegations have been withdrawn by the Division Bench. There is a procedural irregularity; there is a violation of the order of the court; there is complete unconstitutionality and there is absolute anarchy. That is the Report which is being relied upon by the hon. Members and which is appended to the motion.

The letter of the hon. Chief Justice of India is nothing but a reproduction of the findings of the In-House Committee. I think, I don't know, in the Rajya Sabha, I have a right, I have a privilege, to make certain submissions. It is significant to note that out of the three Judges, two have been brought to the Supreme Court within three months after giving the Report against me. You make your own conclusions. I don't have to say. The third Judge who was not brought made public his displeasure in his retirement speech that he was overlooked. So, our house which the judiciary wants to clean found only one person to be cleaned. I had said earlier, "don't push me; I will expose", because my conscience is clear. I don't live in a glass house that you can throw stones at. I started from a small town. I was brought up in Assam. I don't have any father, mother and brother in the judiciary. Today this position has come to me because of my hard work. My honesty and integrity throughout my career was untarnished. Is it because I have a long career that this has been done to me? I am forthright. You can't touch me. Examine everything, all my assets; open my locker and find out.

Therefore, I am not afraid to speak the truth. I appeal to you, the Members of this House, the elected representatives, to do justice.

5.00 P.M.

This is the finding of the Division Bench. "The erstwhile Receiver to hand over all the sale proceeds so far received from the sale of materials". They said, "The erstwhile Receiver has no occasion to submit any explanation or to file any objection to the said application". The Division Bench observed in its earlier order and said that I had no occasion to give an explanation. As the said erstwhile Receiver was well aware of his obligation to refund the amount held by him immediately after issuance of necessary direction by the court, as a matter of fact - please note this carefully - such a direction was issued by the Learned Single Judge only on 10th of April, 2006 and the same order which directs payments holds me guilty of misappropriation.

I could have understood if you gave a direction for payment. If I do not pay, hold an inquiry; hold me guilty of misappropriation; draw an adverse inference. But in the same order, where you give direction, you hold me guilty of misappropriation and then pass an order of injunction on my bank accounts so that I am prevented from paying, without any person paying for such interim order. This is mockery of a judicial process. This is what has been relied upon by the In-House Committee, by the hon. CJI and the Judges Inquiry Committee. This conception that this is an independent inquiry, with due respect, Mr. Chairman, Sir, was prejudged long back because when the hon. CJI writes to the hon. Prime Minister saying that my allegation should reach a logical conclusion, then I have no hope of getting justice from that process. I can only get justice here.

MR. CHAIRMAN: Justice Sen, you are coming to the end of the time allotted to you.

JUSTICE SOUMITRA SEN: Sir, give me a little more time. I will read the judgement of the Division Bench. ...(Interruptions)... I will not unnecessarily take your time.

MR. CHAIRMAN: Okay. That is all right. Please proceed.

JUSTICE SOUMITRA SEN: In the aforesaid circumstances, we fail to understand how the aforesaid, uncalled for, unwarranted observations/remarks could be made against the erstwhile receiver even prior to issuing any direction for payment. This is the order of the Division Bench. This is the finding that a court cannot hold a person guilty of misappropriation without giving him an

opportunity to pay. You don't give me an opportunity to pay and in the same order hold me guilty based on presumptions. And when I come with facts, you say, "I can neither believe you nor disbelieve you; you come once again with proper materials". How will I go to the learned single judge who has already become blind in his eye? He will never listen to me. Therefore, I had to go to the Division Bench.

It is difficult to fathom - kindly see the observation of the Division Bench - the reason for such inquiry. But it is significant that even after going through the personal bank accounts - kindly appreciate one thing that my bank accounts were put under a microscope from 1993 till 2006, even after I was a judge - not a single entry was found which was suspicious. All that is credited into my bank account is my salary that I received as a judge. There is not a single entry kept from the finance company; after the encashment of some FDRs, I have taken away the money. The only withdrawals they talk about are the withdrawals to the workers. That is the ground for holding me guilty of misappropriation. I told them that it was very easy to find out the identity of this person. The Judges Inquiry Committee said, "Unidentified persons", casting an insinuation as if I was saying something fictitious and they were not believing. Is it so difficult to find out the identity of persons who have been paid by account payee cheques? The Judges Inquiry Committee had all the power in the world to call for evidence and records, which they have done so. Couldn't they ask the paying bank to bring the accounts and examine the identity of the persons? Then the whole thing would have gone. But the whole thing is 'I don't want to believe'. If that is the approach that 'I don't want to believe you', no matter whatever I say, you will not believe me.

