

**RAJYA SABHA**

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**\*SYNOPSIS OF DEBATE**

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**(Proceedings other than Questions and Answers)**

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**Friday, December 9, 2022/ Agrahayana 18, 1944 (Saka)**

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**REFERENCES BY THE CHAIR**

**Seventy-Fourth Anniversary of Universal Declaration of Human Rights**

**MR. CHAIRMAN:** Hon. Members, the 10th December, 2022, marks the Seventy-fourth Anniversary of the Adoption of the Universal Declaration of Human Rights. This historic day is celebrated as ‘Human Rights Day’ across the globe. The landmark document adopted by the United Nations General Assembly, on this day in 1948, established for the first time universality and indivisibility of the inalienable rights that every human being is entitled to.

This year’s theme – dignity, freedom, and justice for all – aims to further highlight the universal commitment. Our nation ‘Bharat’ has always cherished the values of liberty, equality, and justice for all, as ingrained in our civilizational ethos. Series of legislative measures, executive actions, and judicial pronouncements have further reinforced our commitment to these values. It is satisfying to note that series of affirmative Government

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

interventions have exemplified new dimensions of human rights. This was amply demonstrated during our commitment to universal vaccination and food security during the COVID pandemic, not just in India, but as well in the world too.

Hon. Members, as legislators, it is our bounden duty to strive to uphold dignity, freedom, and justice for all. On this day, I urge this august House of Elders to work towards building an ecosystem for further blossoming of the human rights. Let us rededicate ourselves to the noble ideas and principles of the Universal Declaration of Human Rights.

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## **MATTERS RAISED WITH THE PERMISSION OF THE CHAIR**

### **1. Need to amend J&K Reorganisation Act in order to Implement the Recommendations of Delimitation Commission**

**SHRI SUSHIL KUMAR MODI:** In the year 1989, due to Pak supported terrorists, lakhs of Kashmiri Hindus, especially Kashmiri Pandits had to migrate from Kashmir. Keeping this in mind, the Delimitation Commission was set up for Jammu and Kashmir under the chairmanship of Justice Ranjan Desai. The Commission has recommended reservation of two seats for Kashmiri Pandits in the Legislative Assembly of Jammu and Kashmir. One of these seats will be reserved for women and the central government will nominate members for these two seats. These members will have the same powers as the three nominated members of the Puducherry Legislative Assembly. In addition, the commission has recommended nomination of one person from among the displaced persons from the territory of Pakistan-occupied Kashmir, who are settled in Jammu and Kashmir. Through you, I would urge the Government of India to make efforts to implement this reservation by amending the Jammu and Kashmir Reorganisation Act so that whenever the Legislative Assembly of Jammu and Kashmir is constituted, those people can get benefit of it.

*(Shri Vivek K. Tankha, Shri Kailash Soni, Shri Deepak Prakash, Dr. Anil Sukhdeorao Bonde and Shri P. Wilson associated.)*

## **2. Need to Create a Centralized Database of Unclaimed Inherited Money**

**SHRI MOHAMMED NADIMUL HAQUE:** Rightful heirs are having a hard time in claiming their inherited money usually present in the form of unclaimed bank deposits, insurance, Post Office funds, etc. Parliament has authorized the RBI to enact a policy or issue directions with a statutory backing, but no redressal or actionable procedures have been formulated until now. Individual banks make their own rules and demands to release these claims. I request the Government to formulate a Standard Operating Procedure for making effective claims, and a centralised online database should be developed under the control of the RBI. That will provide information about the deceased account holders including their details. Also, in every nine to twelve months, banks should be asked to mandatorily inform the RBI about the inoperative or dormant bank accounts. This unclaimed money is the resource of the citizens and it is the duty of the Government that this resource goes back in the fulfilment of the demands and various schemes of the citizens.

