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Friday
6 September, 2013
15 Bhadra, 1935 (Saka)

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RAJYA SABHA
OFFICIAL REPORT
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[P.T.O.]

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RAJYA SABHA

Friday, the 6th September, 2013/15 Bhadra, 1935 (Saka)

The House met at eleven of the clock,

MR CHAIRMAN, in the Chair

PAPERS LAID ON THE TABLE

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

SHRI M. VENKAIAH NAIDU (Karnatak): Sir, I want to raise a very serious matter.

MR. CHAIRMAN: Let the paper-laying be completed. ...*(Interruptions)*... Just one minute. Please.

Notifications of the Ministry of Health and Family Welfare

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI A.H. KHAN CHOUDHURY): Sir, I lay on the Table:—

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Health and Family Welfare, under sub-section (3) of Section 28 of the All India Institute of Medical Sciences Act, 1956:—

- (1) G.S.R. 550(E), dated the 14th August, 2013, regarding extension of validity of G.S.R. 654 (E), dated the 28th August, 2012 for delegation of administrative and financial powers to the Directors of six new All India Institutes of Medical Sciences (AIIMS), under provisions of AIIMS Act, 1956.

[Placed in Library. See No. L.T. 9644/15/13]

- (2) G.S.R. 549(E), dated the 14th August, 2013, regarding Establishment of All India Institute of Medical Sciences at Rae Bareli, Uttar Pradesh, under provisions of AIIMS (Amendment) Act, 2012.

[Placed in Library. *See* No. L.T. 9643/15/13]

- (3) S.O. 2350(E), dated the 2nd August, 2013, regarding Nomination of the Union Minister of Health and Family Welfare as the President of All India Institutes of Medical Sciences, Rishikesh, under provisions of AIIMS Act, 1956.

- (4) S.O. 2351(E), dated the 2nd August, 2013, regarding Nomination of the Union Minister of Health and Family Welfare as the President of All India Institute of Medical Sciences, Raipur, under provisions of AIIMS Act, 1956.

- (5) S.O. 2352(E), dated the 2nd August, 2013, regarding Nomination of the Union Minister of Health and Family Welfare as the President of All India Institute of Medical Sciences, Patna, under provisions of AIIMS Act, 1956.

- (6) S.O. 2353(E), dated the 2nd August, 2013, regarding Nomination of the Union Minister of Health and Family Welfare as the President of All India Institute of Medical Sciences, Bhubaneshwar, under provisions of AIIMS Act, 1956.

- (7) S.O. 2354(E), dated the 2nd August, 2013, regarding Nomination of the Union Minister of Health and Family Welfare as the President of All India Institute of Medical Sciences, Bhopal, under provisions of AIIMS Act, 1956.

- (8) S.O. 2355 (E), dated the 2nd August, 2013, regarding Nomination of the Union Minister of Health and Family Welfare as the President of All India Institute of Medical Sciences, Jodhpur, under provisions of AIIMS Act, 1956.

[Placed in Library. For (3) to (8) *See* No. L.T. 9642/15/13]

- (9) S.O. 2011 (E), dated the 4th July, 2013, regarding Constitution of Institute Body of All India Institute of Medical Sciences, Bhopal,

under provisions of AIIMS Act, 1956 read with AIIMS (Amendment) Act, 2012.

- (10) S.O. 2012(E), dated the 4th July, 2013, regarding Constitution of Institute Body of All India Institute of Medical Sciences, Bhubaneswar, under provisions of AIIMS Act, 1956 read with AIIMS (Amendment) Act, 2012.
- (11) S.O. 2013(E), dated the 4th July, 2013, regarding Constitution of Institute Body of All India Institute of Medical Sciences, Jodhpur under provisions of AIIMS Act, 1956 read with AIIMS (Amendment) Act, 2012.
- (12) S.O. 2014(E), dated the 4th July, 2013, regarding Constitution of Institute Body of All India Institute of Medical Sciences, Patna, under provisions of AIIMS Act, 1956 read with AIIMS (Amendment) Act, 2012.
- (13) S.O. 2015(E), dated the 4th July, 2013, regarding Constitution of Institute Body of All India Institute of Medical Sciences, Raipur, under provisions of AIIMS Act, 1956 read with AIIMS (Amendment) Act, 2012.
- (14) S.O. 2016(E), dated the 4th July, 2013, regarding Constitution of Institute Body of All India Institute of Medical Sciences, Rishikesh, under provisions of AIIMS Act, 1956 read with AIIMS (Amendment) Act, 2012.

[Placed in Library. For (9) to (14) See No. L.T. 9644/15/13]

II. A copy each (in English and Hindi) of the following Notifications of the Ministry of Health and Family Welfare, under Section 93 of the Food Safety and Standards Act, 2006:—

- (1) F. No. 5/15015/30/2012, dated the 12th July, 2013, publishing the Food Safety and Standards (Food Products Standards and Food Additives) Amendment Regulations, 2013.

[Placed in Library. See No. L.T. 9719/15/13]

- (2) F. No. A-21021/01/2010-Admn.FSSAI, dated the 30th July, 2013,

publishing the Food Safety and Standards Authority of India (Salary, Allowances and other Conditions of Service of Officers and Employees) Regulations, 2013. [Placed in Library. *See* No. L.T. 9720/15/13]

Notification of Ministry of Defence

THE MINISTER OF STATE OF THE MINISTRY OF YOUTH AFFAIRS AND SPORTS AND THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI JITENDRA SINGH): Sir, I lay on the Table, under sub-section (3) of Section 13 of the National Cadet Corps Act, 1948, a copy (in English and Hindi) of the Ministry of Defence Notification No. S.R.O. 13, dated the March 3- March 9, 2013 in the weekly Gazette, publishing the National Cadet Corps (Amendment) Rules, 2013, along with delay statement. [Placed in Library. *See* No. L.T. 9713/15/13]

Notifications of the Ministry of External Affairs

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI RAJEEV SHUKLA): Sir, I, on behalf of Shri E. Ahamed, lay on the Table, a copy each (in English and Hindi) of the following Notifications of the Ministry of External Affairs, under sub-section (2) of Section 31 of the South Asian University Act, 2008:—

- (1) F. No. BI. 321/60/11, dated the 7th August, 2013, publishing the South Asian University First Rules, 2013.
- (2) F. No. BI. 321/60/11, dated the 7th August, 2013, publishing the South Asian University First Regulations, 2013.
- (3) S.O. 136(E), dated the 20th January, 2012, publishing the South Asian University (Removal of Difficulties) order, 2012, along with delay statement.

[Placed in Library. For (1) to (3) *See* No. L.T. 9722/15/13]

Notifications of the Ministry of Personnel, Public Grievances and Pensions

SHRI RAJEEV SHUKLA: Sir, I, on behalf of Shri V. Narayanasamy, lay on the Table, under sub-section (2) of Section 3 of the All India Services Act, 1951, a copy each (in English and Hindi) of the following Notifications of the Ministry of

Personnel, Public Grievances and Pensions (Department of Personnel and Training):—

- (1) G.S.R. 80, dated the 6th April, 2013, publishing the Indian Police Service (Fixation of Cadre Strength) Third Amendment Regulations, 2013, along with delay statement.
- (2) G.S.R. 81, dated the 6th April, 2013, publishing the Indian Administrative Service (Fixation of Cadre Strength) Fourth Amendment Regulations, 2013.

[Placed in Library. For (1) to (2) See No. L.T. 9721/15/13]

Notifications of the Ministry of Commerce and Industry

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. E.M. SUDARSANA NATCHIAPPAN): Sir, I lay on the Table, under sub-section (4) of Section 157 of the Trade Marks Act, 1999, a copy each (in English and Hindi) of the following Notifications of the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion), along with delay statement:—

- (1) S.O. 2071 (E), dated the 8th July, 2013, appointing the 8th July, 2013 as the date on which all the provisions of the Trade Marks (Amendment) Rules, 2013 shall come into force.
- (2) S.O. 2072 (E), dated the 8th July, 2013, appointing the 8th July, 2013 as the date on which all the provisions of the Trade Marks (Amendment) Act, 2010 shall come into force.

[Placed in Library. For (1) to (2) See No. L.T. 9715/15/13]

Notifications of the Ministry of Finance

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): Sir, I lay on the Table:—

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under sub-section (2) of Section 38 of the Central Excise Act, 1944:—

- (1) G.S.R. 335(E), dated the 23rd May, 2013, extending the facility of removal of all excisable goods falling under the First Schedule to the Central Excise Tariff Act, 1985, along with Explanatory Memorandum.

- (2) G.S.R. 336(E), dated the 23rd May, 2013, amending Notification No. G.S.R. 467 dated the 26th June, 2001, along with Explanatory Memorandum.
- (3) G.S.R. 337(E), dated the 23rd May, 2013, amending Notification No. G.S.R. 465(E), dated the 26th June, 2001, along with Explanatory Memorandum.
- (4) G.S.R. 545(E), dated 14th August, 2013, publishing corrigendum to Notification No. G.S.R. 336(E), dated 23rd May, 2013.
- (5) G.S.R. 546(E), dated 14th August, 2013, publishing corrigendum to Notification No. G.S.R. 337(E), dated 23rd May, 2013.
- (6) G.S.R. 553(E), dated 14th August, 2013, publishing corrigendum (in Hindi) to Notification No. G.S.R. 336(E), dated 23rd May, 2013.
- (7) G.S.R. 554(E), dated 14th August, 2013, publishing corrigendum (in Hindi) to Notification No. G.S.R. 337 (E), dated 23rd May, 2013.

[Placed in Library. For (1) to (7) See No. L.T. 9727/15/13]

II. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under Section 74 of the Prevention of Money Laundering Act, 2002, along with Explanatory Memoranda:—

- (1) G.S.R. 576(E), dated the 27th August, 2013, publishing the Prevention of Money-laundering (Maintenance of Records) Amendment Rules, 2013.
- (2) G.S.R. 578(E), dated the 29th August, 2013, amending Notification No. G.S.R. 440(E) dated the, 1st July, 2005, to substitute certain entries in the original Notification.
- (3) G.S.R. 579(E), dated the 29th August, 2013, amending Notification No. G.S.R. 441(E) dated the, 1st July, 2005, to insert certain entries in the original Notification.

[Placed in Library. For (1) to (3) See No. L.T. 9726/15/13]

Reports of the CAG

SHRI NAMO NARAIN MEENA: Sir, I lay on the Table, under clause (1) of article 151 of the Constitution, a copy each (in English and Hindi) of the following Reports:—

- (i) Report of the Comptroller and Auditor General of India for the year ended March, 2012: No.19 of 2013: Union Government (Civil), Compliance Audit Observations.
- (ii) Report of the Comptroller and Auditor General of India for the year ended March, 2012: No.21 of 2013: (Compliance Audit)—Union Government, Ministry of Environment and Forest; and
- (iii) Report of the Comptroller and Auditor General of India for the year ended March, 2012: No.22 of 2013: (Compliance Audit)—Union Government, Scientific and Environmental Ministries/Departments.

[Placed in Library. For (1) to (3) See No. L.T. 9725/15/13]

MESSAGES FROM LOK SABHA

I. The Wakf (Amendment) Bill, 2010.

II. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013.

SECRETARY-GENERAL: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:-

(I)

“In accordance with the provisions of rule 101 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that the following amendments made by Rajya Sabha in the Wakf (Amendment) Bill, 2010 at its sitting held on the 19th August, 2013, were taken into consideration and agreed to by Lok Sabha at its sitting held on the 5th September, 2013:-

Enacting Formula

1. That at page 1, line 1, *for* the word “Sixty-first”, the word “Sixty-fourth” be *substituted*.

Clause-1

2. That at page 1, line 3, *for* the figure “2010”, the figure “2013” be *substituted*.

Clause-5

3. That at page 2, line 7, *after* the word “person”, the words “or institution, public or private” be *inserted*.
4. That at page 2, line 9, *after* the words “terminated by” the words “mutawalli or” be *inserted*.
5. That at page 2, line 18, the word “such” be *deleted*.
6. That at page 2, line 22, *after* the word “Khanqah” the words “peerkhana and karbala” be *inserted*.
7. That at page 2, *for* lines 23 to 27, the following be *substituted*, namely:-
 - “(v) for clause (r), the following clause shall be substituted, namely:-
 - (r) “waqf” means the permanent dedication by any person, of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious or charitable and includes -
 - (i) a waqf by user but such waqf shall not cease to be a waqf by reason only of the user having ceased irrespective of the period of such cesser;
 - (ii) a Shamlat Patti, Shamlat Deh, Jumla Malkkan or by any other name entered in a revenue record;
 - (iii) “grants”, including mashrat-ul-khidmat for any purpose recognised by the Muslim law as pious, religious or charitable; and
 - (iv) a waqf-alal-aulad to the extent to which the property is dedicated for any purpose recognised by Muslim law as pious, religious or

charitable, provided when the line of succession fails, the income of the waqf shall be spent for education, development, welfare and such other purposes as recognised by Muslim law, and “waqif” means any person making such dedication;”.

Clause-6

8. That at page 2, *after* line 28, the following be *inserted*, namely:-

“(a) in sub-section (1), for the words ‘wakfs existing in the State at the date of the commencement of this Act’, the words ‘auqafin the State’ shall be substituted;”.

9. That at page 2, line 29, *for* the bracket and alphabet “(a)”, the bracket and alphabet “(b)”, be *substituted*.

10. That at page 2, line 33, *for* the figure “2010” the figure “2013” be *substituted*.

11. That at page 2, line 34, *for* the figure “2010” the figure “2013” be *substituted*.

12. That at page 2, *for* lines 38 and 39, the following be *substituted*, namely:-

“(c) in sub-section (6):-

(i) in the proviso, for the words “twenty years”, the words “ten years” shall be substituted;

(ii) after the proviso, the following proviso shall be inserted, namely:-

“Provided further that the waqf properties already notified shall not be reviewed again in subsequent survey except where the status of such property has been changed in accordance with the provisions of any law.”

Clause-7

13. That at page 3, *for* lines 2 to 4, the following be *substituted* namely:-

“(3) The revenue authorities shall:-

- (i) include the list of auqaf referred to in sub-section (2), while updating the land records; and
- (ii) take into consideration the list of auqaf referred to in sub-section (2), while deciding mutation in the land records.”.

Clause-9

- 14. That at page 3, line 23, *after* the word “have” the word “the” be *inserted*.

Clause-11

- 15. That at page 4, line 9, *for* the word “or” the word “and” be *substituted*.
- 16. That at page 4, line 20, *for* the words “Central Council and the Council” the words “Council and it” be *substituted*.
- 17. That at page 4, line 27 the words “Central Waqf” be *deleted*.
- 18. That at page 4, line 30, *for* the words “Judge of the Supreme Court and the fee” the words “Judge of the Supreme Court or a retired Chief Justice of a High Court and the fees” be *substituted*.
- 19. That at page 4, line 31 *for* the word “determined”, the word “specified” be *substituted*.

Clause-12

- 20. That at page 4, line 38, *for* the words “one year from the date of the”, the words “six months from the date of” be *substituted*.
- 21. That at page 4, line 39, *for* the figure “2010”, the figure “2013” be *substituted*.
- 22. That at page 4, *for* lines 42 and 43, the following be *substituted*, namely:-

“section 13, in the case of Shia waqf, the Members shall belong to the Shia Muslim and in the case of Sunni waqf, the Members shall belong to the Sunni Muslim”.

Clause-13

23. That at page 5, line 4, *for* the words “members enrolled with”, the words “members of” be *substituted*.
24. That at page 5, *for* lines 6 to 9, the following proviso be *substituted*, namely:-
“Provided that in case there is no Muslim member of the Bar Council of a State or a Union Territory, the State Government or the Union Territory administration, as the case may be, may nominate any senior Muslim advocate from that State or the Union Territory, and”;
25. That at page 5, *for* lines 33 and 34, the following be *substituted*, namely:-
“(d) one person each from amongst Muslims, to be nominated by the State Government from recognised scholars in Shia and Sunni Islamic Theology;”.
26. That at page 5, line 37, *for* the words “Deputy Secretary”, the words “Joint Secretary” be *substituted*.
27. That at page 5, line 42, *for* the words “less than three and not more than five”, the words “less than five and not more than seven” be *substituted*.
28. That at page 6, line 3, *for* the bracket and figure “(7)”, the bracket and figure “(5)” be *substituted*.
29. That at page 6, *after* line 3, the following be *inserted*, namely:-
“(IV) sub-section (7) shall be omitted;”.

New Clause-14A

30. That at page 6, *after* line 5, the following new clause be *inserted*, namely:-
14A. In section 16 of the principal Act, after clause (d), the following clause shall be inserted,
namely:-
- | |
|--------------|
| Amendment of |
| section 16. |

(da) he has been held guilty of encroachment on any waqf property;

Clause-15

31. That at page 7, line 5, *for* the words show of hands, the words method of secret ballot be *substituted*.

Clause-16

32. That at page 7, line 18, *for* the word sub-sections, the word sub-section be *substituted*.
33. That at page 7, line 23, *after* the words State Government, the words and in case of non availability of a Muslim officer of that rank, a Muslim officer of equivalent rank may be appointed on deputation be *inserted*.
34. That at page 7, lines 24 and 25, be *deleted*.

New Clause-17A

35. That at page 7, *after* line 34, the following be *inserted*, namely:
- | | |
|--|---|
| <p>17A. For section 28 of the principal Act, the following section shall be substituted, namely:-</p> <p>28. Subject to the provisions of this Act and the rules made there under, the District Magistrate or in his absence an Additional District Magistrate or Sub Divisional Magistrate of a District in the State shall be responsible for implementation of the decisions of the Board which may be conveyed through the Chief Executive Officer and the Board may, wherever considers necessary, seek directions from the Tribunal for the implementation of its decisions.</p> | <p>Substitution of new section for section 28.</p> <p>Power of District Magistrate, Additional District Magistrate or Sub Divisional Magistrate to implement the directions of the Board.</p> |
|--|---|

Clause-18

36. That at page 7, *for* lines 37 to 40, the following be *substituted*, namely:-
- (a) in sub-section (1) as so numbered, for the words 'subject to such conditions and restrictions as may be prescribed and subject to the payment of such fees as may be leviable under any law for the time being in force', the words 'subject to such conditions as may be prescribed' shall be substituted;

Clause-20

37. That at page 8, *for* lines 14 to 22, the following be *substituted*, namely:-
- (i) in sub-section (2), for clause (j), the following clause shall be substituted, namely:-
- (j) to sanction lease of any immovable property of a waqf in accordance with the provisions of this Act and the rules made thereunder:

Provided that no such sanction shall be given unless a majority of not less than two-thirds of the members of the Board present cast their vote in favour of such transaction:

Provided further that where no such sanction is given by the Board, the reasons for doing so shall be recorded in writing.;

38. That at page 8, line 26, *for* the word fair, the word market be *substituted*.
39. That at page 8, *for* lines 29 and 30, the following be *substituted*, namely:-

educational institution, shopping centre, market, housing or residential flats and the like shall be substituted.

Clause-21

40. That at page 8, *for* lines 33 to 35, the following be *substituted*, namely:-
21. In section 33 of the principal Act, in Amendment of section sub-section (1), -

- (a) after the words the 33.
Chief Executive Officer, the words or any
other person authorised by him in writing
shall be inserted;
- (b) the words either
himself or any other person authorised by
him in writing in this behalf shall be omitted.

Clause-24

41. That at page 9, lines 2 and 3, be *deleted*.
42. That at page 9, line 4, *for* the bracket and alphabet (b), the bracket and
alphabet (a) be *substituted*.
43. That at page 9, line 6, *for* the bracket and alphabet (c), the bracket and
alphabet (b) be *substituted*.

Clause-26

44. That at page 9, *for* lines 13 to 19, the following be *substituted*, namely:-
26. In section 47 of the principal Act, - Amendment of section
47.
- (I) in sub-section (1),-
- (i) in clause (a), for the words ten thousand rupees, the words fifty
thousand rupees shall be substituted;
- (ii) in clause (b), for the words ten thousand rupees, the words fifty
thousand rupees all be substituted;
- (iii) in clause (c), after the words the State Government may,, the words
under intimation to the Board, shall be inserted;
- (II) in sub-section (3), in the first proviso, the words more than ten
thousand rupees but less than fifteen thousand rupees, the words more
than fifty thousand rupees shall be substituted.

Clause-27

45. That at page 9, *for* lines 20 to 41, the following be *substituted*, namely:-
27. In section 51 of the principal Act,- Amendment of section
51.
- (i) for sub-section (1), the following sub-sections shall
be substituted, namely:-

(1) Notwithstanding anything contained in the waqf deed, any lease of any immovable property which is waqf property, shall be void unless such lease is effected with the prior sanction of the Board:

Provided that no mosque, dargah, khanqah, graveyard, or imambara shall be leased except any unused graveyards in the State of Punjab, Haryana and Himachal Pradesh where such graveyard has been leased out before the date of commencement of the Wakf (Amendment) Act, 2013.

(1A) Any sale, gift, exchange, mortgage or transfer of waqf property shall be void ab initio: 1 of 1894

Provided that in case the Board is satisfied that any waqf property may be developed for the purposes of the Act, it may, after recording reasons in writing, take-up the development of such property through such agency and in such manner as the Board may determine and move a resolution containing recommendation of development of such waqf property, which shall be passed by a majority of two-thirds of the total membership of the Board.

Provided further that nothing contained in this sub-section shall affect any acquisition of waqf properties for a public purpose under the Land Acquisition Act, 1894 or any other law relating to acquisition of land if such acquisition is made in consultation with the Board; 42 of 1991

Provided also that –

(a) the acquisition shall not be in contravention of the Places of Public Worship (Special Provisions) Act, 1991;

(b) the purpose for which the land is being acquired shall be undisputedly for a public purpose;

(c) no alternative land is available which shall be considered as more or less suitable for that purpose; and

(d) to safeguard adequately the interest and objective of the waqf, the compensation shall be at the prevailing market

value or a suitable land with reasonable solatium in lieu of the acquired property; (ii) sub-sections (2), (3), (4) and (5) shall be omitted..

Clause-29

46. That at page 10, line 14, *for* the word save, the word except e *substituted*.
47. That at page 10, line 15, *for* the words an officer duly authorised by the Board, the words any officer duly authorised by the State Government be *substituted*.

Clause-30

48. That at page 10, *for* lines 18 and 19, the following be *substituted*, namely:-
30. In section 54 of the principal Act,- Amendment of section 54
- (a) in sub-section (3), for the words the may, by an order, require the encroacher to remove, substitute he may, make an application to the Tribunal for grant of order of eviction for removing
- (b) for sub-section (4), the following sub-sections shall be substituted, namely:-
- (4) The Tribunal, upon receipt of such application from the Chief Executive Officer, for reasons to be recorded therein, make an order of eviction directing that the waqf property shall be vacated by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the waqf property:
- Provided that the Tribunal may before making an order of eviction, give an opportunity of being heard to the person against whom the application for eviction has been made by the Chief Executive Officer.
- (5) If any person refuses or fails to comply with the order of eviction within forty-five days from the date of affixture of the order under sub-section (2), the Chief Executive Officer or any other person duly authorised by him in this behalf may evict that person from, and take possession of, the waqf property.

New Clauses—30A and 30B

49. That at page 10, *after* line 19, the following be *inserted*, namely:-

30A. In section 55 of the principal Act, - Amendment of section 55

- (a) for the word, bracket and figure sub-section (3), the word, bracket and figure sub-section (4) shall be substituted;
- (b) for the words apply to the Sub Divisional Magistrate”, the words “refer the order of the Tribunal to the Executive Magistrate” shall be substituted.

30B. After section 55 of the principal Act, Insertion of new the following section shall be inserted, section 55A. namely:-

- 55A.(1) Where any person has been evicted Disposal of property from any waqf property under sub- left on waqf property section (4) of the section 54, the Chief by unauthorised Executive Officer may, after giving occupants. fourteen days’ notice to the person from whom possession of the waqf property has been taken and after publishing the notice in at least one newspaper having circulation in the locality and after proclaiming the contents of the notice by placing it on conspicuous part of the waqf property, remove or cause to be removed or dispose of by public auction any property remaining on such premises.
- (2) Where any property is sold under sub-section (1), the sale proceeds shall, after

deducting the expenses relating to removal, sale and such other expenses, the amount, if any, due to the State Government or a local authority or a corporate authority on account of arrears of rent, damages or costs, be paid to such person, as may appear to the Chief Executive Officer to be entitled to the same:

Provided that where the Chief Executive Officer is unable to decide as to the person to whom the balance of the amount is payable or as to the apportionment of the same, he may refer such dispute to the Tribunal and the decision of the Tribunal thereon shall be final.

Clause-31

50. That at page 10, *for* line 21 to 36, the following be *substituted*, namely:-

(a) in sub-section (1), –

(i) for the words A lease or sub-lease for any period exceeding three years the words A lease for any period exceeding thirty years shall be substituted;

(ii) the following proviso shall be inserted at the end, namely:-

Provided that a lease for any period up to thirty years may be made for commercial activities, education or health purposes, with the approval of the State Government, for such period and purposes as may be specified in the rules made by the Central Government:

Provided further that lease of any immovable waqf property, which is an agricultural land, for a period exceeding three years shall, notwithstanding anything contained in the deed or instrument of waqf or in any other law for the time being in force, be void and of no effect:

Provided also that before making lease of any waqf property, the Board

shall publish the details of lease and invite bids in at least one leading national and regional news papers.’;

(b) in sub-section (2), for the words A lease or sub-lease for any period exceeding one year and not exceeding three years, the words A lease for a period of one year but not exceeding thirty years shall be substituted;’.

(c) in sub-section (3), –

(i) the words or sub-lease, at both the places where they occur, shall be omitted;

(ii) the following proviso shall be inserted at the end, namely:-

51. That at page 10, lines 38 and 39, *for* the words regarding a lease or sub-lease for any period exceeding one year and exchange or mortgage, the words regarding a lease for any period exceeding three years be *substituted*.

Clause–34

52. That at page 11, *for* lines 19 to 21, the following be *substituted*, namely:-

34. In section 68 of the principal Act, -

(i) in sub-section (2), for the words Magistrate of the first class and Magistrate, the words District Magistrate, Additional District Magistrate, Sub-Divisional Magistrate or their equivalent” shall be substituted;

(ii) in sub-sections (3), (4), (5) and sub-section (6), for the words the Magistrate he words any Magistrate shall be substituted.

Clause–39

53. That at page 12, *for* lines 3 to 5, the following be *substituted*, namely:-

and a copy of the said auditor’s report, along with orders shall be forwarded by the State Government to the Council within a period of thirty days of laying of such report before each House of the State legislature where it consists of two Houses or where such Legislatures consist of one House, before that House.

Clause-40

54. That at page 12, *for* lines 6 and 7, the following be *substituted*, namely:-
40. In section 83 of the principal Act,-
- (a) for sub-section (1), the following sub-section shall be substituted, namely:-
- (1) The State Government shall, by notification in the Official Gazette, constitute as many Tribunals as it may think fit, for the determination of any dispute, question or other matter relating to a waqf or waqf property, eviction of a tenant or determination of rights and obligations of the lessor and the lessee of such property, under this Act and define the local limits and jurisdiction of such Tribunals;
- (b) for sub-section (4), the following sub-sections shall be substituted, namely:-
55. That at page 12, line 18, *for* the word resented the word prescribed be *substituted*.

New Clause-42A

56. That at page 12, *after* line 22, the following be *inserted*, namely:-
- 42A. Section 87 of the principal Act shall be Omission of Section 87.
omitted.

New Clause-43A

57. That at page 12, *after* line 24, the following be *inserted*, namely:-
- 43A. In section 91 of the principal Act, in Amendment of section
sub-section (1), for the words "it 91.
appears to the collector before an award
is made that any property", the words
"and before an award is made, in case
the property shall be substituted.'

Clause-46

58. That at page 12, line 41, the words Central Waqf be *deleted*.

Clause-47

59. That at page 13, *for* lines 3 to 8, the following be *substituted*, namely:-
- 104A. (1) Notwithstanding anything contained Prohibition of sale, gift, exchange, mortgage or being in force or any waqf deed, no person transfer of waqf shall sell, gift, exchange, mortgage or transfer property. any movable or immovable property which is a waqf property to any other person.
- (2) Any sale, gift, exchange, mortgage or transfer of property referred to in sub-section (1) shall be void *ab initio*.

New Clause-47A

60. That at page 13, *after* line 8, the following be *inserted*, namely:-
- '47A. After section 104A of the principal Act, the following section shall be inserted, namely:-
- 104B. (1) If any waqf property has been occupied by the Government agencies it shall be returned to the Board or the mutawalli within a period of six months from the date of the order of the Tribunal.
- (2) The Government agency may, if the property is required for a public purpose, make an application for determination of the rent, or as the case may be, the compensation, by the Tribunal at the prevailing market value..'
- Insertion of new section 104B.
- Restoration of waqf properties in occupation of Government agencies to waqf Boards.

Clause-48

61. That at page 13, line 10, the words Central Waqf be *deleted*.

New Clause-48A

62. That at page 13, *after* line 11, the following be *inserted*, namely:-
 '48A. After section 108 of the principal Act, Insertion of new section
 the following section shall be inserted, 108A.
 namely:-
 "108A. The provisions of this Act shall Act to have overriding
 have overriding effect notwithstanding effect.
 anything inconsistent therewith contained
 in any other law for the time being in force
 or in any instrument having effect by virtue
 of any law other than this Act.'.

Clause-49

63. That at page 13, *after* line 26, the following be *inserted*, namely:-
 (d) clause (xi) shall be omitted;.
64. That at page 13, line 27, *for* the bracket and alphabet (d), the bracket and
 alphabet (e) be *substituted*.

(II)

"In accordance with the provisions of rule 101 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that the following amendments made by Rajya Sabha in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 at its sitting held on the 4th September, 2013, were taken into consideration and agreed to by Lok Sabha at its sitting held on the 5th September, 2013:-

Clause-6

1. That at page 8, *after* line 27, the following proviso be *inserted* namely:-

"Provided that, in respect of irrigation projects where the process of Environmental Impact Assessment is required under the provisions of any other law for the time being in force, the provisions of this Act relating to Social Impact Assessment shall not apply".

Clause-25

2. That at page 15, *for* lines 20 and 21, the following be *substituted*,

“then, all provisions of this Act relating to. the determination of compensation shall apply; or”.

3. That at page 15, lines 32 and 33, *for* the words

“compensation in respect of a majority of land holdings has not been accepted”, the words “compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries” be *substituted*.

The Second Schedule

4. That at page 40, line 7, *for* the words “each affected family”, the words “as far as possible and in lieu of compensation to be paid for land acquired, each affected family” be *substituted*.

**REPORT OF DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON HUMAN RESOURCE DEVELOPMENT**

श्री रामचन्द्र खूंटिया (ओडिशा): महोदय, मैं केन्द्रीय विश्वविद्यालय (संशोधन) विधेयक, 2012 के संबंध में विभाग संबंधित मानव संसाधन विकास संबंधी संसदीय स्थायी समिति का दो सौ सतावनवां प्रतिवेदन (अंग्रजी तथा हिन्दी में) प्रस्तुत करता हूँ।

REPORT OF COMMITTEE ON EMPOWERMENT OF WOMEN

DR. PRABHA THAKUR (Rajasthan): Sir, I lay on the Table, a copy (in English and Hindi) of the Twenty-first Report of the Committee on Empowerment of Women (2012-13) on the Subject ‘Working Conditions of Women in Police Force’.

REPORT OF THE RAILWAY CONVENTION COMMITTEE (2009)

DR. BHARATKUMAR RAUT (Maharashtra): Sir, I lay on the Table, a copy (in English and Hindi) of the Eighth Report (Fifteenth Lok Sabha) on Action Taken by the Government on the recommendations contained in the Fifth Report of the Railway Convention Committee (2009) on ‘Railway’s participation in the development of backward regions’.

STATEMENT OF THE RAILWAY CONVENTION COMMITTEE (2009)

DR. BHARATKUMAR RAUT (Maharashtra): Sir, I lay on the Table, a copy (in English and Hindi) of the Statement showing the Final Action Taken by the Government on the recommendations contained in Chapter-I of the Seventh Report of the Railway Convention Committee (2009) on Action Taken by the Government on the recommendations contained in the Fourth Report of the Committee on 'Pending on-going projects of the Ministry of Railways-Commissioning of the Autokast Factory at Cherthala, Kerala - A case study'.

STATEMENTS BY MINISTERS**Status of implementation of recommendations contained in Twenty-eighth Report of Department-related Parliamentary Standing Committee on Chemicals and Fertilizers**

THE MINISTER OF STATE OF THE MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION AND THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI SRIKANT JENA): Sir, I make a statement regarding status of implementation of recommendations contained in the Twenty-eighth Report of the Department-related Parliamentary Standing Committee on Chemicals and Fertilizers on "Production, Demand and Availability of Fertilizers and its distribution" pertaining to the Department of Fertilizers, Ministry of Chemicals and Fertilizers.

Status of implementation of recommendations contained in the fifteenth Report of Department-related Parliamentary Standing Committee on Defence

THE MINISTER OF STATE OF THE MINISTRY OF YOUTH AFFAIRS AND SPORTS AND THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI JITENDRA SINGH): Sir, I make a statement regarding status of implementation of recommendations contained in the Fifteenth Report of the Department-related Parliamentary Standing Committee on Defence on Demands for Grants (2012-13).

SHRI M. VENKAI AH NAIDU (Karnataka): Sir, before you go to the Bills, I have a request to make. ...(*Interruptions*)...

MR. CHAIRMAN: Just a minute. We have to take up the Zero Hour. All right. Yes.

RE. CHINESE INURSION

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, I have a request to make. A very serious development has taken place on the Indo China border. China has made incursion in 164 kilometers as per the reports in various sections of the media. This is a very serious issue. Let there be a discussion in the House, and let the Defence Minister or the concerned Minister respond to this very serious issue. The entire country is discussing it, and the Parliament cannot be a silent spectator to this.

MR. CHAIRMAN: I understand that the Minister of Defence is making a statement around 3 o'clock today. ...(*Interruptions*)... He is coming.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI RAJEEV SHUKLA): Sir, the Defence Minister will make a statement at 3 o'clock.

SHRI M. VENKAIAH NAIDU: Then, we should be allowed to put clarifications on the statement of the Defence Minister.

MR. CHAIRMAN: That is the standard practice.

MATTERS RAISED WITH PERMISSION

MR. CHAIRMAN: Mr. Mukul Roy or Shri Derek O'Brien, who will speak on this issue?

Meeting of Home Minister with representatives of Gorkha Jan Mukti Morcha of Darjeeling

SHRI DEREK O'BRIEN (West Bengal): Through you, Sir, I want to share with this House, this is about Drajeeling, the letter written by the Prime Minister to the Chief Minister of Bengal in August states 'that I have instructed the Central Government personnel that any meetings with the GJMM leadership should be done in consultation with the State Government, and they should keep you informed about the developments.' Sir, this is a letter from no less a person than the Prime Minister of India, of 1st August, 2013. And, then, Sir, on September 3, three days ago, while the Chief Minister of Bengal is making her 21st visit to Darjeeling for

[Shri Derek O'berien]

peace and development, while she is on the tour, in spite of this assurance given in writing by the Prime Minister, the Union Home Minister in Delhi is meeting the GJMM Delegation on 3rd September without any notice whatsoever to the State Government. Sir, the meeting was taking place while the Chief Minister of Bengal was holding a public meeting in Kalimpong. Sir, this House knows the sensitivity of Darjeeling. The North-Eastern States are bordering there. They border with Nepal, Bhutan and Bangladesh. Sir, all meetings on Darjeeling need to be held on a tripartite basis. This was the agreement.

Sir, you will also appreciate that this is a continuous political interference of the Central Government in the internal affairs of the State. *...(Interruptions)*. Sir, the point here is, the Prime Minister writes, 'I have instructed the Central Government...' My question here is, is anyone in the Central Government, including his Home Minister, listening to the Prime Minister? No one is listening because they are going about like this. Sir, the situation is like this. The situation is that the Central Government is blatantly playing, trying to play divide and rule politics in that very, very sensitive area. Sir, this is divide and rule of a very dangerous nature. *...(Interruptions)*... We have been saying this on a variety of issues whether it comes to any kind of legislation, whether it comes to land reforms and food security, the federal structure of this country is being made a mockery of. But this particular one is absolutely shameless. When the Prime Minister has given the Chief Minister an assurance, the Home Minister is having meeting behind his back. Sir, we demand the Home Minister come to this House and explain to this House how this meeting took place without any consultation with the State Government. The Home Minister needs to come and explain to the Members of this House. The situation is sensitive, dangerous and this is playing with fire, Sir.

MR. CHAIRMAN: Thank you. *...(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY (West Bengal): Sir, kindly ask the Minister of Parliamentary Affairs... *...(Interruptions)*...

MR. CHAIRMAN: Do you wish to say anything? *...(Interruptions)*...

SHRI DEREK O'BRIEN: Sir, we want a statement from the Home Minister. *...(Interruptions)*...

MR. CHAIRMAN: Just a minute. ...*(Interruptions)*... Please go back. ...*(Interruptions)*... Please go right back. ...*(Interruptions)*... No, you will not show any banners. ...*(Interruptions)*... This is not correct. ...*(Interruptions)*... Please go back. ...*(Interruptions)*...

You will not come into the Well. ...*(Interruptions)*... You will not show any banners. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY: Sir, we want a statement from the Home Minister. ...*(Interruptions)*...

MR. CHAIRMAN: Please go back. ...*(Interruptions)*... The Minister wants to say something. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY: We want a statement from the Home Minister. ...*(Interruptions)*... We want a statement from the Home Minister. ...*(Interruptions)*...

MR. CHAIRMAN: No banners, please. ...*(Interruptions)*... This is not fair. ...*(Interruptions)*... This is not fair. ...*(Interruptions)*...

You will not show banners. ...*(Interruptions)*... This is not correct. ...*(Interruptions)*...I will go to the next item. ...*(Interruptions)*.. Please go back. ...*(Interruptions)*.. You will not come into the well. ...*(Interruptions)*.. You will not show any banners. ...*(Interruptions)*... Please go back. ...*(Interruptions)*.. The Minister wants to say something. ...*(Interruptions)*.. No banners please. ...*(Interruptions)*.. This is not fair. ...*(Interruptions)*..

SHRI DEREK O'BRIEN: This is the written assurance by the Prime Minister. ...*(Interruptions)*..

SHRI SUKHENDU SEKHAR ROY: The Home Minister should come to the House. ...*(Interruptions)*..

MR. CHAIRMAN: Nothing is going on record. ...*(Interruptions)*..

SHRI DEREK O' BRIEN: *

SHRI SUKHENDU SEKHAR ROY: *

MR. CHAIRMAN: You will not show any banners. ...*(Interruptions)*... Please

[Mr. Chairman]

do not show any banners here. ...*(Interruptions)*.. You had your say. ...*(Interruptions)*.. You are just coming into the time of other Members. ...*(Interruptions)*.. Will you please listen to him? ...*(Interruptions)*.. What are you doing here? ...*(Interruptions)*.. Please take it away. ...*(Interruptions)*.. Go back to your places. ...*(Interruptions)*.. You know the rules of the House. ...*(Interruptions)*.. Do you wish to listen to the Government's reply? ... *(Interruptions)*.. Look, this is Zero Hour mention. ...*(Interruptions)*.. You have said your piece. ...*(Interruptions)*.. You have been allowed to say your piece. ...*(Interruptions)*.. Now please listen to the Minister. ...*(Interruptions)*.. You are repeating yourself. ...*(Interruptions)*.. It is not going on record. ...*(Interruptions)*.. It is not going on record. ...*(Interruptions)*.. Do you wish to hear the Minister? ...*(Interruptions)*.. This is not good. ...*(Interruptions)*.. Do you wish to hear the Minister?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI RAJEEV SHUKLA): Sir, there is no question of bypassing the State Government. ...*(Interruptions)*.. As far as the assurance of the Prime Minister is concerned, the Government is aware of it. ...*(Interruptions)*..

MR. CHAIRMAN: The House is adjourned for ten minutes.

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

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

[MR. DEPUTY CHAIRMAN in the Chair].

SHRI DEREK O'BRIEN: Sir, we want the Zero Hour to run. ...*(Interruptions)*.. We would like to run the Zero Hour. ...*(Interruptions)*..

MR. DEPUTY CHAIRMAN: It is allowed. It has already been permitted. ...*(Interruptions)*..

SHRI DEREK O'BRIEN: Everyone has a right to raise his issue. But we have one request. You please request the Home Minister to come here and make a statement. ...*(Interruptions)*.. That's all, Sir. ...*(Interruptions)*..

MR. DEPUTY CHAIRMAN: Okay. Now, take your seat. ...*(Interruptions)*...

SHRI RAJEEV SHUKLA: Sir, the hon. Home Minister is not available. I can only say that there is no question of bypassing a State Government in such a ...*(Interruptions)*... as you mentioned. The Government always abides by what the hon. Prime Minister commits. So, I assure the hon. Member that I will convey his feelings to the Home Minister because he is not available today. Otherwise also, he has not been keeping well. I will definitely convey his feelings. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: That's okay. Now, ...*(Interruptions)*...

SHRI DEREK O'BRIEN: Just a second, Sir. While we appreciate the reason why the Home Minister is not here today or tomorrow on health grounds...*(Interruptions)*... But, in that case, Minister of State for Home can come here and make a statement. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No; no, that's not...*(Interruptions)*... That's not...*(Interruptions)*... That's not...*(Interruptions)*...

SHRI RAJEEV SHUKLA: Sir, I will convey his feelings to the MoS, Home Affairs. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You have got a response. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*... You have got a response. ...*(Interruptions)*... What more do you want? ...*(Interruptions)*... Now, announcement by the Chair. ...*(Interruptions)*...

SHRI TAPAN KUMAR SEN (West Bengal): But, Sir, who will respond? ...*(Interruptions)*...

SHRI DEREK O'BRIEN: Who will respond, Sir? ...*(Interruptions)*... Who will respond? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: He is saying that he will inform. ...*(Interruptions)*... What more can he do? ...*(Interruptions)*... That's correct. ...*(Interruptions)*... You have made your point...*(Interruptions)*...

SHRI RAJEEV SHUKLA: I will convey to the MoS, Home Affairs. He will come to the House before the House rises.

MR. DEPUTY CHAIRMAN: Okay. That's alright. Now, announcement by the Chair.

ANNOUNCEMENT BY THE CHAIR

Recommendations of The Business Advisory Committee

MR. DEPUTY CHAIRMAN: I have to inform the Members that the Business Advisory Committee, in its meeting held on the 6th of September, 2013, has decided that the sitting of the Rajya Sabha may be further extended by one day and, accordingly, the House will sit on Saturday, the 7th September, 2013, for transaction of Government Legislative Business.

MATTERS RAISED WITH PERMISSION (Contd.)

MR. DEPUTY CHAIRMAN: Now, the Zero Hour to continue. Shri D.P. Tripathi. ...*(Interruptions)*...

SHRI ANANDA BHASKAR RAPOLU (Andhra Pradesh): Excuse me, Sir. You had said yesterday that you will allow me to...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No; no. ...*(Interruptions)*... No; no. ...*(Interruptions)*... Mr. Tripathi, one minute please. ...*(Interruptions)*... Tripathiji, one minute please. ...*(Interruptions)*... Hon. Members from Andhra Pradesh, please take your seats. After the Zero Hour is over, I will look into your issue. Please sit down. ...*(Interruptions)*... I have told you. ...*(Interruptions)*... Tripathiji, you can start.

Adverse impact on the quality of teaching due to large number of teaching vacancies in universities

SHRI D.P. TRIPATHI (Maharashtra): Mr. Deputy Chairman, Sir, with your kind permission, I want to raise a very serious question regarding the vacancies of the teaching faculty in the Central and State Universities. The situation is becoming very bad, and from bad to worse. The Department of Higher Education and the UGC appear to be completely oblivious about the gravity of the problem. Sir, if you look at the last figures, you will find that out of 16,324 sanctioned posts of the teaching faculty in the Central Universities, 6,254 are lying vacant, which constitutes 40 per

cent. Most of the vacancies are at the level of Professors and Associate Professors. Out of 2,273, 1,153 posts of Professors are vacant in different Central Universities which constitutes more than 50 per cent. As far as Associate Professors are concerned, the vacancies are 45 per cent. That being the situation, the serious point is that even those who join these institutions leave in one or two years. As far as the State Universities are concerned, the conditions are very, very alarming. In 47 State Universities in the country, 32 per cent positions are vacant. The vacancies are very alarming in the prestigious universities—State Universities of Pune, Punjab University, Guru Nanak Dev University, Cochin Science and Technology University. The situation in those private universities which were started with much funfare is much worse. As regards the academic quality of these great private institutions, the less said the better. These private universities, despite the orders of various courts and the Supreme Court, are working as money-making machines and centres of academic exploitation. There have been various attempts to ensure that the recruitment of the teachers is streamlined, but it has no impact. The Twelfth Plan has said that a proposal will be launched through the National Mission about teachers' education and teaching. But when will that come? ...(*Interruptions*)..

MR. DEPUTY CHAIRMAN: Time is over. Tripathiji, time is over, but this subject is very important. ...(*Interruptions*).. Please. ..(*Interruptions*).. The whole House associates with this. ...(*Interruptions*).. Tripathiji, please sit down. ...(*Interruptions*).. It is not going on record. I would request the Minister of Parliamentary Affairs to convey the feelings of the House to the Minister of HRD. See, if the statement made here is correct, that 40 per cent posts of University teachers are vacant, it is a very serious matter. ...(*Interruptions*).. Immediate action has to be taken to appoint teachers. ...(*Interruptions*)..

