

RAJYA SABHA

***SUPPLEMENT**

TO

SYNOPSIS OF DEBATE

(Proceedings other than Questions and Answers)

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

**THE CIVIL LIABILITY FOR NUCLEAR DAMAGE BILL,
2010- *Contd.***

DR. BHALCHANDRA MUNGEKAR: Indian economy is the only economy amongst the four economies of the world, which could immediately come out of the world economic crisis of 2008. It happened because the fundamentals of the economy were in place, and particularly, the banking system was regulated to some extent. I am always in favour of the distributive justice and inclusive growth. But, without growth itself, it will absolutely futile to speak about the distributive justice or inclusive growth. I had some apprehensions about the earlier form of the Bill. But since eighteen amendments have been accepted by the Government because of its full consideration I think, most of the issues and apprehensions have been addressed. So, I support this Bill.

***This Synopsis is not an authoritative record of the proceedings of the Rajya Sabha.**

SHRI RAASHID ALVI: This is a praise-worthy Bill. After several efforts we have reached to this destination. The growth of ninth per cent which we have mentioned in the Eleventh Five Year Plan is incomplete without energy. We have seventh place in energy production while in consumption our place is fifth. Today we need energy and without it we can not go forward. We are not doing any work under the pressure of America. We want friendship with America. America has helped us. Had America not helped us with the suppliers groups, we could not have reached at this destination. I would like to say only this that it is an important Bill and we must support this Bill

SHRI BHARATKUMAR RAUT: I just want to attract the attention of the Government to two points. Chapter IV clause 13 provides for the people entitlement to apply to the Commissioner. I think, the right should be given to all. Even if I am not a direct sufferer from the injury, then also, I should be able to apply. And, that is possible if you add point (e) which can include NGOs or other people who would like to be party to the case. Another point is composition of the Commission. You have only three persons and all of them are Government nominees, Government employees and Government officers. More people from other fields would be useful members of the Commission. That will make this Commission a very comprehensive and inclusive one.

SHRI M. RAMA JOIS: I only want to make three points. What would be the cost of electricity from foreign built nuclear power reactors? How much time it is likely to take for the country in getting electricity from such nuclear power reactors? The most important point is, the solid waste from nuclear power plants. All the major countries, which are running these nuclear power plants, are unable to still solve this problem. I want to know how the Government is going to meet that situation?

SHRI PIYUSH GOYAL: The Bill, in its Section 3(A), States that it will apply only to nuclear installations controlled either directly or through an authority by the Central Government. But there is a

proviso to Section 7(1) in which they have said the Central Government may, by notification, assume full liability for a nuclear installation, not operated by it. In Section 4, they have explained that if there is any damage caused during temporary storage of the material or during transportation of the material, it will be deemed to be the operator's liability. By limiting the liability to 300 SDRs, are we limiting the funds available under CSC to our beneficiaries? In the unfortunate event of an accident, I think, CSC could also participate beyond 300 SDRs. I want to know about the Government's stand.

THE MINISTER OF STATE OF THE MINISTRY OF SCIENCE AND TECHNOLOGY, MINISTER OF STATE OF THE MINISTRY OF EARTH SCIENCES, MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE, MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PARLIAMENTARY AFFAIRS (SHRI PRITHVIRAJ CHAVAN), replying to the debate said: I personally thank every Hon'ble Member who participated in this debate and has made very valuable suggestions and comments. I would like to appreciate the efforts put in by the Members of the Standing Committee on Science and Technology. The Government would also like to acknowledge the personal contribution of the Leader of the Opposition who used his legal acumen and experience to help create a better legislation. Hon'ble Prime Minister wanted a wide national consensus on this very important national issue, which is vital for the economic growth of our country and also for the well-being of our people. As we implement this law, over a period of time we will take care of every single suggestion that has been made during the debate in this House and the other House, and if required, we can change it for better. This is a Bill for prompt payment to likely victims or unfortunate victims. All other laws that are in existence in the country are not being touched at all. This is an additionality.