Now kindly appreciate one thing. Witnesses were called from Kolkata. Who came and gave evidence? They were bank officials, official liquidator, Registrar, etc. Was it not the duty of the Judges Inquiry Committee to call the Director of the company in liquidation and ask whether what I was saying was correct or not? Call the Directors and find out from them as to what I am saying is wrong or not. Call for the bank accounts and find out whether the distribution was to the workers or not. This is the basis of corruption against me. During the three little years that I was able to function as a Judge, nobody raised a finger against me, towards my judicial conduct. My integrity was never

in question. My honesty was never in question. Now, transactions ten years prior to my appointment are put under a scanner. This is the way it has been done, and I am here today before you, before this august House, defending an Impeachment Motions.

In fact, I am grateful because I have not been able to say all these before. I have been put under a CAT. I did not want to go to the media and become a spectacle and a media trial. I wanted an opportunity to come at the right place to say the truth because I know this is where I will be able to say what I want to say, irrespective of what you decide. But to go to the judiciary and say is a futile exercise. The decision was made long ago. Now, kindly see what the Division Bench has to say. "In the aforesaid circumstances, we fail to understand how the unfortunate, uncalled for, and unwarranted observations and remarks could be made against an erstwhile receiver, even prior to issuance of any directions to the erstwhile receiver for depositing the accounts." This is the law that you draw an adverse inference on failure to pay. But adverse inference is drawn even before that. "The application filed by the Respondent No.1 being G.A. No.875 of 2003, that is, the plaintiff's application was merely an application for handing over the amount lying with the receiver. The scope and ambit of the said application did not contemplate any inquiry into the personal accounts of the erstwhile receiver." It is again a finding of the Division Bench. "With respect, the learned single Judge committed a serious error in making a detailed inquiry into the personal affairs and bank accounts of the erstwhile receiver." This is again the observation of the Division Bench. Now, this is not liked, and therefore, the second inquiry of a non-judicial nature.

If a judgement is not liked, you can bypass it. Gloss it over. Don't hold it binding, with the ground that you have a higher responsibility to look for. But if your image is tarnished deliberately, what do you do? Don't you not defend it? And, in defending it, if I have come here and say certain things, that is not tarnishing the image of the judiciary. This is unfortunate that it is being said that the moment an allegation is made, the image of the judiciary is tarnished. I have not tarnished the image of the judiciary. The other people are responsible for tarnishing the image of the judiciary by making me a victim and compelling me to come here and speak like this. I do not get a special desire and happiness to say all these things. It is unfortunate that where I am today is because of the judiciary. I have to say this also.

There is no pleasure in it, like, Shri Sitaram Yechury said, he is also extremely

distressed, that he does not derive any pleasure in moving this Motion against me in this House, but that he wants that the issue of corruption should be settled. But is this an issue of corruption in the higher judiciary, or, are real issues to be glossed over? Make me a show-case. But, in any event, there was neither any ground nor any reason to embark upon, practically, a State trial, when the subject matter of application being G.A. No. 875 of 2003 was merely for issuance of a direction upon the purchaser to lift the balance materials.

In the alternative, it was a direction upon the Receiver to sell the balance quantity. It appears that witnesses were examined. Even after all this, there was no evidence of any kind to show that the erstwhile Receiver had done anything benefiting himself. That is the finding of the Division Bench on record. Can anybody contradict it today? It is a judicial finding. On the contrary, the record showed that the money has been deposited with the finance company by the erstwhile Receiver but as the company was wound up the money could not be recovered. It is seventy-one lakhs in fixed deposits. I asked this question to myself: If I receive a one thousand rupee note from anybody and I am supposed to give it back after six months, is it necessary to give back that thousand rupee note or is it possible that I can give ten hundred rupee notes? This is what is being said. Where is the purchaser's money? Your thirty-two lakhs do not constitute that money. Money has no colour. I had two bank accounts. I took a step which may not be proper but it does not constitute misappropriation. I will never accept this.