SHRI D. RAJA (Tamil Nadu): Sir, I associate myself with the point made by the hon. Member.

SHRI P. RAJEEVE (Kerala): Sir, I also associate myself with the point made by Shri D.P. Tripathi.

DR. JANARDHAN WAGHMARE (Maharashtra): Sir, I associate myself with the point made by the hon. Member.

SHRI K. N. BALAGOPAL (Kerala): Sir, I associate myself with the point made by the hon. Member.

DR. YOGENDRA P. TRIVEDI (Maharashtra): Sir, I also associate myself with the point made by the hon. Member.

SHRI V. HANUMANTHA RAO (Andhra Pradesh): Sir, I also associate myself with the point made by Shri D.P. Tripathi.

DR. K.P. RAMALINGAM (Tamil Nadu): Sir, I associate myself with the point made by the hon. Member. ...(*Interruptions*)..

श्री शिवानन्द तिवारी (बिहार): महोदय, मैं स्वयं को इस विषय के साथ सम्बद्ध करता हूँ।

श्री अरविन्द कुमार सिंह (उत्तर प्रदेश): महोदय, मैं भी स्वयं को इस विषय के साथ सम्बद्ध करता हूँ।

चौधरी मुनव्वर सलीम (उत्तर प्रदेश): सर, मैं इस विषय के साथ एसोसिएट करता हूँ।

† [شری منور سلیم (اترپردیش) : سر، میں اس وشیے کے ساتھ ایسوسی ایت کرتا ہوں۔]

श्री तरुण विजय (उत्तराखंड): महोदय, मैं इसके साथ स्वयं को सम्बद्ध करता हूँ।

श्री पुरुषोत्तम खोडाभाई रूपाला (गुजरात): महोदय, मैं इस विषय के साथ एसोसिएट करता हूँ।

श्री के.सी. त्यागी (बिहार): महोदय, मैं इस विषय के साथ एसोसिएट करता हूँ।

श्री राम कृपाल यादव (बिहार): सर, मैं भी इस विषय के साथ एसोसिएट करता हूँ।

DR. NAJMA A. HEPTULLA (Madhya Pradesh): Sir, yesterday, from the Chair, you celebrated the birthday of the first Chairman of Rajya Sabha, Dr. Radhakrishnan. Yesterday, the country celebrated the Teachers' Day. ...(*Interruptions*).. This is very, very important. ...(*Interruptions*)..

MR. DEPUTY CHAIRMAN: Yes. All are associating. Next is Shri Hanumantha Rao. ...(*Interruptions*).. Please, Minister has to say something. ...(*Interruptions*).. Please take your seat. ...(*Interruptions*).. It is over. ...(*Interruptions*).. Your three minutes are over. ...(*Interruptions*)..

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI RAJEEV SHUKLA): Sir, the matter which has been raised by hon. D.P. Tripathi

† Transliteration in Urdu script.

is really very serious. Many of the hon. Members have associated themselves with it. I would further enhance it by saying that there are two issues in this. One is the pending vacancies and the other is the quality of teaching, which he has suggested. Sir, I will definitely convey the sentiments of the hon. Members to the Minister of Human Resource Development, and we seek and solicit the cooperation of the State Governments also because education is the State subject. So, the Central Government and the State Government, put together, must ensure that the quality of teaching is improved and the vacancies are also filled.

...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, please. Shri V. Hanumantha Rao.

Injustice to OBCs in faculty appointments in IIT, Madras

SHRI V. HANUMANTHA RAO (Andhra Pradesh): Mr. Deputy Chairman, Sir, recently, the High Court of Madras in its judgement, disposing a petition filed by one Lady Faculty, has expressed its displeasure over the way in which the faculty appointments were made in the IIT, Madras ...(Interruptions)... and the hon. Judge has observed that there are materials making out a *prima facie* case of illegalities committed in the IIT, Madras in the matter of appointments, which may make out a serious offence and directed the Registrar to forward the copy of the judgement to the Director of CBI, New Delhi to commence enquiry into the appointments made in IIT, Madras.

The judgement exposes the irreparable damage done by the former Directors and officials to IIT, Madras, a great school of excellence, by resorting to discriminatory methods in selection of faculties, on which the Court has come heavily.

This judgement has come after a legal battle of nearly 17 years, and the management of IIT, Madras has managed to drag it for these long years, by spending the public money.

References are brought to us that there is discrimination in these institutions against the deprived sections, and they are not able to challenge the administration for fear of action.

The Government, particularly, the Ministry under which the IIT Administration

[Shri V. Hanumantha Rao]

falls, has to take seriously these adverse judgements and to ensure that the IIT, Madras does not further prolong the matter by resorting to appeal methods and wasting the public money and the wrong-doers, whoever it may be, are punished.

...(Interruptions)...

SHRI D. RAJA (Tamil Nadu): Sir, yesterday also, I raised this issue.

SHRI V. HANUMANTHA RAO: Sir, he also raised this issue yesterday.

SHRI D. RAJA: Sir, it is there in yesterday's debate. There is huge discrimination in IIT, Chennai. It cannot be tolerated. The Government should take note of it seriously.

DR. T.N. SEEMA (Kerala): Sir, I would like to associate myself with the Mention made by the hon. Member.

DR. M.S. GILL (Punjab): Sir, I would also like to associate myself with the Mention made by the hon. Member.

MR. DEPUTY CHAIRMAN: Now, Shri Narendra Kumar Kashyap.

Regularization of sand mining

श्री नरेन्द्र कुमार कश्यप (उत्तर प्रदेश): उपसभापति महोदय, इल्लीगल माइनिंग आज हमारे देश की बहुत बड़ी समस्या है। बहुत सारे माइनिंग माफिया अपने-अपने क्षेत्र में इल्लीगल माइनिंग करके जहां देश के राजस्व को नुकसान पहुंचा रहे हैं, वहीं देश के हर वर्ग और तबके के लोगों के सामने भी मुश्किलें पैदा कर रहे हैं। महोदय, खास तौर से मैं पंजाब और उत्तर प्रदेश के कुछ दृष्टांत आपके बीच रखना चाहता हूँ, जहां सरकार की लाख बंदिशों के बावजूद भी खुले आम अवैध खनन का काम जारी है। बहुत सारे सियासी लोग भी आज इस अवैध खनन के कारोबार में लिप्त हैं। कोई अधिकारी अगर उनके खिलाफ कार्यवाही करने की कोशिश भी करे तो खनन माफिया का कुछ नहीं बिगड़ता, बिल्क अधिकारी ही सस्पेंड हो जाता है। महोदय, इस संबंध में हमारे देश की सरकार जो जल्द ही कोई न कोई निर्णय लेना पड़ेगा क्योंकि आज मकान-दुकान बनाने वाले लोगों को रेत की उपलब्धता भी नहीं हो पा रही है। मैं यकीन के साथ यह कह सकता हूँ कि जिस तरह से प्याज के दाम बढ़ने से लोगों की रसोई में प्याज नहीं मिला, वैसे ही अवैध माइनिंग के कारण आज लोगों को उनके मकान बनाने के लिए रेत नहीं मिल रही है। सीमेंट, रोड़ी, बदरपुर की तरह आज रेत की बिक्री भी किलों और धड़ी में हो रही है। जिसका बहुत बड़ा प्रभाव देश पर पड़ रहा है। मैं आपके माध्यम से

सरकार से यह मांग करता हूँ कि देश के राजस्व को बचाने के लिए, देश के लोगों को माइनिंग उपलब्ध है और रेत माइनिंग माफिया के विरुद्ध सख्त कार्यवाही करने के लिए एक ठोस नीति बनाकर सरकार इस बारे में कोई फैसला लें, ताकि देश के लोगों को रेत और तमाम जो मकान और दुकान बनाने की चीजें हैं, वे आसानी से उपलब्ध हो सके और देश में माइनिंग की कमी का संकट टल सके।

SHRI ANANDA BHASKAR RAPOLU (Andhra Pradesh): Sir, I associate myself with the matter raised by the hon. Member.

DR. M.S. GILL (Punjab): Sir, I associate myself with the matter raised by the hon. Member.

प्रो. एस.पी. सिंह बघेल (उत्तर प्रदेश): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

श्री मुनकाद अली (उत्तर प्रदेश): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

श्री बृजलाल खाबरी (उत्तर प्रदेश): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

MR. DEPUTY CHAIRMAN: Names of Members who are associating may be noted. Now, Shri Mansukh L. Mandaviya; not present. Shri Kunal Kumar Ghosh.

Execution of an Indian Author, Sushmita Banerjee, by Taliban in Afghanistan

SHRI KUNAL KUMAR GHOSH (West Bengal): Sir, I wish to make a mention of the barbaric and brutal murder of a Bengali lady, an Indian citizen in Afghanistan, by Taliban.

Sushmita Banerjee, known as “Kabuliwalar Bangali Bahu” was executed late on Wednesday. She had just returned to Afghanistan after celebrating Eid in Kolkata, West Bengal. She was at her house in Kharana in Paktika province. The Taliban attacked her house, tied up her husband, Jaanbaz Khan, and other family members, dragged Sushmita out and pumped several bullets into her from close range. It was a cold-blooded murder.

Sir, Sushmita, after getting married, converted to Islam and was then known as Sayeda Kamala. She retained her Indian citizenship. She was doing a lot of social work, especially for the uplift of women and healthcare and she was also making a film. The Taliban did not allow such kinds of progressive works and instructed her to stop all her activities.

Sir, once earlier, after she escaped the clutches of the Taliban, she wrote her

best-selling book, 'Kabuliwalar Bangali Bahu'. Later, her memoir about her dramatic escape inspired a film in 2003, 'Escape from Taliban', starring Manisha Koirala. After her marriage to Khan, whom earlier she met in Kolkata, Sushmita moved to Afghanistan when her parents tried to get her divorced. All of 27 at that time, she was shocked to learn that Khan was already married. She took pity on Khan's first wife, Gulguti, and even reared her children besides adopting Tinni, daughter of her brother-in-law. Sushmita then started social work for the benefit of women's education, independent careers, self-employment, justice, etc. She was totally against the Taliban.

Sir, we strongly protest the murder of Sushmita Banerjee, and through you, I appeal to the Government to convey our protest and anger to the Government of Afghanistan and take appropriate steps. And, I salute Sushmita, an Indian lady, who, against all odds, continued her fight through social works in Afghanistan, even at the cost of her own life.

Sir, in conclusion, I would like to speak a few lines in Bengali. (Hon. Member may please fill in Bengali)

SHRI P. RAJEEVE (Kerala): Sir, I associate myself with the matter raised by the hon. Member.

DR. T.N. SEEMA (Kerala): Sir, I associate myself with the matter raised by the hon. Member.

SHRI PRASANTA CHATTERJEE (West Bengal): Sir, I associate myself with the matter raised by the hon. Member.

SHRI TAPAN KUMAR SEN (West Bengal): Sir, I associate myself with the matter raised by the hon. Member.

SHRI SUKHENDU SEKHAR ROY (West Bengal): Sir, I associate myself with the matter raised by the hon. Member.

SHRI D. BANDYOPADHYAY (West Bengal): Sir, I associate myself with the matter raised by the hon. Member.

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, I associate myself with the matter raised by the hon. Member.

DR. NAJMA A. HEPTULLA (Madhya Pradesh): Sir, I associate myself with the matter raised by the hon. Member.

DR. CHANDAN MITRA (Madhya Pradesh): Sir, I associate myself with the matter raised by the hon. Member.

SHRI VIVEK GUPTA (West Bengal): Sir, I associate myself with the matter raised by the hon. Member.

SHRI SATYAVRAT CHATURVEDI (Madhya Pradesh): Sir, I associate myself with the matter raised by the hon. Member.

SHRI RAMA CHANDRA KHUNTIA (Odisha): Sir, I associate myself with the matter raised by the hon. Member.

SHRI ANANDA BHASKAR RAPOLU (Andhra Pradesh): Sir, I associate myself with the matter raised by the hon. Member.

SHRI JESUDASU SEELAM (Andhra Pradesh): Sir, I associate myself with the matter raised by the hon. Member.

SHRI SHANTARAM NAIK (Goa): Sir, I associate myself with the matter raised by the hon. Member.

DR. YOGENDRA P. TRIVEDI (Maharashtra): Sir, I associate myself with the matter raised by the hon. Member.

SHRI BIRENDRA PRASAD BAISHYA (Assam): Sir, I associate myself with the matter raised by the hon. Member.

SHRI N.K. SINGH (Bihar): Sir, I associate myself with the matter raised by the hon. Member.

SHRIMATI JHARNA DAS BAIDYA (Tripura): Sir, I associate myself with the matter raised by the hon. Member.

श्री अली अनवर अंसारी (बिहार): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

श्री बलबीर पुंज (ओडिशा): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

प्रो. एस.पी. सिंह बघेल (उत्तर प्रदेश): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

श्री जगत प्रकाश नड्डा (हिमाचल प्रदेश): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

श्री शिवानन्द तिवारी (बिहार): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

श्री तरुण विजय (उत्तराखण्ड): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

श्री नरेश अग्रवाल (उत्तर प्रदेश): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

श्री राम कृपाल यादव (बिहार): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

श्री सत्यव्रत चतुर्वेदी (मध्य प्रदेश): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

श्री हुसैन दलवाई (महाराष्ट्र): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

श्री विश्वजीत दैमारी (असम): महोदय, मैं इससे अपने आपको सम्बद्ध करता हूँ।

डा. प्रभा ठाकुर (राजस्थान): महोदय, मैं इससे अपने आपको सम्बद्ध करती हूँ।

डा. विजयलक्ष्मी साधु (मध्य प्रदेश): महोदय, मैं इससे अपने आपको सम्बद्ध करती हूँ।

MR. DEPUTY CHAIRMAN: All are associating.

श्री नरेश अग्रवाल (उत्तर प्रदेश): उपसभापति जी, जया बच्चन जी कुछ कहना चाहती हैं।
...(व्यवधान)...

SHRI D. RAJA (Tamil Nadu) : Sir, I have given a notice. Sir, the Chair can allow me.

MR. DEPUTY CHAIRMAN: I have allowed you, but you are not saying.

SHRI D. RAJA: Sir, I join the entire House in condemning this brutal killing of Sushmita Banerjee.

MR. DEPUTY CHAIRMAN: That's enough.

SHRI D. RAJA: Some time back, there was an attack on our Embassy in Kabul leading to some casualties. This raises certain questions. Is it India's engagement in North Asia? (Time bell) Is it our policy?

MR. DEPUTY CHAIRMAN: Now, that's enough. Jayaji, are you associating.

SHRI D. RAJA: *

MR. DEPUTY CHAIRMAN: That's all. It is not going on record. No more, no more. Jayaji, if you are associating, you say that.

* No recorded.

SHRIMATI JAYA BACHCHAN (Uttar Pradesh): Sir, I associate but I would like to say that this was in the newspapers today. It came in the news last night. *

MR. DEPUTY CHAIRMAN: No, you can only associate. Such comments will not go on record.

DR. NAJMA A. HEPTULLA (Madhya Pradesh): Sir, I have seen the movie made by her. The movie, which she made, is an excellent movie and I have seen it on one of my trips abroad. This is very bad message going on to the world for telling the truth about the situation.

MR. DEPUTY CHAIRMAN: It is very unfortunate. Now, it is over. Shri P. Rajeeve. ...*(Interruptions)*... Yes, it is over. Shri P. Rajeeve. All those who associate, their names have been included. Yes, would the Government like to react?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI RAJEEV SHUKLA): Sir, on behalf of the Government, I condemn this dastardly murder and it confirms how Talibani forces are still pursuing their agenda. The Ministry of External Affairs is seized with the matter and the Government of India is taking it up with Afghan Government.

MR. DEPUTY CHAIRMAN: See, the whole House is one in condemning it. Now, Shri P. Rajeeve.

SHRIMATI JAYA BACHCHAN: Sir, the Minister...

MR. DEPUTY CHAIRMAN: *Jayaji*, that is over. Shri P. Rajeeve, you are not getting up.

SHRIMATI JAYA BACHCHAN: The Government always delays things.

MR. DEPUTY CHAIRMAN: No, there is some decorum. You can't do like that. Once the Minister reacted, then again, you want to know. *Jayaji*, I am sorry. You should also know that this is the House. ...*(Interruptions)*... No, I allowed you and you had your say. The Minister reacted to you.

SHRIMATI JAYA BACHCHAN: *

MR. DEPUTY CHAIRMAN: It is not going on record. I am sorry. No. What

* No recorded.

[Mr. Deputy Chairman]

are you saying? Take your seat. You only wanted the Government to react. The Government reacted and you should take your seat. That is all. See, not only you, every one in the House is condemning that dastardly murder and we are all one with you and with the one who raised it. We are all one. Now, Shri P. Rajeeve.

Situation in Syria and remarks of British Prime Minister

SHRI P. RAJEEVE (Kerala): Sir, the U.S. President, Barak Obama, has announced that he will conduct military strike against Syria after U.S. Congress approves this action. Sir, it was reported that their Senate Committee on External Affairs has already cleared this thing and he is waiting for the U.S. Senate and Congress to approve it. Is Syria a federal State in the U.S.? Syria is an independent and sovereign country.

MR. DEPUTY CHAIRMAN: You have to ask the U.S., not me.

SHRI P. RAJEEVE: Through you, Sir, I am asking this because our Prime Minister is there in the G-20. Sir, the U.S.A. has taken over all the powers of the United Nations. So, we are compelled to ask this question whether Syria is a federal State of the U.S.A. because they have tried to take over the powers of the United Nations. Sir, the Security Council has not passed a resolution authorising the use of force against Syria. Now, they have added that Syria has used chemical weapons against their citizens. There is no substantial evidence on that. They used the same argument to attack Iraq. After the invasion and aggression on Iraq, the United States of America could not find a single chemical weapon from Iraq. That clearly indicates the real hidden agenda of the United States of America behind Iraq aggression. Sir, Syria is a signatory to 1993 International Convention. Now, US is trying to attack Syria. Already, Israel launched a missile against Syria. Now, they claim that it is only a testing mechanism. Sir, we have enough experience of the entire world. Now, we discussed the situation in Afghan and the role of Taliban? Who was mainly responsible for these activities of Taliban? At the time of Najibullah Government, the United State of America gave all support to Taliban. Sir, G-20 Summit is going on and our Prime Minister is attending the same. Sir, our country position is very soft. Sir, we demand that while discussing the Syria issue in G-20, our Prime Minister should demand for United States calling off its military aggression against Syria.

The British Prime Minister, during a discussion in their Parliament, stated that India is supporting this aggression but the High Commission remarks are very soft. These types of soft remarks of India actually curtail the prestige of our country all over the world. So, we should condemn the act of United States of America. Thank you.

SHRI PRASANTA CHATTERJEE (West Bengal): Sir, I associate myself with this issue. ..(Interruptions).. Sir, the President of the United States, Barack Obama, has win support for attack.. ..(Interruptions)..

MR. DEPUTY CHAIRMAN: That is Barack Obama, not us. We are not supporting. The Prime Minister has already said this. ..(Interruptions).. Mr. Dharmendra Pradhan.

SHRI D. RAJA (Tamil Nadu): Sir, I associate myself with the Zero Hour mention raised by the hon. Member.

SHRI C.P. NARAYANAN (Kerala): Sir, I also associate myself with the Zero Hour mention raised by the hon. Member.

SHRI T.K. RANGARAJAN (Tamil Nadu): Sir, I also associate myself with the Zero Hour mention raised by the hon. Member.

DR. T.N. SEEMA (Kerala): Sir, I also associate myself with the Zero Hour mention raised by the hon. Member.

SHRI BALBIR PUNJ : Sir, I also associate myself with the Zero Hour mention raised by the hon. Member.

श्री अली अनवर अंसारी (बिहार): उपसभापति जी, मैं स्वयं को इससे संबद्ध करता हूँ।

श्री अहमद सईद मलीहाबादी (पश्चिमी बंगाल): उपसभापति जी, मैं स्वयं को इससे संबद्ध करता हूँ।

†جناب احمد سعيد مليح آبادی (مغربی بنگال): آپ سبھاپتی جی، میں خود کو اس سے سمبڈ کرتا ہوں۔

श्री शिवानन्द तिवारी (बिहार): उपसभापति जी, मैं स्वयं को इससे संबद्ध करता हूँ।

श्री प्रेम चन्द्र गुप्ता (बिहार): उपसभापति जी, मैं स्वयं को इससे संबद्ध करता हूँ।

श्री के.सी. त्यागी (बिहार): उपसभापति जी, मैं स्वयं को इससे संबद्ध करता हूँ।

श्री राजपाल सिंह सैनी (उत्तर प्रदेश): उपसभापति जी, मैं स्वयं को इससे संबद्ध करता हूँ।

SHRI K.N. BALAGOPAL (Kerala): Sir, I also associate myself with the Zero Hour mention raised by the hon. Member.

SHRI M.P. ACHUTHAN (Kerala): Sir, I also associate myself with the Zero Hour mention raised by the hon. Member.

SHRI BALBIR PUNJ (Odisha): Sir, people in this House are concerned about the possibility of America attacking Syria but China has attacked India. ..(Interruptions)...

MR. DEPUTY CHAIRMAN: No, no. Please. ..(Interruptions).. All the names who associate will be added. ..(Interruptions).. Now, Shri Dharmendra Pradhan. ..(Interruptions).. That is okay. Please.

Need for setting up a Bench of Odisha High Court in western part of Odisha

श्री धर्मेन्द्र प्रधान (बिहार): उपसभापति जी, पिछले पंद्रह दिन से उड़ीसा के दस जिलों में एक आंदोलन चल रहा है। उड़ीसा के पश्चिमी पार्ट, पश्चिमी उड़ीसा हाई कोर्ट की एक बेंच बने, इस मांग को लेकर वहां की जनता पिछले दो दशक से आंदोलन कर रही है। पिछले पंद्रह दिन से सारी बार एसोसिएशन्स ने उन दस जिलों का कार्य स्थगन किया है। वहां पर एक विचित्र परिस्थिति खड़ी हो गई है। उड़ीसा से स्थानीय निकाय के चुनाव चल रहे हैं, लेकिन इसके कारण दस जिलों के चुनाव भी बंद हो गए हैं। वहां की जो हाई कोर्ट है और यह जो दस जिलों की बेल्ट का क्षेत्र है, यह वहां से लगभग 500 किलोमीटर की दूरी पर है। उस बेल्ट में बहुत नेचुरल रिसोर्सेज हैं और उस इलाके का बहुत औद्योगिकीकरण भी हो रहा है। इसको सामने रखते हुए इस मुद्दे पर तवज्जो देनी चाहिए, क्योंकि वहां पर शहरीकरण, औद्योगिकीकरण और लिटिगेशन बढ़ रहा है। वहां के मूल निवासी ज्यादातर गरीब, आदिवासी और पिछड़े वर्ग से हैं। उपसभापति जी, कल हमने सदन में त्वरित न्यायिक व्यवस्था के लिए नई प्रकार की न्यायिक व्यवस्था की चर्चा की थी। उस चर्चा में एक बात उभरी थी कि बहुत सारे ऐसे केसेज पेंडिंग हैं, जिनमें लोगों को जल्दी न्याय मिलना चाहिए। वहां के लोगों की पिछले दो दशक से मांग है कि देश के एक ऐसे वंचित और पिछड़े इलाके, पश्चिम उड़ीसा में हाई कोर्ट की एक बेंच बने। मैं आपके माध्यम से भारत सरकार के विधि विभाग से मांग करता हूँ कि वह इसमें हस्तक्षेप करे। मैं आपके माध्यम से यह मांग भी करता हूँ कि वेस्टर्न उड़ीसा में इसकी एक सेपरेट बेंच हो। धन्यवाद।

श्री पुरुषोत्तमभाई खोडाभाई रूपाला (गुजरात): उपसभापति जी, मैं स्वयं को इससे संबद्ध करता हूँ।

श्री माया सिंह (मध्यप्रदेश): उपसभापति जी, मैं स्वयं को इससे संबद्ध करती हूँ।

DR. CHANDAN MITRA (Madhya Pradesh): Sir, I associate myself with the Zero Hour mention raised by the hon. Member.

श्री किरनमय नन्दा (उत्तर प्रदेश): उपसभापति जी, मैं स्वयं को इससे संबद्ध करता हूँ।

श्री जगत प्रकाश नड्डा (हिमाचल प्रदेश): उपसभापति जी, मैं स्वयं को इससे संबद्ध करता हूँ।

श्री विनय कटियार (उत्तर प्रदेश): उपसभापति जी, मैं स्वयं को इससे संबद्ध करता हूँ।

श्री के.सी. त्यागी: पिछले सप्ताह, जब मैंने पश्चिम यू.पी. के मेरठ का मुद्दा उठाया था ..(व्यवधान)..

MR. DEPUTY CHAIRMAN: No, no. That is over. You have already mentioned it. ..(Interruptions). आपने कल बोल दिया था। ..(व्यवधान).. यह उड़ीसा की बात है।

Pathetic condition of patients at AIIMS and Safdarjung Hospital in Delhi

SHRI ANIL DESAI (Maharashtra): Sir, I rise here to invite the attention of the House to the pathetic condition of patients and their relatives at AIIMS and Safdarjung Hospital in Delhi. It is quite ironic that on one side, we are boasting about the medical tourism and even wooing foreigners to come to our country and have better medical facilities and, on the other, anybody can see hundreds of patients and their relatives languishing just at the entrance of the AIIMS in Delhi. Yesterday's Hindu carried an article which showed a photograph of a poor patient, who was of unsound mind, being chained and tied to a tree because he was waiting for his number for the bed in the hospital. He was not being attended either by doctor or any NGO or any social worker. The same newspaper gives details about some patients who are living near the filth and garbage of the hospital as they are poor and uneducated. There are no facilities which should have been provided at this premier health institute of the country. But all this is being sidelined. The most pathetic thing is that clause 104 of the Mental Health Care Bill of 2013, which has been passed in Lok Sabha, prohibits chaining of any person undergoing treatment for mental illness. These directions are being brazenly violated and there is nobody to answer to this. The Department is questionable on this count. I would like to ask the hon. Health Minister whether he has taken the cognizance of these events which are happening not only in Delhi but even in the State of Maharashtra also, wherever

[Shri Anil Desai]

Government hospitals or Government health care institutions are there. The situation there is not better or the same situation prevails in all these places. If poor people or people from the far-flung places come there for treatment, they are languishing in a very bad shape. If we do not look into these kinds of incidents and if we do not take corrective measures, I think, whatever Bills are passed or whatever we do in order to improve the situation, it will not serve the purpose. (*Time-bell rings*)

MR. DEPUTY CHAIRMAN: Okay, your time is over. Now, Shri Vivek Gupta.

DR. BHARATKUMAR RAUT (Maharashtra): Sir, I associate myself with the issue raised by the hon. Member.

India's rising Current Account Deficit

SHRI VIVEK GUPTA (West Bengal): Sir, I wish to raise a very serious national issue. The Finance Minister keeps on referring to the ballooning current account deficit. For this year, it is 75 billion dollars. But, Sir, I wish to say that this situation did not arise very suddenly. Instead of taking preventive measures and immediate actions, we only get hopes and assurances. He said that putting duty on colour televisions might encourage domestic manufacturing. But when I asked for some figures on the same, I did not get them from his Department. Sir, several items are attracting export duty or export tax and the country is losing precious foreign exchange. I see no effort on the part of the Government to revisit these road blocks to exports. Sir, the Government should temporarily remove these road blocks so that we can get precious foreign exchange earnings back. Also, Sir, the effort of the Government to check the import of gold is laudatory. But if the RBI can use some of its reserves, it will temporarily provide relief. Near curfew on consumption, licensing and rationing will take us back to an era of control raj which we have left with great difficulty. Sir, the point which I would like to raise today is, for the last one year, the Government has been liberalising the FDI in multi-brand retail and so many other sectors. But, Sir, we are yet to see any concrete investments in any of these sectors and no foreign exchange is flowing in. In fact, our Rupee has depreciated, causing great hardships to the people. Sir, we are facing a massive investment drought. Our gross fixed capital formation was only 1.7 per cent during the last year. There are 70 permissions and clearances required for anyone to start a manufacturing process. I

would like the Government to look into these areas and do something about it.
Thank you, Sir.

SHRI ANANDA BHASKAR RAPOLU (Andhra Pradesh): Sir, I associate myself with the mention made by the hon. Member.

MR. DEPUTY CHAIRMAN: Now, Special Mentions. Those who want to lay it on the Table can do so. ...*(Interruptions)*...

SHRI K.N. BALAGOPAL (Kerala): Sir, my notice is there. ...*(Interruptions)*... The RBI has asked the Temple Boards in Kerala to give details of gold deposits with them. Earlier Tirumala Tirupathi Devasthanams ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I think not only temple but church and mosque also ...*(Interruptions)*...

SHRI K.N. BALAGOPAL: ..to sell the gold in market. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: So what?

SHRI K.N. BALAGOPAL: This is a very serious issue. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No. ...*(Interruptions)*... That's all. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, the Finance Minister is sitting here. ...*(Interruptions)*... The efforts are there. Tirupathi, Travancore and gold of other temples, ...*(Interruptions)*... The Government is trying to take it. ...*(Interruptions)*... It is not acceptable at all. People have given that gold as a mark of ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: In any way, only from temple you cannot take. If you take it, you should take it from temple, church and mosque. ...*(Interruptions)*... That's all. ...*(Interruptions)*...

SHRI SHANTARAM NAIK (Goa) : Sir, the BJP is ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No BJP or Congress. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*... Mr. Ramesh, please sit down. ...*(Interruptions)*... Mr. Chowdary, what is your problem? ...*(Interruptions)*... Mr. Balagopal, they are taking it from churches and mosques also. ...*(Interruptions)*...

SHRI Y.S. CHOWDARY (Andhra Pradesh): Sir, it is regarding Andhra Pradesh. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: It was already raised. ...*(Interruptions)*... It was already raised. ...*(Interruptions)*... Mr. Rapolu, what is your problem? ...*(Interruptions)*...

SHRI ANANDA BHASKAR RAPOLU (Andhra Pradesh): Sir, kindly allow me some time. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: What is your problem? ...*(Interruptions)*... Mr. Chowdary, it has been raised many times here. ...*(Interruptions)*... No. ...*(Interruptions)*... Both of you are speaking together. ...*(Interruptions)*... What do I do? ...*(Interruptions)*... Both of you please stop speaking. ...*(Interruptions)*... Please stop. ...*(Interruptions)*... I understood it. But kindly appreciate that this issue has been taken up here again and again. Every day, it is being taken up. What is the use of saying it again and again, Mr. Chowdary? ...*(Interruptions)*... I cannot allow it. ...*(Interruptions)*... Okay, one minute each. ...*(Interruptions)*...

SHRI Y.S. CHOWDARY: Sir, we have been voicing it for the last 37 days. The situation is deteriorating like anything. There is no law and order.

MR. DEPUTY CHAIRMAN: Now you understood that there is no use in raising it again and again. ...*(Interruptions)*...

SHRI Y.S. CHOWDARY: Let me complete, Sir. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: That is okay. ...*(Interruptions)*...

SHRI Y.S. CHOWDARY: Sir, you have given time and even then you are not allowing me. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: That is enough. ...*(Interruptions)*... Take your seat. ...*(Interruptions)*... That is enough. ...*(Interruptions)*... Chowdaryji, that is enough. ...*(Interruptions)*... Mr. Rapolu, what do you want to say? ...*(Interruptions)*... What Mr. Chowdary says will not go on record. ...*(Interruptions)*... Put his mike off. ...*(Interruptions)*...

SHRI Y.S. CHOWDARY: *

12.00 NOON

MR. DEPUTY CHAIRMAN: Mr. Rapolu, I allowed you to speak. You are not speaking. What can I do? What is your complaint? ...*(Interruptions)*...

SHRI ANANDA BHASKAR RAPOLU: Sir, I express my gratitude for ...*(Interruptions)*... placing a very pertinent and vital point from my land of Telangana. ...*(Interruptions)*... Today, in the early hours, one young learned person sacrificed his ...*(Interruptions)*... The youth of my area ...*(Interruptions)*... people of my generation, of my area are self-immolating ...*(Interruptions)*... They are of self-sacrificing generation. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You are from Telangana. ...*(Interruptions)*... That is okay. ...*(Interruptions)*... That is enough. ...*(Interruptions)*... Mr. Rapolu, please stop. That is enough. ...*(Interruptions)*... Both of you please sit down. ...*(Interruptions)*... Nothing is going on record. ...*(Interruptions)*...

SHRI Y.S. CHOWDARY: *

SHRI ANANDA BHASKAR RAPOLU: *

MR. DEPUTY CHAIRMAN: What do you want? ...*(Interruptions)*... What is your complaint?

: It is not going on record. ...*(Interruptions)*... You are from Telengana. ...*(Interruptions)*... Complaint is from them. ...*(Interruptions)*... You sit down. ...*(Interruptions)*... You take your seat. It is not going on record. ...*(Interruptions)*... What is your complaint? ...*(Interruptions)*... Ask him to sit down. He is from Telengana. ...*(Interruptions)*...

SHRI V. HANUMANTHA RAO (Andhra Pradesh): Sir, we want Special Mentions. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Ramesh, sit down. ...*(Interruptions)*... Mr. Chowdary, sit down. ...*(Interruptions)*... Now, Special Mentions. ...*(Interruptions)*... Please lay it. ...*(Interruptions)*...

* No recorded.

SPECIAL MENTIONS***Demand to modify environmental clearance procedure to facilitate small mining owners in the Country**

SHRI V. HANUMANTHA RAO (Andhra Pradesh): Sir, it is a fact that mining industry is a major economic activity in India which contributes significantly to our economy. Mining industry also provides employment to lot of people. But, mining in India has become infamous for human rights violations and environment pollution. The industry has also been hit by high profile mining scandals recently.

At present, small players in mining are incurring losses due to procedural problems in getting clearances. As you know, the Supreme Court mandated prior environmental clearance to mining projects of less than five hectares. Projects falling under inter-State boundary are named as category 'A' projects by the Environment Ministry for assessment for clearance. Ministry of Environment and Forests issued an amendment in 2009 that projects within ten kilometers of inter-State boundary be reviewed at the State level based on an agreement between respective States. But, due to lack of clarity and procedure from the Ministry, States are yet to implement above amendment. Hence, a number of projects are being submitted to the Ministry of Environment and Forests for appraisal. During scoping of projects, the Ministry of Environment and Forests is considering these projects as violation, since promoters are unaware of court directions. Mining projects less than five hectares fall under tiny sector and, unfortunately, small mining owners are unable to pay even installments due to delays in clearing. Further, not doing of mining activity is depriving revenue to the Government. The reason is that the States have not been given clear procedure for inter-State agreements.

I request the Government to suitably modify the process of clearance for below five-hectare mine leases and give clear guidelines for inter-State agreements so that the small players can be saved and mining activities run smoothly.

Demand to formulate a policy for proper waste and sewer management in urban areas

SHRI RAMA CHANDRA KHUNTIA (Odisha): Sir, urban waste and urban slum area in Delhi, Kolkata, Surat, Bhubaneswar, Cuttack, Sambalpur and Berhampur

* Laid on the Table.

in Odisha has become the breeding centre for dengue, black fever and malaria. Fever due to these diseases is not confined to forest area. It is because of the failure to handle and manage urban waste and human waste. The waste could be used to produce electricity. Urban local bodies have no planned dumping yards and no plan to recycle it for better use. Delhi is infamous for unmanaged gutter, drains. In many Municipal Corporations, Municipality does not include complete sewerage plan and waste management. Hence, urban areas have become more dangerous for health and well-being of human beings.

I, therefore, urge the Central Government that it must, in consultation with the State Government, have a National Convention of all elected representatives of urban bodies and formulate and implement a policy for the whole of country, including Odisha, to keep clean, complete sewerage plant, proper management of urban waste and human waste and also produce electricity by using the waste as it is being done in famous countries.

Demand for early construction of the building of Kendriya Vidyalaya at Shajapur in Madhya Pradesh

SHRI THAAWAR CHAND GEHLOT (Madhya Pradesh): महोदय, मध्य प्रदेश के शाजापुर में पिछले दस वर्षों से हायर सेकेन्ट्री स्तर का केन्द्रीय विद्यालय चल रहा है। इस विद्यालय के लिए भवन निर्माण नहीं हुआ है और अभी भी वह विद्यालय अपर्याप्त स्थान पर चल रहा है। इस विद्यालय के लिए भवन निर्माण हेतु भूमि उपलब्ध है, भूमि पर आने-जाने हेतु मार्ग, पानी और बिजली की व्यवस्था उपलब्ध है। केन्द्रीय विद्यालय संगठन के अधिकारियों ने मौके पर आकर देखा भी है, किन्तु भवन निर्माण की स्वीकृति नहीं दी है। भवन की उचित व्यवस्था न होने के कारण सैकड़ों छात्र-छात्राओं को भारी कठिनाइयां हो रही हैं।

मैं सरकार से मांग करता हूँ कि वह शजापुर, मध्य प्रदेश के इस केन्द्रीय विद्यालय के लिए भवन निर्माण हेतु शीघ्र स्वीकृति प्रदान करें और भवन निर्माण का कार्य शीघ्रताशीघ्र करवाने का कष्ट करें। धन्यवाद।

MR. DEPUTY CHAIRMAN: Next, Shri Veer Singh; not present.

Demand to take early measures for development of plastic processing industries in line with Assam Gas Cracker Project

SHRI BIRENDRA PRASAD BAISHYA (Assam): Sir, this is to draw the attention of the Union Government towards the matter of need for urgent measures to be taken to develop Plastic Processing Industries (PPI) in Assam in line with the

[Shri Birendra Prasad Baishya]

ongoing Assam Gas Cracker Project (AGCP). The PPI in Assam and NER is definitely having wide scope for entrepreneurship development as well as employment generation among local youths based on the Gas Cracker Project. Assam Gas Cracker Project is attached with the emotions of the endogenous people of Assam and approved in Assam Accord with the basic objective of development and creation of high employment-oriented plastic-based industries in the region. Already a long period of 27 years has passed and yet it remains to be functional. There are only 178 plastic processing units in NER as compared to 55,000 in India. Despite special industrial policy, that is, NEEIIP in NER, plastic processing units of the region are facing many difficulties due to the non-availability of raw materials. Most of the plastic products consumed in NER come from outside at a heavy cost due to long distance transportation. In these circumstances, with commissioning of Assam Gas Cracker Project, raw materials will be easily available within the region, which will make the local PPI to meet not only the current gap between *per capita* consumption and processing capacity but also growing demand in various sectors both within and outside the region. Plastic products may be exported to many of the border countries like Bangladesh, Bhutan, Myanmar and South East Asia at a very competitive cost due to highly subsidized gas price for AGCP fixed for 15 years and backed by powerful package of incentive under NEEIIP.

Hence, I urge upon the Government to take adequate measures at the earliest and stress upon the process to develop PPI for the great interest of entrepreneurship development and employment generation in Assam and NER, which would benefit with locally-produced raw materials in Assam Gas Cracker Project.

MR. DEPUTY CHAIRMAN: Next, Shrimati Renubala Pradhan; not present. Now, Shri K.C. Tyagi.

Demand to increase the amount of pension under EPF Pension Scheme for employees and private sector in the country

SHRI K.C. TYAGI (Bihar): महोदय, मैं सरकार को अवगत कराना चाहता हूँ कि सार्वजनिक प्रतिष्ठानों एवं निजी कल-कारखानों में काम करने वाले कर्मचारियों को सेवा-मुक्त होने पर ई.पी.एस. 95 के तहत ई.पी.एफ., पेंशन मिलती है। ई.पी.एफ. पेंशन के लगभग 5 करोड़ अंशधारक और लगभग 35 लाख ई.पी.एफ., पेंशनभोगी हैं।

उक्त संदर्भ में निम्नलिखित तथ्यों पर सरकार का ध्यान आकर्षित किया जाता है:-

1. ई.पी.एस. 95 के अन्तर्गत सरकारी आंकड़ों के अनुसार 27 प्रतिशत लोग न्यूनतम 12 रुपये प्रति माह से लेकर 500 रुपये प्रति माह तक और 56 प्रतिशत लोग 500 रुपये से 1000 रुपये प्रति माह तक पेंशन पाते हैं।
2. उक्त योजना के अन्तर्गत मिलने वाली पेंशन का वार्षिक मूल्यांकन, केन्द्रीय उपभोक्ता मूल्य सूचकांक के आधार पर होना चाहिए, लेकिन सन् 1196 से सन् 2000 तक वार्षिक मूल्यांकन क्रमशः 4 प्रतिशत, 5.5 प्रतिशत, 4 प्रतिशत व 4 प्रतिशत के हिसाब से किया गया, जिसका लाभ पेंशनभोगियों को मिला तथा सन् 2001 से लेकर अब तक कुल 9 परसेंट वार्षिक मूल्यांकन सिर्फ कागजों पर हुआ है, लेकिन आर्थिक घाटा दिखाकर इसके लाभ से उन्हें वंचित रखा गया है।
3. अपर सचिव (श्रम एवं रोजगार) माननीय एस.के. श्रीवास्तव की अध्यक्षता में गठित विशेषज्ञ समिति की रिपोर्ट जो केन्द्रीय न्यासी बोर्ड द्वारा स्वीकृत होकर भारत सरकार के पास विचाराधीन है, जिसमें न्यूनतम पेंशन 1000 रुपये तथा अधिकतम वेतन सीमा 6500 रुपये से बढ़ाकर 15000 रुपये करने का प्रस्ताव है।
4. ई.पी.एफ. पेंशनभोगियों की पेंशन से संबंधित विभिन्न राज्यों के हाई कोर्टों में लम्बित मुकदमों का निस्तारण माननीय सर्वोच्च न्यायालय ने दिनांक 11.11.2003 को कर दिया है जिसमें सरकार को निर्देशित किया गया कि औद्योगिक विवाद अधिनियम के अन्तर्गत कर्मचारियों को मिलने वाले पी.एफ., ग्रेच्युटी व पेंशन में कोई विभेद नहीं है और मानवीय व सामाजिक सुरक्षा के दृष्टिकोण से ई.पी.एफ. पेंशन का पुनरीक्षण करके संबंधित व्यक्ति को जीने लायक पेंशन दें।
5. जबरन रिटायर्ड (बी.एस.एस./छंटनी के अन्तर्गत) कर्मचारियों की सेवा मुक्ति की तिथि को पूरी सर्विस मानकर पूर्ण पेंशन दी जाए।

भारत सरकार के माननीय प्रधान मंत्री व श्रम और रोजगार मंत्री न्यूनतम पेंशन 1000 रुपये व मंहगाई भत्ता देने की घोषणा मई 2013 में कर चुके हैं, इसके बावजूद अभी तक इसका क्रियान्वयन नहीं हो सका है। इस संबंध में सभी केन्द्रीय श्रम संगठनों ने भी इसे शीघ्र देने के लिए जोरदार ढंग से मांग की है।

अतः उपरोक्त तथ्यों पर गंभीरतापूर्वक विचार करते हुए सामाजिक सुरक्षा व न्याय को दृष्टिगत रखते हुए तथा रुपये के अवमूल्यन व मंहगाई के मद्देनजर ई.पी.एफ. पेंशन में वृद्धि कराने की कृपा करें।

MR. DEPUTY CHAIRMAN: Next, Sardar Sukhdev Singh Dhindsa; not present. ...(*Interruptions*)... Those who are not present or not laying Special

[Mr. Dupty Chairman]

Mentions can read it later. ...*(Interruptions)*... Now, we will take up the Pension Fund Regulatory and Development Authority Bill, 2013. ...*(Interruptions)*... Shri P. Chidambaram. ...*(Interruptions)*... आप मेरी बात सुनिए। ...*(व्यवधान)*... Please listen. ...*(Interruptions)*... Sit down. ...*(Interruptions)*... Mr. Ramesh, I allowed you the day before yesterday. I allowed Mr. Chowdary also. Now, what is your complaint? ...*(Interruptions)*... Stand up and tell me. ...*(Interruptions)*... Mr. Rapolu, you sit down. ...*(Interruptions)*... I have called Mr. Chowdary.

SHRI Y.S. CHOWDARY (Andhra Pradesh): Sir, the situation in the State of Andhra Pradesh is extremely bad. That is what we want to bring to the notice. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Listen. I will allow you two minutes. After two minutes, you should keep silent. ...*(Interruptions)*... Agreed?

SHRI Y.S. CHOWDARY: Yes, Sir.

MR. DEPUTY CHAIRMAN: No, no. ...*(Interruptions)*... I am not allowing you. ...*(Interruptions)*... You have no complaint. You are from Telengana. ...*(Interruptions)*... You sit down. ...*(Interruptions)*... What do you want? ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, there are two regions in the State. Give each one of them two minutes. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: So, do you want me to have a clash here? ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: No, Sir. ...*(Interruptions)*... Both will have their points. ...*(Interruptions)*... Leave it there. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Okay. I will consider your view. ...*(Interruptions)*... Mr. Chowdary, you speak for two minutes on the condition that after that, you will keep quiet. ...*(Interruptions)*...

SHRI Y.S. CHOWDARY: Naturally, Sir. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Okay. ...*(Interruptions)*... Silence, please. ...*(Interruptions)*...