*(Dr. Fauzia Khan, Shri Sandosh Kumar P, Shri Jawhar Sircar, Dr. John Brittas and Shri P. Wilson associated.)*

## **3. Need for Central Government Support to Develop Vizag/Vishakhapatnam as a Major IT Destination**

**SHRI G.V.L. NARASIMHA RAO:** The united Andhra Pradesh developed largely on account of the IT sector growth and Vishakhapatnam has the potential to emerge as a major IT destination. Expansion of the Software Technology Parks of India (STPI) campus in Vishakhapatnam is getting delayed because of lack of land allotment by the State Government and Andhra University. I would urge the Ministry of Heavy Industries to sanction a Common Engineering Facility Centre (CEFC) which will give a huge impetus to the activities of Centre of Excellence in RINI, Vishakhapatnam. I would also request establishment of fabrication laboratory and a Centre for Development of Advanced Computing (CDAC) in Vishakhapatnam. Promotion of business scheme should be extended for entities which have already availed this scheme because this can create huge employment opportunities.

*(Dr. Fauzia Khan associated.)*

#### **4. Need to Establish an Indian Institute of Science and Education Research (IISER) in Pudukottai District of Tamil Nadu**

**SHRI M. MOHAMED ABDULLA:** Presently, the IISERs have been established at only seven locations in the country which is not enough for the promotion of science education and technology. No such Central institution has been set up in Pudukottai District of Tamil Nadu, which is one of the centrally-located districts of Tamil Nadu. Establishment of IISER in Pudukottai District will augment the existing NID in Tiruchirappalli, and a close coordination of IISER, Pudukottai and NID, Tiruchirappalli can rapidly advance the research and development work in science sector for the benefit and development of the country.

*(Several hon'ble Members associated.)*

#### **5. Non-fulfilment of the Promises with respect to Compensation made to the Victims of the Lakhimpur-Kheri Incident**

**SHRI JAYANT CHAUDHARY:** On October 3, 2021, the incident of crushing of agitators at Tikunia in Lakhimpur, Uttar Pradesh, which was discussed in the whole country as Lakhimpur massacre, shook the farmers of the country. After this incident, the government itself had sent its senior officers to the farmers there and promised that compensation of 10 lakh rupees would be given to each of the injured and one of the family members of the four deceased farmers would be given a government job. A year has passed, but no government action has been taken in this regard till date. The Chief Minister's own reply on this states that the State government has not been able to take such action. Why should the public trust the government if the government does not fulfil its promises?

*(Several hon'ble Members associated.)*

#### **6. Need to Ease Regulations to Visit Shri Kartarpur Sahib and Development of Anandpur Sahib as a Heritage City**

**SHRI RAGHAV CHADHA:** A few years back, the corridor of Sri Kartarpur Sahib, the most sacred place of Sri Guru Nanak Dev Ji, was opened. But today, every devotee visiting Shri Kartarpur Sahib has to face three problems. The first problem is that you must have a passport, otherwise you cannot go to Shri Kartarpur Sahib by crossing that border. The

Government of India should negotiate with the Government of Pakistan for abolishing this condition of passport and ensure that any identity card like Aadhaar card can be used by making it valid. The second problem is that today every devotee has to pay a fee of 20 Dollar. I request the government to abolish this 20 Dollar fee. The last problem is that the online registration process is very complicated. It should be simplified.

*(Dr. Ashok Kumar Mittal, Dr. John Brittas, Shri Sanjay Singh and Shri Sushil Kumar Gupta associated.)*

### **7. Increasing Fire Accidents in the Country**

**DR. ASHOK BAJPAI:** There has been an increase in fire incidents in the country in the recent time. Earlier, in the villages, the thatched roofs and crop-fields used to catch fire. But today, the big buildings in the cities are catching fire. Recently, a fire broke out in the Levana Hotel in Lucknow, due to which many lives were lost. Vehicles moving on the road are catching fire. Short circuit has become such a problem that today no building is safe from it. The government should consider how these incidents of fire can be curbed.