I had written to the Chief Justice that he can hold me guilty of mishandling of accounts, being inexperienced, having wrong judgment, having made an error of judgment but if you say I have misappropriated it, I will never accept it. He ought to have got the message then what kind of a person I was. You don't charge me on things which I have not done. I will never accept it.

Now, there is one thing which is very interesting. They have said here, "I have continued to misappropriate after I have become a Judge". This is being done only to bring me within the ambit of article 124 read with 217. The company went into liquidation in the year 1999. The last transaction is of 1997. The assets and liabilities of the wound up company are in possession and custody of the Official Liquidator since 2000. I was elevated in 2003. How could I misappropriate? This is the wildest



of imagination. How can one imagine that I have misappropriated money after my elevation? How can it be held?

Now, another allegation has been made that you have given certain written notes. And the Division Bench has believed only that! There are two people sitting there only... to believe me, and in the same court when such adverse remarks have already been made against me. So, if I had such friends in the Bench, I would not be here today.

After going through the written notes submitted on behalf of the Receiver on the report filed by the Official Liquidator, the court came to an independent finding. Kindly note this very carefully. The Official Liquidator had given a report to the Single Judge giving him totality of the amount. It was a mere calculation; there was some lacuna. My notes were only to point out that lacuna. There was no argument made. Also, when you read the judgment, read it as a whole! Don't take a portion and hold me guilty. Going through the written note submitted on behalf of the erstwhile Receiver on the note filed by the Official Liquidator as well as Exhibits, the court went through the records of the Trial Court and came to an independent finding. It is a judicial finding. What is the finding? We find that the erstwhile Receiver had deposited the entire amount received by him from the respective purchasers. Can anybody else hold it otherwise? Is this judgment a product of inference, as is being suggested? It is also being suggested that this judgment is not binding on the Judges Inquiry because this is a judgment *in personam*, not *in rem*. We all know that a judgment *in rem* is a judgment which decides a proposition of law with fine spots.

In this judgment, there are propositions of law which have been decided as to whether an application can be allowed without averments, as to whether without prayers orders can be made. Assuming that this is a judgment *in rem*, what is the issue here? The issue is misappropriation of money between parties *inter se*. If the parties cannot raise this issue of misappropriation between themselves, can a third party raise this issue? This is a fantastic logic that this judgment is a judgment *in personam*, it just does not bind the Parliamentary Committee. This is a judicial order. 'Settling the issue of misappropriation for all times to come' cannot be raised once again. I have

established from the fact; because, if I have to take you to this bunch of evidence, the detailed bank account, all the fixed deposit details, it will take four days. But I am trying to finish within the time.

MR. CHAIRMAN: Please do conclude, we are running short of time.

JUSTICE SOUMITRA SEN: Well, Sir. The hon. Members may please take the trouble of going through the Division Bench order and then decide. I have also raised a point under rule 169, this is not a technical point, that a *sub judice* matter cannot be discussed. This matter is still *sub judice* in the High Court at Calcutta. The application is still pending. The liberty given to me is still alive.

Mr. Chairman, Sir, as I have said, ultimately it will have to be decided in this House whether after a Division Bench order a non-judicial body can set it aside. That is an abstract proposition of law which you will have to decide.

I think, I have taken enough of your time. Sir, in such a situation, as you can quite appreciate, I am defending my life, the very existence before you. Before deciding it, kindly decide in accordance with your conscience, apply your independent mind and then decide on merit. I am grateful to you, Sir.

MR. CHAIRMAN: Thank you very much, Justice Sen. You may now withdraw from the House.

*(Justice Soumitra Sen then withdrew)*

MR. CHAIRMAN: The Motions and the Address to the President under Clause 4 of Article 124 of the Constitution are now open for discussion. Any Member wishing to speak may do so, after which the mover will speak. Now, the hon. Leader of the Opposition.

THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY): Mr. Chairman, Sir, today is an occasion which is both sad and historic. We have all assembled here in an alternative capacity of Parliament where we perform a function where we decide the fate of a man who has conventionally been deciding the fate of others. Though this is a political House, it performs a judicial function. We have had an opportunity to hear the mover of the Motion, Shri Sitaram Yechury articulating his point of view in support of the Motion. We have also, at length, heard the learned judge who is sought to be impeached.