SHRI Y. S. CHOWDARY: Sir, the Head of the Government who got elected democratically*

MR. DEPUTY CHAIRMAN: No, no. That is expunged. What are you saying? ...*(Interruptions)*... That is expunged. ...*(Interruptions)*... You can't say that. You cannot make such an allegation. ...*(Interruptions)*... You cannot make such an allegation. That is expunged. The whole sentence is expunged.

SHRI Y. S. CHOWDARY: The whole State of Andhra Pradesh is agitating. They are not able to conduct meetings peacefully in Hyderabad. If the Government is so insensitive, what do you expect of the public representatives to do? Why are we coming to this House? We are just simply choking. Honesty is not enough, Sir. Honesty has no meaning as long as it delivers and one is capable of running the country. It has cost the country heavily. We continuously demand a democratic decision to be taken to resolve the Andhra Pradesh issue. Before that, they have to commit something to restore peace. People are dying everyday. So many suicides are taking place. I request the whole House, each and every Member of the House, to come and have a look at the affairs of Andhra Pradesh so that, at least, they can understand how the Government is keeping both the Centre and the State...*(Interruptions)*... It is a mockery, Sir. Their own Ministers are fasting. Is it democratic? The fundamental principle of Parliament is to resolve issues by deliberation and debate, not by just simply dictating. Is it the way? Since last 35-37 days, the State of Andhra Pradesh is burning. Can this House or can the Members of Parliament remain silent spectators? It is happening today to our State. Tomorrow, it will happen to other States. It has ignited the entire country for splitting the country. It is with great difficulty that we brought princely States to the Republic of India. Is it for doing this? Just for the purpose of coming back to power, we cannot allow the Central Government or a single Party to take decisions as they wish...

MR. DEPUTY CHAIRMAN: That is all.

SHRI Y. S. CHOWDARY: The honesty is not the answer for that.

MR. DEPUTY CHAIRMAN: That is all. Shri Rapolu. ...*(Interruptions)*... What I want to understand is this? Let me ask you one thing. Do you belong to the Telangana Region?

* Expunged as ordered by the Chair.

SHRI ANANDA BHASKAR RAPOLU (Andhra Pradesh): I am the son of the soil of Telangana. ..(*Interruptions*)...

MR. DEPUTY CHAIRMAN: What is your complaint? Why are you wasting the time of the House? Why do you want to raise this point here? You simply want to raise this issue here because he has raised it. Okay, just take one minute.

SHRI ANANDA BHASKAR RAPOLU: Mr. Deputy Chairman, Sir, tomorrow, the 7th September, happens to be a very sensitive day for us. Just now in the early morning, a very learned boy committed suicide in the precincts of Osmania University. Our generation of youth has become self-immolating and self-sacrificing generation. The emotional disintegration is in such a deepening condition that...(*Interruptions*)... we no longer can be together. This is...

MR. DEPUTY CHAIRMAN: That is over. ...(*Interruptions*)... Nothing more. Please sit down. Please take your seat. Now, Shri P. Chidambaram.

GOVERNMENT BILLS

The Pension Fund Regulatory and Development Authority Bill, 2013

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): Sir, I move:

That the Bill to provide for the establishment of an Authority to promote old age income security by establishing, developing and regulating pension funds, to protect the interests of subscribers to schemes of pension funds and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

Sir, the PFRDA Bill, 2011, was referred to the Standing Committee on Finance on the 29th March, 2011. The Standing Committee recommended enactment of the Bill with certain modifications. The Government has decided to accept all recommendations, some fully, one partially, and is unable to accept only one recommendation. The Government has not accepted the recommendation regarding facility of repayable advances from the pension accounts of subscribers, but withdrawals have been permitted. Accordingly, the Government introduced official

amendments to the PFRDA Bill, 2011. These have been accepted by the Lok Sabha and the Bill has been passed with the official amendments.

Just to recapitulate, the Standing Committee made the following recommendations. (i) The Standing Committee recommended that the foreign investment policy for pension funds be provided for in the Bill itself. This has been accepted. (ii) The Standing Committee recommended that the membership of the PFRDA may be confined to professionals having expertise in economics, finance or law only. This has been accepted. (iii) The Standing Committee recommended that it should be mandatory for pension fund managers to ensure the safety of funds deposited by subscribers in order to provide complete security for their funds. It has already been provided in the Bill that the interests of subscribers will be protected by ensuring safety of the contribution of subscribers and by keeping the operational costs in check. (iv) The Standing Committee recommended permitting withdrawals and repayable advances from the pension account. The official amendments provides for withdrawal not exceeding 25 per cent of the contribution made by subscriber from the individual pension account subject to such conditions as has been prescribed regarding purpose, frequency and limits. The only amendment which we have not accepted is repayable advances because that will convert the pension account into a current account and, sometimes, even into an overdraft account. (v) The Standing Committee recommended providing minimum assured or guaranteed returns to subscribers. The official amendments provide that subscribers seeking minimum assured returns will be allowed to invest their funds in such schemes providing minimum assured returns that will be notified by the PFRDA. (vi) The Standing Committee recommended that at least one-third of fund managers are selected from the public sector. It has been provided that, at least, one of the pension fund managers shall be from the public sector. In fact, today, there are three public fund managers already operating the pension funds. (vii) The Standing Committee recommended establishment of a vibrant Pension Advisory Committee with power to make recommendations on a suo motu basis. This has been accepted, and that section has been amended to provide for the Advisory Committee to give advice suo motu. (viii) The Standing Committee recommended that the NPA should become a truly National Pension System. The Government has already launched "Swavalamban" for unorganised sector workers, and a large number of people have joined. Once the Authority becomes a Statutory Authority, I am sure that people will join in very large numbers.

[Shri P. Chidambaram]

Sir, all the concerns of the Standing Committee and other Members, who have written to us, have been addressed. The Lok Sabha has passed this Bill, and I commend this Bill for consideration and passing by this august House.

The question was proposed.

MR. DEPUTY CHAIRMAN: Hon. Members, before we start, I have to make a request. The time allotted for this Bill is two hours. As we have other important businesses to be taken up, let us strictly adhere to the time. I would make this request to every hon. Member.

SHRI TAPAN KUMAR SEN (West Bengal): Sir, the time of two hours is totally insufficient for this serious Bill. Why are we economizing on time? You may have any number of businesses...

MR. DEPUTY CHAIRMAN: The BAC has decided it. It is not my decision.

SHRI TAPAN KUMAR SEN: This is a crucial business involving workers of the country. So, two hours' time will not work.

MR. DEPUTY CHAIRMAN: I know that you are a trade union leader. I can give you a little more time. *..(Interruptions)..* Time allotment is made by BAC and not by me. You are a Member of that.

SHRI TAPAN KUMAR SEN: The House is the bigger forum than the BAC.

MR. DEPUTY CHAIRMAN: Okay, now, Shri Piyush Goyal. Mr. Goyal, your party's time is 24 minutes.

SHRI PIYUSH GOYAL (Maharashtra): Mr. Deputy Chairman, Sir, I rise to speak in support of the Bill regulating and operationalising the New Pension System and giving it a legal framework many years after it was first initiated by the NDA Government way back in 2003. The intention of the proposed new pension scheme was quite laudatory. It had addressed many of the issues which had brought out as a part of the OSS recommendations which came out in 2000-01 and in the year 2003, Government proposed to introduce the new pension system which since then has made rapid strides in the last seven or eight years, since it was operationalised. Of course, the Government changed in 2004 and though the Central Government had operationalised the new pension system from 1st January, 2004, the NDA

Government could not conclude it in terms of the new law. The UPA Government brought this in terms of a PFRDA Bill, 2005 and introduced it in Parliament. It went to the Standing Committee and within nine months the Bill was introduced in March 2005 and the Standing Committee gave its recommendations on 26th July, 2005 which in my opinion was a fairly quick response to the proposed Bill. At the outset, I am a little unhappy and sad that the Government sat over those recommendations from 2005 until 2009 and only brought these as official amendments in the law in January, 2009. Soon thereafter we had Parliamentary elections and the Bill could not be passed. Since 2004 until 2013, for nine years, this has been functioning under government regulation, under Government orders without having any legislative framework. I wish the Government had given the powers to this body, given teeth to this body to regulate the body and popularise the scheme and reach out to the labour in the unorganised sector far more than it has today. Then after nine years it has been able to reach out to about 4.5 million or 5 million pensioners. Of course, देर-आयद-दुरुस्त-आयद I am glad that the Bill has finally been brought in, but even then, as we look at the Bill today, we find there are certain things on which this Bill could have probably done better. The OSS project in 2000 had given certain directions, certain guidelines and the pension reform that we had expected was largely focused on reaching out to the unorganised sector. I think, while the Government, many State Governments, many Central Government employees have compulsorily transited to the new pension scheme during the nature of Government regulations and the fact is that they have stopped the old pension benefits, today we have a situation where the Government employees are coming under the new pension scheme but their interests are not equally provided as they should have been provided and which were given as a cheer available to them under the old pension scheme. Sir, at the outset I would like to request the Finance Minister to have a look at the existing schemes as they prevail, as Central Government and State Government employees are benefited from, and make sure that none of the provisions under this new Act contravenes the original law and regulations made there under and also to ensure that the benefits that the people were able to enjoy under the old scheme continue, and in that respect one important issue I would like to highlight to the hon. Minister. जहां तक पुराने प्रावधान का सवाल है, 2 सितम्बर, 2008 को गवर्नमेंट का एक ऑफिस मेमोरैण्डम निकाला गया था और उस ऑफिस मेमोरैण्डम के हिसाब से हरेक पेंशनर को मिनिमम, न्यूनतम at the base level सबसे कम 3,500 रुपए की

[Shri Piyush Goyal]

पेंशन की सुविधा का प्रावधान लाया गया था। गवर्नमेंट ऑफ इंडिया का यह ऑफिस आर्डर नं. 38/37/08 of the P and PW(A) dated 2nd September, 2008 को यह ऑफिस मेमोरेण्डम इश्यु किया गया था जिसमें धारा 5.5 में लिखा गया है: 'amount of pension shall be subject to a minimum of Rs. 3500 and maximum up to 50 per cent of highest pay. तो साढ़े 3 हजार रुपए हरेक व्यक्ति को पेंशन के रूप में किसी भी हाल में मिलने थे। अब दुर्भाग्य से अगर किसी व्यक्ति की मौत हो जाए, दुर्भाग्य से अगर कोई व्यक्ति जिसने दो-तीन साल नौकरी की हो, अपाहिज हो जाए और पेंशन फंड में उसका कंट्रीब्यूशन बहुत कम हो ओर उसके फंड में 10-20 हजार या 50 हजार की कलैक्ट हुए हों, तो उसके हिसाब से उसके परिवार को या अपाहिज आदमी को पेंशन 100-200 या 300 रुपए मिलेगी। अब सदन का कोई भी मेंबर यह नहीं चाहेगा कि ऐसी विपरीत परिस्थिति में उसकी पेंशन साढ़े 3 हजार रुपए भी न हों। उसकी खुद की गरीबी रेखा 900-1000 रुपए प्रति व्यक्ति है और एक फेमिली साइज में आप खुद कहते हैं कि साढ़े 4 हजार, 5 हजार रुपए कमाने वाला व्यक्ति गरीब है, लेकिन आपकी नई स्कीम में कोई भी प्रावधान ऐसा नहीं है, जिसमें कुछ मिनिमम पेंशन का ऐश्योरेंस हो। जो भी व्यक्ति आपकी मिनिमम पेंशन स्कीम को स्वीकार करता है, ऑनरेबल मिनिस्टर, मेरी आप से दरखास्त है कि आप इस पर गौर करें और इस सदन को आश्वासन दें। **Kindly give an assurance to this House that you will ensure a basic level, a minimum pension, will be guaranteed to everybody who comes under the new Pension Scheme. This is a demand of the labour from all across the country.** Yesterday, we found agitations throughout the nation on this और आपके ऊपर इस का कोई जयादा फाइनेंशियल बर्डन नहीं पड़ेगा व पीएफआरडीए के ऊपर भी इसका कोई खास असर नहीं पड़ेगा। इसके लिए आप दो रास्ते अपना सकते हैं। आप एक इश्योरेंस पॉलिसी निकाल सकते हैं, जिस में अगर कोई ऐसी दुर्घटना हो या ऐसी कोई समस्या आए, तो ऐसे व्यक्ति को इश्योरेंस के द्वारा साढ़े 3 हजार रुपए मिल सकते हैं और जब आपके पास 50 लाख से बढ़ते हुए 1 करोड़ या 5 करोड़ कंट्रीब्यूटर्स होंगे, तो पूरी स्कीम पर इस का इम्पैक्ट, **It may be barely 0.001 per cent of this scheme.** तो मुझे लगता है कि आप जो फीस और सर्विस चार्ज लेंगे, उसमें से इस के लिए प्रावधान करने में आप को कोई कठिनाई नहीं आएगी और यह सत्र समाप्त होने के बाद जब सभी मेंबरान अपनी-अपनी कांस्टीट्यूंसी जाएंगे और जब जन-प्रतिनिधियों के साथ आपकी लैंड बिल और फूड सेक्योरिटी बिल पर चर्चा होगी, तो वहां कामगार आप से पूछेंगे कि आपकी सरकार ने हमारे लिए क्या किया? आपकी सरकार ने हमारी सेक्योरिटी के लिए क्या किया क्योंकि लेबर की सेक्योरिटी भी आपकी जिम्मेदारी बनती है? इसलिए मेरी आपसे दरखास्त है कि जहां मिनिमम पेंशन का प्रावधान अगर 2008 में साढ़े 3 हजार रुपए था, तो वित्त मंत्री जी, डबल डिजिट इन्फ्लेशन को ध्यान में रखते हुए 5 हजार रुपए मिनिमम पेंशन के रूप में उन्हें दिए जाने हेतु प्रावधान लाया जाए। यह आपके

प्लानिंग कमिशन द्वारा निर्धारित गरीबी रेखा है। इसके लिए हम आपके बिल में अमेंडमेंट लाने के लिए इनसिस्ट नहीं कर रहे हैं, लेकिन आप रूल्स-रेगुलेशन या ऑफिस ऑर्डर द्वारा, ऐसा ऑर्डर इश्यू कर सकते हैं। इसलिए मेरा आप से निवेदन है कि आप सदन को और देश के हर कामगार को आश्वासन दें कि यह प्रावधान किया जाएगा।

ऑनरेबल मिनिस्टर, मुझे बहुत खुशी है कि आपने एक रिकमंडेशन छोड़कर, स्टैंडिंग कमेटी की सभी रिकमंडेशन एग्री कर ली हैं। वैसे मेरा मानना है कि आपने जो एक रिकमंडेशन छोड़ी है, उसे भी छोड़ने की आवश्यकता नहीं थी। हमने स्टैंडिंग कमेटी की रिकमंडेशन में लिखा था कि विद्दुल्लस अलाउ करें और साथ में एक एडवांस फेसिलिटी भी अलाउ करें। अब आप सिंगापुर का मॉडल देखें कि वहां लोगों को उनके घर कीमायकियत कैसे दी गयी। सिंगापुर में पहले सभी लोग किराए के घरों में रहते थे। वे घर मेंटेन नहीं होते थे, अच्छे नहीं बनते थे और लोगों को उसमें रहते समय अपनापन महसूस नहीं होता था, लेकिन जब सरकार ने रियलाइज़ किया कि लोगों के लिए घरों की मायकियत बहुत जरूरी है, जिस से एक सेंस सिक्योरिटी और प्राइड ऑफ ओनरशिपा मिलती है और उससे परिवार की क्वालिटी ऑफ लाइफ सुधरती है, तो उन्होंने अपनी पेंशन स्कीम, पेंशन प्रॉविडेंट फंड स्कीम और अपनी सेविंग स्कीम से लोगों को नामिनल इंटरस्ट था डिस्काउंटेड इंटरस्ट पर लोन दिए। अब मान लीजिए आपने मिनिमम गारंटेड रिटर्न 8 प्रतिशत हैं, तो 8 प्रतिशत पर कोई ऐसा व्यक्ति आना घर बनाना चाहें, जिसके साथ दुर्घटना हो जाए या कोई बीमार हो जाए, कोई कैंसर से पीड़ित हो जाए या किसी का हार्ट ऑपरेशन होना हो, तो ऐसी परिस्थिति में उसे मनीलेंडर के पास न जाना पड़े। साथ ही पिछले चार-पांच सालों में बैंकों की तेजी से बढ़ी 12-14 परसेंट की भारी ब्याज दर पर उस पर असर न पड़े। ऐसा नहीं होना चाहिए कि एक तरफ तो वह अपने प्रोविडेंट फंड, पेंशन में जो पैसे लगा रहा है, उसमें उसे 8 परसेंट का रिटर्न मिले और दूसरी तरफ जब दुर्घटना के समय या घर बनाने के लिए इनमें लोन ले तो उसे 12 परसेंट, 14 परसेंट देना पड़े। मुझे लगता है कि इसमें कोई आपत्ति नहीं होनी चाहिए कि उसे अपने फंड से जो 8 परसेंट या 9 परसेंट का रिटर्न मिलता है, उतने पर ही उसे विद्दुल्ल की और एक्सेस लोन की सुविधा दी जाए। इसमें कोई बहुत बड़ा नुकसान नहीं है और इसे करना चाहिए। इसलिए आप इस पर पुनर्विचार करें, ऐसी मेरी आपसे दरखास्त है।

सर, पेंशन में एफडीआई का विषय बहुत ज्यादा चर्चित है। इसके बारे में अन्य देशों में और देश भर में बहुत ज्यादा बातचीत होती रहती है और कई बार हमें टीवी की डिबेट्स में, चर्चाओं में घेरने की कोशिश की जाती है कि विपक्ष एफडीआई का विरोध करता है, एफडीआई के खिलाफ है और सदन में पेंशन बिल को नहीं लाने दे रही है। पेंशन बिल तो आप 2005 में लाए थे, उस समय आप इसे एप्रूव कर सकते थे, 2005 में आपका बहुमत था, आपके पास सब कुछ था। इस बिल को पास करने की उस समय आपकी नीयत थी या नहीं थी, मुझे नहीं पता। आज आप सदन में एफडीआई और पेंशन की बात कर रहे हैं। मैंने इसी सदन में एक बार यह विषय उठाया भी था। पेंशन का जो फंड मैनेजर होता है, उसकी जो कुल राशि होती

[Shri Piyush Goyal]

है, कुल कैपिटल होती है, वह मिनिमम 25 करोड़ की कैपिटल होती है। आज ऐसी छह-सात कंपनियां हैं, जो पेंशन बिजनेस में है। उनकी सूची भी मेरे पास है। वित्त मंत्री जी ने कहा कि तीन तो सरकारी हैं। इन पेंशन फंडों में, जो 25 करोड़ या 50 करोड़ या 100 करोड़ की कैपिटल लगती है, तो उसके लिए एफडीआई की क्या आवश्यकता है? क्या इस देश में ऐसी परिस्थिति है कि अगर एफडीआई पेंशन में आपने 26 से 49 परसेंट नहीं किया, तो देश खत्म हो जाएगा, एफडीआई आना बंद हो जाएगा, विदेश में लोग बड़े नाराज हो जाएंगे? मुझे आज तक समझ में नहीं आ रहा है कि आपको इतनी ज्यादा उत्तेजना, इतना ज्यादा उत्साह क्यों है कि यह पेंशन फंड भी विदेशियों के हाथ में जाए या इसका कंट्रोल, इसका मैनेजमेंट विदेशियों के हाथ में जाए? इन सब चीजों को संभालने के लिए भारतीय लोग सक्षम हैं, भारतीय लोग इस काम को पूरी तरह समझते हैं। हमारे पास बड़े अच्छे-अच्छे अफसरान हैं, जिन्होंने बड़े बैंक चलाए हैं, जो पेंशन फंड को 60 साल, 70 साल से चला रहे हैं। इस 25 करोड़ में 49 परसेंट यानी 12 करोड़ के लिए क्या आप विदेशियों के मोहताज हैं? पेंशन फंड में तो बैंको की तरह या इश्योरेन्स कंपरियों की तरह कोई कैपिटल ऐडिक्वैसी रेशियो नहीं है, **They are only fund manager.** आपकी जी फंड अथॉरिटी है, एक न्यूजपेपर में उसका भी इंटरव्यू छपा था, वह भी मेरे पास है। अगर मंत्री जी चाहें, तो मैं उसे भी पटल पर रख सकता हूँ। उसमें उन्होंने स्वयं कहा कि **FDI in funds is immaterial. It does not matter** 26 हो, 49 हो, जीरो। **We are capable of handling pension fund ourselves and we can live without FDI in pensions. This is a provision which is absolutely irrelevant. There was no need to even link it to insurance.** इश्योरेन्स में कैपिटल ऐडिक्वैसी का क्लॉज होता है। शायद ऐसी परिस्थिति आ सकती है कि आपको वहां और विदेशी निवेश की जरूरत पड़े, लेकिन पेंशन में ऐसी कोई कैपिटल ऐडिक्वैसी की जरूरत नहीं है। इसलिए मैं ऐसा मसझता हूँ कि आपने इसको जो इश्योरेन्स से लिंक किया, इसकी कोई असवश्यकता नहीं थी।

महोदय, इस विषय को लेकर ट्रेड यूनियन्स में वैसे भी काफी उत्तेजना है, काफी गुस्सा है। आखिर हम देश में वातावरण क्यों खराब कर रहे हैं? मैं समझता हूँ कि यह 26 परसेंट ही चलता रहता, जो पहले से चल रहा है, जो एक सिलसिला बन गया है। मुझे लगता है कि आपकी यह 49 परसेंट करने की कोशिश से और इश्योरेन्स को भी उसके साथ डालने से देश में आप एक गलत मैसेज भेजेंगे। लोगों में थोड़ा डर है कि अगर उनका पैसा फोरनर्स इन्वेस्ट करेंगे, तो वे सेफ्टी का कितना ध्यान रखेंगे, उनका इंडियन इंटरस्ट के साथ कितना ऐलाइनमेंट रहेगा। इसलिए ऑनेबल मिनिस्टर, मेरी आपसे रिक्वेस्ट है कि आप इस पर पुनर्विचार करें और इश्योरेन्स में चाहे जो नि निर्णय होता है, उसका मतलब यह नहीं कि पेंशन में भी जबर्दस्ती हम 49 परसेंट एफडीआई को स्वीकृत करें।

महोदय, एक विषय जो अभी मंत्री जी ने दोहराया, स्टैंडिंग कमेटी ने कहा था कि

मिनिमम रिटर्न या गारंटीड रिटर्न की स्कीम भी लाई जाएगी मैं उस बात का स्वागत करता हूँ और मैं चाहता हूँ कि बाय डिफॉल्ट हरेक व्यक्ति जो पेंशन फंड में पैसा डालता है, that default option should be that it goes into a guaranteed return scheme. हमने इश्योरेंस में देखा, खास करके जो प्राइवेट फॉरेन कंट्रोलड या फॉरेन मैनेज्ड इश्योरेंस कंपनियां गत दस वर्षों में आई है, उन सभी कंपनियों ने उपभोक्ताओं के साथ छल किया है, उनको गलत-गलत स्कीमें बेची हैं, उनको रिटर्न्स के बारे में गुमराह किया गया है और दो-ढाई साल पहले 2010 में, जब सेबी में थोड़ा अंकुश लाए थे, कंट्रोल लाए थे, उसके पहले का अगर आप इश्योरेंस का बैकग्राउंड देखें, तो लोगों ने भरपूर नुकसान उठाया है। मैंने भी स्वयं, with all my knowledge and understanding of financial issues, I myself, when I studied my insurance policies to speak on this same House, I realized how I was made a* of by the insurance companies. अब ये जो पेंशन फंडज़ चल रहे हैं ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: * is an unparliamentary word, even if it applies to you. It is expunged.

SHRI PIYUSH GOYAL: Which one, Sir? यह तो मैं खुद के बारे में बोल रहा हूँ।

MR. DEPUTY CHAIRMAN: * is an unparliamentary word, even if you mean it for you. So, it is expunged.

SHRI PIYUSH GOYAL: I was also misled, and a mis-selling of a policy was done to me. जो लोग पेंशन फंडज़ स्कीम में आएंगे, वे तो साधारणतः सामान्य कामगार होंगे, जिनकी इतनी ज्यादा फाइनेंशियल अंडरस्टैंडिंग नहीं होगी। तो मैं समझता हूँ कि डिफॉल्ट ऑप्शन पी.एफ.आर.डी.ए. में कम्पल्सरी होना चाहिए कि वह पैसा मिनिमम शॉर्ट रिटर्न में जाएगा, unless the person opts to go into an equity scheme और मुझे लगता है कि यह बहुत ज़रूरी प्रावधान है, नहीं तो जो सैलिंग एजेंट्स आएंगे ...(समय की घंटी)...

MR. DEPUTY CHAIRMAN: Piyushji, you have only three more minutes.

SHRI PIYUSH GOYAL: Sir, you please don't disturb. Then, it spoils the... ...(Interruptions)... Kindly give me five minutes more. तो मुझे लगता है कि इस ऑप्शन का लोगों के साथ दुरुपयोग न हो कि वे इक्विटी में डालें। जब तब अच्छे तरीके से वह व्यक्ति समझे नहीं कि इसके क्या डाउनसाइड रिस्क्स हैं, तब तक उसको इक्विटी में नहीं डालना चाहिए और मुझे लगता है कि आवरऑल भी कुछ लिमिट रखनी चाहिए। In any case, not more than 25 or 40 per cent can, even at the option of the subscriber, be put into the equity scheme.

सर, अभी तक एन.पी.एस. में 45 लाख पेंशनर्स आए हैं। कुछ मात्रा में तो यह इसलिए

* Expunged as ordered by the Chair.

[Shri Piyush Goyal]

भी है कि जब भारत की अर्थव्यवस्था में जॉब्स ही क्रिएट नहीं हो रही है, there is almost no jobs. There is only consumption-led growth for the last nine years, तो ऑब्बियसली न्यु पेंशन स्कीम में लोग भी कम आएंगे, पर उसके बावजूद मुझे लगता है कि थोड़ा ऐफर्ट और करें और अनऑर्गेनाइज्ड वर्कर्स तक पहुंचने की एक सीरियस कोशिश यह सरकार और उनकी पी.एफ.आर.डी.ए. करें, तो और ज्यादा लोगों को इसमें लाया जा सकता है। आप तो स्वावलम्बन स्कीम लाए हैं, इसमें मिनिमम कंट्रीब्यूशन छः हजार रुपए सालाना रख गया है। अब गरीब आदमी छः हजार रुपए कहां से देगा? वह आज की मंहगाई में अपना घर भी मुश्किल से चला पा रहा है। सर, पांच सौ रुपए महीना, तो छः हजार रुपए सालाना हुआ। तो मुझे लगता है कि इस छः हजार रुपए की लिमिट को डेढ़ हजार, दो हजार या ढाई हजार करना चाहिए, जिससे ज्यादासे ज्यादा लोग इस स्कीम में आ सकें और स्वावलम्बन स्कीम की भी सक्सेस हो। इसकी और ज्यादा एडवार्इजिंग हो, यहा लोगों तक पहुंचे। मेरे हिसाब से अगर सरकार की नीयत वास्तव में अनऑर्गेनाइज्ड वर्कर्स को इसमें लाने की है और अगर आदमी इसमें हजार रुपए कंट्रीब्यूट करता है, तो सरकार को बीस परसेंट ज्यादा, यानि बारह सौ रुपए कंट्रीब्यूट करने चाहिए, लोगों को प्रोत्साहित करने के लिए कि आप इस स्कीम में आओ और अपनी ओल्ड एज की पेंशन स्कीम की व्यवस्था। इसमें क्रिएट करो। इसलिए मैं रिक्वेस्ट करूंगा कि अभी जो सिचुएयशन है ...**(समय की घंटी)**... less than one per cent of the people, and less than one per cent of the AUM is from the unorganized sector. ...**(Time-bell rings)**... You should make a serious effort to increase this, and that can be only done with greater publicity and by incentivizing the people to come under the scheme.

Sir, the last point is, the current NPS is exempt, exempt, tax; whereas the existing pension schemes are exempt, exempt, exempt. पुरानी स्कीम में जब आदमी पैसा डालता है, तब भी उसको टैक्स ऐग्जेम्शन मिलता है और जब पैसा वापस मिलता है, तब भी उसको टैक्स ऐग्जेम्शन मिलता है। अब मैं समझ सकता हूं कि वित्त मंत्री को ज्यादा पैसे की जरूरत है और सब पर टैक्स लगाना है, क्योंकि इनकी स्कीमों को सक्सेस करना है, तो मुझे लगता है कि ...**(समय की घंटी)**... जब यह पैसा लोगों के पास वापस आता है, तब भी उस पैसे पर ऐग्जेम्शन मिलना चाहिए। There should be an 'exempt, exempt, exempt' clause in it. **(Time-bell rings)** I hope the hon. Minister will seriously look at that and make sure that the people are not made to pay tax after the amount comes back to them. **(Time-bell rings)** I want an assurance from the Minister for a minimum pension of Rs.5,000/-. I would seek the support of the entire House on this that a minimum pension should be guaranteed to anybody under the NPS. Thank you very much.

MR. DEPUTY CHAIRMAN: Shri Rama Chandra Khuntia. Khuntiaji, your time is 12 minutes. You just speak accordingly.

SHRI RAMA CHANDRA KHUNTIA (Odisha): Sir, I support the Bill introduced by the hon. Finance Minister here to provide for the establishment of an Authority to promote old age income security by establishing, developing and regulating pension funds, to protect the interests of subscribers. Sir, the system is already working from 1.1.2004 till today. As has been said, in order to stabilize the system, a Regulatory Authority is being created for the benefit of the subscribers. It is also good that after the scheme started, they are getting the interest of more than 9 per cent. The interest which is paid in EPF is less than that. The interest in this Pension Fund is more than 9 per cent. Sir, I think this Regulatory Authority which has been created is working well. I have to suggest two-three things. But before that it has been said by an hon. Member just now that the Congress-led UPA Government has not done anything for the working class. This is not correct. We have been agitating on many issues for the working class even jointly with all other trade unions. But saying that Congress-led UPA has not done anything is wrong. I can boldly say that whatever progressive legislation has been enacted in this country it has been done only by the Congress Governments till today except one Act, namely, the Industrial Migrant Labour Act, 1979, which has never been implemented in this country. ...*(Interruptions)*... Why have these things come? ...*(Interruptions)*... They have come because the Sixth Pay Commission for which I must thank the Government and the Finance Minister was constituted on time, gave its report in time and has given benefit to the Central Government, State Government and Defence workers which they were not able to get during the whole period after Independence. They are happy. Now, if you go to the old pension scheme, the pension amount is more than the payment required for the workforce in the country to be paid to them. I do not say that everything has been done or fulfilled with that. I say and reiterate that there are many points which the Government has to consider and discuss them with the trade unions in order to resolve them. Sir, three things I want to say here. One, in clause 2(g), 'intermediary' includes pension funds, central recordkeeping agency, National Pension System Trust, pension fund adviser, point of presence and such other person or entity connected with collection, etc. Here 'security' means what? Of course, the Government has given an opportunity for the individual subscriber so far as his option is concerned to invest in the fund. But the question is as to who is the 'security'. Will the Government come forward to give the security that his fund or the security of his fund will not be misused? On this

[Shri Rama Chandra Khuntia]

point, I want a clear answer from the hon. Finance Minister. I also agree that there should be minimum guarantee for subscribers so far as the pension is concerned. Sir, as far as pension is concerned, we have three pension schemes in this country. One of them is EPF pension. It was good at one time. But the pension they were getting was about Rs.100 or Rs.150 for majority of the pensioners. I request the hon. Minister and there is a proposal also that this should be made minimum Rs.1,000/-. The contributor must get at least Rs.1,000/-. There is an Old-Age Pension Scheme also. It has, in various States, been revised from Rs. 300 to Rs. 1,000. Those who are not contributing, they are farmers and workers. This is the old pension scheme. But, now, there is a new scheme and the Government employees are the getting new scheme. I do agree not only with this scheme, but every pension scheme in this country. There must be a minimum guaranteed pension for survival. If a person gets Rs. 100 as pension ...(*Interruptions*)...

SHRI TAPAN KUMAR SEN : That's true. 20 रुपया मिलता है। ...(*व्यवधान*)..

SHRI RAMA CHANDRA KHUNTIA: I do agree. ...(*Interruptions*)... There is a proposal to give a pension of minimum Rs. 1,000. It would require around Rs. 2,300 crores. I would like to point out one more thing. This is certainly a welcome proposal. The Authority consists of the following members: The Chairperson, three whole-time members and three part-time members. The Chairperson and the three whole-time members may be experts. But what about these three part-time members? It is workers' money. They are investing employees' money. In the Employees Provident Fund, we have more than Rs. 3,00,000 crore. In ESI also, we have sufficient reserve fund. But that is being managed by the representatives of the workers. But, here, there is no provision for representatives of workers. So, my proposal would be ...(*Interruptions*)... That's okay. Even there are also experts. ...(*Interruptions*)... That's why I want that these three part-time members could be workers' representatives, who could either be elected or nominated by the workers' organization, so that they have a say in the Authority. I think, this is an important suggestion. It has been accepted by the ESI Corporation. It has been accepted by the Employees Provident Fund. And, they are being managed very well. So, I request the hon. Minister to consider this proposal.

With these words, I, once again, support this Bill. And, I expect, after

the Authority is created, this would definitely be very useful.

MR. DEPUTY CHAIRMAN: Thank you very much. This should be an example for others. He has taken less than the time allotted to him. Now, Shri Veer Singh.

श्री वीर सिंह (उत्तर प्रदेश): माननीय उपसभापति महोदय, आपने मुझे इस महत्वपूर्ण बिल पर बोलने का अवसर दिया, इसके लिए मैं आपका बहुत-बहुत धन्यवाद अदा करता हूँ। मान्यवर, मैं आपके माध्यम से माननीय मंत्री जी से यह कहना चाहूंगा कि आप इस महत्वपूर्ण विधेयक को अमली जामा पहनाने जा रहे हैं, जिसको लेकर पूरे देश के सरकारी कर्मचारियों में बहुत ही रोष व्याप्त है। वर्ष 2004 के बाद सरकारी कर्मचारी जो जिंदगी भर जनता के लिए काम करेगा, आखिरी बक्त में उसको जीने का अधिकार, जो इस देश में आज से ही नहीं बल्कि आजादी के पहले से लागू था, उस अधिकार को भी आप छीनने जा रहे हैं। मान्यवर, मैं कहना चाहूंगा कि पेंशन कोई भीख नहीं है, बल्कि उसका अधिकार है। इस अधिकार को छीनने की साजिश हो रही है। इस देश में दो तरह के लोग हैं--एक वे लोग हैं, जो वर्ष 2004 से पहले सरकारी सेवाओं में हैं, उनके लिए पेंशन की व्यवस्था अलग है और इसी देश में जो लोग वर्ष 2004 के बाद सरकारी सेवा से जुड़े हैं, उनके लिए दूसरी व्यवस्था है। यह जो सरकारी कर्मचारियों के लिए दोहरी व्यवस्था इस देश में है, इससे उनमें असंतोष है।

मान्यवर, नई पेंशन स्कीम में पारिवारिक पेंशन की वैकल्पिक व्यवस्था नहीं की गई है। यदि पति नौकरी में है, तो उसकी पत्नी को पेंशन का लाभ मिलना चाहिए और यदि पत्नी नौकरी में है, तो उसके पति को पेंशन का लाभ मिलना चाहिए। यदि किसी कर्मचारी की किसी दुर्घटनावश समय से पहले मृत्यु हो जाती है, तो उसके परिवार का गुजारा कैसे होगा, उसके बच्चों की पढ़ाई कैसे होगी? मैं माननीय मंत्री जी से यह कहना चाहूंगा कि जो पारिवारिक पेंशन को बंद करने का प्रावधान किया गया है, इस पर आप पुनर्विचार करें। यदि किसी सरकारी कर्मचारी की मृत्यु हो जाती है और उसके पीछे उसकी पत्नी व बच्चे रह जाते हैं और कभी-कभी तो उसकी पत्नी अकेली ही रह जाती है और बच्चे भी साथ नहीं देते हैं। तो उस समय उसके लिए पेंशन एक बहुत बड़ा सहारा होता है। वह उस पेंशन के सहारे ही अपना गुजारा करती है, इसलिए इसमें ऐसा प्रावधान होना चाहिए कि उनके लिए एक अच्छी पेंशन की व्यवस्था हो। माननीय मंत्री जी, इस पर जरूर विचार करें।

मान्यवर, इस नई पेंशन व्यवस्था के अनुसार शेयर बाजार में देशी-विदेशी बड़े पूंजीपति व बड़े-बड़े घराने के लोग हैं, जिनका बहुत बड़ा खेल है। इस शेयर बाजार में उतार-चढ़ाव से कर्मचारियों की गाढ़ी कमाई, जो पेंशन के रूप में वह चाहता है उसके डूबने की पूरी-पूरी आशंका है। इससे कर्मचारियों में काफी रोष है। मैं समझता हूँ कि जिस तरीके से इस शेयर बाजार में कर्मचारियों का पैसा लगाया जाएगा, उससे कर्मचारियों को फायदा होने वाला नहीं है, बल्कि परेशानियों ही पैदा होंगी, इसलिए माननीय मंत्री जी, आप इस पर भी पुनर्विचार करें।

[श्री वीर सिंह]

मान्यवर, खंड 4 में प्राधिकरण के संरक्षण की व्यवस्था है। मैं चाहूंगा कि पूर्णकालिक सदस्यों की संख्या 3 से बढ़ाकर 5 की जानी चाहिए व दोनों पदों पर एस.सी., एस.टी. के सदस्य होने चाहिए तथा साथ में एक महिला सदस्य भी होनी चाहिए।

खंड-5 में पूर्णकालिक सदस्यों में निर्धारित आयु सीमा 62 वर्ष से बढ़ाकर 65 वर्ष की जानी चाहिए।

महोदय, पेंशन योजना सामाजिक सुरक्षा की सबसे महत्वपूर्ण योजना है। सामाजिक सुरक्षा पर तथागत गौतम बुद्ध ने भी अपने विचार रखते हुए कहा, "बज्जीनाम सद्भाव परिहानिया धम्मा पाली मे" यानी सब धर्मों का जिस समाज में पालन होगा, वह समाज व देश तरक्की करेगा। इस तरक्की में बुजुर्गों का सम्मान बहुत जरूरी है। बुजुर्गों का सम्मान तब होगा जब आप पेंशन की व्यवस्था को ओर मजबूत करेंगे। मान्यवर, आपने मुझे बोलने का मौका दिया, इसलिए, मैं आपको धन्यवाद देता हूँ और अपने कुछ सुझावों के साथ इस बिल का समर्थन करता हूँ। धन्यवाद।

SHRI TAPAN KUMAR SEN: Mr. Deputy Chairman, Sir, I rise to oppose the Bill. I am hurt. There was a general consensus in the Standing Committee, but let me convey to this House, in the community for which this Bill is meant for, there is also a consensus in that World of Work who are opposing this thoroughly, the entire trade union movement—right, left and center—there is no difference in them. They are considering it as a great betrayal to them. They have expressed their expression of opposition through various programmes throughout the country. The Government must take a note of it. Only by having a limited consensus, you cannot govern this nation. Because, it is these workers who are being betryed; it is they who generate your GDP, deliver revenue to your exchequer and also create profit for the handful of employers. So, with this, I would like to say that the basic point that has come up is that this Bill seeks to retire the very concept of pension as an assured source of human survival from the very lexicon of social security. It is being claimed that it is there to provide security to pension, but what has been done in the Bill is thoroughly opposite. It is retiring the very concept of pension as an assured source of survival in the old days when people are incapacitated, when they are no more productive. They need to survive but that right is being snatched by this piece of Bill. Sir, please bear with me. The Hon. Minister has talked about an assured return arrangement made in the Bill. Whatever has been done in the name of 'assured return' in no way ensures an assured pension to be linked with his last earning as a

productive worker. That is the basic concept of pension. Internationally, it has been admitted that the concept of pension must always be linked with what I have drawn last in my productive life, at the time of retirement. So, the foreign agencies would come here, bringing money from abroad, and give us better pension. Is that the perception? They could not manage business in their own country. Would they come into this country and manage our pension fund in a better way, for the benefit of the people? Are we to believe that? And, what is the approach of the Government? Sir, I have been writing to the Government since 1st of January on some private insurance companies deceiving the Government and also deceiving the insurers from the unorganized segments, the weavers and the handicraft workers. There is clear evidence of that. I have been writing, since 1st January till now, to the Finance Ministry and also to the IRDA. So soft is the Government on this that in their anxiety to get foreign funds and inflows from abroad, no corrective action has yet been taken on that. It is on record. I don't wish to name those companies, it would not be fair, but it is a matter of record and the Finance Minister knows about it. I had written to the IRDA also, and it is shocking that the IRDA has given an affidavit in the Court, in response to a PIL, that the MP had filed that complaint with a political motive. So, if this remains, what would be the fate of our pension fund? You have shifted it from a benefit-defined scheme to a contribution-defined scheme and then, made all arrangements so that everything remains assured in that system, right from who would be handling that fund, who would be doing business out of that fund and getting a return, etc. Everything is assured, except the pension amount that the worker would be getting from contribution made through his entire life. Is that the purpose behind your making so many noises?

You may get a political consensus on the Bill both in the Lok Sabha and the Rajya Sabha, but you are gradually creating a volcano all over the country and the world over. Workers would not accept such a deception lying down. That situation is glooming, please note. We have patiently heard the hon. Prime Minister. Please, Sir. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I didn't say anything. Why are you...*(Interruptions)*... I didn't say anything.

SHRI TAPAN KUMAR SEN: Sir, I have patiently heard the hon. Prime Minister. He made a statement in this House, on 30th August, on the state of our

[Shri Tapan Kumar Sen]

1.00 P.M.

economy. He said that the country's economy was in shock and we have to face it. He told us that the days of easy reforms were over and that now we have to go in for difficult reforms. He had listed those difficult reforms. One of them was about the pension fund. Cutting the subsidies on the people and pension sector reforms – these two reforms are listed among the difficult reforms that the country has to embark upon to tide over the present crisis.

MR. DEPUTY CHAIRMAN: You have just two more minutes, Mr. Sen. ...*(Interruptions)*... I will give you two minutes more. ...*(Interruptions)*...

SHRI T.K. RANGARAJAN (Tamil Nadu): Why are you in a hurry, Mr. Finance Minister? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Why are you wasting time, Mr. Rangarajan? Please...*(Interruptions)*...

SHRI TAPAN KUMAR SEN: Sir, even the Prime Minister has admitted that this is the time for difficult reforms. There is no consensus. My humble submission is, even if we agree that the days of easy reforms are over and now we are in for difficult reforms, please apply all your wisdom and exercise those difficult reforms on the beneficiaries of the easy reform-days, the corporate class. Please try. You have a fiscal deficit which is rather depressing. We are equally alarmed about that. We have a serious Current Account Deficit; we are equally alarmed about that. Please, exercise and experiment your difficult reforms on the beneficiaries of the easy reform-days, of about two decades ago. Please get back to them. Request them to pay, at least, half of their direct and corporate tax accumulations, which they are not paying. It is to the tune of five lakh crore rupees.

Please, cut the leverage to them, at least, by 50 per cent. Please, spare the workers. Please, spare the working community, who are creating GDP for the country, generating revenue, from the lurch of your difficult reforms. Please, spare them. They owe that much compensation from the Government.

MR. DEPUTY CHAIRMAN: Okay, conclude now.

SHRI TAPAN KUMAR SEN: Please, do it. I will say just one sentence. I know my appeal will fall flat in the deaf ears. I am moving some amendments. I insist and urge the hon. Members to support those amendments so that this * on workers' lives is not allowed to pass.

MR. DEPUTY CHAIRMAN: * is expunged.

श्री तपन कुमार सेन: तो क्या बोलूँ?

MR. DEPUTY CHAIRMAN: I will look into it.

SHRI TAPAN KUMAR SEN: If * is expunged, then what should I say?...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Okay, I will look into it. I will re-examine it. ...*(Interruptions)*... I will reconsider it. ...*(Interruptions)*... Don't get angry.

The House is adjourned to meet at 2.30 p.m.

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

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

[MR. DEPUTY CHAIRMAN in the Chair].

MR. DEPUTY CHAIRMAN: Let us continue with the Bill. Now, Shri Sukhendu Sekhar Roy. ..*(Interruptions)*..

SHRI ANIL DESAI (Maharashtra): Sir, I have a request to make. Sir, I have to catch my flight. Can you please give me a chance to speak before my turn comes? ..*(Interruptions)*..

MR. DEPUTY CHAIRMAN: Could you allow him to speak before you? ..*(Interruptions)*.. Okay. But, please take only three to four minutes.

SHRI ANIL DESAI: Sir, I stand here to speak on the Pension Fund Regulatory and Development Authority Bill, 2013. Sir, all along, a Defined Benefit Pension Scheme is a public pension system which was covering around 12 per cent of the working population. Though the scheme was being operated by the Government, it was falling short of covering working class which was there in the private and huge unorganized sector. The working class of these sectors remained out of the ambit of

* Expunged as ordered by the Chair.