We have a law which we enacted after the Bhopal incident, in 1991. We definitely need a civil liability regime for other hazardous industries also. We have also brought a new amendment to create a

nuclear safety fund. The cost of nuclear energy, is much cheaper than the potential tariff on solar energy. We are vigorously following our three-phase programme, which was conceived by Dr. Bhabha. Both the Bhabha Atomic Energy Centre and ERD continue to carry out research in the areas of effects of nuclear radiation on health, agriculture and environment, and this will be further strengthened.

While expanding our higher education programme, we have now set up National Institute for Engineering Science and Research. This Institute, will create world-class nuclear engineers, scientists and physicians who will expand our programme. The nuclear programme is not being expanded by 100 times. It is only being expanded by ten times, from the current 4000 MW or 4500 MW. India's nuclear programme was made by Indian industry and we are very proud of what they have done. Technology is getting more and more safe.

Two points have been raised. At first, the nuclear waste has to be managed because it continues to radiate for a long time. But, the Indian programme is based on reprocessing the waste. It is very carefully stored in safe installations. I assure you that we will continue to treat the waste very carefully. Secondly, we have about 10,000 MW indigenous programme. Our known uranium sources are about 1,47,000 tonnes. The main ore is available in Meghalaya which we are not able to start for about 20 years because of local issues. We have also got a very rich source of ore in Lumbapur in Andhra Pradesh. We have not been able to start it because of the same reasons. The uranium, which we get from Jharkhand, is as expensive as four times the international source. We have opened a new mine in Kadapa and a small mine in Gulbarga district at Gopi. Wherever we have the known sources, we explore them. But, we have to take the environmental concerns into account before starting our mines. We are starting to build new reactors of capacity of 700 MW with our indigenous uranium, which we have not yet built. The Government is fully supporting this programme because this is vitally important for the future of our country.

As far as the liability limit is concerned, there are two caps. The operator cap is Rs.1,500 crores and the other cap is at 300 million SDR. In the United States, as per the Price Anderson Act, 2005, the individual liability of a nuclear operator is 300 billion dollars. It is exactly same as ours.

The motion for consideration of the Bill was adopted.

Clauses etc. were adopted.

The Bill was passed.

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
BILL, 2010**

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY), moving the motion for consideration of the Bill, said: There are as many as 25 million non-resident Indians. There has been a long-standing demand on the part of the NRIs. We always fail to differentiate between the non-resident Indians and the people of Indian origins, called PIOs and overseas citizens of India (OCIs), and categorize the entire Indian Diaspora as NRIs, which is not correct.

SHRI PRAKASH JAVADEKAR: The NRIs have contributed to the country a lot. They love their country and want to vote. The jawans of our armed forces have been granted the voting right. But even 1% of them could not exercise their franchise. What is the meaning of such a right? It has not been stated as to how the same would be effected. Now what is the guarantee thereof that the votes of NRI would come. Many countries have the system of internet voting but we do not have. How it is that within 24 days they would get the ballot papers and when the same would come back. In other countries, three days are fixed for voting and the voting machines are kept open for 24 hours. There is an other category of NRI and there is a third category also. It may be clarified whether their names have been included or not. A man languishing in the prison can not vote

but he can be a contestant. If the voting right is given to them, how can he be stopped from contesting. I, therefore, demand that some action plan in this regard may be provided.

SHRI SHANTARAM LAXMAN NAIK: Our two States, Goa and Kerala are maximum affected. Karnataka is also affected because of this. The names of the people who are in Gulf countries, people who work on board a ship have been removed. The officials of the Election Commission, in their respective States, interpreted the word ordinary resident wrongly and names of lakhs and lakhs of voters were removed from the electoral roll. The Election Commission should be the main authority to understand the democratic values. It should understand the voting right of the people.