Sir, we are conscious of the fact that the power of impeachment is intended to be exercised in the rarest of the rare cases. The power of impeachment of a holder of a Constitutional office is an authority or jurisdiction given to us to remove a man in order to save the dignity of his office.

The Office gets precedence over the man who occupies it. And if we find that the man is guilty of any misdemeanor, in the case of a judge, a proven misconduct or incapacity, we impeach him so that we can ensure that the dignity of the Office of judge that he occupies can be maintained. This power, Sir, is both punitive and also a deterrent power. We regulate the exercise of this power by article 124(4) in the case of a judge of a Supreme Court and read with it article 217 in the case of a judge of a High Court. The two grounds on which a judge, in either case, can be impeached is either proven misbehaviour or incapacity. In this case, Mr. Yechury's Motion is confined to the first ground, i.e., proven misbehaviour.

Sir, when these articles were being drafted by the Constituent Assembly, Shri Gopalaswamy Iyengar had expressed the hope that, perhaps, these powers would never be used. He espoused the confidence that, at least, in his lifetime it will never be used. His prophesy was partly correct because it was not used in his lifetime. Virtually, we have made two efforts in the past. One at the pre-Constitution stage, when a judge of the Allahabad High Court was sought to be impeached. He resigned before the Impeachment Motion could go through. There was a second occasion in 1993, where the Motion fell in the other House because of want of quorum itself.

Sir, before I deal with what the learned Judge has presented before us, a few words about the kind of system which we have adopted in this country. We, perhaps, have adopted some of the soundest principles for running Indian Democracy. We are a Parliamentary Democracy where different shades of opinion are represented. We have an independent Judiciary. We have the concept of separation of powers. And this power of removal of a judge is given to the legislative body, a political sovereign, which conducts an inquiry in accordance with the Judges Inquiry Act, where there is a pre-dominant participation of judges and on their recommendations decides whether to remove a judge or not to remove a judge. Sir, originally, when we devised the concept of independence of Judiciary, world over, the whole mankind was conscious of the fact that

to judge

the fate of ordinary humans is normally a divine function. But we bestowed this power with an ordinary human being in the hope that this ordinary human being would almost be perfect. He would be free from all collateral considerations; he would have a high level of scholarship; he would have the utmost integrity and, therefore, we were convinced that this function could be performed by the Judiciary and that itself would safeguard the rule of law and adjudicate fairly disputes between ordinary people.

Sir, as times have passed by, there are too many whispers and too many aberrations which we are confronted with. It is only a very rare case which comes to this House for consideration. And, therefore, Sir, we are now living in a changed time where the level of vigilance and the standards of probity will also have to be higher. The judges will also have to realise that Judiciary is no longer an institution which lives on ivory towers. Judges, like most of us here and others holding constitutional offices or high offices, also now live in glass houses. And, therefore, whether it is public or it is the media or it is the litigant or it is the Bar, they eventually become the best judges of judges.

Their conduct is also going to be watched and watched very closely. This is not to say that we can make unfounded allegations against a Judge because a Judge in ordinary circumstances speaks only through his judgments and he is not able to defend himself.

Therefore, we have to be very cautious about every word that we say as right to speak, both inside and outside this House that Judges and the Judiciary is an institution which cannot be thrown to the wolfs. It cannot be made an object of unfounded allegations but it will also like other institutions have to stand by the scrutiny of all times. When, Sir, a Judge is sought to be impeached through a procedure, what are really the standards we expect from the Judge? Do we expect from a Judge to resort to every technicality which is available to him ? Do we expect a Judge to say that 'I will not enter the box so that I cannot be questioned; there are hard facts which I will not be able to answer?' Or, do we expect a Judge to be a role model as a litigant and then candidly states every question that is put to him because system cannot suffer for a Judge who is stigmatised? A Judge who is stigmatised can really never be in a position to represent the face of rule of law in India and be a Judge as far as others in the society are concerned. Therefore, Sir, when

a Judge says, 'I will not

appear myself and answer the questions, or, that first that prove the allegations against me and let me see how much you have in your pocket against me, only then I will let you know what my response is', that is not the case of an ideal Judge facing an inquiry.