[Shri Anil Desai]

this Defined Benefit Pension Scheme. Now, New Pension Scheme (NPS) is based on a concept of defined contribution and this scheme which is being contemplated, was already there as the Government had come out with an ordinance in 2003, and, through a notification, it was implemented. From January, 2004, this New Pension Scheme was made mandatory to the working class, especially, the Central Government Services except Armed Forces, through interim Pension Fund Regulatory and Development Authority, and, now, it is coming up as a Bill, which has been passed by the Lok Sabha, and, which is being passed in the Rajya Sabha.

Sir, the basic difference is that the organized sector employees were covered, who formed around 10 to 12 per cent of the working class population, whereas employees and workers of the private and huge unorganized sectors were left out of its ambit. Now, this Bill is seeking to cover them, and, it is coming up as a pension reform, which was of utmost necessity to a country like India.

Sir, the basic thing is that the contributions will be coming from the employees and his main worry is as to how his contribution, how his fund would be deployed by the Government. He is also worried about the minimum guarantee of return, which he will be getting. Because it is an old-age security scheme, a social welfare scheme, this needs to be tackled in a very diligent way, which, I am sure the hon. Finance Minister, with his all experience, will manage while taking due care.

However, Sir, there are a few points, which need to be mentioned here. Now, they have put a mechanism which includes NPS Trust, Central Record Keeping Agency, Pension Fund, Trustee Bank etc. Now, with all this mechanism, they have evolved as to what the composition of the Board would be, how the operators will be there in the market and how they will be taken care of.

Sir, the main thing to be seen is that with the kind of social measures or social conditions which are prevailing in this country, whether the workers, who are bothering about their contribution and old age safety and security, will be opting for the Government Pension Fund Managers or the private Pension Fund Managers. They will be concerned about their capital, which is put in by them, which is earned by shedding sweat to earn their livelihood. They have to see which hands that goes, whether that will be deployed, whether that will be taken up by the capital market where it will be deployed in equities. They have to see chances of getting a

guaranteed return, which is available to the EPFO, which comes to the tune of 8 to 9 per cent, or, at some places, 9 to 10 per cent. Will it be exceeding that, whatever is being provided? What we get, the journals published by the Government shows, is 14 per cent to down 8 per cent returns. These are the average returns which they are getting. But, in practicality, will this be taken up by them? Tomorrow, it should not come out in the form of ponzi companies. They have really duped en masse the poor people of the country. This social security measure should not turn out that way. The provision for FDI also is there. I think FDI is absolutely unnecessary or it is not of essence in this NPS, that is, National Pension Scheme. *(Time-bell rings)*

MR. DEPUTY CHAIRMAN: Yes, okay.

SHRI ANIL DESAI: Because in the insurance sector, where FDI was invited by the Government, it has not played any significant role. On the contrary...

MR. DEPUTY CHAIRMAN: Please conclude now.

SHRI ANIL DESAI: ...the impetus or the stimulus should have been given to the state-owned companies. If it is continued to be given to the State-owned companies in the insurance sector, that would show the difference because there is no level-playing in the insurance and similar things which give way for the Foreign Direct Investment in this pension scheme. *(Time-bell rings)*

MR. DEPUTY CHAIRMAN: Yes, okay.

SHRI ANIL DESAI: This will be *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: That is enough. *..(Interruptions)..*

SHRI ANIL DESAI: Because the foreigners who will be foreign direct investors, if they come, they will have an eye on the Indian money. They are not going to do any *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: You have to catch your flight. *..(Interruptions)..*
Be careful about your flight.

SHRI ANIL DESAI: All of a sudden, flight of hot money...

MR. DEPUTY CHAIRMAN: I am more concerned about your flight.

SHRI ANIL DESAI: You saw that it is going out *(Time-bell rings)* and the index came down. That has shown how the country is going to the slow-down.

MR. DEPUTY CHAIRMAN: Okay. Anilji, that is enough.

SHRI ANIL DESAI: Just one or two points, Sir.

MR. DEPUTY CHAIRMAN: No, no. You have already taken six minutes.

SHRI ANIL DESAI: Your minimum guaranteed pension ...

MR. DEPUTY CHAIRMAN: Anilji, please, stop. ..(*Interruptions*)..

SHRI ANIL DESAI: It was shown in September 2008, when the memorandum was issued. It showed minimum of Rs. 3,500. Compared to 2008 and 2013, it should be increased to Rs. 5,000 to Rs. 7,000 so, that relief ... (*Time-bell rings*)

MR. DEPUTY CHAIRMAN: Okay. That is enough, Anilji.

SHRI ANIL DESAI: The measure which is being contemplated, which is being designed for huge masses of the people of India, that would serve the purpose. It will be in the...

MR. DEPUTY CHAIRMAN: That is okay. Thank you. Now, Shri Sukhendu Sekhar Roy.

SHRI SUKHENDU SEKHAR ROY (West Bengal): Thank you, Mr. Deputy Chairman, Sir. Our Party, the All India Trinamool Congress, and our Leader, Ms. Mamata Banerjee, stand always for the welfare of the working class. This is why I rise to oppose this draconian Bill. The Bill, although it says that it is meant to promote old-age income security, but if we go through the provisions of the Bill, we find that this is a Bill to promote old-age income insecurity. Sir, this is a black September to the millions of workers of our country because the time-tested social security arrangement, hitherto made available to the working class, has been abridged or withdrawn through this draconian Bill. Their bargaining power is shifted in the name of public good. Pension, Sir, is not a charity, but it is a return for the sacrifice and the services rendered by the employees. Sir, it seems that the Government refuses to see the writing on the wall. It has conveniently assigned for itself the role of an agent of multi-national corporates and the crony capitalists bent upon marauding the Indian economy. Otherwise, why the Indian Government shall keep opening mercilessly the door of Indian economy for the foreign capital when the role of unbridled capital in devastating the US and the European economy has amply been proved? Why has India been made a big bazaar for the international

crooks? Now all of us feel the effect. The flight of foreign capital has started after taking a pound of flesh from the body of each Indian and that too without any drop of blood. But we are bleeding from within.

Sir, many Latin American countries initiated and imitated the Chile model and reformed their pension schemes in 1990s, turning them into a fully or partially funded system of mandatory individual accounts. But privatisation of pension has not lived up to the promises of proponents and supporters. Instead of handing over pension and savings of the workers to the vagaries of foreign economic expansionists, the Government should have followed those reformist countries, which are now introducing and working on reforming the reforms. This is the need of the hour that this reformist Government should work on reforming the reform, because it has been proved beyond doubt that all those measures taken by the Government in the name of reforms and liberalisation of economy are anti-people and anti-worker. If we give a quick look to some of the provisions of the Bill, whatever I have stated will be proved beyond doubt.

First of all, it is a very funny thing that I have found in this Bill. Clause 14(3) of Chapter V empowers the so-called authority to exercise the power of a civil court. It says that it will have the power to issue commissions for the examination of witnesses or documents. I have never heard of this thing that civil court issues commissions for the examination of witnesses or documents. The Government is always looking for commissions everywhere be it under the ground or above the ground. Here also, the Government, with that mindset, has introduced the word 'commissions'. Perhaps it will be 'summons'. If I am correct, it should be 'summons'. But the Government is looking for commissions everywhere.

The second thing that I would like to say about this Bill is this. There is a provision for attachment of bank account of intermediaries. But it is also said in the proviso that only those accounts relating to pension will be attached. Suppose in the pension account there remains no balance, then what will be the effect of attaching that account? Other accounts of the intermediaries will not be touched. So, there will be Mehtas, there will be Parekhs, the public money will be looted and bank accounts will be attached without yielding any result.

The next provision that I would like to highlight is from Chapter VI. It says that there shall not be any implicit or explicit assurance of benefits except market-

[Shri Sukhendu Sekhar Roy]

based guarantee mechanism. Again, those Mehtas and Parekhs will come and loot the money and the subscriber shall be captive to the so-called beneficial scheme.

Sir, clause 24 of the Bill is very important. I will take only one or two minutes. It is a very vital Bill. Clause 24 says, "The aggregate holding of equity shares by a foreign company either by itself or through its subsidiary companies or its nominees or by an individual or by an association of persons whether registered or not under any law of a country.." Those entities, irrespective of registration or not, in any country of the world will play with the money of the workers, the pension fund of the workers. It is surprising that the Government has provided a provision in this Bill in this fashion. What could be more anti-people, anti-workers? That means, any entity—even an entity not having paper existence—can loot the money at their whims and fancies and the blanket intrusion of FDI, that is, Foreign Direct Intrusion, has been guaranteed by clause 24 by the Government. This is why, my Party strongly opposes this anti-labour Bill and I would appeal to all the Members of this House to vote against this Bill so that workers are not put in further distress. Thank you.

श्री नरेश अग्रवाल (उत्तर प्रदेश): धन्यवाद उपसभापति महोदय। माननीय मंत्री जी, आज सुबह कानपुर से कई लेबर लीडर्स के फोन मेरे पास आए। वे सब अपने भविष्य को लेकर चिंतित थे। वे हमसे कहने लगे कि जब यह सरकार फूड सिक्योरिटी बिल लाई, लैंड सिक्योरिटी बिल लाई तो लेबर सिक्योरिटी बिल क्यों नहीं लाई? क्या लेबर को बर्बाद करने का अधिकार सरकार को दे दिया जाए? कहते हैं कि पहले तो हमारी गारंटी थी कि आखिरी तनखाह जो मिलेगी उसकी 50 परसेंट हमको पेंशन मिलेगी। लेकिन जब तो आप वह गारंटी भी समाप्त किए दे रहे हैं। माननीय मंत्री जी, कानपुर में लड्डू की एक बड़ी मशहूर दुकान है। उस पर लिखा है "ठगू के लड्डू" लेकिन उसके ऊपर दो लाइनें भी लगी हैं, "ऐसा कोई सगा नहीं, जिसको मैंने ठगा नहीं"। वह बड़ी फेमस दुकान है। मैं कोई गलत बात नहीं बतला रहा हूँ। हमारे कानपुर की यह बड़ी मशहूर दुकान है। मैं नहीं समझ पा रहा हूँ कि क्या कारण है कि इस सरकार के जितने भी नियम, जितने भी कानून बन रहे हैं, सब गरीबों के विरोध में और पूंजीपतियों के पक्ष में हैं। आपके करीब 1 करोड़ सरकारी कर्मचारी होंगे। आपको उनसे कितना पी.एफ. मिलता होगा? देश के पूंजीपतियों का एक साल का पैसा आप लेकर मार्केट में लगा दीजिए, इक्विटी में, शेयर में, तो उससे ज्यादा पैसा आपको मिल जाएगा, लेकिन इन कर्मचारियों का भविष्य तो सुरक्षित रहेगा। आपने कर्मचारी यूनियन की राय भी नहीं ली, बिना उनकी राय के आप यह बिल लाए हैं। यह तो देश के कर्मचारियों को बर्बाद करने की एक सोची-समझी रणनीति है। मैं कहूंगा कि आप इसको वापस ले लें, न लाएं तो ज्यादा अच्छा

होगा। आप कहते हैं कि साहब, मैंने रिफॉर्म्स शुरू किए, 1992 से रिफॉर्म्स शुरू हुए। इस कन्ट्री में फिस्कल डेफिसिट बढ़ता चला गया। बजट का पैसा बढ़ा लेकिन घाटा भी उसी हिसाब से बढ़ा है। इससे पहले बहुत रेग्युलेटरी आर्थोरिटीज़ बनीं, इंश्योरंस में आप रिफॉर्म्स लाए, आपने IRDA बनाया IIRDA बनाने के बाद इंश्योरेंस निजी क्षेत्र में चला गया। आज इंश्योरेंस कराने वाले को यही नहीं मालूम कि हम कितना पैसा देंगे और हमको कितना पैसा वापस मिलेगा पहले एल.आइ.सी. थी, आदमी को पता रहता था कि हमें छः महीनें में किश्त देनी है, एक साल में किश्त देनी है तथा आखिर में हमें क्या मिलेगा। इसके बाद आपने टेलीफोन में TRAI बनाया। 2जी हो गया। रेग्युलेटरी आर्थोरिटी बैठी रही, इतना बड़ा स्कैम हो गया। मैं यू.पी. में पावर मिनिस्टर था उस समय यह हुआ कि पावर में रिफॉर्म्स लाने हैं तो रेग्युलेटरी आर्थोरिटी बना दो। रेग्युलेटरी आर्थोरिटी बन जाएगी तो पावर क्षेत्र में एक क्रांतिकारी परिवर्तन आ जाएगा। आर्थोरिटी बन जाएगी तो कोई पॉलिटिकल इंटरफियरेंस नहीं रहेगा ओर जो आर्थोरिटी होगी वह इस तरीके से व्यवस्थिति कर देगी कि देश में पावर जनरेशन करने का पैसा मिलेगा, कंज्यूमर को भी पैसा मिलेगा और सरकार का भी हित देखा जाएगा। लेकिन क्या हुआ, पावर रिफॉर्म्स का क्या रिजल्ट आया? आज कन्ट्री में बिजली की कितनी कमी है। आप तो बहुत क्षेत्रों में रिफॉर्म्स कर चुके हैं और रिफॉर्म्स से हम लोगों को क्या मिला? जब WTO लागू किया गया था तब भी यह बात कही गई थी कि WTO लागू करने से इस देश को पूरे विश्व में व्यापार करने की छूट मिल जाएगी। लेकिन आज व्यापार तो छोड़िए, चाइना ने आर्थिक रूप से इस देश पर पूरा कब्जा इस तरीके से कर लिया है। क्या रिफॉर्म्स इस कारण लाए जा रहे हैं? एफ.डी.आई. आई थी, जब आनन्द शर्मा जी यहां एफ.डी.आई. को पेश कर रहे थे, तो बड़े जोर-शोर से कहा गया था कि एफ.डी.आई. आएगी तो इतना इन्वेस्टमेंट आ जाएगा, देश में करीब 10 करोड़ लोगों को नौकरी मिल जाएगी, एकदम क्रांतिकारी परिवर्तन हो जाएगा। इस सदन में गारंटी दी गई थी कि 49 परसेंट के ऊपर हम एफ.डी.आई. कहीं एलाउ नहीं करेंगे। आपने परिवर्तन किया, सौ-सौ परसेंट तक, यहां तक डिफेंस में आपने कंडीशन लगाकर एफ.डी.आई. को एलाउ कर दिया। सदन में आश्वासन के बाद सौ-सौ परसेंट एफ.डी.आई. को लागू किया। क्या मिला एफ.डी.आई. से? यह आप मान कर चलिए कि ये गोरे लोग इस देश का भला नहीं करना चाहते, ये गोरे लोग इस देश से संबंध सिर्फ इसलिए बना रहे हैं कि इस देश में व्यापार की क्षमता बहुत ज्यादा है। श्रीमन् अगर विश्व का सबसे बड़ा कोई कंज्यूमर कंट्री है, तो वह हिंदुस्तान है और उस कंज्यूमर कंट्री में वह व्यापार करने आ रहे हैं, खाली अपना पैसा इन्वेस्ट करने नहीं आ रहे हैं। हम सब चीजों को देख भी रहे हैं।

श्रीमन्, इस बिल में सरकार को यह गारंटी देनी चाहिए कि अगर वह कर्मचारी का पैसा शेयर मार्केट व इक्विटी में लगाएंगे, तो भी इतनी मिनिमम पेंशन मिलेगी। आपका सूचकांक रोज टूट रहा है, रुपए का अवमूल्यन हो रहा है और शेयर मार्केट किसी दिन धड़ाम से नीचे गिर जाता है। पता चला कि डॉलर की वैल्यू इतने रुपए हो गयी, तो उस कर्मचारी को कम-से-कम मिनिमम गारंटी तो होनी चाहिए। भाई पीयूष गोयल ने सही बात कही कि पहले

[श्री नरेश अग्रवाल]

3500 रुपए प्रति माह की मिनिमम गारंटी थी, लेकिन आपने उस क्लॉज को भी डिलीट कर दिया। तो आप एक नया क्लॉज जोड़ दीजिए कि कर्मचारी को कम-से-कम एक मिनिमम राशि मिलेगी, चाहे शेयर मार्केट में उस पैसे का रिटर्न आए या न आए। श्रीमन् में समझ नहीं पाया कि सरकार को सट्टा खेलने का शौक पैदा हो गया कि सरकार ने कह दिया कि हम कर्मचारियों की पेंशन का पैसा शेयर मार्केट में लगाएंगे। अब कर्मचारी तो शेयर मार्केट ओर इक्विटी नहीं जानता, लेकिन आपने कह दिया कि कर्मचारी तय करेंगे कि हम कहां पैसा लगाएं। कर्मचारी तो 60 साल तक नौकरी करता है, आप उससे पूछोगे तो वह क्या बताएगा? इसलिए आप कैसे सोच सकते हैं कि कर्मचारी आपना हित देख लेगा? उनका हित तो सरकार देखती है। गवर्नमेंट इसीलिए चुनी जाती है कि वह गरीबों का हित देखे, लेकिन अगर गवर्नमेंट गरीबों के पैसे से सट्टाबाजारी करने लगे, गवर्नमेंट गरीबों के पैसे को इक्विटी में लगाने लगे या शेयर मार्केट में लगाने लगे, तो यह कभी भी कर्मचारियों के हित में नहीं होगा। मैं चाहता हूँ कि इन चीजों पर आपको विचार करना चाहिए।

श्रीमन्, हमारी पार्टी का यह भी कहना है कि आप पेंशन को मंहगाई से जोड़ दीजिए। मंहगाई बढ़े, तो उस के हिसाब से पेंशन भी बढ़ती जाए। आप पेंशन को मंहगाई के साथ क्यों नहीं जोड़ते? आप तनखाह के साथ मंहगाई को जोड़ देते हैं, लेकिन पेंशन को मंहगाई के साथ नहीं जोड़ते हैं। मैं लेबर लीडर नहीं हूँ, लेकिन ये बातें मैं तजुर्बे के आधार पर कह रहा हूँ। मैंने आपका बिल भी नहीं पढ़ा है, लेकिन मैं तजुर्बे के आधार पर इन बातों को कह रहा हूँ। अगर हम इस देश की लेबर क्लास को मिनिमम पेंशन की गारंटी नहीं दे सकते तो यह उनके साथ बहुत बड़ा अन्याय होगा। हमने इस देश में स्किल्ड लेबर के लिए क्या किया? श्रीमन् इस देश में स्किल्ड लेबर की संख्या करोड़ों में होगी, लेकिन उनके लिए का भी ऐसा कानून नहीं बना जिस से स्किल्ड लेबर को भी मिनिमम वेजेज की गारंटी मिल सके। मैं आप से अनुरोध करूंगा कि आप जब उनका पैसा शेयर मार्केट या इक्विटी में लगाएंगे तो उस पैसे की गारंटी दें कि उस पैसे का आपको इतना परसेंट रिटर्न मिलेगा ओर उसके ऊपर जो फायदा होगा, वह भी उसे मिलेगा। अगर ऐसा होगा तब तो मैं समझूंगा कि यह बिल ठीक है। अगर आप यह गारंटी नहीं देते हैं और कर्मचारी का हित सुरक्षित नहीं रखते हैं, तो यह इस देश के लिए उचित नहीं होगा और मैं समझता हूँ कि मंत्री जी इस बारे में सदन को जरूर बताएंगे।

SHRI N.K. SINGH (Bihar): Mr. Deputy Chairman, Sir, thank you. There is an old adage that pursue your passion and not your pension. I think that successive Governments have pursued pension with a commendable passion. The long journey of this Bill which the hon. Finance Minister knows very well has seen many Governments in different shapes and forms. It began with the NDA Government.

There was an effort at the time of the UPA-1 and it has taken enormously a long time at the end of the tenure of the UPA-2 for this Bill to see the light of day. The overarching broad architecture of this proposal is that this is the centre piece of building a robust social security system in this country which we have not yet been able to do so in all these years. This Bill, to some extent, is the centre piece of that architecture for a robust social security system. The history of this suggests that the NPS which was started in a limited way has indeed made a good progress. It has delivered over 9 per cent rate of return, managed by three public sector entities, 9.13 per cent is far better than some of the other alternative ways in which the pension has been managed. Therefore, there is a need to build on this experience. Based on this, Sir, I have six points to make for the Finance Minister's consideration. My first point is that notwithstanding the fact that this effort was initiated quite some time ago 88 per cent of the population, particularly in the unorganised sector are outside the purview of any pension system. So, the first important challenge is how to improve the depth, diversity and reach of this pension system to really reach those 88 per cent people who are outside the framework of any pension system. For that, of course, the Finance Minister may have to consider some kind of an incentive structure which will enable a faster movement and a faster progress in covering the organised sector.

The second point is that we require enormously most sophisticated marketing. We require a better technology. We require skills. We require to market this in an innovative way given the risk averseness of a normal Indian. That risk averseness needs overcoming and he moves towards a more inclusive pension system. It is not a small challenge. We will have to learn by experience. But, I think, this Bill provides an opening in this direction.

My third point is that currently even though, the Central Government and the State Government, their exposure to the equity has been placed at a much higher amount of 50 per cent in equities. It is limited to 15 per cent for non-Governmental employees. Now, a young man at the age of 21 who is not so risk averse, if he wishes to have a higher exposure to equity, I believe that this 15 per cent limit needs to have a second look by the Finance Minister.

My fourth point is that no doubt a minimum rate of return has been guaranteed. But 20 year treasury bonds which the Government floats which is one

[Shri N.K.Singh]

way of guaranteeing minimum rate of return. For people who are very young, and this country has a very young demography, he could consider 30 year or 40 year maturity bonds which will enable them to make this kind of an investment comparatively in a risk free way.

My fifth point is which was also made by my good friend, Mr. Piyush Goyal that why not convert the exempt, exempt tax to exempt, exempt, exempt. Now, the hon. finance Minister knows very well that in the preliminary draft of the Director Tax Code which saw the first version, there was exempt, exempt, exempt. But one problem of accepting it, perhaps, is that Government pension is currently taxed. No doubt the Government pension in the EPF and the Government pension in the GPF are not taxed. So, one alternative is to have a graduated scale in the application of EET in which you don't directly move for total EEE but have a more graduated way in which you are giving some kind of a structure.

My final point is the issue of the FDI. I don't support the proposition frankly that this Bill should have kept that open. I think the Finance Minister should have put 49 per cent straightaway as far as the pension is concerned. I know that this has undergone a lot of negotiations. Leaving this issue to the uncertainty on what will happen in the insurance sector, in my view, not the most smart idea.

And to my friend's point, Mr. Goyal, that considering the fact the minimum threshold is only a modest Rs.25 crore. Yes, that is so. But the idea is if you wish to really get Fund Managers from all over, wish to employ technology, wish to employ high levels of skills, it is not the only question of money, but what is the stake that you are giving him. Obviously his incentive being limited to 26 per cent is far lower than if you provide incentive at 49 per cent. So, in case you wish to really harness the enormous talents which are available in managing this idea, in marketing this an enormous amount of innovation would be required. In improving the depth and reach of this pension scheme, the 88 per cent unorganized sector, then, I believe that raising the FDI from 26 per cent to 49 per cent would have been the right way to go. But I agree that this is an important start. This is a critical start. I really hope that this particular effort which has not borne fruition will undergo substantive and further constructive modification for this to become an important ingredient in our economic strategy. My Party, therefore, Sir, with these suggestions, support this particular Bill which has been brought to this House. Thank you.

3.00 P.M.

[THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY) in the Chair].

SHRI N. BALAGANGA (Tamil Nadu): Madam, it is quite common that our elders and parents have a desire of placing their children, sons and daughters, in the Government sector in the hope that their job will be safe, salary will be guaranteed and above all at the time of retirement they will get pension. The main attraction of the Government job is family pension. While replying, the hon. Finance Minister stated in the Lok Sabha that among 26 States which joined NPS, Tamil Nadu also was one of them. Therefore, I would like to raise certain fundamental issues that need to be addressed by the Government to give comfort to the current and future pensioners. We all understand the helplessness and anxiety of the pensioners, particularly in a country like ours where social pressures are heavy till one dies. Sir, please allow me to quote some lines of a Tamil song:

“(Hon. Member, please fill in the Tamil version)”

It means the past does not return, present does not like you and the future is never promising.

Any pension scheme must ensure a minimum return to the pensioner, which should be inflation-indexed. India has been seeing a double-digit inflation for a long time. Unless today's Rs. 5,000 is inflation-indexed, what will Rs. 5,000 of today buy in 2020 or 2030? Hence I again insist that the new scheme must be inflation-indexed.

Looking at the past 20 years of the Indian stock market and other investment opportunities, I demand an explicit or implicit guarantee from the Government for the pension wealth. Like the bank deposits are guaranteed up to Rs. 1 lakh, the fund needs certain protection.

Old age requires a lot of medical attention. Please see to it that some link can be made between the pensioner and the general medical insurance. A strong legal and statutory protection is very important. Remember what happened in the USA when the pension fund managers, like WorldCom collapsed and a lot of old people lost their hard earned money and hope of peaceful living. Let that not happen in India.

[Shri N. Balaganga]

The annuity to subscribers should never be lower than the interest rates. Some subscribers who live longer should have additional benefits. We have to be very alert about FDI and FII in pension funds. Never leave anything to chance. This august House and we, as Members, entrusted with the task of safeguarding our people, must ensure that external factors do not erode the wealth of our helpless parents.

I would request the Minister to ensure that the Government continues to attract the best talented young men and women even at a time when a strong old age protection through pension as it is now, is changed into a contributory pension era. With these words, I conclude. Thank you.

SHRI T.M. SELVAGANAPATHI (Tamil Nadu): Madam, this piece of legislation is a long-pending legislation aimed at a key reform. Reform is always a double-edged weapon. It has both pros and cons. But the Government has taken a dangerous weapon. Sir, we have certain apprehensions to be registered in this august House.

Social security of a vast majority, that is, Government employees and working class, is put at market risk. This is our first apprehension. When we look at clause 20, it is amply clear, and I read: "There shall not be implicit or explicit assurance of benefits except market-based guarantee mechanism to be purchased by the subscriber." This means that a vast majority of the working class is put to market risk. There is no minimum guarantee. This is our apprehension which we want to register. Madam, pension is not a charity, but it is an inalienable right. This inalienable right is put to a heavy risk. You are subjecting the social security component to the market risk. Now, who are the fund managers as per this Authority? Most of them are being from the corporate sector, except one or two, and this public money will be utilized for players to thrive and flourish. Madam, what happens in developed countries? Has this Government studied the model? If there is a major market crash, then, what will happen to the future of the crores of employees of this country? The Government must take this into consideration. This 26 per cent FDI is in the name of reform. The economy is in doldrums, in a serious crisis. Since 1991, what has this reform yielded? The Government shares have come down in nationalized banks. Even the public sector shares of the Government are disinvested. What have we achieved? By adding this 26 per cent FDI, what are we going to make

out of it? Instead, the national capitalists are going to loot, and international capitalists, after this FDI, are going to loot the hard-earned money. This is our objection. And this Bill was referred to the Standing Committee twice. One of the paramount recommendations was that the Government must devise a mechanism to enable the subscriber to be ensured of such minimum assured guarantee returns. But this has been outrightly rejected. Madam, I agree that there is an option clause where the subscriber, that is, the pensioner can invest in Government securities. When you increase the FDI, with the kind of luring, the kind of attraction, it would end up with the B-class employees with a wrong start. This is what is happening in the market. Mutual fund is always associated with market prices and market risks. Therefore, Madam, if this minimum guarantee is not ensured to our vast majority, then, it will be a futile exercise. Also, the pensioner has to choose any one of the schemes out of a number of schemes available. With the kind of choices that he has, there is no safeguard for a short market crisis. This is what happened in developed countries. I hope the Government will not yield to the pressure of the World Bank and International Monetary Fund which have been echoing that there has to be a drastic change in the Indian Pension System. If that is the dictate, Sir, ensure that bloodshed money should be safeguarded. Therefore, with these views and observations, I thank the Chair for giving me this opportunity. Thank you.

SHRI SHASHI BHUSAN BEHERA (Odisha): Madam, I rise to speak on this very important Bill. Government is making so many social reforms and the ruling party Members are claiming that the pension reforms are progressive reforms. Sir, this is all about working class interest, their social security. The employee section and labour class compose mass sections of our country. The Pension Reforms Bill certainly aims for the benefit of the employees and the working class section. If you go back to the history, till 2009, the old pension was available only to Government employees and individuals from organised sectors. Sir, it was extended to the unorganised sector with the recommendation of Dave Committee. Madam, in 2003, the Pension Fund Regularity and Development Authority was constituted only to develop the pension system of the nation. The Government through a notification implemented this scheme for the employees after 2004 January. Madam, the National Pension Scheme is now termed as National Pension Sector. It was started in 2011. The most important part of this Bill is that it is for the unorganised sectors of our country. They are the very important sectors of our society and their economy also

[Shri Shashi Bhusan Behera]

needs a great change. They challenge the economy of our country because more than 88 per cent constitute the unorganised sector. It is the organised sector, the employees of the State Government and the Central Government constitute very less in number and they are investing. They are not getting any returns. They only want assured, guaranteed return from the Government. They don't know whether their money is played by the multi-nationals or they will be safeguarded by the public sector fund managers like SBI, LIC and UTI though they are doing some good job for this sector. But to invite FDI, which has created a hue and cry in this country when they were entering into the marketing sector and if we allow FDIs in pension sector, it will create suspicion. It is creating a sense of doubt among the employees and the working class is agitating. They are in doubt. They are in the dark about what will be their future in their old age. So, if at all Government invites my suggestions to FDI in this pension sector, then 26 per cent cap must be there. They should not go ahead of this 26 per cent and if they are thinking about the welfare of this community, when the FDI is not well experimented in our country, the pension sections and mostly the unorganised sector for which the Government is thinking more about them, if you can make some improvement, we can make some achievement for the unorganised sector, we can extend our equity issues from 20 years to 30 years or 50 years.....so that we can be self-guaranteed that our money will be enhanced and our money will be guaranteed by our own companies. So, if the Government is so interested, we can also invite the Indian insurance companies. They can be invited to invest as per the Insurance Act, 1938. So, all these measures can be taken for the welfare of this scheme if Government is thinking of any reforms.

Sir, if these suggestions are considered, they will take care of reforms. So, the Government should come with full guaranteed return. It is only then the people trust the Government, not the FDI or foreign investor.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Try and conclude Mr. Shashi Bhusanji.

SHRI SHASHI BHUSAN BEHERA: And the Government should stand as full guarantee for assured return of pension. Thank you.

DR. YOGENDRA P. TRIVEDI (Maharashtra): Thank you, Madam, my party welcomes this Bill. But, it feels that there are a lot of misgivings about this Bill. You

must look at the Bill in the background of the savings which it wants to harness. Our savings rate is one of the highest in the world. Madam, we have, at times, reached 30 per cent of the GDP! But, how these savings are to be channalized? This is something to which we have to apply our mind. Tapanbabu said about the small rickshawwalas and his savings. Saving is something which is engrained in our blood. Every Indian wants to save and tries to save. When rickshawwala saves money, where does the saving go? It goes to a chit fund or it goes to Ponzi schemes and after a while he cries, because money is lost. A little well-to-do man, when he has savings, he knows that he cannot start an industry with those savings. So, the first thing he does in Mumbai is to go to Dalal Street—Stock Exchange—and invest in the stocks and, very often, he cries. If he is a little educated, he goes to Mutual Funds. There are different types of Mutual Funds. There is equity fund, there is debt fund, there is mix fund, there are liquid funds, there are maturity funds, there are capital securing funds, there are index funds and people have given fancy names like rock funds and tiger funds. Our friend, Mr. Piyush Goyal, admitted that he was foolish which was considered to be unparliamentary. But, I might say, ‘I was gullible’—it is a Parliamentary word—in going in for some tiger or line fund and I also lost money. So, it is necessary and is to be understood that this Pension Fund is a suraksha fund. This Pension Fund is something which gives security to small people, to the middleclass people, because their savings are not channalized in a wrong manner.

Now, every time we invest in the Mutual Fund. All promises are mentioned in the application. But, at the bottom of it, in fine lines, it is written “Mutual Funds are subject to market risks.” And, we do not read it carefully and, ultimately, we repent about it. Now, I am happy that this Fund will be monitored by the Government. I am once again emphasizing that it is necessary to monitor this Fund from time to time. It should not have the fate of the UTI. And, I think, monitoring should be there. Then, it can be something like insurance where they say “योगक्षेमं वहाम्यहम्” and I would suggest to the learned Finance Minister that he should have a slogan like this: “Help us to Help you”, because this is Pension Fund which thinks in terms of taking help from the people and, in return, to help them once again. We believe that it should not have the feeling like what happened to the UTI or the National Spot Exchange. For that, I have got one or two suggestions to make. One of the suggestions is that you must have experts on your investment panel, experts from

[Dr. Yogendra P. Trivedi]

all fields to see that the moneys of the poor people are not put at risk. The second thing which I am suggesting is that tax exemption should be granted. I heartily agree with Shri N.K. Singh as well as with Shri Piyush Goyal that not only the moneys which are deposited but the moneys which are withdrawn also, should be exempt from tax because there is a talk about Income-tax Act here, from time and again. At one place, it is misplaced, because under Clause 24 explanation, you have said the words 'foreign company', shall have the meaning assigned to it in Clause (23A) of Section 2 of the Income-tax Act, 1961. The Income-tax Act, 1961 is now on the way out. So, again, when it goes out and the Direct Tax Code comes, an amendment will become necessary here. So, I would suggest that instead of writing just the Indian Income-tax Act, 1961, you also say, 'or any subsequent legislation dealing with the Income-tax Act,' or, you might say, 'as defined under the Companies Act', which has now come to stay amongst us. So, that would be a better thing.

Then, my second thing is that this is going to compete with other insurance companies which guarantee annuity or pension. We should bear in mind what is their scheme, what is their methodology, what is their plan, strategy, which should be also taken into consideration.

Well, a suggestion rolled out from Shri Piyush Goyal that a minimum of Rs. 3,500 should be paid. I am entirely not at all in agreement with him because that is like giving out doles. A man might subscribe to a pension scheme for a year or two, then, he would withdraw, and, then, go on getting Rs.3,500 per year or per month as he has envisaged. I think this is not correct. This is not a fund, or, this is not an Act to give out doles to the people. But you may provide that if a man has become a member of the Pension Fund for a period of three years or five years, and envisaging something on the lines of social security bills in America, you should say that in the event of his impairment or physical disability or death, then, his family will be provided with certain minimum amount. It is because he is incapacitated from further contributing to the Pension Fund, not because he has voluntarily decided to resign from the Pension Fund.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Thank you, Dr. Trivedi.

DR. YOGENDRA P. TRIVEDI: Madam, I would only take two minutes more. I only believe that if this is not done, then, people will become idle. We have seen today in factories that there is a dearth of labourers because people find sitting at home they can go and get the money. Then, there is something talked about the withdrawal. I believe that withdrawals by itself can be given up to the extent of 25 per cent as is mentioned. But if a man wants to take a loan, the Finance Minister says that it cannot become a current account, but, at the same time, loan can be taken, not at the rate of two per cent or three per cent. But if he is borrowing from outside at 24 per cent, and if he is getting from here at only eight per cent, he should be charged 10 per cent; two per cent more than what he is contributing here, and he can be allowed to get the loan as he has envisaged. I know, I have a lot more to say, but my time is very little. Thank you very much to the Finance Minister as to the Chairperson.

SHRI M.P. ACHUTHAN (Kerala): Madam, I rise to oppose this Bill. I am sure that this Bill will be passed because the principal opposition party is becoming a principal ally of the ruling UPA in the matter of economic reforms. When it comes to the denial of benefits to the employees and workers, they are united. When it comes to giving undue benefits to the corporate, and the foreign capital, they are united. So, I am sure that this Bill is going to be passed. But by this enactment what the Government is going to do is denying the millions of employees in India age-old social security benefit. Pension is not a charity. A Constitution Bench of the Supreme Court headed by Justice Y.V. Chandrachud said on 17th December, 1982 'that the Government is obliged to provide pensioners with social and economic security. The pension is not a bounty or a matter of grace depending upon the sweet will of the employer.'..It is not an ex gratia payment but payment for the past service rendered.' So, pension is an inalienable right of the employees. It is one of the social security measures guaranteed in a welfare State. The Congress leadership says that they are for a welfare State. You are going to demolish this very concept of a welfare State with this neo-liberal economic policy. The tragedy is that this Government, the leadership of the Congress is not ready to take any lesson from the experience of the world. Take for example the economic crisis in the United States and Europe. Who were the first victims when the stock market crashed and when the insurance companies and banks crashed? It was the pensioners, the pension fund. There are many reports that billions of dollars of the pensioners have wiped

[Shri M.P. Achuthan]

out in that crisis. Now this UPA leadership wants to repeat that crisis in India. They want to deposit the pension fund with the FDI. They are inviting FDI. These multinational companies do not need to invest much money for it but they are going to get thousands of crores of rupees. One media report says that now the pension fund is of nearly Rs.35,000 crores. If this Government is sincere, this amount can be utilized for the infrastructure development of our country. This is the amount with the Government but they are not interested. They are going to give it to the multinational companies and the corporates in India. You are just demolishing the existing social security measures to the whims and fancies of foreign monopoly capital in order to appease them.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Yes, Mr. Achuthan, please conclude.

SHRI M.P. ACHUTHAN: So, the employees are agitating against it. In Kerala there was a prolonged agitation and a strike by the State Government employees. The UDF Government led by Congress gave an assurance to the employees that minimum pension will be guaranteed and the pension will be deposited in the treasury. I request the hon. Finance Minister that he should make a commitment and give an assurance to the House that a minimum pension linked with the last drawn pay will be guaranteed because you are squeezing the employees. You are cutting nearly 10 per cent of their salary. This amount is being deposited in the pension fund. Normally, the employees need not give that share. So, please give an assurance that you will guarantee the minimum pension linked with last drawn pay and assure that whatever may be the fluctuations in the stock market, the Government will guarantee the actual return to the employees and the workers. As you are going to enlarge the scope of this fund, the unorganized workers are also going to be enrolled in this scheme. So, don't try to squeeze the people for the benefit of the corporate. Thank you.

श्री प्रकाश जावडेकर (महाराष्ट्र): उपसभाध्यक्ष महोदय, यह कांग्रेस-नीत युपीए सरकार किसान और मजदूर विरोधी है। किसान आयोग ने किसानों के लिए जो रीगल रिम्यूनरेटिव प्राइसेज की सिफारिश की, वह आपने नहीं मानी। इसलिए सीएसीपी के हिसाब से भी एमएसपी से ज्यादा गति से कॉस्ट ऑफ प्रोडक्शन बढ़ रहा है और किसान को घाटा हो रहा है। मजदूर को क्या चाहिए? मजदूर को चाहिए जांब सिक्योरिटी, वेज सिक्योरिटी और सोशल

सिक्योरिटी। आप जांब सिक्योरिटी नहीं दे रहे हैं। मनरेगा कोई जॉब सिक्योरिटी नहीं है, वह तो एक वेल्फेयर स्कीम है। आप वेज सिक्योरिटी भी नहीं दे रहे हैं, क्योंकि कांट्रिक्ट लेबर का पूरा शोषण हो रहा है। It has perpetuated the system which you wanted to abolish. सोशल सिक्योरिटी, जो थोड़ी सी, पेंशन की नई स्कीम से आपने वह भी छीन ली है।

2004 में सत्ता में आने पर आपने पहला काम क्या किया? पेंशन की जिम्मेवारी से सरकार ने अपने हाथ धो डाले। The Government employees were first getting Formula-based Inflation Index Pension. Now, what are you saying? You are saying that Government's liability will be limited to the employers' contribution only, nothing more. So, you are reducing your liability. You are reducing your responsibility.

आपने मजदूरों को भगवान भरोसे छोड़ दिया है। जिनको नहीं मिलता था, what was the necessity? The necessity was that you should have universalized the pension scheme. But you have not done that. What you have done is, you have not offered any new coverage. Instead of universalization, you have shirked off your responsibility.

मैं एक मिनट में ईपीएस का एक उदाहरण दूंगा। मंडम छः करोड़ मजदूर इम्प्लॉइज़ पेंशन स्कीम 1995 के हिस्सेदार हैं। 40 लाख पेंशन भोगी उसमें हैं। 20-20 साल कान्ट्रीब्यूट करने के बाद उनको 200 या 300 रुपये पेंशन मिलती है। खरगे जी यहां बैठे हैं, अब तो वे रेल मंत्री बन गए हैं लेकिन अभी तक वे लेबर मिनिस्टर थे, वे थक गए। 1000 रुपये पेंशन करने के लिए पेंशन फंड में गवर्नमेंट जो 1.16% देती है, उसको सिर्फ 0.5% बढ़ाना था, वह भी चिदम्बरम जी ने नहीं दिए। चिदम्बरम जी माने सरकार ने नहीं दिए, चूंकि वे फाइनांस मिनिस्टर हैं, इसलिए मैंने उनका नाम लिया है।

मैंने उस पर पिटिशन भी किया और कल ही पिटिशन कमेटी की रिपोर्ट आई है। मिनिमम पेंशन की बात सबने की है, लेकिन वह मिनिमम पेंशन मिलेगी कैसे? इन्फ्लेशन इन्डेक्स कैसे कंट्रोल होगा? वह तभी होगा जब पेंशन ही इस नयी योजना में गवर्नमेंट स्वयं प्रति मजदूर कुछ न कुछ खुद की तरफ से कान्ट्रीब्यूशन देगी। अगर आप रिक्शा वाले को पेंशन देने की बात कर रहे हैं, उसके लिए स्वयं आप कुछ नहीं देंगे, उसका खुद का पैसा शेयर कार्मेट में जाएगा, उससे थोड़े ही उसको कुछ मिलेगा। ऐसे तो उसको कुछ भी नहीं मिलेगा। जब तक स्वयं सरकार उसमें कुछ पैसे नहीं डालेगी, तब तक मजदूर को न्याय नहीं मिलेगा, मिनिमम पेंशन नहीं मिलेगी।

5000 रुपये मिनिमम पेंशन की बात कही गई है। 46 करोड़ मजदूर हैं। मैं मांग करता हूँ, अगर सरकार हर मजदूर के लिए प्रति महीने 100 या 150 रुपये भी कान्ट्रीब्यूट करती है, मैं यह एक सिम्पल हिसाब बता रहा हूँ, तो उसमें उसका स्वयं का कान्ट्रीब्यूशन, एम्प्लॉयर का

[श्री प्रकाश जावडेकर]

कान्फ़ीडबैक और सरकार का कान्फ़ीडबैक मिलाकर, उससे उसको पेंशन मिलेगी, नहीं तो उसको सुरक्षा नहीं मिलेगी। यदि आप ऐसा नहीं करते तो आप सुरक्षा को नकार रहे हैं, इसलिए हमने उसकी भर्त्सना की।

आगे आप कह रहे हैं कि उसको चॉइस मिलेगी। मैंडम, मैं बैंक में काम करता था। बैंक में जब पेंशन और ग्रेच्युटी की चॉइस आई, तो पढ़े-लिखे सब लोगों ने ग्रेच्युटी की चॉइस दी, चूंकि 12%-15% ब्याज मिलेगा। किसी ने पेंशन का ऑप्शन नहीं दिया। बाद में 20 साल के बाद अब आईबीए को सेकेन्ड चॉइस पेंशन की देनी पड़ी और तब सबको पेंशन मिली। जो लोग रिटायर हुए, उन्होंने भी पैसे भर कर पेंशन ले ली।

आज हो यह रहा है कि वह चॉइस आप नहीं दे रहे, आप इस चॉइस की बात कर रहे हैं। बीजेपी ने इसके लिए लड़ाई लड़ी, उस लड़ाई में एक चीज़ हुई कि मिनिमम गारंटी का एक ऑप्शन आपने खुला किया है।

मैंडम, बस मेरे लास्ट दो प्वाइंट्स और हैं। एफडीआई हमें चाहिए, High-End Technology भी हमें चाहिए, इन्फ्रास्ट्रक्चर भी चाहिए, जहां बड़ी मोटी रकम लाएंगे, देश को फायदा होगा, लेकिन वहां हम नहीं आ रहे। छोटी रकम लगाकर बड़ी रकम पर कब्जा करने वाली जितनी भी स्कीम हैं, उनमें एफ.डी.आई. आना चाहती है। With a small amount of FDI, they want to control the huge capital resources from the toil of the labour. यह मुद्दा है। सर, आई.आर.डी.ए. का पिछले 10 सालों का क्या अनुभव है?

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): You will have to conclude, Mr. Javadekar.

SHRI PRAKASH JAVADEKAR: Yes, Madam. The Finance Minister will recollect that आई.आर.डी.ए. से एल.आई.सी. को दिक्कत हुई। प्राइवेट कम्पनीज़ के पक्ष में कितने निर्णय लिए? आई.आर.डी.ए. के निर्णयों के बारे में एल.आई.सी. को हर रोज झगड़ा करना पड़ता है। क्या ऐसा ही करेंगे? इसलिए, हम फिर से मांग करते हैं कि यह बिल अधूरा है। इसमें मिनिमम पेंशन और इंडेक्सेशन के लिए सरकार को खुद कंफ़ीडबैक करना चाहिए। अगर आप हर मजदूर के लिए हर महीने सौ-डेढ़ सौ रुपये भी देते हैं, तभी यह सम्भव है, यह मेरा मुद्दा है। हमने मजदूरों की जो लड़ाई लड़ी और उसके लिए आपने एक पर्याय, एक विकल्प यह रखा है कि मिनिमम पेंशन की गारंटी देने वाला ऑप्शन भी रहेगा, इसलिए यह तो आधा-अधूरा काम आपने किया है, वह पूरा करें, मैं इतनी ही प्रार्थना करता हूं। बहुत-बहुत धन्यवाद।

DR. BHALCHANDRA MUNGEKAR (Nominated): Madam Chairperson, I rise to support the Bill. But before I say something about the Bill, I must pay tribute to

Dr. B.R. Ambedkar. Dr. Ambedkar was the only economist in the country who submitted a memorandum to the Constituent Assembly in 1946 on the behalf of the All-India Scheduled Castes Federation. One of the proposals Dr. Ambedkar made was that insurance in this country must be made compulsory for every person for two reasons. One, it will give security to each and every individual and second, it will make funds available for development.