We are a body created by the Constitution. We have the right to ask that body as to why those names were removed. This is not a simple matter. We should have a thorough study of it and find remedies. The Election Commission does not have power to make laws. It can be seen that “laws” created under Article 324 by the Election commission are voluminous. If we look at the letters written by the Election Commission, they are as voluminous as these laws.

One day I went to Hon’ble Minister of Law and Justice and submitted before him that circulars issued under Article 324 by the Election Commission are illegal. Then good suggestions can be incorporated in the law. But making laws comes under the jurisdictions of Parliament. This power should not be exercised by the Election Commission through its letters. We are in a hurry to pass this legislation. Election Commission can decide as to which law passed by Parliament will regulate the conduct of expenditure and general observers during election. The Election Commission has to be told that under article 324, their powers are very limited.

SHRI AVTAR SINGH KARIMPURI: I congratulate the Hon’ble Minister for bringing “The Representation of the people (Amendment) Bill, 2010”. Through this Bill we are going to give voting right to those who are settled abroad. Large number of our people are settled in other countries for the sake of their employment

and meeting the requirements of their families. I don't know how the names of the NRIs will be enrolled in the voter list. But I want that transparency should be maintained in the process of their enrolment in the voter list and a provision should be made to this effect that they are not required to come time and again to get or continue their names enrolled in the voter list.

Today we must also consider this aspect as to how the potential of the country can be improved so that our people are not required to go abroad for seeking employment and they may get employment within the country itself. While going abroad, our people face so many difficulties. I thank the Government for making the provisions of giving the voting right to our NRIs but our Government should also see that the potential of our country are enhanced to provide employment to our people within the country.

SHRI P. RAJEEVE: I welcome this Bill, though introduced belatedly. Thirty-five lakhs of Malayalees are working outside India. They take keen interest in the affairs of the country and they are also participating in the national building activities through various methods. Kerala State Government has constituted a Pravasi Board for the welfare activities of Pravasis, but the Central Government has done nothing for the welfare of the NRIs. It is a good move to give voting rights to the NRIs. I urge upon the Government to take up more welfare activities for the benefit of the NRIs, who are contributing to the development of the country. I also urge upon the Government to utilize the Emigration Fund for the welfare of the NRIs exclusively.

In the Census process, there is no mechanism to include the names of the NRIs. While giving the voting rights to the Pravasis, there should be some mechanism under the Ministry of Home Affairs to include the names of the NRIs in the Census process. So many people approach the Embassies in the Gulf countries, but there are no facilities and the staff strength is quite inadequate to address the genuine issues of the NRIs. There are seven exemptions the term 'ordinarily resident' in the Bill. Increasing the number of exemptions

is making the law complicated. Why hasn't the Ministry taken interest to formulate a single amendment to incorporate all these exemptions to the term 'ordinarily resident'? There should be some distinction between the voting right and right to contest. There is no mechanism to verify whether a person is having dual citizenship. This should be defined clearly in the Bill. Whether the green card holders have the right to contest the election, there is some ambiguity in this regard.

SHRI BAISHNAB PARIDA: I support the Representation of the People (Amendment) Bill, 2010. This amendment has been brought to give an opportunity to the Indian citizens to participate in the election process, who are living outside the country. They have every democratic right to participate in the election process, in the democratic process in this country. They have been demanding this since so many years. There are certain lacunas in the Bill. No proper arrangements have been made to enroll NRIs as voters. There is no proper arrangement for them to cast their votes. We have our diplomatic missions in different country. Why should we not utilize their services in order to enable NRIs to cast their votes. Another thing is regarding dual citizenship. Those who are having citizenship of another country should not be given an opportunity to participate in voting, and they should also not be given an opportunity to contest the election. The postal voting system does not apply to workers working outside the country. They should also be given an opportunity to strengthen the emotional relationship with their country.