It has been repeatedly said and we hear rightly so these days that holders of high offices must be like Caesar's wife, they must be above suspicion. Caesar divorced his second wife because he suspected her of an illicit relationship. Even though the charge was not fully proved, he went through divorce because he said, 'Caesar's wife, considering the position she is in, must be 'unsuspectable'. So, a Judge cannot really say, 'first prove an allegation against me beyond reasonable doubt and only then I will come up and tell you whether I have an answer to give or not.' A Judge by his very character must be 'unsuspectable'. His position must be such that nobody can point a finger to him. We have, Sir, heard the presentation of the learned Judge at length. Sir, I have had an opportunity to read the entire record which the Secretariat has served and distributed to the Members. At times I got an impression whether the facts which I have read are similar to the facts which I was hearing from the learned Judge.

Sir, when we were young lawyers we were all trained that if in a given case you are strong on facts, you bang the facts first. If you are weak on facts but strong on law, you bang the law. And, if you are weak on the both, then you bang the desk, at least, you will appear to be confident. I was wondering what the facts are. The facts are in a very narrow compass. One does not have to go into a complicated circle of facts in order to determine that there are many other cases in the Judiciary where people are accountable. Of course, there are other cases in the Judiciary also where the persons should be accountable. In the matter of probity or lack of probity, there is no right of equality. There are other people who have committed offences while being Judge and got away with it is no ground available to any Judge to say that 'I must also get away from this offence.' In the matter of violation of law there is no article 14. Article 14, the Right to Equality, applies in the matter of application of law not in the matter of violation of law. Therefore, to discredit other Judges and say, 'well, there are others like this and, therefore, I must get away is never an argument available to any citizen, least of all, to a Judge.

What are the facts as are apparent from the Report of the Inquiry Committee and the entire records which the Secretariat has served? I heard large discussions about workmen being paid and all workmen have signed, I found that this case has nothing to do with any workman. The charge has nothing to do with the workman. The case in a nutshell is that Steel Authority of India, a public sector company brought certain goods. The goods were to be brought through the shipping route by the Shipping Corporation of India and there was a supplier. There was a dispute over those goods and its qualities. The Steel Authority of India moved the Calcutta High Court and the Calcutta High Court on 30th April, 1984 appointed the then Mr. Soumitra Sen, an advocate as a receiver. The Calcutta High Court said, 'Take charge of these goods. You can then make an inventory of the goods. Depending on the direction of the court, you can sell these goods.' Mr. Sen takes charge of these goods and he keeps the goods in his custody. Nothing happens. There was a direction of the Calcutta High Court that what you do to these goods and the moneys you recover, every six months, please file a return with the Calcutta High Court. From 1984 till 2006, 18 years have passed, not once is the return filed. Nothing very seriously happened till 1993. On 20th January, 1993, the Calcutta High Court says, 'What has happened to these goods? Please sell them. You are entitled as your fee to five per cent of whatever is your sale value and whatever you sell, open a bank account, keep it in that bank account and the court will decide what is to be done with this money', and the court says, 'don't create any encumbrances on this money or on the goods. You can't use it for any other purpose.

Over the period of time, the goods are slowly sold and finally an approximate sum of Rs. 33,22,800 is received against these goods. Goods are sold over different periods of time. Mr. Sen, as he then was, opens two bank accounts, one account in the ANZ Grindlays Bank and the other account in the Allahabad Bank. He deposits Rs. 4,68,000 in Allahabad Bank and the balance of about Rs. 28 lakhs in the ANZ Grindlays Bank which later merged and became the Standard Chartered Bank. What does he do with these moneys? Now, these moneys are to be kept in these accounts. They will earn interest and eventually, whoever succeeds in the case will get these moneys. So, what does he do with the money lying in the Allahabad Bank? That is the reason, the judges' Inquiry Committee said, 'He claimed a right of silence.' Obviously, his advocate could not



come and answer. He only argued on law. If he had appeared and the Inquiry Committee had asked him these questions, 'how come this money was lying in these accounts which were for the benefit of the court?' You are the receiver of the court and the court would give it to a winning party. He first cuts out cheques from these accounts, gives four cheques in the names of private individuals who are known to him, who have nothing to do with this case.