I compliment the Finance Minister and the Government because both the objectives that Dr. Ambedkar was having in mind are sought to be fulfilled by this Pension Fund Regulatory and Development Authority Bill, 2013. Today, there are only two major schemes. One is the contributory PF benefit scheme and the other is the pension scheme. A number of my colleagues spoke about the last drawn pay. Fifty per cent of that should be given as pension. Now, let us see the size of the labour force in the country. Simultaneously, my colleagues said that lives of millions of workers will be destroyed. Madam, I taught labour economics in the University of Mumbai. There is some element of a trade unionist in me. I compliment trade union movement in the country. But after having complimented, unfortunately, the entire trade union movement after Independence failed to take into account and protect the interests of the vast unorganised workers in our country. When we are talking of the 50 per cent of the last drawn pay, we are talking only of the 10 or 8 per cent of the organised sector—bank, insurance employees and so on. Remaining 90 per cent of the unorganised sector workers are, absolutely, beyond the ambit of any social security scheme. It is for the first time that this scheme is trying to bring them within the ambit of some sort of social security; that is why, I welcome it. Madam, this country needs fund for development and to make higher rate of economic growth which would enable us to make a frontal attack on the poverty. Second, during the last three or four years, particularly, after 2007-08, the savings and investments as percentage of Gross Domestic Product have considerably fallen from 38 per cent to 32 per cent and savings from 36 per cent to around 30 per cent or so. We are having the problems of current account deficit; we are having the problems of fiscal account deficit and we are having the problem of rupee depreciation. All these problems are to be simultaneously addressed. I do not think by *status quoist* mechanism it will be possible to address these questions. When we talk about this Pension Bill, it is trying to provide the social security to the maximum number of people who will be subscribing to this. One estimate is that if the scheme is fully

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implemented, nearly 46 to 50 crores of workers are likely to be included in the scheme. And, it is likely to mobilize nearly 60 billion dollars of currency so far as the economic development is concerned.

Now, what are the salient features of this Scheme? One is that every subscriber will be given an individual pension account. It is just like other schemes. The second, the account shall be portable in case of change in the employment. In the existing pension and provident fund scheme, it is sticky and rigid. There is absolutely no flexibility. Third, the subscriber may choose the allocation of his funds across various pension schemes. Fourth, there is possibility of better returns.

Madam, the main contention of those who are having apprehensions about the Scheme is the risk because the returns are market-determined and the risk is to be borne by the participants. A number of people raised these apprehensions. Madam, here, I remember the dialogue that took place between Mahatma Gandhi and Winston Churchill. Churchill was deadily opposed to giving freedom for various reasons. But he found one pretext and he asked Mahatma Gandhi, 'If I give freedom to your country, will you be able to manage the freedom?' Now those who are having apprehensions about the Scheme are overlooking the fact that accepting democracy in 1947 was the biggest gamble because the rate of literacy at that time was only 12 per cent; people didn't know the Constitution; people didn't know the Fundamental Rights; people didn't know the Directive Principles; and people didn't know adult suffrage. Now the people who didn't know democracy and adult suffrage only vote today by standing in the long queues, and the elite class, by adding Saturdays and Sundays as 'prefixes or suffixes' to the election day, enjoy it for going on outings. That is why let us not underestimate the judgement capacity of the ordinary citizens of the country.

Now, I come to my second point. I consider it 'innovation', and, I think, this innovation is worth trying. The entire theory of economic development is the theory of innovations, and every innovation carries risk. In a lighter vein, to those who are raising this apprehension, I would cite one thing from our personal life. I would ask those hon. Members who are married here: Which is the most risky institution in the life? The most risky and unstable institution in an individual life is that of marriage. By the time this Bill will be passed, thousands of marriages would have taken place.

Now, can the apprehension about the stability of the marriage prevent us from marriage? That is why my simple point is, apprehensions are very much there but the apprehension should not prevent us from making innovations.

Now, I shall come to my last point, *i.e.*, to some of the suggestions which I want to make to the Government. Madam, taking into account the purchasing power of the people—and around 25-30 per cent of our people are living below the poverty line—the minimum annual contribution of Rs. 6000, according to me, is substantially large. Assuming that every person will be saving minimum five rupees a day, his annual saving will come to around Rs.1900. That is why I will submit for the consideration of the hon. Finance Minister that in order to increase the ambit and include *aam aadmi* in the Scheme, let us try to bring down this minimum annual contribution limit from Rs. 6000 per annum to Rs. 2000 per annum so that every possible person is able to join the scheme.

Second is, we are talking about risk, and there is some amount of risk. Madam, now when I hear about these risks, there is a question which strikes me. Are we going to abolish the stock exchange market? Madam, I respectfully submit in this House that in 1984, I considered that the Russian Revolution was the greatest event in the history of humankind. The Russian Revolution took place and Soviet Union collapsed in 1984, not because of the failure of Marxism and Leninism but because of the inflexibility of the system which was not able to cope with the changing circumstances. Madam, from that point of view, I would say, the risk is very much there. That is why I would submit very respectfully for the consideration of the hon. Finance Minister that let there be some risk aversion fund. Let the Government create some risk aversion fund annually, some contingency fund, so that when ordinary people's savings are put into these various kinds of savings mechanism, they can get the protection. The next point is about foreign direct investment. Each person here knows that technically, administratively and economically speaking, between 26 per cent and 49 per cent, there is absolutely no difference as far as decision-making is concerned. Now, even today, with 26 per cent investment being allowed, how many foreign investment companies have come? This House had voted for investment in multi-brand retail and the Bill was passed by a majority. Now, people were thinking that there would be thousands of multi-brand investors coming here, but not a single multi-brand retail investor has come into this country, because of certain conditions. That is why, even with 26 per cent foreign

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direct investment in place—I would not suggest going in for 49 per cent investment at this stage at all—the people who would be coming into this country must have a track record. A number of companies abroad, particularly in the United States, have gone bankrupt. That is why, we cannot have an open door policy. Their track record, their performance under the most stringent conditions so far in protecting the interests of the people, etc., must be considered.

Lastly, every fund manager must have workers' representatives on their board. Now, I am aware of the concept of majority and minority. Ultimately, one representative of the workers in every fund management company would not be able to protect interests, but if we believe in what exactly is happening in the private sector economy, at least, workers' genuine representatives would be sane enough to raise the voice of the workers and protect their interests.

With these words, I once again support the Bill. Thank you.

श्री राम कृपाल यादव (बिहार): मैडम, हम आपका आभार व्यक्त करते हैं कि आपने इस महत्वपूर्ण बिल पर बोलने का मौका दिया है। वर्ष 2003 में जब एनडीए की सरकार थी, तो उस समय माननीय श्री यशवंत सिन्हा जी मंत्री थे और वे यह बिल लाए थे। उसके कई वर्षों के बाद यह नयी पेंशन स्कीम आई है, लेकिन इस देश का जो मजदूर वर्ग है, उसको इस बारे में कुछ आशंकाएं हैं। इस बिल के आ जाने से उनमें कुछ डर सा व्याप्त हो गया है। माननीय मंत्री जी, आपको पता है कि सारे मजदूर संगठनों ने इसका बहुत विरोध किया है। मैं आपसे निवेदन करूंगा कि जब आप उत्तर दें, तब आप उन आशंकाओं को दूर करें, क्योंकि विभिन्न संगठनों के माध्यम से भी आप तक यह बात पहुंची है कि वे अपने-आपको असुरक्षित महसूस कर रहे हैं।

महोदया, इस समय कई तरह की पेंशन स्कीम्स चल रही हैं। कर्मचारियों के लिए पेंशन है, वृद्धावस्था पेंशन सामाजिक सुरक्षा के अंतर्गत ही है, जो हम उनको देते हैं, जो बिल्कुल गरीब होते हैं और जब वे बुजुर्ग होते हैं, तो बेसहारा हो जाते हैं, लेकिन अभी भी किसान आदि बहुत सारे ऐसे लोग हैं, जो इससे अनकवर्ड हैं। हम बीपीएल तबके को पेंशन दे रहे हैं, लेकिन एपीएल के लोगों को नहीं दे पाते हैं। इसलिए सामाजिक सुरक्षा पेंशन की एक पॉलिसी होनी चाहिए, खास तौर से, बुजुर्ग तबके के लोगों के लिए। यह समय की मांग है और आज उन सब लोगों को भी पेंशन देने की आवश्यकता है। किसान और एपीएल आदि वर्ग जो इससे छूटे हुए हैं, उनके मन में एक सोच आती है और कभी-कभी उनके मन में गुस्सा भी आता है कि हम इस पेंशन से लाभ क्यों नहीं उठा पा रहे हैं? आप जिस तरह से कर्मचारियों को

इंश्योर्ड कर रहे हैं, वृद्धावस्था पेंशन देकर गरीबों को इंश्योर्ड कर रहे हैं, उसी तरह से सरकार को निश्चित तौर पर उन वर्गों की तरफ भी निगाह रखनी चाहिए, जो अभी तक इससे अनकवर्ड हैं, जो इससे अछूते हैं और बुढ़ापे में परेशान होते हैं

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please, conclude.

श्री राम कृपाल यादव: मैडम, अभी तो दो मिनट ही हुए हैं।

उपसभाध्यक्ष (श्रीमती रेणुका चौधरी): समय ज्यादा नहीं है और अभी एक और माननीय सदस्य बोलने वाले हैं।

श्री राम कृपाल यादव: मैडम, मेरा निवेदन है कि यह एक महत्वपूर्ण विषय है और मैं एक-दो मिनट में अपनी बात समाप्त कर दूंगा।

उपसभाध्यक्ष (श्रीमती रेणुका चौधरी): ठीक है, आप जल्दी समाप्त कीजिए।

श्री राम कृपाल यादव: मैडम, सबसे बड़ी बात यह है कि देश में अभी तक पेंशन के माध्यम से जो फंड इकट्ठा है, वह लगभग 15.4 करोड़ रुपये का है, जो 2015 तक बढ़कर लगभग 20 लाख करोड़ रुपये का हो जाएगा। यह एक बहुत भारी-भरकम रकम है और इस पर लोगों की निगाहें हैं। आज इस नये बिल के माध्यम से मल्टीनेशनल कम्पनियों को आने का जो मौका दिया जा रहा है, जो उनकी निगाह इस बात पर नहीं है कि आम लोगों को सामाजिक सुरक्षा पेंशन का कोई लाभ मिले, बल्कि उनकी निगाह इतने बड़े अमाउंट पर है कि हम कैसे इस पूंजी को अपने उपयोग में लाने का काम करें। इसलिए मल्टी नेशनल कम्पनियों की निगाह इस पर लगी हुई हैं। मैं समझता हूँ कि आप इस पैसे को शेयर बाजार में लगाएंगे। देश के आर्थिक हालात धीरे-धीरे खराब हो रहे हैं, रोज पैसे का अवमूल्यन जारी है। करेंट एकाउंट डेफिसिट बढ़ रहा है, फिस्कल डेफिसिट बढ़ रहा है। शेयर बाजार में कब गड़बड़ी हो जाएगी, इसकी कोई गारंटी नहीं है। ऐसा आप देख भी रहे हैं। शेयर बाजार नीचे जा रहा है, कभी ऊपर जा रहा है। इसमें अस्थिरता है।

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please, conclude.

श्री राम कृपाल यादव: तो जो मजबूर वर्ग के लोग हैं, उससे उनको बहुत भारी आशंका है। उनको पहले तो शयोर था कि हम जो पैसा जमा कर रहे हैं वह पैसा जमा है और हमको पेंशन मिलेगी। लेकिन उनको जब लग रहा है कि अगर यह पैसा शेयर बाजार में लग जाएगा तो बाजार के हालात ठीक न होने की वजह से हमारा पैसा रहेगा या नहीं रहेगा, हमें पेंशन मिलेगी या नहीं मिलेगी, इस भय से लोग आशंकित हैं। इसलिए आपके माध्यम से मेरा निवेदन होगा कि आप इन आशंकाओं को दूर करने का काम कीजिए और बिल्कुल इस गारंटी

[श्री राम कृपाल यादव]

के साथ कहिए कि जो व्यवस्था लाई जाएगी, उसमें कोई भी स्थिति हो, मजदूरों की जो जमा राशि है, उसमें उनको पेंशन मिलती रहेगी। मैं समझता हूँ कि सब लोग यह स्वीकार करेंगे। महोदय, इन्हीं चंद शब्दों के साथ, मैं निवेदन करूंगा कि जो अनकवर्ड लोग हैं, जिन गरीब लोगों को पेंशन नहीं मिल रही है, उनको कम से कम दो से तीन हजार रुपए प्रति माह के हिसाब से पेंशन देने का काम कीजिए, ताकि उनको बुढ़ापे में एक सहारा हो सके। बहुत-बहुत धन्यवाद।

श्री कुसुम राय (उत्तर प्रदेश): महोदय, पेंशन बिल पर मुझे बोलने का अवसर दिया गया, इसके लिए मैं आपकी आभारी हूँ। एन.डी.ए. की सरकार द्वारा 1 जनवरी, 2004 के बाद सरकारी सेवा में ज्वाइन करने वाले कर्मचारियों के लिए न्यू पेंशन सिस्टम की अवधारणा को लागू किया गया था। परन्तु आज लगभग 10 साल बीत जाने के बाद भी सरकार द्वारा एन.पी.एस. को कानूनी जामा पहनाने के लिए सरकार द्वारा प्रस्तावित विधेयक को सदन में लाया गया है। प्रस्तावित विधेयक के प्रावधानों को गौर से देखने पर सरकारी कर्मचारियों के पेंशन एवं भविष्य के संबंध में सरकार की नीयत पर प्रश्नचिन्ह खड़े हो जाते हैं।

पिछले 9 सालों में एन.पी.एस. के तहत एन.एस.डी.एल. द्वारा जमा सरकारी कर्मचारियों के पैसे में मात्र 50 से 60 प्रतिशत की वृद्धि हुई है। विभिन्न फंड मैनेजर के 10 रुपये के शेयर पिछले 9 सालों से बढ़कर सिर्फ 15 से 16 रुपए हुए हैं। बाजार में अनिश्चितताओं का दौर अचानक आता है, जैसे अभी शेयर बाजार अपने सबसे बुरे दौर में चल रहा है। वित्त संबंधी स्थायी समिति ने एन.पी.एस. पर अपने प्रतिवेदन में कहा था कि सरकार सुनिश्चित रिटर्न सरकारी कर्मचारियों के एन.पी.एस. फंड पर सुनिश्चित करे। मैं सरकार से इस सदन के माध्यम से जानना चाहती हूँ, आग्रह करती हूँ कि प्रस्तावित विधेयक में संशोधन कर कम से कम 12 से 15 प्रतिशत सुनिश्चित रिटर्न का प्रावधान किया जाए। इससे करोड़ों सरकारी कर्मचारियों के भविष्य एवं बुढ़ापे को सुरक्षित किया जा सकता है।

दूसरा महत्वपूर्ण मुद्दा यह है कि प्रस्तावित विधेयक के अनुसार एन.पी.एस. के तहत सरकारी कर्मचारियों को पेंशन पर मंहगाई भत्ता नहीं दिया जाएगा। इसी तर्ज पर सरकार द्वारा कोल इंडिया में काम करने वाले कर्मचारियों के लिए एक नियत पेंशन फिक्स कर दी जाती है। परन्तु सालाना 20 प्रतिशत की मंहगाई वृद्धि वाले इस दौर में अब उनके भोजन के लिए भी उनकी पेंशन पर्याप्त नहीं है और उनका जीवन बुढ़ापे में मंहगाई के कारण नारकीय हो सकता है। तीसरा, एन.पी.एस. के तहत फेमिली पेंशन का प्रावधान नहीं है। वर्तमान पेंशन स्कीम में सरकारी कर्मचारी की मौत के बाद उसकी पत्नी या पति या आश्रित बच्चों को फेमिली पेंशन दी जाती है। परन्तु यह प्रावधान एन.पी.एस. के तहत नहीं है। मैं सरकार से पूछना चाहती हूँ कि क्या सरकार इस प्रावधान द्वारा अनाथ और बेघरों की फौज खड़ी करना चाहती है? सरकार एन.पी.एस. के तहत फेमिली पेंशन का प्रावधान मंहगाई भत्ते सहित सुनिश्चित करे।

छटे वेतन आयोग के बाद 1 जनवरी, 2006 से रिटायर होने वाले सरकारी कर्मचारियों को उनकी सेवा एवं वेतन के हिसाब से 10 लाख तक रिटायरमेंट ग्रेच्युटी दी जाती है। परन्तु एन.पी.एस. के तहत सरकार रिटायरमेंट ग्रेच्युटी को प्रोविजनल तौर पर दे रही है। सरकार से मैं आग्रह करूंगी कि एन.पी.एस. के तहत रिटायर होने वाले सरकारी कर्मचारियों के लिए ग्रेच्युटी की सुविधा जारी रखी जाए, क्योंकि ग्रेच्युटी कर्मचारी को उसकी सेवा के लिए दी जाती है और उनका यह हक है। महोदया, प्रस्तावित पेंशन विधेयक में यह स्पष्ट नहीं है कि एन.पी.एस. के तहत रिटायरमेंट के बाद 15 या 20 साल तक ही पेंशन दी जाएगी या जब तक सरकारी कर्मचारी जिंदा रहेगा, तब तक पेंशन दी जाएगी? यदि सिर्फ 15 या 20 साल तक ही पेंशन दी जाएगी, तो सरकार यह स्पष्ट करे कि 75 या 80 साल की उम्र के बाद रिटायर्ड सरकारी कर्मचारी अपना जीवन-यापन कैसे करेगा? महोदया, बुढ़ापे में न तो आदमी को कोई काम मिल सकता है और न ही आदमी में इतना शारीरिक और मानसिक बल बचा रह पाता है कि वह कुछ काम कर सके। इसलिए सरकार एन.पी.एस. को रिटायर्ड सरकारी कर्मचारी के जीवन के अंतिम दिन तक लागू करे, नहीं तो देश में आर्थिक रूप से विपन्न वृद्धों की संख्या करोड़ों में हो जाएगी।

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Thank you very much. Mr. Minister. ...(*Interruptions*)...

SHRI P. CHIDAMBARAM: Madam, Chairperson, I am grateful to the seventeen hon. Members who participated in this discussion on the Bill to establish the Pension Fund Regulatory and Development Authority. Madam, there is a brief history of the Bill, and, I think, many Members would be happy to know what that history is. In order to administer the New Pension Scheme (NPS), an interim Pension Fund Regulatory and Development Authority was introduced in October, 2003 by the then Government headed by Shri Atal Bihari Vajpayee. The notification that the NPS will apply to all Government recruits was issued on 22.12.2003 and it came into force on 1.1.2004. Therefore, following Mr. Piyush Goyal, I would have assumed that other hon. Members from the BJP would have also taken credit for this New Pension Scheme but I did hear one or two dissenting voices from BJP itself.

[MR. DEPUTY CHAIRMAN in the Chair].

The scheme came into force on 1.1.2004 and all Government servants in the Central Government recruited after 1.1.2004 are governed by this scheme. We cannot turn the clock back now. The scheme is in force now for nearly nine years, eight months and six days, and, thousands have been recruited and appointed under this scheme. The clock cannot be turned back.

[Shri P. Chidambaram]

4.00 P.M.

Based on the orders issued, the NPS Trust has been established, the Central Record Keeping Agency has been established, Pension Funds have been created, Pension Fund Managers have been appointed, and a Trustee Bank has been appointed for all Government servants recruited after 1.1.2004, who are under this scheme.

Now, as far as States are concerned, I am afraid, much water has flowed under the bridge since 1.1.2004. Twenty-six States have joined the scheme voluntarily on different dates, and, those States which have joined the scheme, except four States, have also enrolled their employees as subscribers. They have collected money and they have contributed the money to the Pension Fund set up under the Pension Fund Regulatory and Development Authority. In fact, the total number of State Government employees, who are today covered under the scheme as subscribers, is 17,75,056 as on 13th of August, and their money to the extent of Rs. 12,975 crore is now being managed under the scheme.

This is one of those Bills which went through two Standing Committees, a rare Bill which went through two Standing Committees. The first Bill was introduced, as Mr. Goyal mentioned, in 2005. It went to the Standing Committee, chaired by Major General Khanduri. The Standing Committee favourably reported this Bill. There was, of course, a dissent by the Left Member. The Bill lapsed on the dissolution of the Lok Sabha. So, we re-introduced the Bill. It went to another Standing Committee, chaired again by a Member of the principal Opposition Party. This time also, the Report was favourable, except one dissenting voice, and that again belonged to one Member belonging to the Left Party. So, at least, in the Standing Committee, all parties, other than the Left Parties, appeared to have supported this Bill, not once but twice. The point I am trying to make is, the consensus that is forged in the Standing Committee—and we accept the Report of the Standing Committee, as I said in my opening remarks that we have accepted all but one recommendation—that consensus should remain until we actually vote this Bill. It can't be a consensus forged in the Standing Committee and the consensus disappears when it comes to voting of the Bill. More importantly, in the immediate past, that is, yesterday, all but the Left Parties and the TMC voted for the Bill in the

Lok Sabha. Therefore, while I acknowledge and I respect the concerns raised by the hon. Members, and some of them are legitimate concerns which have to be addressed as we go along, my appeal to all political parties, and I continue to appeal to the Left and the TMC, that they should support this Bill. It has travelled a long way since 01.01.2004. It has travelled about nine years now. I think, the Bill will be very forlorn and very sad if after a nine-year travel, it is not passed in the Rajya Sabha. So, let us give this Bill the honour that it deserves.

Sir, today, there are, as I said, over 17 lakh State Government employees who have subscribed and who are contributing. There are a very large number of Central Government employees who are contributing. I will give you the numbers. There are 12,01,636 Central Government employees, 17,76,973 State Government employees, 2,57,754 private sector employees and under *Swavalamban*, 20,46,849 employees. There are 52,83,212 subscribers who have contributed 34,965 crore rupees which is being managed by the Fund Managers. Sir, I should clarify that as far as Government servants are concerned, to manage the funds of Government servants, there are three fund managers—LIC Pension Fund Ltd., SBI Pension Funds Ltd. and the UTI Retirement Solutions Ltd. – all of which are public sector bodies. As far as private sector funds are concerned, there are eight managers – the three whom I mentioned plus five others who are funds promoted by banks, including private sector banks. They are selected very carefully after they fulfil qualifications, and it is a competitive selection. The custodian is the Stockholding Corporation of India Ltd. The supervision is by the NPS Trust which is established under the Indian Trusts Act. The trustee bank is the Axis Bank, in which Government, as you know, has the largest shareholding. There are seven annuity service providers. Two of them are from the public sector. They are: Life Insurance Corporation of India and SBI Life Insurance Company Limited. Therefore, there is enough in the structure of the NPS that ensures that these funds will be managed well and managed safely. The NPS has given good returns. Money comes in at different times and then you subscribe to different schemes. For example in 2012-13, the Central Government employees got a return of 12.39 per cent. The State Government employees' funds got a return of 13 per cent in 2012-13. I think the NPS today compares very well with any other return that you can get in any other comparable investment instrument. It gives a return which is certainly better than the EPF return. The return, at least in 2012-13, is more than the return in Government bonds. I think the returns are quite adequate.

[Shri P. Chidambaram]

Sir, why did we not accept the sole recommendation which we turned down on repayable advance? What is the purpose of an NPS? The purpose is that you save while you earn and you accumulate those savings and accumulated savings are managed by professionals, so that that enhances the accumulation. This principle 'save while you earn' is accepted all over the world. Today, people save in current account. They save in savings bank account. They save in fixed deposit account. But nobody actually saves or a very few people save for a retirement account. What we are introducing now is an option or opportunity for people to save not for current expenses, not for expenses that will come next year or the year after that, but for after retirement. Therefore, we must maximise the accumulation. That is why on the date of retirement, the accumulated amount is large enough to buy the saver or the pensioner sufficient annuity which will give him a reasonable pension every year after retirement. Therefore, we have to place limits upon what he will withdraw. We have accepted the recommendation of the Standing Committee that there may be emergencies in which he would have to withdraw. So, we have provided it by regulations and the Act provides that. Withdrawals will be permitted but they will be limited by frequency, purpose and size of withdrawal. Regulations will be framed for that. Act enables that. But you can't provide for a repayable advance. A repayable advance is a loan. You take a loan from this account and repay the loan. But actually the NPS is not a lender. The NPS is not a banker. The NPS is to professionally manage the funds, so that it accumulates. Repayable advance will convert the NPS into a banking system, and that is not the purpose of an NPS. It is completely inconsistent with an NPS. Then the account will, in many cases, become a current account. In some cases, it may even become an overdraft account. That is the reason why we declined that recommendation.

A question was raised that the capital is Rs.25 crore. Of course, the capital is Rs.25 crore. But that does not prevent the Authority from raising the capital as and when the accumulation goes up. Rs.25 crore is the minimum capital. And accumulations will go up. Already, it is now Rs.35,000 crore. Accumulations will increase, in fact, at a geometric pace as more and more people join it. Therefore, the Authority will, from time to time, enhance capital requirements. Nobody is saying that Rs.25 crore is the maximum capital that will ever be required. For fund managers, capital can be increased.

The third point that was asked is: What is the minimum annual contribution? The minimum annual contribution under the NPS is Rs.6,000. It works out to about Rs.500 a month but need not be in equated instalments. Why do we think that Rs.6,000 is the minimum that should be required? For example, a Central Government servant or a State Government servant today can certainly contribute Rs.6,000 a year. Given the Sixth Pay Commission salaries and the prospect of a Seventh Pay Commission in an other two years, Rs.6,000 a year is not a large amount. In fact, these are called the mandatory savings, the compulsory savings. Your Provident Fund is a compulsory saving. Likewise, these are mandatory savings. Every employer must mandatorily require the employee to save. And given current salaries, saving Rs.500 a month is not beyond the realm of possibility. It is perfectly feasible. In fact, you should encourage him to save Rs.6,000 a year so that, as Dr. Mungekar mentioned, over a period of time, the accumulation is large enough to buy a large annuity which will keep him for the rest of his life in reasonable standard of living. For the *Swavalamban*, which is for the unorganised sector, we have kept it at the bare minimum, which is Rs.1,000 and the Government of India contributes Rs.1,000. Now, I am happy to say that a couple of State Governments have also come forward to contribute another Rs.1,000. More State Governments should come forward. ...*(Interruptions)*... No, every year, for three years, the Government of India gives Rs. 1,000. That depends on the Finance Minister of the day and the Budget of the day. You can always extend that if you wish to. But, at the moment, it is for three years that the *Swavalamban* contribution has been promised by the Central Government.

Sir, the most important question was: What happens to a Government servant under NPS who dies or is invalidated? ...*(Interruptions)*... No, no. We are talking about Government servants. For private persons, there is no contribution except for *Swavalamban*. For private persons, there is no pension scheme of the Government today. *Swavalamban* is an option open to private sector. Government is not contributing to private sector's pension. That is a completely new principle. But, what happens to a Government servant who joined after 1.1.2004 and who may die prematurely or may become invalidated? This point has been addressed by Office Memorandum dated 5th of May, 2009 and the position has been made clear that the New Pension Scheme is replacement for pension under normal circumstances. "Considering the hardships being faced by employees appointed on or after 1.1.2004, who were discharged on invalidation/disablement and by families of such

[Shri P. Chidambaram]

employees who have died during service since 1.1.2004, the President is pleased to extend the following benefits to Central Civil Government Servants covered by the New Pension Scheme.” What has been extended are the death gratuity computed in terms of Rule 50 of the Central Civil Services (Pension) Rules and the family pension, including enhanced family pension, computed in terms of Rule 54 of the Central Civil Services (Pension) Rules. I have got those Rules and under those Rules, all the benefits available to an employee who joined prior to 1.1.2004 will also apply to employees who are recruited after 1.1.2004, which means that Rs.10 lakh that you talked about and Rs.3,500 are all provided. So, I don’t think that there is anything to worry. I was myself concerned when you raised it. Mr. Goyal, if you had raised it in the Standing Committee, the Standing Committee would have pointed it out and we could have found an answer. I am glad you raised it. I am glad that I had an opportunity to clarify it. The New Pension Scheme replaces the retirement pension that Government is paying. All other extra benefits, in respect of a person who dies prematurely or is invalidated or disabled, which were applicable to employees who were recruited prior to 1.1.2004, are also applicable to employees who are recruited after 1.1.2004. So, that should put it at rest. People’s apprehensions should be put at rest.

Sir, a question was raised about the individual rickshaw-pullers. Let me say, with respect, that the individual rickshaw-pullers today do not get any pension. So, we are not taking away any benefit of an individual rickshaw-puller. So, the comparison is wrong. The individual rickshaw-puller has no social security today. In fact, I think, rickshaw-pulling itself has been abolished in most States in India. It is perhaps prevalent in, maybe, one or two States. Be that as it may, it is for him that we have got the *Swavalamban*. It’s a modest beginning, but eventually, the *Swavalamban* has to be expanded into a more beneficial universal pension scheme depending upon the financial circumstances of the country. Mr. Shekhar Roy referred to the word commission and tried to play a pun on the word commission. He said, “I have never heard of the word commission”. I don’t blame him. Please see Order 26 of the Civil Procedure Code that allows the courts to issue commissions; and what has been copied here is a copy of the order 26 of the Civil Procedure Code; and a similar provision giving powers of a civil court to statutory authorities

is available to my knowledge in about a dozen Acts or maybe two dozen Acts. So, the provision here is no different from the provision of any Acts. It is a copy of order 26 of the Civil Procedure Code.

Mr. N.K. Singh raised two points. "Why don't you give them opportunity to invest in 30 or 40 year bonds?" Now, he knows better than I do. The bond market in India is still not a very well developed market. We have short-term bonds. We have ten year bonds. I think, we have even 20 year bonds. But, I don't think we have yet 30 year or 40 year bonds. The bond market will be developed in this country. The new Governor day-before-yesterday said deepening and broadening the bond market is one of the goals. I sincerely hope that there will be a day when we will have tradable, highly liquid 30 year or 40 year bonds. If such bonds are available, I am sure, the Fund Managers will invest in those bonds too.

Then, he asked about the tax free status. He gave the answer also. Pension today is taxed. Now, we can't say the pension of all those who get regular pension will be taxed, but the NPS will not be taxed. That is not possible. Besides there is a matter of principle. As a matter of principle, I do not encourage; and I have never supported in the Cabinet any other law dealing with tax matters except the Income Tax Act. If every law made by every Ministry starts dealing with tax matters, then, the Income Tax Act will be put in the backburner. Tax matters must be dealt within the Income Tax Act. Tax treatment must be given in the Income Tax Act. So, my request is, wait until the DTC is unveiled. DTC will deal with how superannuation funds and pension funds would be taxed. Then, of course, we can debate and we can come to a conclusion. We should not introduce tax treatment of any income, or, anything akin to income in any other law except the Income Tax Act.

The same point was made by Mr. Trivedi. It is the same answer.

Sir, most Members raised concerns about the security, safety and returns. All I can say is the current system is unsustainable system. An unfunded pension is a ticking time bomb. All over the world they have recognised unfunded pensions are dangerous. They can completely destabilise your economy. Our banks had unfunded pensions. About 9 or 10 years ago I insisted on every one to switch over to funding their pension liabilities. They have now started funding their pension liabilities. The Unions of the Banks have accepted in principle that pension liabilities have to be funded. Any unfunded liability is a great danger to the financial system. Therefore,

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world over every one has switched over, most countries have switched over, or, are switching over from a defined benefit system to a defined contribution system. The underlying principle of a defined contribution system is “save as you earn”. As you earn, you save. The saving is then handed over to the professional managers who will then accumulate and enhance accumulation. The entire system will be supervised by a statutory authority, the Pension Fund Regulatory Authority. We are putting in place such a system. As Prof. Mungekar said, we must have faith in what we are doing. As we learn by experience, we can make corrections. No law is immutable. No law goes unamended. Laws can be amended. As we learn from experience, whatever safeguards are to be built, whatever corrections have to be made, can be made. But, I think, it is absolutely important that Rs.35,000 crore now being managed by a non-statutory authority without penal powers, without power to punish, without power to hold an investigation must be converted into a statutory authority so that powers that we give are available to this authority. The Rs.35,000 crore itself is a large amount. The amount will become even larger. Therefore, I think, it is absolutely important that this authority becomes a statutory authority. I do not wish to repeat all that I have said in the opening statement. All the recommendations of the Standing Committee have been accepted except one. There were two Standing Committees. They have bestowed their attention. We have accepted it. This is a fine example of how legislation should be made without bitterness or without bickering. The idea was mooted; the policy was mooted by a Government, that is, the NDA Government. It was followed up by the UPA I Government; it was followed up by the UPA II Government. It went through two Standing Committees, chaired by two Members of the Opposition. It has been passed in the Lok Sabha. Today, it should be passed in the Rajya Sabha, I hope, unanimously or, at least, by a very large majority so that a signal goes that we are concerned about providing a fair pension to our Government servants plus others and that we are putting in place a structure that is sustainable and that will assure that the pension system is put on a sound and a sustainable basis.

MR. DEPUTY CHAIRMAN: Now the question is...(Interruptions)...

SHRI TAPAN KUMAR SEN : Sir, I want to seek one clarification. At the outset, I would like to compliment the hon. Finance Minister. I really learn by his

way of articulating and I am still learning. Secondly, I just want to understand one thing. The Minister has just said that the State Government subscriber's fund under NPS got a return of around 13 per cent, and in the case of the Central Government, it was around 12 per cent. How does it compare with the pension earning of an employee linked with his last pay drawn? How does that compare?

श्री पीयूष गोयल: उप सभापति जी, मैं वित्त मंत्री जी को धन्यवाद देना चाहता हूँ कि उन्होंने हाउस में क्लेरिफिकेशनस दिए हैं कि अगर गवर्नमेंट सर्वेन्ट पर कोई आपदा आती है तो उसको यह बेनिफिट मिलेगा। लेकिन मैं उनका ध्यान आकर्षित करूँगा, जैसा कि उन्होंने कहा है कि स्वीडन में ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Seek your clarification.

SHRI PIYUSH GOYAL: Safety net to protect the poor स्वीडन तक मैं यह है कि अगर किसी आदमी के ऊपर कोई आपदा आती है तो उसको मिनिमम पेंशन मिलेगी। यह पेंशन गरीब लोगों को मिलेगी। मेरा आपसे अनुरोध है कि आप कृपया करके, जो गरीब आदमी इसमें आते हैं, उनको भी इस मिनिमम पेंशन का बेनिफिट दें। इससे जो गवर्नमेंट सर्वेन्ट्स नहीं हैं, उन लोगों को प्रोत्साहन मिलेगा, उनको इस पेंशन फंड में आना ज्यादा अच्छा लगेगा। आप कृपया करके इस पर विचार करें। इस पर आपका ज्यादा खर्च नहीं आएगा, क्योंकि ऐसे कुछ ही लोग होते हैं, इसलिए आप उनको बेनिफिट दें ताकि वे उसका लाभ उठाएं।

दूसरा, मैं कहना चाहता हूँ कि स्वावलंबन स्कीम को एन्करेज करने के लिए सिर्फ हजार रुपये देना पर्याप्त नहीं है, अगर कोई 5 हजार, 10 हजार रुपये देता है, तो इसमें कम से कम मैचिंग कंट्रीब्यूशन क्यों न दें? इससे उनको प्रोत्साहन मिलेगा कि वे इसमें आएँ।

SHRI V.P. SINGH BADNORE (Rajasthan): Sir, the biggest drawback of the pension scheme anywhere in the country is that you pay money today, you get it after 35 years, and by that time the money value has devalued to such an extent that it does not look after your time after the retirement. So, that is where the bonds and other systems come in. How are you going to protect that?

SHRI P. CHIDAMBARAM: As for the first point, you cannot compare apples and oranges. He is asking me how does it return on invested funds compare with a pension which is not a return but which is simply a proportion of your last drawn salary. The two are not comparable. That is the answer. You can't compare them. In what cannot be compared, you cannot force a comparison. As far as what Shri Goyal says, Sweden is a country with a small population and a very large per capita income. I wish we had the per capita income of Sweden. The point is, some day,

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I have no doubt in my mind, and I hope it happens in my life time, and it will certainly happen in your life time, this country will become a middle income country and then a high income country where we can provide a universal pension to every old person in this country. But today we are not in that position. We cannot take on liabilities which are far beyond our financial capacity. So, we don't take liabilities which are beyond our capacity. For Government servants, we have taken a certain liability, and, therefore, we are switching over to a system where Governments contribute and Government servants contribute. This is accumulated and, hence, we give a pension. For the private sector, in the case of organized private sector, I think, many of them are in a position to contribute towards their employees. But, in the unorganized sector, much as I wish that we can provide pension to everyone, the best we can do, at the moment, is the National Social Assistance Programme wherein the Government of India is making a modest contribution to an old person, and many State Governments, I concede, are making a contribution larger than the Central Government's contribution. That is the best we can do. We should not take on liabilities more than what we can afford.

As far as the last question is concerned, the whole idea is that you save today so that there is accumulation of money and the interest is earned on the accumulation. It is not accumulation by addition; it is not Rs. 500 adding to Rs. 500. What you save today is invested and it earns an income and the accumulated amount earns an income. The idea is to protect against inflation. There will be inflation, and the idea is to protect against inflation. So, this is point No.1. Secondly, at the end of your career, you have a large enough amount to buy an annuity. So, the whole idea is to meet the very point that he is making.

MR. DEPUTY CHAIRMAN: The question is:

That the Bill to provide for the establishment of an Authority to promote old age income security by establishing, developing and regulating pension funds, to protect the interests of subscribers to schemes of pension funds and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: I shall now take up clause-by-clause consideration of the Bill. In clause 2, there is one Amendment (No.9) by Shri K.N. Balagopal. Are you moving your Amendment?

SHRI K.N. BALAGOPAL (Kerala): If the Minister is correcting it, then, it is okay because the President's Assent is already there for the Companies Act, 2013, whereas in the Bill, it is said, '1956'.

SHRI P. CHIDAMBARAM: As of today, in the 2013 Act, under section 1 (3), the date of commencement has not been notified. Therefore, today, the law is the Companies Act, 1956. But there is a provision in every Act that any reference to an earlier Act will be deemed to be a reference to a later Act. I think that is there in the General Clauses Act as well. Today I cannot correct it because under section 1 (3), the date of commencement of the 2013 Act has not been notified.

MR. DEPUTY CHAIRMAN: So, you are not moving the Amendment, isn't it?

SHRI K.N. BALAGOPAL: I am not moving it.

Clause 2 was added to the Bill.

Clauses 3 to 6 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, clause 7. There is one Amendment (No.10) by Shri K.N. Balagopal. Are you moving it?

SHRI K.N. BALAGOPAL: No, Sir.

Clause 7 was added to the Bill.

Clauses 8 to 11 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, clause 12. There are two Amendments (Nos. 11 and 12) by Shri K.N. Balagopal. Are you moving?

SHRI K.N. BALAGOPAL: In Kerala, the present employees are getting pension. So, it can be amended only prospectively. Now, if the Government is deciding to convert them under the New Pension Scheme, then, it is detrimental to the interests of the existing employees. That is why, I said, 'prospective employees'.

SHRI P. CHIDAMBARAM: Sir, in page 5, line 31, it says, "Notwithstanding anything contained in sub-section (3), any State Government or administrator of a

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Union Territory may, by a notification, extend the National Pension System to its employees.” It is applicable if the State Government notifies it. I have got the dates of notification of every State Government. Kerala has already notified it on the 7th of January, 2013 with effect from 1.4.2013. Therefore, it does not apply to any....

MR. DEPUTY CHAIRMAN: So, you are not moving?

SHRI K. N. BALAGOPAL: I have a doubt. Retrospectively with other notifications, whether the Government can notify the existing employees.

SHRI P. CHIDAMBARAM: It cannot. Obviously it cannot because you can only notify....

MR. DEPUTY CHAIRMAN: Okay; so you are not moving?

SHRI P. CHIDAMBARAM: Kerala has already notified it. So, the question does not arise.

MR. DEPUTY CHAIRMAN: So, you are not moving, Mr. Balagopal?

SHRI K. N. BALAGOPAL: No, I am not moving.

MR. DEPUTY CHAIRMAN: Okay. Amendment is not moved.

Clause 12 was added to the Bill.

Clauses 13 to 19 were added to the Bill.

MR. DEPUTY CHAIRMAN: In clause 20, there are three Amendments. Amendments (Nos. 1 and 2) by Shri Tapan Kumar Sen, Shri T. K. Rangarajan and Shri P. Rajeeve and Amendment (No. 1) by Shri N. K. Singh. Now, Amendment (Nos. 1 and 2) by Shri Tapan Kumar Sen, Shri T. K. Rangarajan and Shri P. Rajeeve. Shri Tapan Kumar Sen, are you moving?

Clause-20—National Pension System

BY SHRI TAPAN KUMAR SEN: Sir, I move:

1. That at page 11, *for* lines 25 to 27, the following be *substituted*, namely:-

“(b) minimum assured pension shall not be less than fifty per cent of the last pay drawn or earning per month of the subscriber along with provision of indexation to neutralise effect of change in prices”.

2. That at page 11, *for* lines 41 and 42, the following be *substituted*, namely:-

“(g) minimum guaranteed pension shall not be less than the pension under the existing defined benefit pension system available to the Central Government employees appointed before the 1st day of January, 2004 and referred to in clause (d) of sub-section (3) of section 12”.

SHRI T. K. RANGARAJAN: Sir, I want division.

MR. DEPUTY CHAIRMAN: Are you serious?

SHRI T. K. RANGARAJAN: We are very serious.

SHRI P. RAJEEVE:*

MR. DEPUTY CHAIRMAN: The Chair knows what the Chair should ask or not, and all those sentences by Shri P. Rajeeve are expunged because they are indirect aspersions on the Chair. ...(*Interruptions*)... Please sit down. You have moved it. I am now putting it to vote. All indirect aspersions on the Chair are expunged.

MR. DEPUTY CHAIRMAN: I shall, now, put Amendments (Nos. 1 and 2) moved by Shri Tapan Kumar Sen, Shri Rangarajan and Shri P. Rajeeve to vote.

The House divided

MR. DEPUTY CHAIRMAN:

Ayes : 22

Noes : 118

Ayes : 22

Achuthan, Shri M.P.

Arjunan, Shri K.R.

* Expunged, as ordered by the Chair.

[Mr. Deputy Chairman]

Baidya, Smt. Jharna Das

Balaganga, Shri N.

Balagopal, Shri K.N.

Chakraborty, Shri Shyamal

Chatterjee, Shri Prasanta

Chowdary, Shri Y. S.

Goud T., Shri Devender

Maitreyan, Dr. V.

Narayanan, Shri C.P.

O Brien, Shri Derek

Parjapati, Shri Ranbir Singh

Raja, Shri D.

Rajeeve, Shri P.

Ramesh, Shri C.M.

Rangarajan, Shri T.K.

Rathinavel, Shri T.

Roy, Shri Sukhendu Sekhar

Seema, Dr. T.N.

Sen, Shri Tapan Kumar

Swamy, Shri A.V.

Noes: 118

Adeeb, Shri Mohammed

Agrawal, Shri Naresh

Ali, Shri Sabir

Anand Sharma, Shri

Ansari, Shri Salim

Antony, Shri A.K.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Bachchan, Smt. Jaya

Baghel, Prof. S.P. Singh

Baishya, Shri Birendra Prasad

Batra, Shri Shadi Lal

Behera, Shri Shashi Bhusan

Bhattacharya, Shri P.

Bora, Shri Pankaj

Budania, Shri Narendra

Chiranjeevi, Dr. K.

Chowdhury, Smt. Renuka

Daimary, Shri Biswajit

Dalwai, Shri Husain

Darda, Shri Vijay Jawaharlal

Deora, Shri Murli

Dua, Shri H.K.

Dwivedi, Shri Janardan

Fernandes, Shri Oscar

Gehlot, Shri Thaawar Chand

[Mr. Deputy Chairman]

Gill, Dr. M.S.

Goyal, Shri Piyush

Gujral, Shri Naresh

Gupta, Shri Prem Chand

Hariprasad, Shri B.K.

Hashmi, Shri Parvez

Heptulla, Dr. Najma A.

Jain, Shri Ishwarlal

Jaitley, Shri Arun

Jangde, Dr. Bhushan Lal

Kanimozhi, Smt.

Kannan, Shri P.

Karan Singh, Dr.