*(Shri Jose K. Mani, Dr. Fauzia Khan, Dr. John Brittas and Dr. Amar Patnaik associated.)*

### **8. Delay and Lack of Urgency on Part of Centres of Excellence (CoEs) to Treat Patients Diagnosed with Life-threatening Rare Genetic Disorders**

**DR. FAUZIA KHAN:** The National Policy for Rare Diseases was finalized and notified by the Ministry of Health and Family Welfare on 30th of March, 2021. Subsequently, the Ministry increased the funding support to Rs.50 lakh per patient, for all categories of rare disease patients in May this year. But even after several months of announcement by the ministry, not a single patient diagnosed with life threatening rare genetic disorders has so far been put on life saving treatment. This unending delay and lack of urgency on the part of the Centres of Excellence has claimed several innocent young lives and endangered the survival prospects of many patients, largely, children. An analysis of the crowd funding platform, an initiative of the Ministry, reveals that many of these patients diagnosed could be immediately put on life saving therapy thereby reducing the risk of loss of life and the

ongoing anxiety that subsequently comes in. Therapies for many diseases are available for many years, but its getting delayed. Several Centres of Excellence are yet to seek financial support for patients diagnosed with life threatening diseases. The Ministry of Health and Family Welfare should issue urgent instructions to the Centres of Excellence to treat patients.

*(Several hon'ble Members associated.)*

### **9. Adaptation and Mitigation Measures Adopted for Tackling Impact of Climate Change**

**SHRIMATI VANDANA CHAVAN:** Several cities in our country have witnessed a dire brunt of the impacts of climate change since the last few years. On the one side, they are hit by unprecedented floods due to changed rainfall patterns in the form of heavy and torrential rains or cloudbursts or even storms, on the other side, our cities have also experienced heat waves. Increased temperatures or severe heat-waves cause serious impacts on health, productivity at work and even deaths. Rampant urbanization and not giving attention to capacity building of the administrative agencies, haphazard and unscientific development, mushrooming of illegal constructions, disregard to natural features, rampant deforestation, cementing of roads and land are becoming the main recipe for flooding and heating. Government also implements same policies everywhere irrespective of the carrying capacity of a particular city, without thinking of the kind of water and infrastructure requirements of such cities. This will make our cities grossly unhealthy and non-liveable. We have to stop this now.

*(Several hon'ble Members associated.)*

### **10. Deteriorating Law and Order Situation in Bihar**

**SHRI SATISH CHANDRA DUBEY:** I would like to draw your attention to the serious cases of murder, loot, dacoity, rape and atrocities happening in the state of Bihar for the last few months. The people of Bihar are scared. There is an atmosphere of fear. Several cases of murder and loot have come to light in West Champaran. Champaran is the land of Satyagraha and the government of Bihar is working to tarnish that holy land, nothing

can be more unfortunate than this. I request you to take initiative on this and solve this problem.

*(Dr. Amar Patnaik associated.)*

### **11. Need to Develop Libraries throughout the Country**

**DR. V. SIVADASAN:** The public libraries are the strongest public spaces in the world. They should be developed as a community centre, for the knowledge production, skill development, entertainment and physical education. But, in our nation, the number of libraries is very less and the conditions of existing libraries are not at all good. Local-self-governments and common people are giving some assistance to the public libraries in various parts of the country. But the Union Government is not giving any financial assistance to the State Governments or the local-self-government for public libraries and public cultural institutions in rural area. Earlier, local-self-governments had some income through their collection of tax like entertainment tax. Though it was a meagre amount but now it is also taken by the Union Government through G.S.T, then how will the libraries function. Salary and facilities for librarians of these public libraries is also very less. They are getting very meagre amount in the name of honorarium. Union Government may allocate sufficient amount of funds to the States for resources to the libraries and the salary of the librarians.

*(Several hon'ble Members associated.)*

### **12. Need to Allocate a Separate Budget for Saansad Adarsh Gram Yojana**

**SHRI NEERAJ DANGI:** Government of India launched 'Pradhan Mantri Adarsh Gram Yojana' in October 2014, under which each MP had to adopt a village and develop it as a model village. But no separate budget provision was made for this. The scheme was studied by the Ministry of Rural Development under the Common Review Mission (CRM) and it was found that the scheme in its present form is not capable of achieving its desired objective. Due to paucity of funds, this scheme is not able to make significant impact in the development of rural infrastructure. It is not possible to develop one village into a model village along with the developmental works in the entire parliamentary constituency with the MPLAD funds of

MPs. If the Government of India really wants to develop Gram Panchayats in the best way, then first of all a model Village should be developed and a separate provision of budget should be made for it, so that every Member of Parliament adopts one village every year and fully develops it.