One Subroto Mukherjee, Biresh Pratap Choudhary, Somnath Ray, K.L. Yadav, one Jai Guru Enterprises gets that money. Other amounts of money, his visa, credit card bills are debited to it. There is a well known law book publisher, S. C. Sarkar and Company. So, law books are purchased. The moneys go from that account. While this was happening and this was the entire rigmarole that the presentation today was getting into, another judge of the Calcutta High Court appoints him as a special officer in the case of one Calcutta Fans. That case has nothing to do with this case. He is paid Rs. 70 lakhs so that workmen of Calcutta banks could be paid. He opens another bank account and puts the Rs. 70 lakhs there. Of this Rs. 70, he quietly withdraws Rs. 25 and makes a deposit in the name of one company, Links-India. Obviously, this Rs. 25 lakhs has gone there. So, the money is shortfall of workmen in the second case. The second case has nothing to do with this impeachment proceeding. When he is paying the workmen, he realized that he is short of money because M/s Links India went into liquidation soon after he deposited the money. So, what he does is, he removed Rs. 22 lakhs from the SAIL's money, which is lying in the other account, and deposited in the Calcutta Fans Case. As a result of which only Rs. 800 and odd are left in this account. Well, this is a serious issue to ponder over which I deal with it in a little later.

In February, 2003, the SAIL moved the court and said, 'We have not got any accounts. We have not got our money. What has happened to our money? This case is pending for over 19 years.' And, the weakness of our system is, since Judges appoint Judges in this country, the Government has a very marginal role.

In December, 2003, he was elevated to a Judge. Now, the first thing that should have struck him when he becomes a Judge was that he was a Receiver in some cases and he got somebody

else's money and he has to clear that first. He has already misappropriated that money for some alternative purpose. He just keeps quite and keeps sitting on it. So, during his tenure, as a Judge from 2003 onwards, this misappropriation for 'alternative' purpose continues. When he does not answer the advocate of the Steel Authority of India, it moved the Calcutta High Court. The Calcutta High Court issues notice to him repeatedly, 'please file an affidavit and tell us...' - by this time he is a Judge '...as to what have you done with this money?' When he does not respond, the Judge, who was being put across as a villain of the piece, comes up and then makes enquires. He calls people from the Registry and he calls people from banks and tries to trace out where this money has gone. After all, this money was put in trust with the court and the court keeps its trust in him. He was holding it for the benefit of some other parties. He has utilized it and misappropriated it for some other purpose. Now, if he goes back to court as a Judge, he has to tell the Judge that my Visa Credit Card bills paid from this account, from other account I paid to the workmen and that deficit I compensated from this account, my books' bills, my self cheques - there are a large number of self cheques which all enquiries revealed - are paid from this account. So, what he does is: He does not file any Affidavit or response to the court. The court, finally, delivers a judgment. He has paid back to SAIL Rs. 5 lakhs. With regard to the balance amount, with interest, the court then passes a decree against him saying that Rs. 52,46,454 be paid. In three installments he paid Rs. 40 lakhs. Now, he is a Judge. He has not voluntarily paid for three years. Only on a coercive direction of the court he pays Rs. 40 lakhs. Then, he asks his mother to move an application before the Calcutta High Court praying for giving some more time to pay the balance amount. So, the Calcutta High Court says, 'first tell us as to what happened to this money in the meanwhile.' So, the court is told, 'I have put this money in M/s Links India and that money got lost because M/s Links India went into liquidation.' But, you never put this money in M/s Links India. You put some other money into M/s Links India. Why are you confusing the two? And, Sir, that is where the misrepresentation comes in. So, the court passes a judgment by giving him time and makes some adverse remarks against him.

When these adverse remarks are reported in newspapers, the Chief Justice of Calcutta High Court writes to the Chief Justice of India, saying that this case has come to notice and this is a