Karimpuri, Shri Avtar Singh

Kashyap, Shri Narendra Kumar

Keishing, Shri Rishang

Khabri, Shri Brijlal

Khan, Shri K. Rahman

Khan, Shri Mohd. Ali

Khanna, Shri Avinash Rai

Khuntia, Shri Rama Chandra

Kidwai, Smt. Mohsina

Kshatriya, Prof. Alka Balram

Kujur, Shri Santiuse
Kulaste, Shri Faggan Singh
Mahendra Prasad, Dr.
Mahra, Shri Mahendra Singh
Malihabadi, Shri Ahmad Saeed
Mandaviya, Shri Mansukh L.
Manjunatha, Shri Aayanur
Masood, Shri Rasheed
Misra, Shri Satish Chandra
Mukut Mithi, Shri
Mungekar, Dr. Bhalchandra
Nadda, Shri Jagat Prakash
Naik, Shri Shantaram
Nandi Yellaiah, Shri
Natarajan, Smt. Jayanthi
Natchiappan, Dr. E.M. Sudarsana
Pande, Shri Avinash
Pandya, Shri Dilipbhai
Patel, Shri Ahmed
Pathak, Shri Brajesh
Patil, Shri Basawaraj
Patil, Smt. Rajani
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar

[Mr. Deputy Chairman]

Punj, Shri Balbir

Rai, Smt. Kusum

Rajaram, Shri

Ram Prakash, Dr.

Ramesh, Shri Jairam

Rangasayee Ramakrishna, Shri

Rao, Dr. K.V.P. Ramachandra

Rao, Shri V. Hanumantha

Rapolu, Shri Ananda Bhaskar

Rashtrapal, Shri Praveen

Ratna Bai, Smt. T.

Reddy, Dr. T. Subbarami

Reddy, Shri Palvai Govardhan

Sadho, Dr. Vijaylaxmi

Sahani, Dr. Anil Kumar

Saini, Shri Rajpal Singh

Saleem, Chaudhary Munavver

Sancheti, Shri Ajay

Sanjiv Kumar, Shri

Seelam, Shri Jesudasu

Selvaganapathi, Shri T.M.

Sharma, Shri Satish

Shukla, Shri Rajeev
Singh Badnore, Shri V.P.
Singh, Shri Arvind Kumar
Singh, Shri Bashistha Narain
Singh, Shri Birender
Singh, Shri Ishwar
Singh, Shri Jai Prakash Narayan
Singh, Shri N.K.
Soni, Smt. Ambika
Sood, Smt. Bimla Kashyap
Stanley, Smt. Vasanthi
Syiem, Smt. Wansuk
Tariq Anwar, Shri
Tarun Vijay, Shri
Thakur, Dr. Prabha
Thangavelu, Shri S.
Tiwari, Shri Alok
Tyagi, Shri K.C.
Vasan, Shri G.K.
Vegad, Shri Shankarbhai N.
Vora, Shri Motilal
Yadav, Shri Darshan Singh
Yadav, Shri Ram Kripal

The motions were negatived.

Clause-20 was added to the Bill.

Clauses-21 and 22 were added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 23, there is one Amendment (No. 3) by Shri Tapan Kumar Sen, Shri T.K. Rangarajan and Shri P. Rajeeve. Are you moving?

Clause-23-PENSION FUNDS

SHRI P. RAJEEVE (Kerala): Sir, I move:

3. That at page 12, *for* line 38, the following be *substituted*, namely:-

“Provided that all the pensions fund shall be Government companies”.

The question was put and the motion was negated.

Clause 23 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 24, there are three amendments. Amendment (No. 4) by Shri Tapan Kumar Sen, Shri T.K. Rangarajan and Shri P. Rajeeve; Amendment (No. 7) by Shri N.K. Singh, and Amendment (No. 13) by Shri K.N. Balagopal. Mr. Rajeeve, are you moving?

Clause-24-Certain restrictions on foreign companies or individual or association of persons

SHRI P. RAJEEVE : Sir, I move:

4. That at page 12, *for* lines 44 to 49, the following be *substituted*, namely:-

“24. There shall be no holding of equity shares by the foreign companies in the pension funds”.

The question was put and the motion was negated.

MR. DEPUTY CHAIRMAN: Now, Amendment (No. 7) by Shri N.K. Singh. He is not pressing. Amendment (No. 13) by Shri K.N. Balagopal. Are you moving?

SHRI K.N. BALAGOPAL : Sir, I move:

13. That at page 12, lines 48 and 49, be *deleted*.

The question was put and the motion was negated.

Clause-24 was added to the Bill.

Clauses 25 to 32 were added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 33, there is one Amendment (No. 14) by Shri K.N. Balagopal. Are you moving?

Clause 33 - Power to grant immunity

SHRI K.N. BALAGOPAL : Sir, this is a very important provision. This is on power to grant immunity. I request the hon. LoP also to listen to me. This is a legal provision. Anyone doing some fraud can be omitted. Sir, I move:

14. That at page 15, lines 25 to 36, be *deleted*.

The question was put and the motion was negatived.

Clause 33 was added to the Bill.

Clause 34 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 35, there is one Amendment (No. 15) by Shri K.N. Balagopal. Are you moving?

SHRI K.N. BALAGOPAL: Sir, here also it is about taking cognizance...
...(Interruptions)... Sir, I want to seek a clarification from the hon. Minister.
...(Interruptions)... The Minister is here, so, I want to seek a clarification.

MR. DEPUTY CHAIRMAN: Please cooperate. ...(Interruptions)...

SHRI K.N. BALAGOPAL: Sir, if I am not allowed to ask the clarification, then, I would stage a walk-out. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: I have allowed you. Why do you worry?
...(Interruptions)... First, you say whether you are moving it or not.

SHRI T.K. RANGARAJAN: They are making... ...(Interruptions)...

SHRI K.N. BALAGOPAL: Sir, cognizance of any offence can be taken only on a complaint made by the authority.

MR. DEPUTY CHAIRMAN: You are not asking your clarification.

SHRI K.N. BALAGOPAL: Only on the complaint of the authority, then, only one can go to the court. This is the issue, Sir. So, I want to seek this clarification from the hon. Minister.

SHRI P. CHIDAMBARAM: Sir, this is a standard provision. If an offence is punishable under this Act, then, the authority must make a complaint. Then, a court, not less than a court of sessions will try the offence. These are serious offences triable by sessions court.

MR. DEPUTY CHAIRMAN: So, are you pressing now? ...*(Interruptions)*...

SHRI K. N. BALAGOPAL: Sir, that is.. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, no. This kind of discussion is not.. ...*(Interruptions)*..

SHRI P. CHIDAMBARAM: Mr. Balagopal, come to me and I will give you the details. ...*(Interruptions)*..

SHRI K.N. BALAGOPAL: This is about clause 35, Sir. ...*(Interruptions)*..

MR. DEPUTY CHAIRMAN: Okay. He has explained. Are you pressing now or not? ...*(Interruptions)*..

SHRI K.N. BALAGOPAL: I am not saying about the Sessions Court. ...*(Interruptions)*..

SHRI P. CHIDAMBARAM: You want lines 3 and 4 to be deleted. If lines 3 and 4 are deleted, frivolous complaints can be filed. This is a Sessions Court offence. These are serious offences. It must go to the authority. The authority will file the complaint.

MR. DEPUTY CHAIRMAN: Are you moving now?

Clause 35—Cognizance of offences by Court

SHRI K.N. BALAGOPAL: Sir, I move:

15. That at page 16, lines 3 and 4, be *deleted*.

The question was put and the motion was negatived.

Clause—35 was added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up clause 36 of the Bill. There is one Amendment (No.16) by Shri K.N. Balagopal. Are you moving?

SHRI K.N. BALAGOPAL : Sir, I am not moving.

Clause-36 was added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up clause 37 of the Bill. There is one Amendment (No.17) by Shri K.N. Balagopal. Are you moving?

Clause 37-Civil Court not to have jurisdiction

SHRI K.N. BALAGOPAL : Sir, I move:

17. That at page 16, line 28, *for* the words “No civil court shall have”, the words “No civil court below the court of sessions shall have” be *substituted*.

The question was put the motion was negated.

Clause 37 was added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up clause 38 of the Bill. There are two Amendments (Nos.18 and 19) by Shri K.N. Balagopal, Are you moving?

Clause 38-Appeal to Supreme Court

SHRI K.N. BALAGOPAL : Sir, this is for all. I come from Kerala. I will have to come to Supreme Court for appeal. High Court should be given the appellate authority.

MR. DEPUTY CHAIRMAN: All right. Anyway, you have moved the amendment.

SHRI K.N. BALAGOPAL: Sir, I move:

18. That at page 16, line 34, *for* the words “Supreme Court within sixty days”, the words “High Court within ninety days” be *substituted*.
19. That at page 16, line 39, *for* the words “sixty days”, the words “ninety days” be *substituted*.

The questions were put and the motions were negated.

Clause 38 was added to the Bill.

Clauses 39 to 43 were added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up clause 44 of the Bill. There is one Amendment (No.8) by Shri N.K. Singh. Are you moving?

SHRI N.K. SINGH : Sir, I am not moving.

Clause 44 was added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up clause 45 of the Bill. There is one Amendment (No.5) by Shri Tapan Kumar Sen, Shri T.K. Rangarajan and Shri P. Rajeeve. Are you moving?

Clause 45—Establishment of Pension Advisory Committee

SHRI P. RAJEEVE : Sir, this is a very minor amendment. I hope the hon. Minister accepts it. After ‘Association’ add ‘Union’. Sir, accept at least one amendment.

Sir, I move:

5. That at page 18, lines 38 and 39, *after* the word “associations,”, the word “unions”, be *inserted*.

MR. DEPUTY CHAIRMAN: It is up to the Minister. I cannot do anything.

The question was put and the motion was negatived.

Clause 45 was added to the Bill.

Clauses 46 to 56 were added to the Bill.

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

MR. DEPUTY CHAIRMAN: Shri Chidambaram may move that the Bill be passed.

SHRI P. CHIDAMBARAM: Sir, I move:

That the Bill be passed.

SHRI P. RAJEEVE: Sir, we want division.

The House divided.

MR. DEPUTY CHAIRMAN:

Ayes : 119

Noes : 24

Ayes : 119

Adeeb, Shri Mohammed

Agrawal, Shri Naresh

Ali, Shri Sabir

Anand Sharma, Shri

Ansari, Shri Salim

Antony, Shri A.K.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Bachchan, Smt. Jaya

Baghel, Prof. S.P. Singh

Baishya, Shri Birendra Prasad

Behera, Shri Shashi Bhusan

Bhattacharya, Shri P.

Bora, Shri Pankaj

Budania, Shri Narendra

Chiranjeevi, Dr. K.

Chowdhury, Smt. Renuka

Daimary, Shri Biswajit

Dalwai, Shri Husain

Darda, Shri Vijay Jawaharlal

Deora, Shri Murli

Dua, Shri H.K.

Dwivedi, Shri Janardan

Fernandes, Shri Oscar

Gehlot, Shri Thaawar Chand

[Mr. Deputy Chairman]

Gill, Dr. M.S.

Goyal, Shri Piyush

Gujral, Shri Naresh

Gupta, Shri Prem Chand

Hariprasad, Shri B.K.

Hashmi, Shri Parvez

Heptulla, Dr. Najma A.

Jain, Shri Ishwarlal Shankarlal

Jaitley, Shri Arun

Jangde, Dr. Bhushan Lal

Kanimozhi, Smt.

Karan Singh, Dr.

Karimpuri, Shri Avtar Singh

Kashyap, Shri Narendra Kumar

Keishing, Shri Rishang

Khabri, Shri Brijlal

Khan, Shri Mohd. Ali

Khanna, Shri Avinash Rai

Khuntia, Shri Rama Chandra

Kidwai, Smt. Mohsina

Kshatriya, Prof. Alka Balram

Batra, Shri Shadi Lal

Kannan, Shri P.

Khan, Shri K. Rahman

Kujur, Shri Santiuse

Kulaste, Shri Faggan Singh

Mahendra Prasad, Dr.

Mahra, Shri Mahendra Singh

Malihabadi, Shri Ahmad Saeed

Mandaviya, Shri Mansukh L.

Manjunatha, Shri Aayanur

Masood, Shri Rasheed

Misra, Shri Satish Chandra

Mukut Mithi, Shri

Mungekar, Dr. Bhalchandra

Nadda, Shri Jagat Prakash

Naik, Shri Shantaram

Nandi Yellaiah, Shri

Natarajan, Smt. Jayanthi

Natchiappan, Dr. E.M.

Pande, Shri Avinash

Pandya, Shri Dilipbhai

Parjapati, Shri Ranbir Singh

Patel, Shri Ahmed

Pathak, Shri Brajesh

Patil, Shri Basawaraj

Patil, Smt. Rajani

[Mr. Deputy Chairman]

Pradhan, Shri Dharmendra

Prasad, Shri Ravi Shankar

Punj, Shri Balbir

Rai, Smt. Kusum

Rajaram, Shri

Ram Prakash, Dr.

Ramesh, Shri Jairam

Rangasayee Ramakrishna, Shri

Rao, Shri V. Hanumantha

Rapolu, Shri Ananda Bhaskar

Rashtrapal, Shri Praveen

Ratna Bai, Smt. T.

Reddy, Dr. T. Subbarami

Reddy, Shri Palvai Govardhan

Sadho, Dr. Vijaylaxmi

Sahani, Dr. Anil Kumar

Saini, Shri Rajpal Singh

Saleem, Chaudhary Munavver

Sancheti, Shri Ajay

Sanjiv Kumar, Shri

Seelam, Shri Jesudasu

Selvaganapathi, Shri T.M.

Sharma, Shri Satish

Shukla, Shri Rajeev

Singh Badnore, Shri V.P.

Singh, Shri Arvind Kumar

Singh, Shri Bashistha Narain

Singh, Shri Birender

Singh, Shri Ishwar

Singh, Shri Jai Prakash Narayan

Singh, Shri N. K.

Soni, Smt. Ambika

Sood, Smt. Bimla Kashyap

Stanley, Smt. Vasanthi

Swamy, Shri A.V.

Syiem, Smt. Wansuk

Tariq Anwar, Shri

Tarun Vijay, Shri

Thakur, Dr. Prabha

Thangavelu, Shri S.

Tiwari, Shri Alok

Tyagi, Shri K.C.

Vasan, Shri G.K.

Vegad, Shri Shankarbhai N.

Vora, Shri Motilal

Yadav, Shri Darshan Singh

Yadav, Shri Ram Kripal

[Mr. Deputy Chairman]

Noes: 24

Achuthan, Shri M.P.
Arjunan, Shri K. R.
Baidya, Smt. Jharna Das
Balaganga, Shri N.
Balagopal, Shri K.N.
Bandyopadhyay, Shri D.
Chakraborty, Shri Shyamal
Chatterjee, Shri Prasanta
Chowdary, Shri Y. S.
Ghosh, Shri Kunal Kumar
Goud T., Shri Devender
Gupta, Shri Vivek
Maitreyan, Dr. V.
Narayanan, Shri C.P.
O Brien, Shri Derek
Raja, Shri D.
Rajeeve, Shri P.
Ramesh, Shri C.M.
Rangarajan, Shri T.K.
Rathinavel, Shri T.
Roy, Shri Sukhendu Sekhar
Seema, Dr. T.N.
Sen, Shri Tapan Kumar
Singh, Dr. Kanwar Deep

The motion was adopted.

STATEMENTS BY MINISTERS**Report by Chairman, National Security Advisory Board regarding border infrastructure**

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): Sir, Shri Shyam Saran, Chairman, National Security Advisory Board, visited Ladakh from August 2 to 9, 2013. He has submitted a report on infrastructure in Ladakh, a copy of which has been sent by the Prime Minister's Office to the Ministry of Defence, among others, on the 2nd September, 2013. The report is primarily focused on the border infrastructure but also deals with several aspects relating to the region covering a broad spectrum of activities and requirements.

Broadly speaking, the report reviews the progress in development of border infrastructure required to ensure connectivity between Ladakh and neighboring areas. In this context, issues such as availability of modern machinery for construction and maintenance of roads, upgradation of roads, tunneling and alternate alignments, among others, have also been discussed. The report also deals with the requirement of air facilities in the region, as also issues relating to land acquisition and environmental and wildlife clearances. Other matters such as employment opportunities to local youth, tourism, mobile and internet connectivity, law and order, better equipment and facilities for ITBP, certain grievances of local people, among others, have further been covered in the report.

I would like to state categorically that Shri Shyam Saran has not stated in this report that China has occupied, or has denied access to India to any part of Indian territory. I would like to assure the House that there is no question of India ceding to China any part of Indian territory. Government keeps a constant watch on all developments having a bearing on India's security and takes all necessary measures to safeguard it. I would further like to assure the House that Government would continue to strengthen our capabilities in border areas to protect our national interest.

MR. DEPUTY CHAIRMAN: Now, clarifications. But please confine yourself only to seeking clarifications. Shri Balbir Punj.

SHRI BALBIR PUNJ (Odisha): Mr. Deputy Chairman, Sir, all of us are concerned about the chain of events that have been taking place on the Indo-China border for more than two years now.

[Shri Balbir Punj]

Sir, we expected the Minister to share with the House, and also with the country, what the state of affairs is in that crucial area, the area of Ladakh. But, the Minister's statement is a statement in denial. The Government is in a denial mode. The hon. Minister's statement hides more than what it reveals. The statement, Sir, is full of half-truths. I would say the hon. Minister has been very economical with the truth and he hasn't shared with the House all the facts that relating to the repeated incursions by the Chinese into Ladakh.

Mr. Deputy Chairman, Sir, I wish to ask the hon. Defence Minister a few questions. Mr. Minister, isn't it a fact that around the 17th of June or so, the PLA, the People's Liberation Army of China, had infiltrated into India, walked into India, and took away the CCTV cameras installed inside the Indian territory? I am not very sure of the date; it was somewhere in mid-June. Sir, they came back again and in the last week of July. The PLA soldiers crossed the Line of Actual Control, took away 150 metres of optical cable linked to the surveillance cameras and 300 metres of Indian Army's telephone cable. Is that a fact or not? If it is a fact, Sir, why does it not find any mention in the Minister's reply?

Then, Sir, the Army is on record saying that there have been 150 incursions by Chinese into the Indian territory in the last eight months and the number of incursions in the last one year exceeds 400. These are the statements made by responsible Army officers. Then, Sir, is the Government of India not aware that the Chinese have built a string of airports, about 22, in the Tibet region and the only target from those airports is one; in case of an emergency, in case of a problem with India, their Air Force planes can take off from those airports.

MR. DEPUTY CHAIRMAN: Okay, okay.

SHRI BALBIR PUNJ: One second, Sir. Sir, we have been watching it with great concern. The Minister said, "I would like to assure the House that there is no question of India ceding to China any part of the Indian territory." We welcome the statement. But the action on the ground does not support this resolve.

MR. DEPUTY CHAIRMAN: Okay, okay. That is all.

SHRI BALBIR PUNJ: There has not been a single, what you can say, instance of a determined opposition by the Indian Army against the Chinese incursion.

5.00 P.M.

MR. DEPUTY CHAIRMAN: Okay, thank you.

SHRI BALBIR PUNJ: Just one second, Sir. This Government lacks the political will which is needed to combat the Chinese and, therefore, the Chinese are feeling encouraged in...

MR. DEPUTY CHAIRMAN: Okay. That's okay.

SHRI BALBIR PUNJ: ...infiltrating and crossing into Indian territory and even denying access to the Indian Army of the Line of Actual Control. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Okay, Punjji. Shri Birendra Prasad Baishya. Put questions only. Don't take more than three minutes.

SHRI BIRENDRA PRASAD BAISHYA (Assam): Sir, I am happy with the statement of the hon. Minister that they would protect the sovereignty of the country. But I stand here to express my serious concern about Chinese incursions into India.

Sir, more than 600 kilometers of the Indian land has been occupied by China in the eastern Ladakh.

Secondly, I come from the North Eastern Region. It is already exposed by the electronic and print media that the Chinese Red Army entered Arunachal Pradesh. It has already been exposed by the electronic and print media. Sir, I come from a small town of Assam, Tezpur, which is very near to Arunachal Pradesh. Sir, I remember in the year 1962 when I was a student of a primary school, at that time, the Chinese Army came up to Bondila. I am from Tezpur town. The district administration and the Government asked the citizens of Tezpur to vacate the town. That was the situation at that time. I remember in 1962 India had given slogans like Indo-China Bhai Bhai. On the other hand, the Chinese entered and came up to Bondila. We vacated the Tezpur town. I remember one worst thing in my life when Pt. Jawaharlal Nehru in his radio speech had given goodbye to the people of Assam by saying this that 'my heart goes with the people of Assam.' Sir, we do not want this type of situation again. I request that the Government should take strong measures to protect the sovereignty of our country. In his statement, the hon. Minister categorically says about the availability of modern machinery for construction and maintenance of the

[Shri Birendra Parsad Baishya]

routes and upgradation of the roads. But the route in Arunachal leading to China border is in a very horrible condition. Routes in Ladakh are in a very bad condition. On the other hand, on Chinese side, they have constructed a very big route on which Chinese can travel with ten vehicles. On our route, we cannot move even with a single vehicle.

MR. DEPUTY CHAIRMAN: Put your question.

SHRI BIRENDRA PRASAD BAISHYA: I would like to know from the Minister what steps he is going to take.

MR. DEPUTY CHAIRMAN: Put your question.

SHRI BIRENDRA PRASAD BAISHYA: As is mentioned in the statement, what steps are being taken for improving the routes in Ladakh and Arunachal Pradesh? Secondly, I want to know from the hon. Minister categorically which has been exposed by the electronic and print media whether Chinese entered Arunachal Pradesh (*Time-bell rings*).

MR. DEPUTY CHAIRMAN: That is all.

SHRI BIRENDRA PRASAD BAISHYA: Only a single point, Sir. In the Chinese map Arunachal is included. If somebody from Arunachal Pradesh likes to visit China, they are not giving visa to him. So, I want a response from the Government on this point. Thank you.

MR. DEPUTY CHAIRMAN: Mr. D. Raja. Rajaji, take only two minutes.

SHRI D. RAJA (Tamil Nadu): Don't worry about the time, Sir. ...(*Interruptions*)...

MR DEPUTY CHAIRMAN: I have to worry. ...(*Interruptions*)... Who has to worry then?

SHRI D. RAJA: Sir, in his statement the Minister says, "I would like to state categorically that Shri Shyam Saran has not stated in his report that China has occupied or has denied access to India to any part of Indian territory." Sir, I take it as a factual position of the Government of India. But in the recent past there are reports emerging about the Chinese incursions, Pakistani Army's incursions as well

even as Burmese Army's incursions. In such a situation, the Government will have to take note how these reports emerge. I would like to ask the Minister whether he can throw some light and share some details on the talks between India and China on the border dispute because we are told that the talks are at higher level. Both countries keep meeting. The Defence Minister went to China, the External Affairs Minister went to China, and the Prime Minister of China visited India. In such a situation, where do these talks stand now? Can the Minister share some details and throw some light on the talks between India and China on the border dispute question? Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much for keeping up the time. Shri Derek O'Brien. You can very well follow Mr. D. Raja.

AN HON. MEMBER: How can he follow Left?

MR. DEPUTY CHAIRMAN: Regarding time. ...*(Interruptions)*...

SHRI DEREK O'BRIEN (West Bengal): Sir, for the last 15 years, since the Trinamool Congress came into inception, we have always stood firmly by whichever Government has been at the Centre when it comes to issues of national security. And, we want to reiterate that today as well. There are only four States in India that share their borders with three countries. Bengal is one of those States. As we all know, India shares its borders with seven countries. We appreciate that in the Statement the Defence Minister has, perhaps, disclosed what he is in a position to disclose and, for reasons that we understand and appreciate, may not have disclosed everything that does not need to be disclosed. But, at the same time, unlike the LoC, the China's view on the LAC—this is one point on which I want to seek clarification—is one dotted line and India's view on that same LAC is another dotted line. The dotted lines are not the same. The clarification that I would like to seek is this. All this report, which was submitted, was the journey — where the gentlemen, Mr. Saran, went—closer to our dotted line or was it closer to China's interpretation of their dotted line? Secondly, you could either clarify or put to rest. There are, at least, two pieces of twenty-one minute video footage which is extremely disturbing and which is running on a few channels of the national media. It is disturbing and it is still very speculative because neither the Government has confirmed this nor has it denied that this footage exists. If you could clarify this, it would put many minds to rest.

SHRIMATI JAYA BACHCHAN (Uttar Pradesh): Sir, I welcome the Statement which has very cleverly been worded. It has specified the development. In fact, I feel it has very nicely said, if you read in between the lines, in what a poor condition and state this border is in. All right, nothing can be done. I wish we had thought of it earlier, knowing the past history of our neighbouring country of this particular area. We should have made preparations, we should have been ready. It is a sad state. So many development points have been given here. I mean, simple things, like, road approach, connectivity—forget the lifeline, like, tourism; सड़क ही नहीं है, टूरिज्म की बात कर रहे हैं; I think, this is like counting your chicken before the eggs are hatched – are missing. When are you going to take up this project? See that our brave soldiers, who are standing there without any infrastructure, without any support, are protected and how they are going to be protected. And, how are you going to protect our border from this particular neighbouring country, which has a past history of going back on its words? How long are you going to take and when are you going to start the work? Please, Sir, when you are going to give a statement in the House, do not say that there was no encroachment. As all my other colleagues have said, it was shown on television. Everyone has seen it; and, how bravely the Major, who was there at the border, managed, I don't know what he did afterwards, but, at that moment, one could see that he was trying to stop, he was trying to speak them nicely, he was using all kinds of ways to see that they don't encroach. Please do not make such statements. It is very, very wrong.

श्री के.सी. त्यागी (बिहार): सर, 15 अगस्त, 1947 से लेकर आज तक सीमाओं पर लगातार अतिक्रमण जारी है। भारत के विभाजन के साथ ही कवायलियों का पहला हमला 15 अगस्त, 1947 के बाद शुरू हुआ। कई युद्ध हो चुके हैं, एक दौर जरूर भारत की स्थिरता और विदेश नीति में आया था जब समूचा USSR था और श्रीमति इंदिरा गांधी प्रधान मंत्री थीं। वह दौर एक ऐसा दौर था जब हम अपनी सीमाओं को लेकर सुरक्षित थे। पाकिस्तान के साथ हमारा युद्ध हुआ था, उसके बाद बंगला देश का निर्माण हुआ था और सोवियत संघ के साथ हमारी संधि थी कि कोई संभावित खतरा अमेरिका या उसके सहयोगी देशों की तरफ से आता है, तो उसको मुंहतोड़ जवाब दिया जाएगा। मुझे कष्ट के साथ कहना पड़ रहा है कि पाकिस्तान, चीन, बंगला देश रायफल्स यानी कि चूहा भी शेर पर हमला करना चाह रहा है, म्यांमार के लोगों ने भी हमारे यहां पर हमले कर दिए। We are not friendly even with Nepal, भूटान जिसके साथ हमारी कई तरह की संधियां हैं। You are not friendly even with Sri Lanka.

हमारे रक्षा मंत्री जी का जो बयान नेशनल सिक्योरिटी के लिए, बॉर्डर्स की हिफाजत के लिए है, उसका तो मैं समर्थन करता हूँ, लेकिन आपकी क्या डिप्लोमेसी हो गई, आप थर्ड वर्ल्ड कंट्रीज़ के नेता थे, आज आपका साउथ एशिया में एक भी दोस्त नहीं है, आप चारों तरफ से isolated हैं। चाहता हूँ कि आपके डिप्लोमेटिक मूव स्ट्रांग होने चाहिए। आप बैठकर बॉर्डर डिसप्यूट पर विचार कीजिए। समूचा विपक्ष वहां से लेकर के यहा तक आपके साथ है। मुझे 1971 के युद्ध के बारे में अच्छी तरह से याद है। श्री अटल बिहारी वाजपेयी, जो उस समय जनसंघ के अध्यक्ष हुआ करते थे, उनसे लेकर समाजवादी आंदोलन के सभी नेताओं ने सरकार का साथ दिया था और आज भी यदि कोई संकट सीमा पा आता है, तो वहां से यहां तक सब साथ हैं, लेकिन सरकार की जो लाचारियां और मजबूरियां हैं ...**(व्यवधान)**...

श्री भगत सिंह कोश्यारी (उत्तराखंड): सर, मुझे भी एक प्रश्न पूछना है। ...**(व्यवधान)**...

श्री के.सी. त्यागी: कोश्यारी जी, प्लीज़ सर, USSR के disintegration के बाद साउथ एशिया में जो बैलेंस ऑफ पॉवर था, वह खराब हुआ। मैंने सीरिया का सवाल उठाया था। आपने उसको सीरियसली नहीं लिया। आपकी सीरिया के बारे में क्या नीति है? अभी पुंज साहब बोल रहे थे कि आप सीरिया के बारे में तो बोल रहे हो, चीन के बारे में क्यों नहीं बोल रहे हो? यहां पर सीरिया का भी बहुत फर्क पड़ेगा। जिस दिन सीरिया बर्बाद होगा, हिन्दुस्तान बच नहीं सकता है। सीरिया के पास 80 परसेंट क्रूड ऑयल है। ईरान के युद्ध के बाद हमारे हाथ में कटोरा था, ऐसी स्थिति दोबारा फिर आने वाली है। जो अंतर्राष्ट्रीय घटनाएं हैं, उनका प्रभाव हम पर भी पड़ता है। ...**(समय की घंटी)**... सर, मैं समाप्त कर रहा हूँ। मैं आपसे कहना चाहता हूँ कि राष्ट्रीय सुरक्षा के सवाल पर पूरा सदन मंत्री जी के साथ है, लेकिन with a big 'if', I am saying a big 'if' डिप्लोमेटिकली सरकार को कमजोर नहीं होना चाहिए, कमजोर नहीं दिखना चाहिए। ...**(समय की घंटी)**... Sir, I am concluding. इससे जो सीमा पर जवान खड़ा है, जो गोली खाने के लिए तैयार है, उसका भी सीना और हौसला कमजोर हो जाता है।

SHRI T.K. RANGARAJAN (Tamil Nadu): Sir, I welcome the Minister's Statement. But I need two clarifications. One is, the media in every fifteen days or fortnight give some information. I do not know whether it is true or false. But it creates debate in this country. What is the role of the media? Is it true? If it is not true, why does the Government of India contradict it?

My second clarification is this. When the NDA was in power, they were also dealing with China and other countries. What is the difference between NDA-dealing and UPA-dealing with them and your meeting those foreign Defence Ministers? How is our relationship, State-to-State relationship? Are we in a war mood? I request you to please clarify all these things.

MR. DEPUTY CHAIRMAN: Koshiyariji. Put only one question.

श्री भगत सिंह कोश्यारी: सर, मेरा प्रश्न है कि क्या माननीय मंत्री जी, उन-उन स्थानों पर जहां-जहां पर अभी *inclusion* हुआ है, क्या उन्होंने वहां पर विजिट की है? यदि नहीं तो क्या वह भविष्य में स्वयं एम पार्लियामेंट्री डेलिगेशन के साथ, उन-उन स्थानों पर जाकर हमारी मिलिट्री का *morale* बूस्ट करेंगे? हमारे देश की सुरक्षा के लिए यह कहेंगे कि नहीं हम अपनी सीमा में आ गए, क्योंकि आप वहां जाते नहीं हैं अगर हम लोग वहां जाते हैं तो बिना सरकारी डेलिगेशन के जाते हैं। मैं जानना चाहता हूं कि आप वहां कब चलेंगे और हमें उन-उन स्थानों पर कब लेकर जाएंगे? आप कृपया इस बारे में हमें स्पष्ट रूप से बताइए, ताकि हम सभी लोगों का मॉरल ऊंचा हो।

श्री उपसभपति: श्री नरेश अग्रवाल। आप सिर्फ एक प्रश्न पूछिए।

श्री नरेश अग्रवाल (उत्तर प्रदेश): श्रीमन्, वैसे तो मैं सोच रहा था कि अभी नेशनल सिक्योरिटी पर डिबेट होनी बाकी है, हो सकता है कि हम उसमें बहुत सी बातें कहते, लेकिन यहां पर स्पेसिफिक सूचना है। अभी जैसा डी. राजा जी ने कहा है कि आप चाइना गए थे और आपने चाइना के डिफेंस मिनिस्टर से बात की है। कृपया आप मुझे यह बताने की कृपा करें कि चाइना ने अरुणाचल प्रदेश को अपने नक्शे में दिखा रखा है, जब आपने चाइना के डिफेंस मिनिस्टर से वार्ता की तो क्या उस समय इस पर वार्ता हुई थी? क्या चाइना इस बात पर सहमत है कि अरुणाचल प्रदेश उसका हिस्सा नहीं है, हिन्दुस्तान का हिस्सा है, यदि नहीं तो क्या बात हुई?

दूसरी बात यह है कि चाइना इस साल हिन्दुस्तान में 31 बार घुसा है और पिछली बार 46 बार घुसा था। चाइना इतनी बार हिन्दुस्तान में घुसा, इस पर हमारी सेना या हमारी सरकार क्या कार्यवाही कर रही है? मैं अंत में यह बात पूछना चाहूंगा कि माननीय प्रधान मंत्री जी जी-20 सम्मेलन में भाग लेने के लिए रूस गए हैं, वहां पर चाइना के प्राइम मिनिस्टर भी गए हैं, क्या माननीय प्रधान मंत्री चाइना के प्रधान मंत्री से इस इश्यू पर कोई वार्ता करेंगे, यदि नहीं तो क्यों नहीं करेंगे?

MR. DEPUTY CHAIRMAN: Mr. Badnore, you gave your name very late. So, put only one question.

SHRI V.P. SINGH BADNORE (Rajasthan): Sir, I would put one question but I would take two minutes.

MR. DEPUTY CHAIRMAN: It would be a lengthy question!

श्री वी.पी. सिंह बदनौर: सर, मंत्री जी कहां चले गए? यदि वे यहां आ जाएं, तो मैं अपनी बात कह सकूंगा अन्यथा किसके सामने अपनी बात कहूंगा?

MR. DEPUTY CHAIRMAN: The Minister is here. You may proceed. It is being recorded. You may put the question. It is being recorded, don't worry. The MoS is here.

SHRI V.P. SINGH BADNORE: But if he is not answering, then what is the point in putting the question?

MR. DEPUTY CHAIRMAN: No, no; please. You may speak. The MoS is here. That is okay.

SHRI V.P. SINGH BADNORE: Sir, my point is that the issue and the problem has to be understood first. You have undefined boundaries. Your boundaries have a LoC and a LAC, undefined, in a sense, at the place. On the paper you may have it, but they are no boundaries. Usually, you can have a river as a boundary but you don't have it. It is a very difficult terrain. I have been going there and I know that terrain. And when you have that sort of a situation, what happens is, you have tented posts, the Chinese come behind the LAC or the LoC and put new posts and those are tented posts. So, you have this problem and then we say, 'you have come into our area'. Have we also done that? If we do not do that, we can also do that, but you have not been giving permission to the Army to do it. If that permission is given to the Army, that you can also do that, then it can be balanced. And this permission is what I have been talking about. But there are dangers. Do you have the supply chains that they have? We do not have the supply chains; they have the supply chains. And that is the only way out to contain this problem. Will you give the permission to the Army to do this? This is my question.

MR. DEPUTY CHAIRMAN: Shri Tarun Vijay; he had given his name but he is not there. Shri Ravi Shankar Prasad.

SHRI RAVI SHANKAR PRASAD (Bihar): Sir, I am grateful that you have given me the opportunity.

Hon. Defence Minister, you would surely appreciate that even though Mr. Shyam Sharan is a very distinguished diplomat and is the Chairman of the National Security Advisory Board, yet, if he goes to Ladakh and gives a report, concerns immediately emanate in the country, so much so that you have to come to the House and dispel them, saying that there is no such report of Chinese incursion or occupation of Indian territory. Of late, I have been visiting India's neighbours

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because of certain assignment given to me by my Party. I had been to Sri Lanka earlier. I had been to Nepal very recently. We hear about Bhutan. In all our neighbours, China is making a very powerful presence strategically, and also in terms of infrastructure support. Among all these traditional friends of India, be it Sri Lanka or be it Nepal, this is giving rise to a serious concern as far as our own strategic interest is concerned. This is a concern shared even by our strategic experts, who are India-friendly, be it Sri Lanka or be it Nepal.

Nareshji just asked about hon. Defence Minister's visit to China. One day before his visit, if I recollect correctly, a senior military officer of the Chinese Army made a very castigating comment about India's designs. There was no rebuttal by the Government of India which ought to have been there. I think hon. Minister's visit is important, but the prestige of India is equally important.

This being the background of the whole situation, I have two questions to put to the hon. Minister. The first and foremost is about hon. Minister's categorical assurance that not even an inch of India's territory has been occupied by China. I was a very little kid. At that time, there was a statement by a very popular Prime Minister in the wake of 1962 War that in the areas, which had been taken over by China, not a blade of grass grew there. I remember I was then a kid, but when I am speaking today in your presence, let me salute that brave Congress M.P., Shri Mahavir Tyagi, who took out his cap and told the then Prime Minister, "Please, remove your cap. Not a blade of grass grows here. Would you mean that you will chuck out my head?" That has been the concern in existence about China from 1962 onwards. We cannot wish away that background. Then, you say that Shyam Saran's Report does not make a mention of Chinese occupation on any part of Indian territory. Mr. Badnore's query is right that there is dispute about the borders. We hear about problems in Arunachal. We just heard about problems in Daulat Beg Oldi. For nineteen days, there was problem in the country. We see other things on television which Jayaji has mentioned. We respect hon. Minister in terms of his being a senior Minister, but should we take his categorical assurance on the floor of the House, or, is there some scope for ambiguity? That is my first question to the hon. Minister. When the border is in dispute, how is he saying that there is no incursion at all? Does he say that all the media reports that we have been hearing

for the last about a couple of months are no more relevant today and our borders are safe? That is the first query I have to ask.

The second query to the hon. Minister is about infrastructure. Of late, because of certain programme that Mr. J.P. Nadda and I are doing, under the leadership of Shri Rajnath Singh, about studying the Kashmir situation, we have been frequently visiting Kashmir. I have gone to Ladakh and Kargil three times along with Mr. Nadda. Since you told about infrastructure, let me give you today an information which I saw on the border. Mr. Koshyari and Mr. Rudy were sent to travel in the entire borders. I was told there in Ladakh by the Indian panchayat in the adjoining village that they make their road, but whenever, under the *Pradhan Mantri Gramin Sadak Yojana*, roads on Indian sides are sought to be made, the Chinese oppose from that side and instead of protesting, our Army, our security says, "Please, don't make it a big issue." Mr. Nadda is sitting here. Thrice, I was in Ladakh. In Kargil, I met personally those panchayat sevaks who told me this. I had an occasion to convey it to the Foreign Affairs Minister also, and today, I don't wish to take his name. But, I met many senior Army officers and they said, "Sir, we normally avoid making an issue out of it." Obviously, no one wants to have a tension unnecessarily. But, how can we be oblivious and indifferent to India's strategic needs as far as infrastructure is concerned. Therefore, my second question to the hon. Defence Minister is whether he is going to assure the House that all the border roads on the border with China are in good shape. Are proper construction, repair and maintenance being permitted regardless of the objection by the Government or the Army of China? These are my two specific queries.

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

SHRI A.K. ANTONY: Sir, I am glad that whenever an issue concerning the national security is discussed in this House, in spite of the criticism about the way the Government handles the issues, there is almost unanimity here, cent per cent unanimity or consensus about safeguarding our national interest and protecting our national security.

Today, many hon. Members raised many, many important issues concerning our national security in general, with some of them regarding the Indo-Pak border, and, by and large about the Indo-China border. Actually, today, we are not having a

[Shri A.K. Antony]

discussion on Indo-China border, and, this is not a discussion on national security. This is a suo-motu statement and the reason is that there was a demand for the same due to the media reports about the purported statement by Mr. Shyam Saran about China occupying 640 square kilometres of Indian territory. The media report was that in the report submitted by Mr. Shyam Saran to the PMO, there is a mention of 640 square kilometres land of India being occupied by China. Actually, this discussion itself is somewhat a problem because we are discussing about the report given by Mr. Shyam Saran to PMO about China occupying more than 640 square kilometres of Indian territory. Really, it is a matter of concern for anybody. The entire country is really concerned after seeing the report. But what is the truth? The very same man, Mr. Shyam Saran, who is supposed to have given the report to the PMO about this India losing 640 square kilometres land to China, he himself denied it. Today, in the papers, I saw his statement. The Chairman, National Security Advisory Board (NSAB), Mr. Shyam Saran, has denied media reports that he has submitted an official report to the PMO accusing the PLA for occupying 640 square kilometres of Indian territory. He himself is denying it and saying that he has not given such a report to the PMO. That is another reality, and, he said that the NSAB does not concern itself with operational matters. He was asked to submit a report on border infrastructure and other related issues. At no point of time, he has given a report about the Chinese encroachment of 640 square kilometres of Indian territory.

So, today, my Statement is a limited one, and, that is why, unfortunately, I am not able to satisfy the points raised by my colleagues in my Statement. This response is a limited one. This response is a limited one regarding the report supposed to have been submitted by Mr. Shyam Saran to the Prime Minister's Office but the officer himself says that he has not given such a report. That is one part of the story; let it be there. Everybody knows about India-China border issue. We have a long border with China, more than 3,488 kilometres.

SHRI BALBIR PUNJ: It is approximately 4,085 kilometres.

SHRI A.K. ANTONY: It includes other areas also. There has been a dispute. It is a long story. It started many years ago, more than 50 years ago. Mr. Ravi Shankar Prasad told us about losing our land. I do not say that we did not lose our land. We know that. In 1962 and in 1963, we lost large stretches of Indian land in Ladakh, in

PoK and in Arunachal area. It happened in 1962 and 1963, not now. It is a reality also. I don't deny that reality. But the fact of the matter is, after 1962 and 1963, many Governments came and gone, but the issue is unsettled, the India-China border issue is unsettled. There are many areas where there is agreement about LAC, the Line of Actual Control. But, unfortunately, still there are many points where both the countries do not agree about the LAC; both countries agree that it is a disputed area.

Then comes my colleague, Mr. Derek O'Brien, who also said it in similar language. China puts one dotted line on the border as their area. India puts another dotted line as our area. So, in the long India-China border, there are vast areas where both the countries agree that it is the Line of Actual Control. Even though issue is unsettled, one thing is settled. Vast areas are in actual control of both countries. But there are areas, there are disputed points, which China feels are their land. They will consider their land according to their perception, according to their dotted line. India will consider our land as per our perception.

SHRI BALBIR PUNJ: Mr. Minister, what happens to the McMahon Line? *..(Interruptions)..* That has been accepted as the international border. *..(Interruptions)..* What happens to the McMahon Line? *..(Interruptions)..* That has been the border right from the British days. *..(Interruptions)..* From 1914, it has been *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: No, no. *..(Interruptions)..* Please, Mr. Punj. *..(Interruptions)..*

SHRI BHAGAT SINGH KOSHYARI: Sir, across the border line, China occupied *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: No, no. No more clarifications. *..(Interruptions)..* Let him reply. *..(Interruptions)..* Koshyariji, let the Minister reply, please. *..(Interruptions)..* Mr. Punj, you cannot interrupt like this. *..(Interruptions)..* Mr. Punj, take your seat. *..(Interruptions)..* No, no, I am not allowing it. *..(Interruptions)..* I am not allowing it, Mr. Punj. *..(Interruptions)..* Let him complete. *..(Interruptions)..*

SHRI A.K. ANTONY: My learned colleague, Shri Balbir Punj, knows that even though we are accepting that, unfortunately, the other side is not accepting that line.

SHRI BALBIR PUNJ:*

MR. DEPUTY CHAIRMAN: No, no. No interaction *..(Interruptions)..*

It is not allowed, Mr. Punj. *..(Interruptions)..* It is not going on record. *..(Interruptions)..* What is this? You have made your point and then again you are getting into this. *..(Interruptions)..*

SHRI A.K. ANTONY: The reality is, in disputed areas, our patrols go up to the area which we consider it is our land; their patrols go to the area which they feel their land. So, on the LAC, which is accepted by both the countries, there is no such conflict of patrolling. At disputed sites, our patrol goes up to our perception and their patrol comes up to their perceptions. Some 30-50 years ago, even China did not develop their infrastructure to this extent. The theory in the Indian Defence Establishment was that it's safe and correct policy not to develop border areas. In olden days, undeveloped borders were considered the safest and protected. But China started developing its capabilities years ago. Everybody knows it and I have no hesitation in accepting the fact. Compared to India, in the area of development of infrastructure, China is superior. The Chinese Government has been continuously, without any let-up, developing its infrastructure, including roads, airfields and rails, in their areas. India, actually, after long years of indifference, started developing its infrastructure only 20-25 years ago. That also was very slow. If we compare India with China in terms of infrastructure in border areas, I have no hesitation in saying that China is better positioned than India. We admit that. If it is a mistake, it is a mistake to be owned by all of us because it is a historical legacy. Let me complete. We are far behind. But of late I am happy that we have also started developing infrastructure in border areas. During your Government also, you also developed infrastructure in the border areas. I don't dispute that. You also contributed to that. But if you compare all Governments in India, I can claim, without any exaggeration, that in the last nine years Indian Government has developed maximum infrastructure in the border areas. It is the 'maximum' so far. China also realises that now. Even though they still feel that they are superior to India in terms of border infrastructure, they also feel that India is also trying to catch up. This is their fear. I can't share everything completely. That will create problem for me. But I can tell you...*(Interruptions)...*

* No recorded.