*(Several hon'ble Members associated.)*

### **13. Need for Capacity Enhancement to Deal with Cyber-Attacks**

**DR. AMAR PATNAIK:** Various reports suggest that numbers of cyber threats and cyber crime are increasing day-by-day. It is a rising issue of concern and is all the more important because we have been entering various PPP models not only in the medical sector, but Railways, Airways and various public facilities. We have to look at this issue from three points; one, whether the current existing IT Securities are adequate; two, whether they can be recovered. Apart from this, we have to also think about business continuity planning and publicly declare it in the event of attack on our servers. We should declare the time line after which normal operations will start. Not just the Government should do this, but all private sectors should also do it. Currently, we have the National Cyber Security Strategy, 2020 which is really appreciable but the structure has not really come up. I would appeal to make this structure very robust.

*(Several hon'ble Members associated.)*

### **14. Need to Provide Reservation to Backward Classes in Proportion to their Population**

**SHRI V. VIJAYASAI REDDY:** Even today, after 75 years of India's Independence the long standing aspirations of the backward classes to have equitable opportunities in all spheres of life remain unfulfilled. The Backward Classes in the country have unjustifiably been left out from the fold of caste enumeration and proportionate reservation. They have also been denied reservation in Parliament, State Legislatures as well as in higher judiciary. Even though the Backward Classes constitute more than 50 per cent of country's population, reservation is still capped at 27 per cent. Last month, the Supreme Court held that ceiling of total reservation of 50 per cent is flexible and breaching of this ceiling would not violate the basic structure of the Constitution. Therefore, there is no legal hurdle before the

Government as far as reservation to Backward Classes, in proportion to their population, is concerned. I request to the Government to give reservation to Backward classes in educational institutions, public employment, legislatures and higher judiciary.

*(Dr. Sasmit Patra, Dr. John Brittas, Prof. Manoj Kumar Jha and Dr. Amar Patnaik associated.)*

### **15. Drinking Water Problem in Karnataka**

**SHRI H.D. DEVEGOWDA:** Drinking water in Karnataka is a major problem. Water level in Karnataka is going down day-by-day. We have approached the Union Government. Mekedatu is one of the prime issues. We want to construct a dam in our own area, not to encroach any area in other States, but they are objecting! Many issues are pending before the Government of India for which we are demanding clearance. I request that the problem of Karnataka must be solved.

*(Dr. Sasmit Patra and Dr. Amar Patnaik associated.)*

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### **PRIVATE MEMBERS' BILLS**

The following Bills were introduced:

1. The Uniform Civil Code in India Bill, 2020
2. The Antarrashtriya Kannada Vishwavidyalaya Bill, 2022
3. The Hate Crimes and Hate Speech (Combat, Prevention and Punishment) Bill, 2022
4. The Parliament (Productivity Enhancement) Bill, 2022
5. The Constitution (Amendment) Bill, 2022 (Amendment of Articles 16, 124 and 216)
6. The Constitution Amendment Bill, 2022 (Amendment of Articles 102, 155, 156 etc.)
7. The Constitution (Amendment) Bill, 2022 (Amendment of Articles 124 and 220 )

8. The Prevention of Money-Laundering (Amendment ) Bill, 2022
9. The Constitution (Amendment) Bill, 2022 (Insertion of New Article 21 B)
10. The Constitution (Amendment) Bill, 2022 (Amendment of Article 16)
11. The Prevention of Insult to the Father of the Nation and Other Icons of Freedom Movement Bill, 2022
12. The Official Languages Bill, 2022
13. The Right to Digital Literacy Bill 2022
14. The Indian Penal Code (Amendment) Bill 2022
15. The Right of Children to Free and Compulsory Education (Amendment) Bill, 2022
16. The Mahatma Gandhi National Rural Employment Guarantee (Amendment) Bill, 2022
17. The Motor Vehicles (Amendment) Bill, 2022
18. The Constitution (Amendment) Bill, 2022 (Amendment of Article 324)
19. The Constitution (Amendment) Bill, 2022 (Amendment of the Eighth Schedule)
20. The National Commission for Controlling Medical Inflation Bill, 2022
21. The Constitution (Amendment) Bill, 2022 (Amendment of Articles 124, 127, 128, 222, Etc., Substitution of Articles 124A,124B, and 124C)
22. The National Judicial Commission Bill, 2022
23. The Constitution (Amendment) Bill, 2022 (amendment of article 270, 271, 280 and insertion of article 342B)
24. The Prevention and Prohibition of Witch-Branding and Hunting and Other Harmful Practices Bill, 2022