conduct unbecoming of a Judge. Sir, 10th September, 2007 - by this time he has paid the entire amount - the Chief Justice of India calls him and says, 'how do you explain this conduct?' He says, 'give me some more time.' So, the Chief Justice fairly says, 'Please take some more time, but explain to me your conduct in this case, because it is unbecoming of a Judge.' He goes back, files an appeal -through his mother again before the Division Bench, after taking time. The appeal comes up before the Division Bench. It is not a very happy commentary either on Judges or on lawyers. As the appeal comes on day one - now, one brother Judge is getting into trouble; he has to explain to the Chief Justice of India - they asked the advocate of the Steel Authority of India and the buyer of the goods if he has no objection if they set aside this judgement, at least, the observations against him. So, on a concession made by a party, those parts of the observations were all set aside. And, those advocates get up and say that they have no objection you can set aside the observations. And, collusively, on that concession, the Division Bench passes an order. He goes back to the Chief Justice and says, "You had asked me for an explanation. Now, I have a very good judgement from the Division Bench which has set aside, by this method, the strictures against me." So, the Supreme Court was legitimately concerned as to what you do. So, the Chief Justice of India asked two very eminent Chief Justices of High Courts, and a Judge. All of them were men of proven integrity. The Chief Justice A.P. Shah, the Chief Justice Patnayak, and the Justice R.M. Lodha, men of great reputation, said, "This is an in-house mechanism". Now, the learned Judge, today, says that the in-house mechanism is extra constitutional. Obviously, the Constitution does not provide for any in-house mechanism. Impeachment is a near-impossible procedure. So, the in-house mechanism is: Let the Judiciary, in the first instance, look into the allegation itself and *prima facie* see whether any unfounded allegation is being made or it is a serious allegation. So, the three judges repeatedly call him. He gets a detailed hearing from them. He puts up his defense. They asked him what he did with this money all this while, both, when you were an advocate and from 2003 to 2006, when you were a Judge. There is a continuing running threat. But, as a Judge, are you expected to misappropriate the money and keep to yourself the misappropriated money; and, then, not share with anybody where

you kept this money? It is only when there is a coercive order of a court that you decide to return the money.

Now, you say, "Since I have returned the money my sins are all washed off." - Section 403 of the Indian Penal Code, Mr. Jethmalani knows Criminal Law better than most of us, talks regarding misappropriation of money. Even a temporary misappropriation of money is a misappropriation of money. The fact that I stole this money or I misappropriated this money and when I got caught I returned it with interest does not wash off your crime. In any case, what is the level of probity that we expect from a person who is going to judge the rest of the society? The standard of proof may be beyond reasonable doubt, but a Judge is expected to act with probity and not in this manner. After the inquiry holds him guilty that is the procedure they follow, so that the dirty linen of Judiciary is not washed in public - the three senior most Judges of the Supreme Court call him and ask him to submit his resignation because *prima facie* there is a serious material against him. Now, should this be interpreted as some kind of belinious act or a conspiracy? They have gone through a procedure. The Chief Justice of the High Court said, "*Prima facie* the allegations appear true and serious." The inquiry said that the charges were serious. And, since he does not agree to resign, fifty-eight Members of Parliament submit a motion, for his removal, to the hon. Chairman. The hon. Chairman constitutes a Committee, which comprises, under the Judges Inquiry Act, of a sitting Judge of the Supreme Court, Justice Reddy, a Chief Justice of a High Court, who got changed in between Justice Mudgil, and the third has to be a Jurist, Mr. Fali S. Nariman. He appears through an advocate. The first thing he does is, raises an allegation of bias against Mr. Nariman. He, then, appears before the Inquiry through his advocate and says, "I will not enter the witness box". Obviously, he would have had to answer where these moneys were from 1993 to 2003, and from 2003 to 2006. He did not enter the witness box. That's what they referred to his right of silence. So, the Judges' Inquiry Committee has to do a fishing inquiry. They have to call bankers. They have to call various people and then find out that these were two separate transactions. The Kolkata fans case, which is payment of workers' dues, had nothing to do with this misappropriation. He only made good of the shortfall from here by putting the monies into that account. And, then, it has written a detailed finding holding him guilty of proven misconduct. I have just recollected this fact because the manner in which some of the facts

have been given are really made out as though it is a different case between the paper circulated to us, what we have understood and what the learned judge was really arguing. In a nutshell, Sir, the misconduct is this. The first misconduct, which is a proven misconduct is, that you misappropriated the monies. The misappropriation started when you were an advocate. It continued after your elevation. You kept the monies and allowed them to remain misappropriated. You didn't cooperate with the Judicial institution in telling them the truth. Finally, when there were a compulsion of a judicial order, you claim it to be a virtue that now, at least, I have returned the entire money with interest. The second fact is this. Why did you misrepresent the facts? Even today, Sir, when he seeks indulgence from this hon. House, did we once hear him tell us where the money of the Steel Authority case went? All we were told was this money was used for some fixed deposits, this went to workmen, this has been honourably paid, etc. This money had nothing to do with workmen. It was some other Kolkata Fan's case. He kept misleading the in-house inquiry, the judges' inquiry, even today, the House that I honestly deposited the money. The impression which any person who has not read the record would get is, that I deposited this money with a company and that company went into liquidation. So, I was good enough to take my own money and pay it back with interest. That is the case being made out.