SHRI RAVI SHANKAR PRASAD: Hon. Defence Minister, I have my serious reservation, but for the sake of country, I am not contesting you. I have my serious reservation, but for the sake of India, I am not formally contesting you. That's all.

SHRI A.K. ANTONY: Let us agree to disagree for the sake of India. We are Indians first. Actually, in the last eight-nine years, after 29 years, we raised two new mountain divisions in the North-East Sector. We raised so many ALGs, new airfields, new roads, and several other capabilities. I don't want to explain too much. Recently, we have decided to raise additional forces substantially on the border. Compared to past, now we are also moving ahead. We are trying to catch up. They are also moving fast. This I can assure the House. In earlier years, there was some neglect on India's part in developing capabilities in border areas. We are very much clear that while we are trying to improve our relations with China, we will not let up, we will continue to strengthen our capabilities in the border areas, so that we can protect our national interest. There won't be any let up. Continuously, we will try. If you compare, in the last nine years, we have substantially built up our capabilities in the Eastern sector as well as other areas. But, the problem is that the border issue is unsettled. What we are trying to do is this. My colleagues asked me that. Diplomatically, we are trying to settle this long-pending border issue with China amicably. That was started. In successive Governments, that process continued. Whether UPA or NDA or Congress, successive Governments continued that policy. Special representatives from both countries, the Indian NSA and his counterpart, are entrusted to negotiate and find a solution to the long-pending border issue. But, it will take some time. You can't expect miracles. We are trying at political level, military level, Minister's level and at other political levels like at the level of the External Affairs Minister or the Defence Minister or the Prime Minister. But, at the moment, we are entrusting the responsibility of finding a solution to the border issue to special representatives. They will come up with a formula. But, wait for that. Till that time, the border cannot be an area of permanent tension. Till we find a permanent solution to the border issue, our minimum concern is to maintain peace and tranquillity on the Indo-China border. For that, attempts are being made at diplomatic level. During my visit also, we discussed that. That is one thing. Speedy infrastructure development is taking place in border areas on both sides. Of course, China is a little ahead. We are now catching up. In the past, two Armies were at a vast distance. Now, infrastructure is coming up in the disputed areas. So, in recent

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years, both Armies and their patrols are coming nearer and sometimes, coming closer. As a result, not once, every year, we accuse their Army of incursions. They also say that our patrol is increasing. They say that Indian patrol is increasing. That is their complaint. It happens. But, it is not a permanent thing. They come and go. We go and come back. But, at times, in last many years, it leads to a situation like face-off and unfortunate incidents. My good friend told me about channels. Channels also reported a face-off. Unfortunately, that face-off was an old face-off, but not a new one, that happened. Many face-offs also take place, of which the longest one was in the Depsang. Both countries agreed to a reasonably mutually satisfactory solution. They withdrew to their original position and the issue was settled. So, as long as this border issue is unsettled and as long as the Indian Army and India feel that we can go up to an area which we feel is ours, according to our perception, we will go. This is generally a basic decision taken in 1976 about the patrolling pattern. By and large, that pattern is continuing. *...(Interruptions)...* So, our Army, and in some places ITBP, are having patrols up to the area we feel ours. They are coming to areas they feel theirs. Occasionally, there is face-off. It is unfortunate. We have now taken two decisions. On the one side, China has already built up enough capabilities and still they are continuing. Regarding building capabilities, there is no compromise. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: No, please, not allowed. *...(Interruptions)...* Not allowed. *...(Interruptions)...* Not allowed. Hon. Minister may not yield. *...(Interruptions)...* Not allowed please. No, please.

SHRI A.K. ANTONY: I can tell you only one thing. As far as the Indian Government is concerned, on the one side, we are trying to improve our relations with China, on the other, we are trying to strengthen our capabilities. There is no question of freezing. We will strengthen our capabilities to our best. At the same time, as I said, we will protect every inch of the Indian land. We have to strengthen our Armed Forces, strengthen our capabilities and do everything possible to protect our national security. At the same time, we want a peaceful solution. One is by resolving long standing border issues peacefully. Second is to maintain peace and tranquility in our border areas for which there are so many agreements; and there are so many forums. Negotiations are going on to form another effective mechanism to

deal with incursions immediately, whenever they take place; and solve it. That attempt is parallely going on. That will continue. On the one side, we are strengthening our capabilities, and on the other a sincere attempt is being made to find a peaceful solution. Along with this, a sincere attempt is also being made to maintain peace and tranquillity in the border areas till a final settlement is made. This is our approach. I think on this, the nation is one. This kind of confusion has been created; and the whole nation is concerned. I can understand that the Parliament is also concerned. Members are agitated.

It has been reported that the former Foreign Secretary, Shri Shyam Sharan has given a report to the Prime Minister saying that the Chinese Army has occupied 640 sq. KMs. The whole nation is concerned over this. Naturally, the Parliament is concerned. But Shri Shyam Sharan has himself denied that he has given any such report. According to me, he has sent one report to our Department. I have gone through it. There is not a single word about the Chinese occupying the Indian Territory.

In the end, I would like to assure you, so far as protecting India's national interest is concerned, there will not be any compromise. Let us stand united. There is no dispute on this.

MR. DEPUTY CHAIRMAN: Now, Shri Kapil Sibal is not here. Kumari Selja is not here. What do you say? ..(Interruptions)... No more questions.

SHRI RAVI SHANKAR PRASAD: Sir, before any Bill is taken up, I want to submit that a Short Duration Discussion on price rise and onion prices is incomplete. My hon. friend, Shri Naresh Agrawal spoke. Thereafter, in the last four days, it has never been taken up. Daily we are considering only Government Bills; and those are being passed. But our concerns are not being addressed. We have also asked for a debate on the National Security. That also has not been taken up. It is not fair. ..(Interruptions)..

श्री नरेश अग्रवाल: महोदय, ये केवल बिल पास करा रहे हैं और महंगाई तथा नेशनल सिक्योरिटी पर चर्चा होने नहीं दे रहे हैं। ...(व्यवधान)... श्रीमन् हम यहां केवल बिल पास करने के लिए नहीं आए हैं। ...(व्यवधान)... यह सरकार सिर्फ बिल पास करा रही है। ...(व्यवधान)...

श्री रवि शंकर प्रसाद: सर, इस सदन में सरकार केवल बिल लाए और हमें महंगाई का बिल मिले, यह तो नहीं चलेगा। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: So, I would like to know, why not we take up ..
...(Interruptions)...

संसदीय कार्य मंत्रालय में राज्य मंत्री तथा योजना मंत्रालय में राज्य मंत्री (श्री राजीव शुक्ल): सर, ऐसी बात नहीं है। जैसा अभी हमारे माननीय सदस्यों ने कहा कि चीन के संबंध में स्टेटमेंट होनी चाहिए और उस पर क्लेरिफिकेशंस होनी चाहिए, तो हमने उस पर तुरंत स्टेटमेंट और क्लेरिफिकेशंस करवाई जबकि वह कोई बिल नहीं था। ...(व्यवधान)... सदस्य जो मांग करते हैं, हम उसके आगे झुकते हैं और आपकी बात मानते हैं। ...(व्यवधान)...

श्री बलबीर पुंज: प्राइस राइज़ तो एक हफ्ते पहले ही आया था। ...(व्यवधान)...

श्री राजीव शुक्ल: पुंज जी, आप सुन तो लें। ...(व्यवधान)... सर, मेरी आपसे यह रिक्वेस्ट है कि छत्तीसगढ़ और केरल के एससीज़-एसटीज़ का एक छोटा-सा बिल है, अगर उसे मामूली क्लेरिफिकेशंस के साथ पास कर लें और उसके बाद प्राइस राइज़ को ले लें, तो हमें कोई आपत्ति नहीं है।

श्री उपसभापति: हो सकता है, बिना डिस्कशन के पास कर सकते हैं?

SHRI DEREK O' BRIEN: सर, मिनिस्टर का दार्जिलिंग के ऊपर भी स्टेटमेंट है।
.....(व्यवधान) You are doing these meetings. ...(Interruptions)...

श्री राजीव शुक्ल: वह भी हो जाएगा(व्यवधान)

SHRI PRASANTA CHATTERJEE: Sir, the Short Duration Discussion on price rise should be taken up first. ...(Interruptions)...

श्री नरेश अग्रवाल: सर, यह तय हो जाए कि कल 11 बजे जीरो ऑवर के बाद प्राइस राइज़ और नेशनल सिक्वोरिटी ले लिया जाए। बाद में अगर समय बचेगा तो बिल देखेंगे। हमारी बिल पास कराने की गारंटी नहीं है।(व्यवधान) मैं बिल्कुल स्वीकार नहीं करूंगा।
.....(व्यवधान)

MR. DEPUTY CHAIRMAN: I concede that the discussion on price rise should be taken up. But I also see a point that Shri V. Kishore Chandra Deo's Bill is a non-controversial Bill. Everybody accepts it. If you can pass it...

डा. वी. मैत्रेयन (तमिलनाडु): सर, हमारे मेंबर भी उस पर 5 मिनट बोलेंगे।(व्यवधान)

MR. DEPUTY CHAIRMAN: You don't want to pass it without discussion!
...(Interruptions)...

श्री नरेश अग्रवाल: कल के लिए तय हो जाए कि जीरो ऑवर के बाद सबसे पहले

प्राइस राइज़ पर डिस्कशन होगा। तब तक हम सरकार के बिल पास नहीं कराने देंगे।
.....(व्यवधान)

MR. DEPUTY CHAIRMAN: Let us do one thing. This Bill will take half-an-hour. After that we will take up the Short Duration Discussion. ...(*Interruptions*)...

श्री राजीव शुक्ल: आज एक ही तो बिल पास हुआ है।(व्यवधान)

MR. DEPUTY CHAIRMAN: That we will take up later.

श्री देरेक ओब्राईन: गृह मंत्री का शॉर्ट स्टेटमेंट है, इसे करने दीजिए। The Home Minister is not well. Therefore, the MoS has come here.

SHRI RAVI SHANKAR PRASAD: Sir, I totally agree with Nareshji and others that tomorrow after Zero Hour, let us take up the Short Duration Discussion on price rise, followed by the Short Duration Discussion on national security in the country. These are the two concerns. We can sit till late also. But these two have to be taken up tomorrow. Today, as far as Shri V. Kishore Chandra Deo's Bill is concerned, we can take it up, provided the Government agrees that tomorrow after Zero Hour, the discussion on price rise will be taken up.

SHRI RAJEEV SHUKLA: That will be decided by the Chairman.
...(*Interruptions*)...

SHRI RAVI SHANKAR PRASAD: Sir, what is this? The House is important.
...(*Interruptions*)... अभी प्राइस राइज़ का डिस्कशन शुरू कराइए, बोलने के लिए प्रकाश जावडेकर जी तैयार हैं।(व्यवधान)

श्री राजीव शुक्ल: मैं तो कहता हूँ कि प्राइस राइज़ आज ही शुरू कराइए। कल क्यों? आज शुरू करो प्राइस राइज़।(व्यवधान)

MR. DEPUTY CHAIRMAN: Since the Bill is non-controversial, we will pass it in 30 minutes. Then we will take up the Short Duration Discussion on price rise.
...(*Interruptions*)... आप बैठिए।

SHRI DEREK O' BRIEN: Sir, the MoS is sitting here. He has to make a statement.

MR. DEPUTY CHAIRMAN: That will also be done. We can take up all the three.

SHRI DEREK O' BRIEN: Sir, the Home Minister is not well. The MoS
...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Both the Ministers are here. This Bill will take only half-an-hour. *...(Interruptions)...* After this Bill, we will take up the Short Duration Discussion on price rise. *...(Interruptions)...*

SHRI SUKHENDU SEKHAR ROY: Sir, I have to make one submission. We have nothing against taking up this Bill now. The only thing is that in the morning, the Minister of State for Parliamentary Affairs, Shri Rajeev Shukla, assured that the Minister of State for Home Affairs would make a statement. And he has come with the statement. It will only take a few minutes.

MR. DEPUTY CHAIRMAN: I am giving you an assurance that it will be done, if not today, then, tomorrow. *...(Interruptions)...*

SHRI DEREK O' BRIEN: No, Sir. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Anyhow, the consensus of the House is to take the Bill first. Shri V. Kishore Chandra Deo to move the Bill. *...(Interruptions)...* I have given the ruling. *...(Interruptions)...* You cannot decide the agenda. I have to decide. Please sit down. *...(Interruptions)...* I told you that it will be done.

SHRI SUKHENDU SEKHAR ROY: Why tomorrow, Sir?

MR. DEPUTY CHAIRMAN: It is for the Chair to decide. I have given you an assurance. Mr. Minister, I have given an assurance to the hon. Members that if clarifications are not taken up today, then, it will be done tomorrow. Now, Shri V. Kishore Chandra Deo.

GOVERNMENT BILLS—Contd.

The Constitution (Scheduled Tribes) Order (Amendment) Bill, 2013

THE MINISTER OF TRIBAL AFFAIRS (SHRI V. KISHORE CHANDRA DEO):
Sir, I move:

That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh, as passed by Lok Sabha, be taken into consideration.

The question was proposed.

6.00 P.M.

[THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY) in the Chair].

श्री फगन सिंह कुलस्ते (मध्य प्रदेश): महोदया, मंत्री जी संविधान (अनुसूचित जनजातियां) आदेश (दूसरा संशोधन) विधेयक, 2013 लेकर सदन में आए हैं।

महोदया, इस समय देश के सामने जनजातियों का जो मामला है, उसमें केरल और छत्तीसगढ़ की दो कम्युनिटीज का सवाल है। केरल से प्रविष्टि 27 के पश्चात् "माराटि" को इंसेर्ट करना है। महोदया, यह "माराटि" ट्राइब्स एक सीमित क्षेत्र के अंदर है। कासरगोड जिले के होसदुर्ग और कासरगोड ताल्लुक--ये दो ऐसे क्षेत्र हैं, जिन में इनको जनजातीय का दर्जा देने के लिए यह विधेयक सामने आया है। वहीं छत्तीसगढ़ में प्रविष्टि 16 में "असुर" के पश्चात् "अबूझ मीडिया" और प्रविष्टि 27 में "कोरवा" के पश्चात् "पहाड़ी कोरवा" अंतः स्थापित की जानी है। महोदया, छत्तीसगढ़ की सरकार ने इन दो जनजातियों को विशेष जनजाति और जनजाति का दर्जा देने के बारे में कहा है। महोदया, मैं मंत्री जी से केवल यह कहना चाहता हूँ कि पूरे देश या प्रदेशों से अलग-अलग तरीके से भारत सरकार के पास जनजातियों का स्टेटस देने के लिए बहुत सारे प्रदेशों से प्रपोजल्स आते हैं। महोदया, मैं अनुसूचित जनजातियों के बारे में और विशेषतः अनुसूचित जनजाति शब्द की उत्पत्ति के बारे में कहना चाहता हूँ कि यह आज का सवाल नहीं है।

आजादी के पूर्व से इनकी स्थिति के बारे में कहा गया कि 26 जनवरी, 1950 को भारतीय संविधान लागू होने के पश्चात् ही जनजातियों तथा जनजातीय समुदायों को "अनुसूचित जनजाति" की विशिष्ट संज्ञा देने की आवश्यकता महसूस हुई। भारत सरकार के अधिनियम, 1935 में पिछड़ी जनजातियों का संदर्भ है तथा भारत सरकार के आदेश 1936 की 13वीं अनुसूची के अंतर्गत असम, बिहार, उड़ीसा, मध्य प्रांत, पश्चिम बंगाल, मद्रास तथा बम्बई की कुछ जनजातियों को पिछड़ी जनजातियों की श्रेणी में रखा गया था। सर्वप्रथम आदिम जनजातियों को अनुसूचित करने का प्रयास 1931 की जनगणना के समय में हुआ था। कहने का आशय यह है कि इसमें जिन जनजातियों के बारे में उल्लेख हुआ है या आप छत्तीसगढ़ में उन जनजातियों की कमज़ोर आर्थिक स्थिति को देखें, तो देश में आज भी 75 ऐसी जनजातियां हैं, जिनके लिए भारत सरकार की पूरी जिम्मेदारी बनती है कि वह इन जनजातियों की सुरक्षा करे, इनके विकास की चिंता करे, इनकी शिक्षा और चिकित्सा के बारे में चिंता करे। यह भारत सरकार की जिम्मेदारी है और सरकार का कमिटमेंट है, इसलिए यह जो विशेष जनजाति "पहाड़ी कोरवा" है, इसके बारे में सरकार को विचार करना चाहिए और देश की सभी 75 जनजातियों के बारे में भी विचार करना चाहिए।

महोदया, सवाल केवल इस बात का ही नहीं है, बाकी जो जनजातियां हैं... मैंने कहा कि आज इस प्रकार के सवाल बहुत उठे, मैंने असम में भी देखा, बंगाल में भी देखा, अन्य क्षेत्रों में रहने वाले जो जनजातीय समाज के लोग हैं, जो विशेषकर मजदूरी के लिए असम में

[श्री फग्गन सिंह कुलस्ते]

निवास करते हैं, चाय बागान के अंदर उनको "टी ट्रेडिज़" के नाम से जाना जाता है, परंतु वहां पर उनको जनजातियों का स्टेटस प्राप्त नहीं है। दुर्भाग्य इस बात का है कि जहां-जहां पर इस प्रकार की क्षेत्रीय असमानता है, मुझे तो लगता है कि इस सारी विसंगति को दूर करने के लिए सरकार को, मंत्रालय को किसी ऐसे आयोग के बारे में सोचना चाहिए, कोई स्पेशल कमिशन बनाना चाहिए कि जब मध्य प्रदेश के जनजातिया समाज का व्यक्ति, छत्तीसगढ़ के जनजातीय समाज का व्यक्ति, महाराष्ट्र के जनजातिया समाज का व्यक्ति, राजस्थान या गुजरात के जनजातीय समाज का व्यक्ति या पूरे उत्तर के जनजातिय समाज का व्यक्ति, इस देश के किसी अन्य भाग में निवास करता है, तो उसके बारे में भी चिंता होनी चाहिए। इस बात के लिए राज्य सरकारें केवल सिफारिश करती हैं और उस राज्य सरकार की सिफारिश के आधार पर आयोग के पास यह विषय आता है, फिर यह आर.जी.आई, के पास जाता है। तो यह जो स्थिति है कि राज्य सरकारें अपनी सिफारिशें भेजती हैं, वे अलग-अलग स्तर पर भेजती हैं। जब काम की तलाश में वह व्यक्ति एक प्रदेश से दूसरे प्रदेश में जाता है, तो उनकी स्थिति के बारे में भी सोचना पड़ता है और आज सवाल इसी बात का है, इसलिए मैं कहना चाहता हूं कि ऐसे सवालों पर हमें विचार करना चाहिए। आज समय कम है, परंतु मैं माननीय मंत्री जी से इस बात के लिए भी निवेदन करना चाहता हूं कि यह जो प्रश्न है, यह हमारे पूरे देश के सामने है और इसलिए उनको जनजातीय समाज का स्टेटस देने में हमें कोई आपत्ति नहीं है। हम इसका समर्थन करते हैं, परंतु प्रश्न इस बात का है कि देश के अन्य जो हिस्से हैं, उनके सामने भी इस प्रकार की समस्याएं आती हैं। ...**(समय की घंटी)**... आज दिल्ली में उनका कोई स्टेटस नहीं है। हम इसका विरोध नहीं कर रहे हैं, परंतु जब सुविधाओं का सवाल आता है, उनके शैक्षणिक विकास का सवाल आता है, तो इन सारी परिस्थितियों के बारे में सोचना पड़ता है।...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): You, now, please conclude Mr. Kulaste.

श्री फग्गन सिंह कुलस्ते: और इसलिए महोदया, यह बहुत महत्वपूर्ण प्रश्न है।

उपसभाध्यक्ष (श्रीमती रेणुका चौधरी): देखिए, बहुत सारे सदस्य इस महत्वपूर्ण विषय पर बोलना चाहते हैं, इसलिए प्लीज़ आप कंप्लीट कीजिए। ...**(व्यवधान)**...

श्री फग्गन सिंह कुलस्ते: तो जब वे जवाब देंगे, तो इस बारे में अगर एक संतोषजनक, सकारात्मक जवाब देंगे तो मुझे लगता है कि भविष्य की दृष्टि से और देश में रहने वाली जनजातियों के संबंध में एक अच्छा निर्णय हो सकता है, अच्छा संदेश जा सकता है। आपने मुझे बोलने के लिए समय दिया, बहुत-बहुत धन्यवाद।

उपसभाध्यक्ष (श्रीमती रेणुका चौधरी): श्री अवतार सिंह करीमपुरी जी, बोलिए।

श्री अवतार सिंह करीमपुरी (उत्तर प्रदेश): महोदया, आपने मुझे The Constitution (Scheduled Tribes) Order (Amendment) Bill, 2013 पर बोलने का मौका दिया है, इसके लिए मैं आपका धन्यवाद करता हूँ।

उपसभाध्यक्ष (श्रीमती रेणुका चौधरी): आप संक्षेप में बोलिएगा।

श्री अवतार सिंह करीमपुरी: महोदया, शैड्यूल्ड ट्राइब्स का इश्यु बहुत सेंसिटिव इश्यू है, इसके लिए मैं आपकी बात का सम्मान करते हुए संक्षेप में अपनी बात रखने की कोशिश करूंगा, लेकिन पहली बार मुझे आपके सामने बोलने का मौका मिला है, इसलिए कुछ न कुछ तो आपकी दया दृष्टि रहेगी। महोदया, जो लिस्ट को रिव्यू करने का मैटर है, बहुजन समाज पार्टी इसके साथ अपनी सहमति दर्ज करती है, लेकिन हमारा कहना यह है कि हम शैड्यूल्ड ट्राइब्स के हालात को भी देखें। हम लिस्ट को रिव्यू कर रहे हैं, लेकिन उनकी जो सोशल स्थिति है, जो इकॉनॉमिक स्टेटस है, उसके बारे में हम कब सोचेंगे? आपने केरल की माराटि और छत्तीसगढ़ की दो जातियों की बात की है, उनके अलावा भी जो शैड्यूल्ड ट्राइब्स के लोग हैं, उनकी स्थिति क्या है, वह मैं आपके सामने रखना चाहता हूँ। 2001 का सेंसस बताता है कि मेल एजुकेशन का नेशनल एवरेज 65.38 परसेंट है, लेकिन शैड्यूल्ड ट्राइब्स उसमें 47 परसेंट पर स्टैंड कर रहे हैं। इस प्रकार एजुकेशन के फील्ड में लगभग 18 परसेंट का मेल का डिफरेंस है। फीमेल एजुकेशन का नेशनल एवरेज 54.16 परसेंट है, जिसमें 34.76 परसेंट शैड्यूल्ड ट्राइब्स की फीमेल को एजुकेशन मिली है। इस प्रकार इसमें 19.40 परसेंट का डिफरेंस है। इसके अलावा चाइल्ड मॉर्टैलिटी रेट को अगर हम देखें तो 2005-06 की जो रिपोर्ट है, उसके अनुसार 1000 लाइव बर्थ के पीछे नेशनल एवरेज 62 है, लेकिन शैड्यूल्ड ट्राइब्स के 84 बच्चों की लाइव बर्थ के दौरान मृत्यु हो जाती है। इस प्रकार 1000 बच्चों के पीछे 22 का डिफरेंस है और एक लाख बच्चों के पीछे 2,200 का डिफरेंस है। इसी तरह से इन्फैंट मॉर्टैलिटी रेट जो है, उसका नेशनल एवरेज 22 है, जबकि शैड्यूल्ड ट्राइब्स का 46 है। इस प्रकार इसमें 1000 के पीछे 24 का डिफरेंस है। इसके अलावा जो अंडरवेट बच्चे हैं, उनका नेशनल एवरेज 14 है, लेकिन शैड्यूल्ड ट्राइब्स का 26 है। मात्र 15 फीसदी शैड्यूल्ड ट्राइब्स के घरों में पीने का पानी अवेलेबल है। इस प्रकार हम यह देखते हैं कि आज़ादी के 65 वर्षों तक हम यह कहते रहे कि हम शैड्यूल्ड कास्ट्स और शैड्यूल्ड ट्राइब्स के बड़े हितैषी हैं। आपके यहां बहुत बड़ी-बड़ी योजनाएं बनीं, लेकिन घरातल पर उनका असर क्या है, उसकी एक छोटी सी तस्वीर मैंने आपके सामने रखी है--एजुकेशन के क्षेत्र में, इम्प्लॉयमेंट के क्षेत्र में, इकॉनमी के क्षेत्र में शैड्यूल्ड ट्राइब्स की हालत बहुत खराब है। इसके अलावा जो प्लानिंग कमीशन है, योजना आयोग है, उसकी रिपोर्ट के वॉल्यूम 3 के पेज नम्बर 238 "In LWE areas, women are battered and raped by both the Government and rebels." It has been admitted in the Planning Commission Report, III volume, page 238. "And there is no system of security and redressal for the same. As tribal women move out of their households to find out

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work as domestic workers, they are exploited in their workspace.” यह हालत आज शैडयूल्ड ट्राइब्ल की है। यह ठीक है कि आप लिस्ट को रिव्यू कर रहे हैं। ऐसा जरूर करना चाहिए, लेकिन उनके सोशल, इकॉनॉमिक स्टेटस के बारे में इस देश की सरकार को जरूर धिंता होनी चाहिए और उस दिशा में जरूर कदम उठाने चाहिए। महोदया, एक ओर आंकड़ा में आपके सामने रखना चाहूंगा। इस देश में 149 सेक्रेटरी हैं, जिनमें से 4 शैडयूल्ड ट्राइब्ल के हैं, 108 एडिशनल सेक्रेटरी हैं, जिनमें से 2 शैडयूल्ड ट्राइब्ल के हैं 477 ज्वाइंट सेक्रेटरी हैं, जिनमें से 13 शैडयूल्ड ट्राइब्ल के हैं और 590 डायरेक्टर्स हैं, जिनमें से मात्र 7 शैडयूल्ड ट्राइब्ल के हैं। इसलिए मेरा आपसे यह निवेदन है कि आप शब्दों और कागज़ों से उनका पेट भरने की कोशिश न करें। धरातल पर आपकी योजनाओं का कार्यान्वयन कैसे हो, इसके ऊपर आपको बैठकर सोचने की जरूरत है? हम पोर्ट ब्लेयर में गए, वहां पर शैडयूल्ड ट्राइब्ल आज की डेट में बिल्कुल नंगा, मैं उन जातियों के नाम भी कोट कर सकता हूं, लेकिन समय की कमी है। हम जंगल में गए, वहां शैडयूल्ड ट्राइब्ल नंगा रहता है उनको खाने के लिए भोजन नहीं है, उनके लिए एजुकेशन नहीं है, उनके पास रहने के लिए कोई मकान नहीं है। जब हमारी वहां के चीफ सेक्रेटरी साहब से मीटिंग हुई तब हमने उनसे पूछा कि शैडयूल्ड ट्राइब्ल के साथ ऐसा व्यवहार क्यों है? उन्होंने कहा कि वर्ष 2004 में एक कमेटी बनी थी, जिसमें anthropologists ने यह रिकमंड किया कि संस्कृति को प्रोटेक्ट करने के लिए शैडयूल्ड कास्ट को as it is रखना पड़ता है।

उपसभाध्यक्ष (श्रीमती रेणुका चौधरी): करीमपुरी जी, प्लीज़ कन्क्लूड कीजिए।

श्री अवतार सिंह करीमपुरी: मैडम, मैं कन्क्लूड कर रहा हूं। मैं अभी एक मिनट में कन्क्लूड कर दूंगा। उन्होंने कहा कि Anthropologists की यह सिफारिश है कि शैडयूल्ड ट्राइब्ल को नंगा रखना, संस्कृति को प्रोटेक्ट करने के लिए जरूरी है। मैं मांग करता हूं कि इस रिपोर्ट को रिव्यू किया जाए और उनके लिए भी रोटी, कपड़ा, मकान, पढ़ाई-लिखाई, सबका इंतजाम हो। जिन जातियों को हम शैडयूल्ड ट्राइब्ल की लिस्ट में इन्क्लूड कर रहे हैं, इसके बारे में मेरी यह अपील है कि....

उपसभाध्यक्ष (श्रीमती रेणुका चौधरी): थैंक यू करीमपुरी जी। इसके बाद नहीं, Nothing will go on record after this.

श्री अवतार सिंह करीमपुरी: मैं एक मिनट में कन्क्लूड कर रहा हूं।...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Nothing is going on record. Now, Shri P. Rajeeve.

श्री अवतार सिंह करीमपुरी:*

* Not recorded.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Now, Shri P. Rajeeve. You have to be very brief. There are more than ten speakers still, and the Chairman has said only half-an-hour.

SHRI P. RAJEEVE (Kerala): Madam, this is one of the rarest occasions for us to support a Bill moved by the Government. I would like to congratulate the hon. Minister, Shri V. Kishore Chandra Deo, for bringing in this Bill, which the Government of Kerala had failed to do so. The hon. Minister has done a very good home-work, and he went through all files. Madam, our Member of Parliament from Kasargod, in the Lok Sabha, Shri P. Karunakaran, has been raising this issue since 2002. The hon. Minister had sat with him, and taken so much initiative. So, I would like to congratulate him.

Madam, while incorporating the deserving communities to SC and ST category, we should look into the plight and status of the SC and ST communities in our country. Our distinguished Member, Shri Karimpuri, mentioned about the status of STs in Andaman and Nicobar. Madam, Kerala is the most developed State in our country. In Social Human Index, Kerala is always compared with the developed nations and the socialist countries. But, in the last one year, around 60 tribal children died in Attappady in Palakkad District. Madam, 60 tribal children died due to malnutrition! This is a very pitiable condition in Kerala. The Kerala Government has failed to protect the interests of the Scheduled Tribes in the State. I hope the Minister would intervene. He has taken some steps to resolve that problem. I request the hon. Minister to visit Attappady. The hon. Minister of Rural Development, Shri Jairam Ramesh, is here. He is well-aware of that issue also. But nothing has been done, after your declarations.

THE MINISTER OF RURAL DEVELOPMENT (SHRI JAIRAM RAMESH): He is not factually right.

SHRI P. RAJEEVE: Madam, nothing has happened. After the hon. Minister's visit and declaration, the situation is the same. The children are dying due to malnutrition. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please, please. ...*(Interruptions)*... You can't shout across like this.

SHRI P. RAJEEVE: Madam, the Chief Minister stated that because of alcoholic consumption of the tribal women these all malnutrition things are happening. This is a very shameful statement by the Chief Minister of Kerala.

Madam, there are several communities which are deserving to get the status of Scheduled Tribe. But this is a very complex process for getting the status. Actually, the Marathi community in Kasargod, Hosdurg, were enjoying this status from 1952 up to 2002. Thereafter, without any proper study and analysis, they were deprived and denied this status. Actually, this is a rectification legislation to restore the status which was enjoyed by this Marathi community. Madam, there is a Korwa community in Chhattisgarh. They are getting the ST status. In some States, it is Korba community, in Kerala it is only SC. In Kudumbi, Kerala, they are not enjoying any SC or ST status. But in Goa they have ST status. In Maharashtra, they have ST status. There are several differences for the same community depending upon other factors. Sir, I request the Minister to do a very comprehensive scientific study. While giving reply in Lok Sabha, the Minister himself has stated that the Ministry is not aware of the names of the communities which are actually getting the right of SC and ST status. So, I request the Minister to intervene in this matter and give the status to the deserving communities the status of SC and ST. At the same, there are serious issues of land problem. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please conclude. You have to conclude, Mr. Rajeeve. ...*(Interruptions)*... I will not allow anything to go on record.

SHRI P. RAJEEVE: He should take all these issues positively and once again I would like to congratulate him for moving this Bill. Thank you, Madam.

SHRI K. R. ARJUNAN (Tamil Nadu): Madam Vice-Chairman, before beginning my maiden speech, I first of all thank our beloved leader Dr. Puratchi Thalaivi Amma, hon. Chief Minister of Tamil Nadu who made me a Member of this House.

I Thank you, hon. Madam, for providing me this opportunity to speak on the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2013 brought to this House to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh.

While participating in the discussion I first of all welcome this Bill which is brought to this House for inclusion of communities in the list of Scheduled Tribes.

With extreme gratitude to our beloved hon. Chief Minister of Tamil Nadu, Puratchi Thalavi Amma, I request the indulgence of the Chair to allow me in my maiden speech to highlight a few issues of the hill district of the Nilgiris before speaking on the Bill.

I wish to bring to the attention of the House the long pending demand of the Badaga community of Nilgiris district in the State of Tamil Nadu for their inclusion in the Scheduled Tribes list thereby restoring their ancient Tribal status.

The Nilgiris is a tribal heritage district of the tribes namely Badagas, Thodas, Kotas, Kurumbas, Irulas, Paniyas and Kattu Nayakars.

The Madras Census of 1901 says that the Badaga Community in the Nilgiris district of Tamil Nadu is a tribe.

The 1911 census indicates that Badagas are Hindu animists speaking a tribal mother tongue which is called as “Badugu”

The 1931 census speaks that the Badagas are primitive and important tribe of the Nilgiris.

The Constitution (Scheduled Tribe) Order, 1950 had its norms for inclusion of the Tribal Badagas in the list of Scheduled Tribes. But unfortunately it was not taken.

The First Backward Class Commission Report of 1955 recommended that the Badagas should be treated as Scheduled Tribes. It was also not accepted. In both cases the reasons are unknown.

On 5.9.2003 hon. Chief Minister of Tamil Nadu Dr. Puratchi Thalaivi Amma had strongly recommended to the relevant authorities of Central Government with a detailed analysis of various attributes contained in Clause 2 of Article 342 of the Indian Constitution regarding Badaga Community such as primitive tribes, distinctive culture, shyness of conduct with the public at large, geographical isolation and social and economic backwardness to declare them as a Scheduled Tribe.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Arjunaji, please try to conclude now. I know it is your maiden speech. But this format does not really allow us to indulge. ...(*Interruptions*).. Then all of you have to give your time to him. ...(*Interruptions*)..

DR. V. MAITREYAN (Tamil Nadu): It is his maiden speech. Please don't interrupt like this. ...(*Interruptions*)..

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Dr. Maitreyan, let me say what I have to say. ...(*Interruptions*).. Please wait. I am saying if all of you agree, since it is Mr. Arjunan's maiden speech, then someone else should give up his time to facilitate him.

DR. V. MAITREYAN: He is taking only five minutes. ...(*Interruptions*)..

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Dr. Maitreyan, you are wasting his time. ...(*Interruptions*)..

SHRI K. R. ARJUNAN: In this regard, on 28.07.2011, Hon. Amma had again sent a letter to the hon. Prime Minister of India stating that the request of the Badaga Community, of the Nilgiris District of Tamil Nadu, to include them in the list of Scheduled Tribes has been pending for a long time.

So , I request the Hon. Minister of Tribal Affairs to take up the matter of restoring the tribal status to the Badaga community by including them in the list of Scheduled Tribes as early as possible.

Our hon. Chief Minister of Tamil Nadu wrote a letter to the hon. Prime Minister regarding a long-pending issue relating to a nomadic tribal group, found in Tamil Nadu, known as Narikoravan or Narikoravar or Kuruvikkaran or Kuruvikkarar community, which has been representing to the Government for inclusion in the list of Scheduled Tribes in Tamil Nadu.

Based on the recommendations of the State Government , the Government of India, Ministry of Tribal Affairs, informed that the Registrar General of India and the National Commission of Scheduled Tribes, New Delhi, have also agreed to the proposal for inclusion of 'Narikoravan grouped with Kuruvikkaran' in the list of the Scheduled Tribes of Tamil Nadu, and the Ministry is in the process of preparing a draft Cabinet note for inclusion of Narikoravan group, with Kuruvikkaran, in the list

of Scheduled Tribes of Tamil Nadu. As demanded by our hon. Chief Minister of Tamil Nadu Dr. Puratchi Thalaivi Amma, I urge upon the Central Government to bring necessary legislation in this regard, in the current session of Parliament itself.

Thank you, Madam.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Thank you. Now, Shri Thangavelu.

DR. V. MAITREYAN: He has taken just five minutes. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Dr. Maitreyan, would you like to come and sit here? ...*(Interruptions)*...

DR. V. MAITREYAN: I don't have any problem. But you can't interrupt a maiden speech like this. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Dr. Maitreyan, I don't think you can address the Chair like this. ...*(Interruptions)*...

DR. V. MAITREYAN: I expect some decency from the Chair too. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please don't argue. ...*(Interruptions)*...

DR. V. MAITREYAN: Should a maiden speech be...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): No. There cannot be a maiden speech in this format. ...*(Interruptions)*... The maiden speech was being read. ...*(Interruptions)*... Please don't argue. ...*(Interruptions)*... Shri Thangavelu. ...*(Interruptions)*...

DR. V. MAITREYAN: Many Members read their speeches. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Do not take the time of another Member. I have already called him. ...*(Interruptions)*... Mr. Thangavelu, please be brief. ...*(Interruptions)*...

SHRI S. THANGAVELU (Tamil Nadu): Madam Vice-Chairperson, the welfare of the people is the paramount consideration of the Government. By including these groups in the Scheduled Tribe List, the Government has taken care of their long-pending demand.

[Shri S. Thangavelu]

Madam, I have a request to make. The Kuruvikaran or the Narikuravara community has been demanding for ST status for a long time. Our beloved leader, Dr. Kalaingar, has written to the hon. Prime Minister of India to accord the ST status to the Narikuravara community. In this connection, I would like to share an important information with this House. Our beloved leader, Dr. Kalaingar, started the Tamil Nadu Narikuravar Welfare Board on 27th May, 2008, with a membership of 9,762 families. And, 3,593 families were paid assistance to the tune of Rs. 1,97,11,000 in order to uplift the poor families. They are nomadic tribe. They are socially and economically backward. The Lokur Committee and the Joint Committee of Parliament had also recommended inclusion of Narikoravan or Kuruvikkaran in the Scheduled Tribes list of Tamil Nadu. I request the hon. Minister to kindly look into this issue and include the Narikoravan or Kuruvikkaran community in the list of Scheduled Tribes. The hon. Minister is also requested to include the Padukas, Kattu Naicker and Irula communities in this list.

With these words, I support the Bill.

SHRI SHASHI BHUSAN BEHERA (Odisha): Madam, I would like to suggest only one or two things to the hon. Minister. I have nothing to say about Kerala and Chhatisgarh. They are good insertions. But, Mr. Minister, do you know that the ST population of Odisha is more than 22 per cent? It is very much adjacent to Andhra Pradesh and, Sir, you know a lot about Odisha's tribal people. They are like some other tribal communities. There are very much known communities like 'Saar and Sabar.' These cases have come to the Centre so many times. I think they are fulfilling all other criteria—'Saar and Sabar'. These are all phonetic differences. So, some spelling difference is there. Sir, because of all these things, these communities are suffering a lot. Neither are they considered as the Scheduled Tribe nor are they treated as the General community. So, after 66 years of Independence, the genuine Scheduled Tribe people are not getting the benefit of reservation. So, I hope that alongwith 'Saar and Sabar', all other recommendations from Odisha and other States will be taken into consideration. These things should not be pending for long time. Thank you very much.

SHRI BIRENDRA PRASAD BAISHYA (Assam): Madam Vice-Chairperson, I rise here to support the Bill. After supporting the Bill, I would like to draw the

attention of the hon. Minister to the present situation in Assam. The six communities of Assam, namely, Koch Rajbanshi, Tai Ahom, Moran, Matak, Chutia and Tea Tribes are fighting to get the ST status for their own communities. Madam, at present, there is a series of agitation going on in Assam. All those communities are also fighting together to get justice from the Central Government. In this regard, I would like to mention here that out of these six communities, some communities already enjoy the ST status in other parts of the country. My friend from Jharkhand has very rightly said about the tea tribe community of Assam. By name, they are tea tribals, but they have not got the tribal status till today. In the year 1996, tribal status was given to the Koch Rajbanshi community of Assam. They enjoyed the status of ST from 1996 to 1997. Now, the Director-General of Registration has declined to recommend their request for the ST status. This is the double standard of the Government. I would like to draw the attention of the hon. Minister to this. Now, the Director-General has declined to give the status of ST to Koch Rajbanshi community. But in 1996, Scheduled Tribe status was given to the Koch Rajbanshi community of Assam. I don't understand this. Now the Government is saying that they have no qualities to get the ST status. If they do not have any such quality, how come the Central Government gave them the ST status in the year 1996?

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Mr. Baishya, please try to conclude.

SHRI BIRENDRA PRASAD BAISHYA: Yes, Madam, I am going to conclude. I would like to make one more point. So, Sir, try to understand the situation of Assam. These communities, Koch Rajbanshi, Tai Ahom, Moran, Matak and Chutia are still agitating in Assam to get the ST status. I would like to request the hon. Minister to kindly lay special emphasis on these issues. Assam is burning. These communities are fighting in the streets, Sir. The situation is, still under control. So, it is the call of the hour to give them the ST status. Otherwise, if the situation would go out of control, then, nobody, but only the Central Government will be totally responsible for that situation.

So, I appeal the hon. Minister to consider the demand of these six communities of Assam to give them the ST status.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please conclude, Mr. Baishya.

SHRI BIRENDRA PRASAD BAISHYA: I am concluding, Madam. Give me just one minute. I again remind you that Koch Rajbanshi community was given the ST status by the Central Government in the year 1996 and the same Government is now declining to give them the ST status by saying that they have no qualities of tribals. If they have no qualities of tribals, why did the Government declare them the ST earlier?

So, I request the hon. Minister to kindly consider the request of the six communities of Assam and give them the ST status immediately. Thank you.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Mr. V.P. Singh Badnore. You have to be brief. Kindly keep that in mind.

SHRI V.P. SINGH BADNORE (Rajasthan): Madam, I will take only five minutes.

Madam, I rise to support The Constitution (Scheduled Tribes) Order (Amendment) Bill, 2013. At the outset, I feel it my duty to pay homage to Dr. Babasaheb Ambedkar and the founding fathers for putting the reservation in place in those days for the SC and ST in our Constitution. This, I feel, was such an important legislation of that time that it has given this India story, the growth India story, a real impetus.

Madam, having said all this, I will come to the specifics. We have had this reservation for the Scheduled Tribes – because I am only talking about the Scheduled Tribes now—for the last fifty-five years. Have you done any study, review, or, are you considering a review because the norms, the conditions of those times have changed now? There are tribes which have really developed — socially, economically and education-wise. So, are you ready to exclude some and include some because after fifty years, you are including some? In those days, were these tribes okay? Were they in a condition that they were not needed to be put into this Scheduled Tribe category? And, now, you are doing it after fifty years. So, that means, they have lost out these fifty years. Are you ready to do that?

There are two types of job conditions or categories. One is the Central, the other is the State; and if you look into it, there are tribes which have been cornering these Central and State jobs. I am happy that they have been doing it because they have now, education-wise and otherwise, come to that status. But are you ready to

see that those tribes are taking the jobs of the other tribes who have not come into the jobs? Those are being discriminated, and that is the reason that some have really travelled in the development side, in the growth story. They have done well; and I congratulate them. But what about the ones which are missing out on the jobs? Will it take another 200 years for those other tribes to come up? And when will they come up? If these people are not excluded, are you ready to consider this? This is something very, very important. Are you ready to have a Review Commission of some kind? Otherwise, this reservation will go on and on. I am happy to say that this reservation has benefited millions and millions. It is a good thing, but there are millions who have not benefited. When will they be benefited? Are you ready to put something like that into this Review Commission?

Let me also say that in Rajasthan...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please conclude, Mr. Badnore.

SHRI V.P. SINGH BADNORE: Madam, I now come to Rajasthan, because recommendations have to come from the State. Is it a fact, Mr. Minister, that in 1997, the State had recommended that the Gujjars should come into this category of tribals, that they should be included in this category? Is it a fact, and if it was, why were they not included? Can you give us the whole story on this? We have had a lot of rivalry, acrimony and things like that in Rajasthan. Now, if the recommendation had come to you, why was this recommendation not taken care of, like you have done it for these two-three tribes? Were the Gujjars in that list? Shouldn't it have been done? Why was it not done? This is another specific question that I have.

I also congratulate the Minister for moving the Bill on the rights of forest dwellers. This was the biggest piece of legislation that the Minister had done. I am told that the Minister is a 'raja' and still a tribal, and he thought about this. But have those people got the pattas? Have they got land in their names? Or, is it just in name? Have they really benefited from this Bill on forest dwellers that you had moved?

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Mr. Badnore, you will have to conclude, please. We have a timeconstraint. Please appreciate that. ...*(Interruptions)*...

SHRI V.P. SINGH BADNORE: Madam, I come to the last issue. Have these pattas been given? We have had this Bill for the last two years. What is the status? How are you going to give the pattas and will these tribes really benefit? These were uneducated people; they did not know what a patta is, what registration is, etc. So, will they get it? How many have got it? How many are going to get it? These are some of my questions. Thank you.

[MR. DEPUTY CHAIRMAN in the Chair].

MR. DEPUTY CHAIRMAN: I think, it was only for half-an-hour.

SHRI DEVENDER GOUD T. (Andhra Pradesh): Sir, I would take just half a minute.

MR. DEPUTY CHAIRMAN: I would allow you if you adhere to that. All right. I can give you one minute; just one minute.