SHRI TIRUCHI SIVA: I, wholeheartedly, support the Representation of the People (Amendment) Bill, 2010. Just because our people are away on an employment, they should not be deprived of the voting rights and the Government of India has taken a right decision.

I would like to make one or two observations on the recommendations which the Standing Committee has made and what has been implemented in the Bill. The Standing Committee has said that the Bill had not defined the term 'temporarily resident' and it suggested to reword 'A citizen of India'. So, the present Bill allows

for all citizens to be enrolled in the electoral rolls in the constituency in which his place of residence in India is. Through this Bill, the electoral officer has to undertake the required verification for enrolment. Another important thing which the Standing Committee has said is that the term 'non-resident Indian' is not defined. Now, the 2010 Bill, permits registration in the electoral rolls of persons (a) who are citizens of India and (b) not enrolled in electoral rolls (c) who have not taken up the citizenship of any other country, and (d) who are absent from the ordinary place of residence. The Standing Committee also expressed its concern over large-scale deletion of names and recommended that the procedure for deletion of names should be strictly followed. This Bill addresses that issue also. So, this Bill addresses the long-pending issues of NRIs who are abroad. I welcome this Bill.

***SHRI N. BALAGANGA:** A large number of Indian people go abroad in search of suitable employment. As they are residing abroad for a long time, their names are removed from the electoral rolls. Therefore, they have a longstanding demand to include their names in the electoral rolls and to provide them the right to cast their votes in the elections to the Parliament and to the State legislatures. This bill has been brought to fulfil this demand. But, this bill does not mention the methods to be adopted for inclusion of their names. How could they identify an NRI who has not resided in his own place of residence? What is the provision for the NRIs to get their names included in the electoral rolls? This point needs to be clearly mentioned in the bill. I would like to seek clarification about another important point. When the NRIs are given the rights to cast their vote, will they be eligible to contest in the elections? Besides, there should be an exclusive electoral roll for NRIs. I would also like to suggest that the system of Electronic Voting Machines may be withdrawn. I welcome this Bill.

*** Synopsis of speech delivered by Hon'ble Member in Tamil.**

SHRI M. P. ACHUTHAN: NRIs plays very important role in the economic development of our country. But we are not able to do justice to the NRIs. This Bill is a beginning of taking into account their aspirations. But, as being pointed out here, this Bill has got many limitations. Even though we are giving voting right to them, vast majority of them will not be able to exercise their right. It is not clear whether for the enrolment in the electoral roll their physical presence is necessary. Now their names are not in the ration cards or in the electoral roll or even in census their names are completely excluded. So, my suggestion is that we have to have an affidavit from their families and include their names in the electoral roll. For voting they have to come to India. There is no provision to cast their vote outside India. The Government must explore the possibility of giving this facility. There are many other problems being faced by the NRIs especially after the economic recession lakhs of people are coming back to India. There is no provision for their rehabilitation. So, the Union Government must evolve some programme to help the NRIs for their welfare and the allotment for the Ministry must be increased to at least Rs.1000 crore.

SHRI BHARATKUMAR RAUT: I have some reservations on this Bill and I would seek some clarifications from the Hon'ble Minister. I think the Government must make it very clear that those who have sought or taken citizenship of any other country, whether they have the dual citizenship of this nation or not, they should not be allowed to participate in the voting process.

Construction workers, those who do not have land holding and tribal people do not have permanent address, so they are always deprived of voting right. When we can not do anything about Indians living in India, why are you so much bothered about Indians living outside India? They can demand that they should be allowed to participate and contest election. This is a dangerous suggestion. If voting right is given to them, then they have a natural right to contest election.