Sir, having said this, on both counts, the *prima facie* opinion of the Chief Justice of the High Court, the firm opinion of the Judges' Inquiry Committee, which is the in-house Inquiry Committee, and, then, the opinion of senior three-judges of the Supreme Court to ask him to submit his resignation so that things don't come to such a pass. It has happened in the past. It may be extra-constitutional. It is the in-house persuasive method which the Judiciary has. And, then, comes, finally, the statutory constitutional procedure. Again, there was an inquiry by three eminent people. All findings come to a unanimous conclusion that, 'Yes, you did misappropriate money, and you did misrepresent the facts by not telling the truth. This case had nothing to do with Lynx India. You were using some other monies in Lynx India.' What business did you have even in that case to put the workers' money into Lynx India; a company which was on the verge of liquidation? You only made good of the shortfall in this case and put it into Lynx India. Is there any reason, is there any extraordinary argument that we must disagree with all these reports of all these experts and, then, come to a finding that the learned judge has not committed a misconduct or a proven misbehaviour?

Sir, from the beginning to the end, it smacks of an abuse of a process both as an advocate and as a judge. And when it smacks of abuse of a procedure, are we being guided by the opinion of a former Chief Justice of India? He may have his own grievances against the former Chief Justice of India. That is not an issue today. Can he today seriously contend that the sub-judice rule must apply to the impeachment jurisdiction of Parliament? The misconduct of a judge; of this judge, is not pending before any court. We are relying on independent evidence which was even held back from the single-judge Division Bench and elsewhere. ...which came up for the first time before the Judges Inquiry Committee, which was appointed by the Chairperson. This House, in exercise of its Constitutional jurisdiction to remove a judge, will look at the kind of evidence which has come out. And, then, to say, in a single day hearing, as soon as I filed an appeal, on basis of concessions of two advocates, I managed to get a judgement; therefore, all my sins are washed off. Sir, we are not relying on any judgement in the course of this impeachment proceeding against him; we are relying on the Report of the Judges Inquiry Act. Judgements which are obtained in this manner by concessions between parties may be binding between those parties. That is why, the Committee appointed by the hon. Chairman rightly says that these are judgements in *personam*, *inter se* the parties; these are not judgements on an issue, concerned with larger public interest, dealing with the misconduct of a judge. Therefore, they will not be binding, as far as this House is concerned, as far as the misconduct of a judge is concerned. This House is not moving on a presumption of guilt.

In fact, a full opportunity has been provided by the Inquiry Committee, by this House. We start with the presumption of innocence, but when the facts, which are prejudicial, come before us, then, this House, *prima facie* comes to an opinion, and then, if the Motion is passed, comes to an opinion that the Judge, in question, really should not hold such a high office. He is a judge who stands stigmatized by repeated reports and those reports have a strong basis on the face of it. Those facts are borne out by the fact that monies have been diverted for collateral purposes. There may be other problems with the judicial institutions, which the Judiciary or the Legislature will seek to correct. But, then, Sir, these are not issues on which the judge can say, "I need the benefit of any doubt". Because no doubt has been cast on any of the findings which the Inquiry Reports, placed before us, have, really, revealed. I, therefore, strongly support the Motion, moved by Shri Sitaram Yechury,

for

the fact that an Address be sent to the President supporting the fact that this judge is unfit to be in the Office of Judge. There is a case of proven misbehaviour against him; therefore, the judge be removed from office. Having said this, Sir, a few observations that....

SHRI M. VENKAIAH NAIDU (Karnataka): Mr. Chairman, Sir, we can continue it tomorrow.

SHRI S.S. AHLUWALIA (Jharkhand): Sir, today, there is a function at six o'clock. We all have to attend that.

MR. CHAIRMAN: Mr. Jaitley, do you wish to conclude or would you take more time?

SHRI ARUN JAITLEY: Sir, I will take 15-20 minutes tomorrow morning.

MR. CHAIRMAN: All right. The House is, then, adjourned to meet at 11 o'clock tomorrow morning.

The House then adjourned at fifty-three minutes past five of the clock till eleven of the clock on Thursday, the 18th August, 2011.