SHRI SATYAVRAT CHATURVEDI (Madhya Pradesh): Sir, please allow Dr. Sadho to speak too, as she is the only lady Member to speak and the only one from the Congress Party.

MR. DEPUTY CHAIRMAN: Okay. Just one minute. Now, Mr. Devender Goud. Don't make any introductions; just make points.

SHRI DEVENDER GOUD T.: Sir, I put just one question. The Government of Andhra Pradesh had recommended the inclusion of many communities to the Government of India. Of course, he belongs to my State also. The inclusion of how many communities is pending with the Government of India? The State Assembly had unanimously passed a Resolution. I was a Member in the State Assembly three times. What is the status of the recommendation for inclusion of the Boya community, the Vaddera community, fishermen and washermen, etc.? We support the Bill, but I would like to know from the Minister, how many of them are pending with the Government of India.

MR. DEPUTY CHAIRMAN: Now, Shri D. Raja. Just put questions.

SHRI RAVI SHANKAR PRASAD (Bihar): Sir, please allow Mr. Dharmendra Pradhan to speak too.

MR. DEPUTY CHAIRMAN: Okay. Now I have to obey your orders!

..(Interruptions)...

SHRI D. RAJA (Tamil Nadu): Sir, am I allowed to speak?

MR. DEPUTY CHAIRMAN: Yes, why not? I have already called your name. No introduction; just ask the question.

SHRI D. RAJA: Sir, at the outset, I support this Bill.

MR. DEPUTY CHAIRMAN: Very good. Then you can conclude; that is all!
...(Interruptions)...

SHRI D. RAJA: Secondly, thanks to Dr. Ambedkar, certain castes, which were socially oppressed and treated as untouchables, and certain tribes, are being brought under the Scheduled list. Sir, in Tamil Nadu, there are some communities. My esteemed colleagues, who spoke before me, referred to some communities, some tribes — the *Nari Kuravas*. And, I do not think there is any difficulty in including Narikuravar under the Scheduled Tribe List. But, there is one tribe that is called Malayali. It is the name of a tribe. They live in ten districts. They live in Dharmapuri, Vellore, Pudukottai, Salem, Namakkal, Cuddalore, Tiruchirapalli, Karur and Perambalur districts. They also live in Erode district. Among 36 tribes, they are the biggest and they are called Malayali, but when the Tamil Nadu Government sent the recommendation to the Centre, somehow, the Malayali became Malayali Gond. Some error took place. I am asking the Minister to take note of this and do some correction so that Malayali tribe gets its due place. (*Time bell*) This is what I want that the Minister to explain.

MR. DEPUTY CHAIRMAN: Now, Shri Bandyopadhyay. Take only one minute.

SHRI D. BANDYOPADHYAY (West Bengal): Sir, I rise to support the Bill. I have one suggestion to make to the hon. Minister. Whenever such questions come, we support. But, why does the Government of India not have a thorough anthropological survey to identify as to which tribes are still left out and then take a long-term action for their reservation and upliftment?

SHRI DHARMENDRA PRADHAN (Bihar): Sir, I am grateful to you. सर, मैं आपके माध्यम से माननीय मंत्री जी से एक प्रश्न पूछना चाहता हूँ और दो-तीन सुझाव भी देना चाहता हूँ। मैं इस बिल में एक अमेन्डमेंट भी लाया हूँ। ओडिशा सरकार ने 1981, 1985 और

[Shri Dharmendra Pradhan]

2009 में शुद्ध सौरा को ट्राइबल लिस्ट में शामिल करने की अनुशंसा करके केन्द्र सरकार को भेजा है। लगभग दो दशक से एक कम्युनिटी, शुद्ध सौरा के नाम में, जो माननीय मंत्री जी के गृह जिले से सटा जिला, गजापति जिले का है, जिनके बारे में मेरे बड़े भाई शशी भुषण बेहेरा जी उल्लेख कर रहे थे, एक **grammatical error** होने के कारण उलझा हुआ है। ओडिशा से एक कम्युनिटी के लिए सुझाव आता है, जिसकी आबादी लगभग पांच लाख है। शुद्ध सौरा के लिए यहां अंग्रजों में **Sudda** हो जाता है, जब कि यह **Sudha** होना चाहिए। एच के स्थान पर डी होने के कारण वहां के आदिवासी अत्याचारित होते हैं। जब वह तहसीलदार के पास सर्टिफिकेट के लिए जाता है, जन्म या मृत्यु की सर्टिफिकेट के लिए जाता है, बैंक लोन के लिए जाता है, तो उसको सुविधा नहीं मिलती। ...**(समय की घंटी)**...

MR. DEPUTY CHAIRMAN: I thought that you have already spoken.

श्री धर्मेंद्र प्रधान: सर, मेरा अमेण्डमेंट यही है कि ओडिशा सरकार के Tribal Advisory Council से 2010 में जो सुझाव आया है, उसको इस बिल में शामिल किया जाए।

सर, मैं बंदोपाध्याय जी के सुझाव से सहमत हूं। आज के दिनों में Director General (Registration) की अथॉरिटी और मिनिस्ट्री की अथॉरिटी में ओवरलैपिंग हो रही हैं ...**(व्यवधान)**...

MR. DEPUTY CHAIRMAN: No more. Yes.

श्री धर्मेंद्र प्रधान: सर, यह सदन एक बात तय करे कि **once for all** के लिए एक अच्छा कमिशन बने और जो **left out tribes** है, उनको भी शामिल किया जाए। आपने मुझे बोलने का मौका दिया, इसके लिए मैं आपको धन्यवाद देता हूं। धन्यवाद।

MR. DEPUTY CHAIRMAN: Now, Dr. Vijaylaxmi Sadho. She is the last speaker. Take only one minute.

श्री विजयलक्ष्मी साधौ (मध्य प्रदेश): माननीय उपसभापति महोदय, बाबा साहब अम्बेडकर ने सभी जातियों, सभी धर्मों और सभी वर्गों को समाहित करते हुए जो संविधान का निर्माण किया, इसके लिए हम उनको सैल्यूट करते हैं, लेकिन समय-समय पर राज्यों ने अपने स्वार्थ या लाभ के कारण वहां की कुछ जातियों को ट्राइबल में और अनुसूचित जाति में समाहित करने की अनुशंसा करके केन्द्र सरकार के पास भेजा। मैं आपके माध्यम से माननीय मंत्री जी यह कहना चाहती हूं कि कई जातियों ऐसी होती हैं, जो आर्थिक रूप से बहुत कमजोर होती हैं, लेकिन चाहे इधर वाले हों या उधर वाले हों, राजनीतिक दृष्टि से उनको हम यहां लाते हैं। मैं सिर्फ यही कहना चाहती हूं कि कुछ जातियां, जो आर्थिक रूप से बहुत कमजोर होती हैं, चूंकि उनके बारे में कोई नहीं बोलता, इसलिए वे किसी भी कम्युनिटी में शामिल नहीं हो पाती हैं।

राज्यों के अंतर्गत भी वे किसी राज्य में ट्राइबल होती हैं और किसी राज्य में ओबीसी होती हैं। यहां तक कि किसी राज्य के अंदर भी वे किसी जिले में ट्राइबल होती हैं और किसी जिले में ओबीसी होती हैं। मेरे अपने मध्य प्रदेश के अंदर एक "मानकर" कम्युनिटी हैं, जो अपने को "मान ठाकुर" लिखती है, लेकिन वह आर्थिक रूप से सबसे ज्यादा कमजोर कम्युनिटी हैं। मैं माननीय मंत्री जी का ध्यान इस ओर आकर्षित करना चाहती हूँ कि वे "मानकर" कम्युनिटी को भी इसमें कहीं न कहीं शामिल करें। (समय की घंटी)

श्री उपसभापति: ठीक है, धन्यवाद।

डा. विजयलक्ष्मी साधो: माननीय उपसभापति महोदय, हमारे यहां एक "मेघवाल" कम्युनिटी है, जिसे राजस्थान में शामिल किया गया है। मध्य प्रदेश के अंदर भी ये बहुत बड़ी तादाद में है और आर्थिक रूप से बहुत कमजोर है। (समय की घंटी) महोदय, मैं एक सेकंड लूंगी। कुछ ऐसी जातियां हैं, जो फाइनैशियली बहुत स्ट्रांग होती हैं और मसल पावर से भी बहुत स्ट्रांग होती हैं, वे तो इस ट्राइबल वेलफेयर के सारे बेनिफिट्स ले लेती हैं, लेकिन जो कमजोर जातियां हैं, उनको आज हमें प्रश्रय देने की आवश्यकता है, यही मेरा निवेदन है। आपने मुझे समय दिया, इसके लिए धन्यवाद।

MR. DEPUTY CHAIRMAN: Thank you. Now, Mr. Minister. *..(Interruptions)..*
Okay. Please put only one question.

SHRI A.V. SWAMY (Odisha): Sir, I just want to warn the Ministry regarding one aspect. Sir, yesterday, we passed the Land Acquisition Bill which also speaks about acquisition of land for public purpose. Whatever you are going to do, 80 per cent of the mineral resources are in the scheduled areas, and, therefore, maximum amount of displacement is amongst the tribal. Sir, I have worked with the tribal all the sixty years, and, therefore, I want to warn the Ministry on certain basic issues. *(Time-bell rings)*

MR. DEPUTY CHAIRMAN: Now, hon. Minister. That is all. You have made your point. *..(Interruptions)..* No, no. It is not going on record. *..(Interruptions)..*

SHRI A.V. SWAMY: *

MR. DEPUTY CHAIRMAN: No, no. Like that, I cannot go on. He just now asked. He could have given his name earlier. I allowed him. Now, Mr. Minister. *..(Interruptions)..*

SHRI JAIRAM RAMESH: Sir, he has worked for 60 years in this field. Please allow him for two minutes. *..(Interruptions)..*

*Not recorded

MR. DEPUTY CHAIRMAN: That is correct but I have to run the House..*(Interruptions)*.. No, this way, I cannot. *..(Interruptions)*.. No, you cannot interfere like that. *..(Interruptions)*.. I have to run the House. What is this? *..(Interruptions)*.. If every Member is asking for a discussion like this..*(Interruptions)*.. I allowed him; even this is wrong. *..(Interruptions)*..

SHRI A.V. SWAMY: Sir, I am appealing to you because...

DR. V. MAITREYAN : Sir, I humbly submit that originally, the Business Advisory Committee agreed for one hour. For just rushing the Bill, you should not* like this. *..(Interruptions)*..

MR. DEPUTY CHAIRMAN: * is expunged. *..(Interruptions)*.. No, no.

DR. V. MAITREYAN: Sir, you expunge all my words but allow him to speak. *..(Interruptions)*...

SHRI RAJIV PRATAP RUDY (Bihar): Sir, generally, you are very cool and calm. *..(Interruptions)*.. Just a second, Sir. *..(Interruptions)*.. He is a senior Minister, but the way you *

MR. DEPUTY CHAIRMAN: I did not * him..*(Interruptions)*.. No, no. That is expunged. He is doing that. *..(Interruptions)*.. No, no. Anyhow, it is a lighter moment. See, what Mr. Rudy said is expunged. What he said, he did, not I. *..(Interruptions)*.. Okay, please. *..(Interruptions)*.. See, I have to make it clear. Now, there is a problem. The House decided for half-an-hour. It is one hour. He should have given his name earlier. *..(Interruptions)*.. After I called the Minister, he stood up. Even then, I allowed him to put a question. *..(Interruptions)*.. So, he should also know. *..(Interruptions)*.. Okay. Ask a question. *..(Interruptions)*..

SHRI A.V. SWAMY: Sir, my submission is that the Land Acquisition Bill, which has been passed, will have serious impact on Odisha. Sir, 80 per cent of the mineral resources are occupied in the tribal areas only, and, therefore, we must take a cue for future. Secondly, out of 62 ethnic groups, which we have in the entire Odisha, I worked in an area where most of the people are residing. What are the problems now? They have a different culture. For instance, Juangs. Even our Land Rights Bill which is a revolutionary Bill...

* Not recorded.

* Expunged as ordered by the Chair.

MR. DEPUTY CHAIRMAN: Okay.

SHRI A.V. SWAMY: Sir, please see this.

MR. DEPUTY CHAIRMAN: You did not give your name earlier. No, I cannot allow that. Please sit down. *..(Interruptions)..* You could have given your name earlier. After one dozen Members have spoken, you gave your name and you want to take more time than anybody else. There is no special consideration for anybody. *..(Interruptions)..* You could have given the name early. You gave your name after one dozen people had spoken and you want to speak more than others. No, it is not possible. Sit down. *..(Interruptions)..* No, no, the House will have to run on certain norms.

SHRI A.V. SWAMY: I am not arguing with you. *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: No, no, I respect you very much, but I cannot violate the norms like this.

SHRI A.V. SWAMY: No, Sir, I am not arguing.

MR. DEPUTY CHAIRMAN: I allowed others one minute, one minute, one minute. But you are not seeing that.

SHRI A.V. SWAMY: I am not arguing like other people with you. I have been very obedient. I have been getting worried also when people started arguing with the Chair. I lifted my hand as soon as the discussion started. And, there was a proposal also whether it will be held today or tomorrow. *..(Interruptions)..* Please listen to me. I will make just one or two submissions. *..(Interruptions)..*

श्री के.सी. त्यागी (बिहार): सर,(व्यवधान)

MR. DEPUTY CHAIRMAN: No, no, Tyagiji, I am not allowing you. *..(Interruptions)..* I am not allowing you.

श्री के.सी. त्यागी: सर, मेरा एक सजेशन है कि देश की एक चौथाई आबादी पर बहस हो रही है। इस चौथाई आबादी को आप आदिवासी कहते हैं और उनके लिए आधे घंटे का समय और दूसरे हैं, उन पर दिन भर बहस होती रहती है।(व्यवधान)

MR. DEPUTY CHAIRMAN: Why do you say this now? When the House decided for half-an-hour, then you should have said it, Tyagiji. Why do you say it now? This is not a market place to change the decision always. I am sorry. I stood up and said 'half-an-hour, whether the House agrees'. You agreed. Then only we started.

श्री के.सी. त्यागी: अगर कोई अच्छी बात करे तो(व्यवधान)

MR. DEPUTY CHAIRMAN: No, I am not allowing. *..(Interruptions)..* I am not allowing. *..(Interruptions)..* I am not allowing anybody. *..(Interruptions)..* You please complete, Mr. Swamy. If you want, you finish. *..(Interruptions)..*

SHRI A.V. SWAMY: Thank you very much, Sir. I am grateful. *..(Interruptions)..*

DR. NAJMA A. HEPTULLA (MADHYA PRADESH): Sir, he could have completed within the time in which we are taking. *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: I agree. *..(Interruptions)..* I have allowed him. *..(Interruptions)..*

DR. NAJMA A. HEPTULLA: He is one of those who are concerned with that. *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: But, he should also have given the name in advance. He should also know that. Now please, if you want, you finish.

SHRI A.V. SWAMY: Number one is, I have told about the danger of displacement of the tribals. Today, out of the six crores, 40 to 60 per cent people who have been displaced across the country are tribals. Therefore, Odisha will be the worst sufferer if Jairam Rameshji is not kind to see that some sort of amendments are made which we would suggest. Number two, Sir, across the border – we are bordering Chhattisgarh, Andhra Pradesh and also other States – some tribes, particularly Paharias in Nuapada district, live both in Nuapada and Chhattisgarh. Here, they are called Paharias whereas across the border they are called Kamars. *(Time-bell rings)* They are only single tribals. *(Time-bell rings)* But, here they are listed as OBCs whereas they *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: Okay, now please conclude.

SHRI A.V. SWAMY: Just one minute, Sir.

MR. DEPUTY CHAIRMAN: It is not possible. What is this?

SHRI A.V. SWAMY: Sir, because of the Forest Rights Act, I wanted...

MR. DEPUTY CHAIRMAN: No, no, you can use another opportunity. *..(Interruptions)..*

SHRI A.V. SWAMY: The impact it will have on the tribals *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: No, no, it has nothing to do with this Bill.

SHRI A.V. SWAMY: Just one minute, Sir.

MR. DEPUTY CHAIRMAN: No, no.

श्री नरेश अग्रवाल: यह डिस्कशन आधे घंटे का था, अब एक घंटे से उपर हो गया। इसके बाद एक स्टेटमेंट है।

MR. DEPUTY CHAIRMAN: That is what I am saying. *..(Interruptions)..*

श्री नरेश अग्रवाल: प्राइस राइज को कल शुरू करा दीजिए।(व्यवधान)

MR. DEPUTY CHAIRMAN: You stop. *..(Interruptions)..* Please, Swamyji *..(Interruptions)..* Nareshji *..(Interruptions)..* You are a very senior person. You understand everything. You have seen I have allowed others who had given the name early only one minute. I allowed you also for only one minute, and you have now taken five minutes. *..(Interruptions)..* No more time will be given. Sit down. *..(Interruptions)..*

SHRI A.V. SWAMY:*

MR. DEPUTY CHAIRMAN: No, please. Nothing will go on record. I have to run the House. Yes, Mr. Minister. *..(Interruptions)..*

SHRI A.V. SWAMY: *

MR. DEPUTY CHAIRMAN: No, no, that is not going on the record. *..(Interruptions)..* I have to run the House. *..(Interruptions)..*

SHRI A.V. SWAMY: *

MR. DEPUTY CHAIRMAN: It is not going on the record. *..(Interruptions)..* I can't run the House like this. I am sorry. Now, Mr. Minister, please.

SHRI V. KISHORE CHANDRA DEO:Mr. Deputy Chairman, Sir, I would like to thank Members from all sides of the House, who participated in this discussion. I thank them all for the various suggestions that they have made. But first I would like to mention certain basic aspects concerning certain common points that were raised by many hon. Members.

* Not recorded.

[Shri V. Kishore Chandra Rao]

Mr. Deputy Chairman, Sir, first of all, I think all Members are aware of the fact that each State has its own list as far as Scheduled Tribes are concerned. Every State has its own list. This is a federal subject. Only after a State Government sends its proposals, I can take up the matter further. Many hon. Members have raised this question about the same community being categorised in different manner in different States. It is true that there are certain communities which are treated as Scheduled Tribes in one State, Scheduled Castes in another State and Backward Class in another State. I would also like to inform the hon. Members that there are certain States wherein in one State itself, a community is Scheduled Tribe in two districts and not in other districts. These are the facts, and this is the reality. When States have this prerogative to put a community in a particular list, I don't think it will be proper for the Central Government to intervene or to form a Commission or to have a roving survey by employing anthropologists and to have a common list for the entire country. In fact, once it comes to us, there is a certain procedure that is followed. First it has to be sent to the Registrar General of India. Once the Registrar General of India clears it, then it goes to the National Commission for the Scheduled Tribes. After that it comes to me. Finally, I take a decision whether a particular community has to be included or not.

Mr. Deputy Chairman, Sir, I would like to just inform this House that as per the prescribed modalities, which were approved by the Cabinet Committee on Scheduled Castes, Scheduled Tribes and Minorities in its meeting held on 15th June, 1999 and further amended on 25th June, 2002, the proposals which were rejected by the Registrar General of India twice, actually these matters were being closed. I have been receiving a lot of recommendations from my colleagues in Parliament, from State Governments and from several others regarding the inclusion of certain communities. Many of these cases, I thought, merit a further look. I thought we needed to revisit these communities. In fact, even in cases where the RGI has rejected them on more than a couple of occasions and where I feel that *prima facie* there is a need to look into this matter further, I have been sending them back to the State Governments asking them for further justification and for further reports from anthropologists and from ethnographic studies to enable me to move further. This is as far as the procedure is concerned.

Hon. Member Shri V.P. Singh asked whether we will include or exclude them. Well, whether it is for inclusion or exclusion, the same policy or procedure has to be followed. Unless the State Government of Rajasthan or Odisha or Andhra Pradesh or any State for that matter sends a proposal saying that this community has to be deleted, I cannot *suo motu* take any action. For instance, Marathi community of Kerala, which is there today, was in the Scheduled Tribes list as hon. Member Shri P. Rajeeve mentioned. This was, for some reason or the other, deleted from the list. I do not know why that was done. But subsequently it was again recommended by the Government of Kerala. It went to the Registrar General of India who recommended the case and then it went to the NCST. I looked into the matter and had made a deep study to find out whether it really merits inclusion at that particular stage. Having been satisfied that the reports of the RGI and the clearance given by the NCST deserved consideration, then I got a clearance from the Cabinet and today I am able to bring it over here. Basically, it has to come from the State Government first. This is a federal subject. This is something on which I cannot encroach upon without any kind of proposal or recommendation from the States. This is something I would like all hon. Members to understand.

Hon. Member Shri Karimpuri has raised certain issues about the status of tribals. This is precisely why this status is being given to them. In fact, the two communities which have been included from Chhattisgarh today are actually primitive tribal groups. They are particularly vulnerable tribal groups and you are right when you asked why they were deprived of being in this list for the last 50-60 years. I really don't understand. They should have been there. In fact, the Hill Korwas are more primitive and more vulnerable than the Korwas. So, while the Korwas are there, I don't know why the Hill Korwas were not there. In fact, both the communities from Chhattisgarh should have been there long, long ago. But, as far as they are concerned, once it came from the Chhattisgarh Government and we got it cleared, I thought we should get it included in the list. As far as they are concerned, it is a question of better late than never, but they did deserve to be there earlier. ...(*Interruptions*)... I am replying to every Member. As far as Mr. Rajeeve is concerned, he raised the issue about the death of tribal children in Attappady. Sixty of them died. In fact, I had already taken this matter up with my concerned colleagues—Minister of Rural Development, who is sitting here, Minister of Women and Child Development, Minister of Welfare, State Governments, etc. I have had

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very positive responses from all of them. They have been taking some action, but at an appropriate time, as I had earlier assured the hon. Member, I shall be visiting that place myself also. There is the special Attappady package which has been given for this particular region. Certainly, we will do whatever we can to ensure that this position does not recur.

Mr. Arjunan wanted the Badagas to be included. The Chief Minister of Tamil Nadu had written to me about the Badagas. The Badagas have been rejected by the Registrar General of India more than twice, maybe, on three occasions. But, if there is a further justification and if the State Government again writes to me, I am prepared to again send it back. But, unless it comes from them, there is nothing that I can do.

As far as Narikuravar is concerned, this has been raised by more than one Member in the House. I think, hon. Members, Mr. Thangavelu, Mr. Raja and Mr. Arjunan, have all raised it. I would like to take this august House into confidence and mention to you that just about a couple of weeks ago, I have got this cleared in the Cabinet. This was okayed earlier on by the NCST and RGI, and had the Session carried on for another week, maybe, I could have got it introduced here, but in the next Session, Narikuravar would be through.

Mr. Raja has raised an issue about Malayali. Well, Malayali actually came to me as Malayali Gounder. ...*(Interruptions)*... Now, that has come as Malayali Gounder. Well, first of all, I wondered because Gounders and other communities in Tamil Nadu...*(Interruptions)*... Please listen to me. ...*(Interruptions)*... There is a particular community in Tamil Nadu called the Gounder community. So, when I saw that, I was wondering how a Gounder who speaks Malayalam can become a tribal. But, later on, I came to understand that in Tamil, 'Malay' means a hill or mountain. So, Malayalis actually pertain to those who live on top of the hills. There was one district, Erode, which was not included in this. In fact, I have written to the State Government for clarifications. It has been cleared by RGI and NCST. Once that specific clarification comes, then I can proceed further as far as Malayali Gounder is concerned. ...*(Interruptions)*... Puducherry is, unfortunately, not a part of Tamil Nadu. So, a separate proposal will have to come from Puduchery. ...*(Interruptions)*... Hon. Member from Odisha, Mr. Behera, and Mr. Pradhan—I will come to Mr. Baishya; let

me go one by one—raised certain issues which are very, very pertinent. These are genuine issues. Now, as far as the issue raised by Mr. Behera is concerned, he raised an issue about a community called ‘Saara’. There is another community called ‘Sohra’; there is one called ‘Savra’; there is one called ‘Sabra’. I know they are one and the same because I live on the borders and I have the same communities in my side also. Mr. Pradhan raised an issue about ‘Sudh Sabra’. ‘Sudh’ means pure. Pure Sabra, in fact, should have got before the other Sabras if there is anything like that. It was spelled ‘Sudd’ in one; ‘Sudh’ in another. So, unfortunately, these proposals, time and again, have been rejected by the Registrar General of India. But I have written to the State Government. We have written to them asking for further clarifications and justification. In fact, I had referred it to the National Commission for Scheduled Tribes. My Ministry has forwarded the comments from the RGI with the objections that he has raised to the NCST for providing the latest socio-economic, educational and anthropological studies of each community conducted by the reputed research organisations in the State of Odisha. I would request my hon. colleagues if they could ensure that these reports come to my Ministry; and if they can send me a copy privately, I will take up this matter further. I know that they are genuine cases; and they deserve to be there. It is just because of one spelling mistake that is not being done. But, unfortunately, I am bound by certain procedures, rules and regulations. I can’t jump.

SHRI DHARMENDRA PRADHAN : Just now, I can submit it to you.

SHRI V. KISHORE CHANDRA DEO: As soon as I get those clarifications, I assure you that I will take up that matter myself personally. I know that they have to be included.

Hon. Member, Mr. V.P. Badnore had raised about the Gujjar community. Well, I am afraid; the Gujjar community is not in my list. It is not pending with me. It has to come from the Government of Rajasthan. If it comes, I will take a call on it. But so far I have no proposal before me as far as the Gujjar community is concerned.

Hon. Member, my good friend, Mr. Birendra Prasad Baishya, has raised about the Tea Tribes of Assam. Mr. Deputy Chairman, Sir, Tea Tribes means ..(Interruptions)... Please listen to me. First of all, there were 92 tribes or 92 communities whom they call Tea Tribes. What are those 92 communities? Anybody who works in the Tea Estate is called Tea Tribe. They wanted all to be scheduled.

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This was rejected by the Registrar General of India. I don't think personally it is correct to say that anybody who is working in a Tea Estate or, a Coffee Estate will be allowed to be a Tea Tribe or a Coffee Tribe which should be scheduled. Ultimately, we have written to the Government of Assam. They have short-listed and sent a few names out of that. I am having those processed. But you have mentioned about Rajbanshi, Ahom, Moran, Matak and Chutia. About the Tea community I have already explained to you. These were actually rejected by the Registrar General of India in 1981, in 1992, in 1995, in 1997, in 2003 and in 2005. .. *(Interruptions)*.. Moreover, they are in the OBC list, at Serial No.18 in the Central List of Assam. The communities which have been there in the OBC List for sufficiently a long time; after a decade or two or three, instead of going forward, if you want to go back, then, naturally the justification has to come suitably from the State Government. ..*(Interruptions)*...

SHRI BIRENDRA PRASAD BAISHYA : Just one minute. The Rajvanshi community of Assam was given the ST status by the Central Government in 1996. Is it correct or not?

SHRI V. KISHORE CHANDRA DEO: My record does not say so.

SHRI BIRENDRA PRASAD BAISHYA: The Tea community of Assam has been given the ST status.

SHRI V. KISHORE CHANDRA DEO: Mr. Baishya, the Central Government can't grant the ST status unless it comes from the State. From the records that I have.. ..*(Interruptions)*...

SHRI BIRENDRA PRASAD BAISHYA: Mr. Minister, I would like to inform you that from 1996 to 1997 ..*(Interruptions)*... This is important, Sir.

MR. DEPUTY CHAIRMAN: He has not yet completed. It will not go on record. ..*(Interruptions)*... He has not completed. Don't do that. ..*(Interruptions)*... How can I allow this? Are you yielding to him?

SHRI V. KISHORE CHANDRA DEO: No. I have heard what he has said.

MR. DEPUTY CHAIRMAN: Mr. Baishya, you take your seat. You reply to Mr. Swamy also.

SHRI V. KISHORE CHANDRA DEO: I will surely reply to him. What I would like to mention is that what is an Ordinance? An Ordinance is like any other legislation. An Ordinance is something which is issued when Parliament is not in session. Within a certain period of time and when the Parliament meets it has to be passed by both the Houses of Parliament. Now an Ordinance which does not conform to the rules and procedures, cannot become law. I do not know the circumstance and situation under which these Ordinances were issued. I would like to again mention, you are asking about 1996, that in 1995, it was rejected by RGI; in 1997, it was rejected; in 2000, it was rejected; in 2003, it was rejected; in 2005, it was rejected. It is in other list. So, what happened in 1996...

SHRI BIRENDRA PRASAD BAISYA: Sir, in 1996...

MR. DEPUTY CHAIRMAN: You can write to the Minister.

SHRI V. KISHORE CHANDRA DEO: As I told you, it had been rejected in 1997 by the RGI. This is the information which I am having with me.

SHRI PANKAJ BORA (ASSAM): Sir, if the State Government writes to him, will he consider it?

SHRI V. KISHORE CHANDRA DEO: If the State Government writes once again, I will again go through the process. I will send it to the RGI. If they okay it, I will again send it to the National Commission for Scheduled Tribes and then I will decide. ...(*Interruptions*)...

DR. VIJAYLAXMI SADHO : Sir, what about Madhya Pradesh?

SHRI V. KISHORE CHANDRA DEO: The same procedure applies to all. As far as Madhya Pradesh is concerned, there are only two communities which are pending with me. One is the *Kir* and *Pardhi* and the other one is *Dhimer*, *Kewat*, *Kahar*, *Bhoi*, *Mallah* and *Nishad*. No other community is pending with my Ministry. These are the ones which are still with us.

I would like to finally deal with what Shri Swamy has raised. ...(*Interruptions*)... Sir, hon. Member, Shri Swamy, has raised certain very pertinent questions. Certain questions are very, very important as far as the Tribal community is concerned. He mentioned about the lands of the tribals which are mineral-rich. I will divide this into two categories; one, are the lands which are located in Schedule

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V area, and second, the lands which are not located in Schedule V area. The Land Acquisition Bill which the Member referred to is not going to, in any way, come on the way of the lands which are located in Schedule V area. Schedule V has got constitutional protection. Schedule V is nothing else, but are the rules and provisions made under article 244 (1) of the Constitution. These are areas which are very, very strictly guarded and protected by the Constitution. Anybody who does not belong to a Scheduled Tribe, who is listed in that particular State, he or she has no *locus standi*. I would also like to mention over here that in such areas, even corporate companies or companies which are not owned or controlled by Scheduled Tribes, have no *locus standi* in Schedule V areas. So, the Schedule V areas are safe. As far as the non-Scheduled areas are concerned, I think, the Minister for Rural Development ...(*Interruptions*)...

SHRI A.V. SWAMY: That is very clear.

श्री अवतार सिंह करीमपुरी: सर, मैं एक क्लेरिफिकेशन पूछना चाहता हूँ। मैं आपके माध्यम से माननीय मंत्री जी के संज्ञान में लाया था कि अंडमान निकोबार में शैड्यूल ट्राइब्ज को संस्कृति के नाम पर आज 21वीं सदी में नंगा रखा जा रहा है, क्या सरकार उसका कोई नोटिस लेगी? उसका आधार बनाया गया है कि यह Anthropologists की रिकमंडेशन पर हुआ है। क्या आप इस रिकमंडेशन को बदलने के बारे में विचार करेंगे?

SHRI V. KISHORE CHANDRA DEO: Mr. Deputy Chairman, Sir, the hon. Member has raised a question about Jarwas in Andaman. Let me say that there are two extreme views on this. There is one school of thought who feels that they should be left to live in these animated conditions as they have been living there for centuries. There is another school of thought who feels that they should be exposed to malls, talkies, etc., in cities. I feel that they should find a mid-path, or, perhaps, we should bring these people up to a stage where they themselves will decide what the future should be. So, we are looking into this matter.

SHRI TARUN VIJAY (Uttarakhand): Just give me ten seconds.

MR. DEPUTY CHAIRMAN: No more clarifications. ..(*Interruptions*).. You had not spoken on it. Kindly allow the Minister to conclude. ..(*Interruptions*).. You have already put one question.

श्री अवतार सिंह करीमपुरी: सर, मेरा यह कहना है कि हमने वहां पर विजिट की थी।
...(व्यवधान)...

SHRI V. KISHORE CHANDRA DEO: Sir, we are seized of the matter. It is not as if they have not been closed at all. We have prevented tourists from going into these areas to see to it that they don't get exploited. If there are any more queries which the hon. Members want to raise, they may write to me and I will reply to them.

MR. DEPUTY CHAIRMAN: Now the question is:

That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh, as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: I shall now take up clause-by-clause consideration of the Bill. In clause 2, there are two Amendments, (No.1) by Shri V.P. Singh Badnore and (No.2) by Shri Dharmendra Pradhan. Are you moving?

SHRI DHARMENDRA PRADHAN: I am satisfied with the hon. Minister's reply and I am not moving it.

Clause 2—Amendment of Part VII and Part XX of Constitution (Scheduled Tribes) Order, 1950

SHRI V.P. SINGH BADNORE : Sir, I move:

(1) That at page 1, *after* line 8, the following be *inserted*, namely:-

“(b) In Part XIII—Rajasthan, after entry 5, insert:-

6. Gujar”.

The question was put and the motion was negatived.

Clause 2 was added to the Bill.

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

SHRI V. KISHORE CHANDRA DEO: Sir, I move:

That the Bill be passed.

The question was put and the motion was adopted.

श्री रवि शंकर प्रसाद (बिहार): सर, आप मंहगाई पर चर्चा शुरू करवाइए। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Now, Message from the Lok Sabha.
..(Interruptions)..

SHRI SUKHENDU SEKHAR ROY (West Bengal): Sir, what about the statement of the Minister of State for Home Affairs?

THE MINISTER OF STATE FOR PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI RAJEEV SHUKLA): Sir, Shri Sukhendu Sekhar Roy had raised an issue, and he wanted that the Minister should come and inform the House. Now, the Minister will inform the House as to what the status is.

MR. DEPUTY CHAIRMAN: How many minutes will it take?

SHRI RAJEEV SHUKLA: Just two minutes.

MR. DEPUTY CHAIRMAN: First, the Message from the Lok Sabha.

MESSAGE FROM LOK SABHA

Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2013

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:-

“In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2013, as passed by Lok Sabha at its sitting held on the 6th September, 2013.”

Sir, I lay a copy of the Bill on the Table of the House.

STATEMENT BY MINISTERS—Contd.**Meeting of Home Minister with representatives of Gorkha Janmukti Morcha of Darjeeling**

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI R.P.N. SINGH): Sir, some Members had raised the issue of the Home Minister meeting a delegation of people from Darjeeling on the 3rd of September, when the Prime Minister had assured the hon. Chief Minister of West Bengal that there would be no meetings without taking the Chief Minister and the Government of West Bengal on board. I would like to assure this House that no such talks will take place without taking the West Bengal Government on board. I would just like to bring to the notice of the House what exactly transpired on the 3rd of September.

The Hon'ble Home Minister, Shri Sushil Kumar Shinde, had met a delegation led by Shri Jaswant Singh, hon. Member of the Darjeeling Constituency along with eight others from Darjeeling on the 3rd September. The Delegation had sought the appointment at short notice and had insisted on meeting the Home Minister. Since the Delegation was headed by a Member of Parliament, the Home Minister, despite his ill-health, had met them. The Home Minister had, in fact, tried to speak to the hon. Chief Minister of West Bengal regarding the current situation but could not reach her as she was busy in a meeting in Kalimpong. The Government of India had worked with the State Government in working out the tripartite agreement on the setting up of the Gorkhaland Territorial Administration (GTA) in 2011 and will continue to do so to further the development of the area. The only assurance given to the delegation was that the Union Home Secretary would hold a tripartite meeting with the State Chief Secretary and representatives of GTA to sort out the outstanding grievances in line with the directions of the hon. Prime Minister. Subsequently at 3.30 P.M. the Chief Minister responded to his calls and he informed her of the discussion which took place in the meeting and also informed her that he had requested the delegates to withdraw the agitation.

I would once again assure the House that the Government of India will take on board all the two other parties and will then take a decision as the hon. Prime Minister had written in his letter to the Chief Minister of West Bengal.

SHRI DEREK O'BRIEN (West Bengal): Sir, there are two things here. One is, we urge the Government of India, please do not do politics with this. The situation is very sensitive. I want to bring just two points to his notice. The timing of that meeting was insensitive. The Chief Minister of Bengal has visited Darjeeling 21 times since she came to power in the last two-and-a-half years. Before that, the former Chief Minister of Bengal had visited Darjeeling zero times in ten years. Please have faith in the State Government. The State Government will resolve this and please do not play this divide and rule. We do not want to make issue on this now because you have said in the morning also that the Home Minister is unwell, but please, we urge you again, Darjeeling, Kalimpong, Kurseong are three Assembly segments out of 294 in Bengal. It is a sensitive situation. The State Government in Bengal has this under control. So, please check cautiously if you have given us the assurance that henceforth this will not happen. The second and the last point is, a written assurance was given by the Prime Minister of India to the Chief Minister of Bengal in August. This written assurance was not adhered to because of the September 3 meeting. Just one more point, my colleague, Sukhendu *Da* would like to add.

SHRI P. BHATTACHARYA (West Bengal): Sir, I have one point to clarify. Sir, it is very unfortunate that Gorkhaland issue nowadays has taken a political turn. Repeatedly we have said in Kolkata and outside that a tripartite meeting has to be organised at the Central level and the Chief Minister should request the Central Government to arrange this tripartite discussion but, unfortunately, the State Chief Minister thought that she alone would be able to settle the Gorkhaland issue, which is not possible. By saying that "I will settle it", continuously, the situation is taking a turn...*(Interruptions)*... So I feel this is not the way of settling this issue. It requires a tripartite discussion to settle...

MR. DEPUTY CHAIRMAN: Please conclude. *(Time-bell rings)*. That is all.

SHRI P. BHATTACHARYA: No, Sir, just one minute. The GTA..

MR. DEPUTY CHAIRMAN: That is all. *(Time-bell rings)*

SHRI P. BHATTACHARYA: No, Sir. Just one minute. All the settled points in GTA must be fulfilled by the State Government. Why is the State Government not doing this thing? That has to be clarified by the State Government.

MR. DEPUTY CHAIRMAN: That is all.

SHRI SUKHENDU SEKHAR ROY (West Bengal): Sir, I have one suggestion for the hon. Minister of State for Home. In logic, we have read a fallacy, fallacy of *post hoc ergo propter hoc*. It means a sort of coincidence which is exactly not a coincidence. As my learned colleague has stated that the day when the hon. Chief Minister of West Bengal was addressing a huge gathering in one of the hill areas of Darjeeling, i.e. Kalimpong, at the same time, a meeting was being held in Delhi. In spite of the written assurance given by the hon. Prime Minister to the hon. Chief Minister...(Interruptions)... Kindly listen. Have patience. I will finish it.

MR. DEPUTY CHAIRMAN: Now please look here. You address the Chair.

SHRI SUKHENDU SEKHAR ROY: That “I have directed the Central Government personnel not to hold any meetings or do anything keeping the State Government in dark.” In spite of that, I don’t know whether there was any communication gap.

MR. DEPUTY CHAIRMAN: But, the Minister explained it.

SHRI SUKHENDU SEKHAR ROY: In the All-Party meeting also...

MR. DEPUTY CHAIRMAN: Minister has made the position clear.

SHRI SUKHENDU SEKHAR ROY: ...the hon. Prime Minister assured that no unilateral action will be taken.

MR. DEPUTY CHAIRMAN: He has clarified that.

SHRI SUKHENDU SEKHAR ROY: We want an assurance from the hon. Minister that henceforth...

MR. DEPUTY CHAIRMAN: He gave it.

SHRI SUKHENDU SEKHAR ROY: ...hon. Prime Minister’s honour should be protected...(Interruptions)...His word should be protected ...(Interruptions)...We want that assurance. ...(Interruptions)...It is this assurance that we want...(Interruptions)...Finally, Sir, let the hon. Minister give this assurance that henceforth this will not happen. ...(Interruptions)...Otherwise, it will encourage the divisive forces and these people are helping the divisive forces...(Interruptions)...

MR. DEPUTY CHAIRMAN: Both of you please sit down. ...(*Interruptions*)...It is over. Sukhenduji, it is over. You have made your point. Sukhendu Sekhar Roy, it is not going on record. ...(*Interruptions*)...

SHRI SUKHENDU SEKHAR ROY: *

MR. DEPUTY CHAIRMAN: It is not going on record. Please, sit down.

SHRI SUKHENDU SEKHAR ROY: *

MR. DEPUTY CHAIRMAN: it is not going on record. Okay. Now, Prasanta Chatterjee...(*Interruptions*)...No, no. I called Prasanta Chatterjee. What is this?...(*Interruptions*)...No, I called him. Why do you want to do this?...(*Interruptions*)...

SHRI PRASANTA CHATTERJEE (West Bengal): Sir, everybody knows that the Left Front Government—the earlier Government of West Bengal—for many, many years, and the people of West Bengal in particular, have been saying that Darjeeling is an integral part of the West Bengal State. Everybody knows that our party is against creation of smaller States. And, it is only our party which said, many a time, that you are creating Telangana and you will face the problem. Now, you are facing the problems. The struggle of the people of West Bengal and the people of Darjeeling is long and we wanted that hilly people and the people on the plains cannot be divided and should not be divided. And, we want a peaceful settlement all the time, even today. Even today, our advice to the existing Government of Bengal is that the political parties should be involved. But, unfortunately, the present Government has not invited any political party to any of the meetings. We want to be involved in that process. We want a peaceful settlement on this issue.

With these few words, I would like to appeal to you all not to politicize the issue. Thank you.

SHRI PRAKASH JAVADEKAR (Maharashtra): Sir, I am just referring to our colleague, Shri Sukhendu Roy, who said that it was not a coincidence. It means, you are attributing a motive. It is motive on a delegation led by the local Member of Parliament. After all, we are all Members of Parliament. So, if somebody wants to go and meet the hon. Minister, it does not require the permission of the State Chief Minister. That can always happen. Thank you.

* Not recorded.

SHRI R.P.N. SINGH: Mr. Deputy Chairman, Sir, it was a mere coincidence that the Member of Parliament took the delegation. So, as I clarified earlier, I assure you that the Government of India—the hon. Prime Minister had written a letter to the hon. Chief Minister of West Bengal—will take the State Government on board and I give you that assurance in the House.

MR. DEPUTY CHAIRMAN: Now, we will take up Short Duration Discussion. Till how long we will sit? Take a decision.

SOME HON. MEMBERS: We will take it up tomorrow. *...(Interruptions)...*

SHRI RAVI SHANKAR PRASAD (Bihar): Sir, I am having an assurance from the hon. Minister that it will start tomorrow as the first item after the Zero Hour...*(Interruptions)...*

DR. V. MAITREYAN (Tamil Nadu): Are they clubbing both of them. *...(Interruptions)...* Are we clubbing price rise and Appropriation? *...(Interruptions)...*

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI RAJEEV SHUKLA): Sir, we can take it up tomorrow...*(Interruptions)...*

MR. DEPUTY CHAIRMAN: So, the understanding is this. *...(Interruptions)...* The price rise will be taken up tomorrow. *...(Interruptions)...*

SHRI RAVI SHANKAR PRASAD: But, immediately after the Zero Hour. Sir, tomorrow is the last day of the Session. So, allow some Zero Hour submissions which are the concerns of the country. And, immediately thereafter, we can take up the price rise issue. *...(Interruptions)...*

SHRI SATYAVRAT CHATURVEDI (Madhya Pradesh): Why have Zero Hour at all, Sir? Let us take up this issue.

SHRI RAJEEV SHUKLA: What I would request... *...(Interruptions)...* No, no. Let me finish.

Sir, they had asked for the discussion on price-rise to be re-started today. We had agreed to that. The Minister is also here. We can start it now. If they want it tomorrow, then, I would suggest, let us give up Zero Hour, and we can start it at eleven. And I would further request... *...(Interruptions)...*

DR. V. MAITREYAN: We are ready to sit up to 11.00 P.M. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: All right. ...(*Interruptions*)...

SHRI RAJEEV SHUKLA: If the Chairman permits, there is an Appropriation Bill also tomorrow. The Minister would be present here.

MR. DEPUTY CHAIRMAN: Okay. That has to be passed.

SHRI RAJEEV SHUKLA: Most of the issues are going to be the same. ...(*Interruptions*)... We could also club the discussion. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: No problem. ...(*Interruptions*)... I agree with you. I must thank all the hon. Members who have cooperated in the passage of two Bills. There were a few clarifications too. It is already 7.30 P.M. now. As suggested by the hon. Minister, and also agreed to by the Deputy Leader of the Opposition, we would take up the Short Duration Discussion tomorrow.

SHRI D. RAJA (Tamil Nadu): After the Zero Hour. ...(*Interruptions*)...

SHRI RAJEEV SHUKLA: No Zero Hour. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: You may leave that to the Chairman. ...(*Interruptions*)... That is the Chairman's prerogative. You may leave that to the Chairman. ...(*Interruptions*)... Leave that to the Chairman. Now, Special Mentions. Who has not read Special Mentions? ...(*Interruptions*)... You may leave that to the Chairman. ...(*Interruptions*)... Special Mentions. Shri Veer Singh; not present. Shrimati Renubala Pradhan; not present; Sardar Sukhdev Singh Dhindsa; not present.

The House stands adjourned to meet at 11.00 A.M. on Saturday, the 7th September, 2013.

The House then adjourned at thirty-two minutes past seven of the clock till eleven of the clock on Saturday, the 7th September, 2013.