SHRI RAGHUNANDAN SHARMA: I support this Bill but I would like to bring to your attention some shortcomings. Even after 50-60 years, we could not make this Act of public importance complete. We have been unable to prepare voter list properly. It has taken four years to insert a word. Even today questions are raised about the voter list in the country. Children born in the foreign country face many hardships when they come here. Consideration should be given to them. I suggest if father or forefather of non-resident Indian had right of voting then he should be given right of voting. Passport has been made basis in this Bill. Here passport is got prepared very easily on the basis of which people become voters. These people share power and affect power. People involved in anti-national activities should not be given right of voting. Even today many people are deprived of voting. Whether provision of compulsory voting can not be made? Many people cast their votes many times. What steps have been taken to prevent them? This Bill should have been brought after consultation with the political parties with consensus. People can not purchase property in Kashmir, but the person, who belongs to Kashmir can purchase property in the whole country.

Comprehensive consultations should have been held with the political parties having faith in democracy, but it has not been done. Such an amendment should be made in this Bill, so that all the citizens of the country can become voters. I support this Bill related with overseas Indians.

SHRI RAJEEV SHUKLA: This is a historical Bill. It is said to bring the names of those persons in the voters list who are holding Indian passport and are living abroad. This is a good step and it was being demanded since many days. The arrangement should be made in the Indian Embassies only to cast the votes, so that people do not have to come here to exercise their right to vote. It would be good if the names of persons having dual citizenship, PIOs etc. is also considered in this.

SHRI RAM KRIPAL YADAV: I support this Bill. Millions of people are living outside the country on a large scale and are working towards strengthening the economy of the country. I welcome this Bill on having been given them the right to vote. Their role will be important in building the nation.

The people of Bihar earn money while working in various areas within the country and also abroad. Government should consider to provide them employment in the country itself, so that they do not have to go abroad out of compulsion. This is an important matter. The arrangement for casting vote by the Indian people living abroad should be made in the Embassies only situated there. Elections are going to take place in Bihar within next 2-3 months. Millions of people from Bihar are outside at present. It will be a big help if the arrangement of casting vote for these people is made there only. Those people are poor and they cannot come here by breaking the contract. The Minister should clarify as to how the names of such persons will come in the voters' list who are not present here physically and how they will participate in the voting.

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

The Hon'ble Minister, replying to the debate, said: The services and the foreign exchange contribution rendered by these NRIs are really outstanding. Everyone agrees that we should provide them the right to vote. After all, they are the citizens of the country. The right to vote, as demanded by the citizens of India living abroad, is their legitimate right. We are here to recognize that right.

The Standing Committee gave certain suggestions. We have accepted them and right to vote is to be given to them. We have already constituted a Committee to sort out the issues and we would like to bring a comprehensive electoral reform. In October or

November we are going to have a National Consultation on Comprehensive Electoral Reforms. Then we will know what needs to be done for our electoral reforms. Regarding casting of votes by Jawans who are posted to border areas or far off areas, though provisions have been made, they are not being implemented. We need to make rules.

After we have undergone this kind of a great democratic ritual, namely, the elections, we need to address those problems. There is no question of addressing the question of dual citizenship. If a person has acquired the citizenship of any other country, he is not entitled for that. The Bill is very clear about this. It is a very simple legislation which is only with regard to the NRIs. The present proposal is only to confer voting rights on the citizens of India who are not citizens of any other country, to get themselves enrolled and cast their votes in their relevant constituency as per the place shown in their passports. The Bill does not deal with the right to contest at all, for which other relevant laws would apply. Another question is regarding migrant workers. It is an important issue. They also find their names missing in voter lists. The Bill is not only related to persons or citizens residing outside India, it is also related to the migrant labourers, farm labourers or the construction workers. We can provide rules for them. We have brought in an amendment, which provides this. The Deputy Commissioner or the District Magistrate have been conferred the right to inquire into the deletion, exclusion or the addition of names.

The motion for consideration of the Bill was adopted.

Clauses were adopted.

The Bill was passed.

THE PREVENTION OF TORTURE BILL, 2010

THE MINISTER OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) I move:

"That the Bill to provide punishment for torture inflicted by public servants or any person inflicting torture with the consent or acquiescence of any public servant, and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

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Secretary-General.

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