25. The Code of Criminal Procedure (Amendment) Bill, 2022
26. The Net Zero Emissions Bill, 2022
27. The Constitution (Amendment) Bill, 2022 (Amendment of Articles 84 and 173)
28. The Sarva Dharma Temple Bill, 2022
29. Maa Mamata (Orphan'S Welfare) Scheme Bill, 2022
30. The Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Bill, 2022
31. The Guaranteed Delivery of Public Services and Accountability Bill, 2022

**(i) The Right to Health Bill, 2021- Contd.**

**PROF. MANOJ KUMAR JHA, continuing his unfinished speech dated 05<sup>th</sup> August, 2022, said:** First of all, I would like express my express my thanks to all the Members for supporting this Bill wholeheartedly. At the same time, they also gave some valuable suggestions which I should have included while drafting the said Bill. I wish that the Government keeps the same spirit on this Bill as they have about Uniform Civil Code Bill. We will always have different view on Uniform Civil Code Bill from the Government, but none of us have opposed the Right to Health Bill keeping in view its intent. We have seen the devastation that COVID caused to us and sometimes we were quite helpless in that situation. Several Members spoke about Anganwadi and ASHA workers and said that they are frontline workers. But these frontline workers are overworked and underpaid. Adequate discussion on the issue of mental illness could not take place last time in the debate, as there has been a flood of cases of mental illness after the Covid pandemic. I would just say that the Supreme Court had also said in April, 2022 that the Payment of Gratuity Act should be implemented for Anganwadi centres. If you do this, it will be a great favor to the the citizens of this country and perhaps when we talk next, we will not talk about health from the point of view of a beneficiary, but from the point of view of a right. Our ASHA workers will be protected, Anganwadi workers will be protected,

doctor-patient ratio will be better and they will, in turn, probably lead to better conditions.

*The Bill was, by leave of the House, withdrawn.*

**(ii) The Constitution (Amendment) Bill, 2022 (Amendment of Article 153 and Substitution of Articles 155 and 156)**

**DR. V. SIVADASAN, moving the motion for consideration of the Bill, said:** I would like to present a very important subject here. If we look the history, Governor is a position which has been there since colonial times. The role of Governors in colonial India was the suppression and oppression of Indian people. The Governors of the provinces acted like kings. The British colonial rulers thought that we, the Indians, were not capable to stand on our own feet. Moreover, the colonial vision was racist and undemocratic. Sensing the practice, Shri T N Seshan had declined the offer for the post of Governor. Being a governor is good job, but the Governor should not treat the Government as child. At various occasions, they encroach on state's Constitutional Rights. It is because the same colonial mindset is adopted by many Governors in India. As an exceptional example, the Governor of Madhya Pradesh, Shri HV Pataskar, openly defended the then Chief Minister, Shri Kailash Nath Katju who was being criticised by Prime Minister, Nehruji. There had been debate even in past about the way a Governor should be elected or removed. If Shri B.N. Rao was for election of Governor where the State Government was vested with the power to remove the Governor. But, this plan was rejected by Dr. B.R. Ambedkar as he said that a Governor had a nominal power. In an ideal situation, the Union Government should always consult the State before appointing the Governor. Such a practice prevails in Australia and Canada. Shri Ambedkar also said that a Governor is bound to accept the advice of the Cabinet and not dictate the Cabinet. Again, Mahatma Gandhi told us about the importance of decentralization and Gram Swaraj. Strengthening the federal system is necessary for meeting the aspirations of the people. Therefore, the Centre-State relations must be balanced. In fact, the experience proves that legislative, administrative and financial powers are disproportionately

concentrated in the hands of Union Government. So these powers must be decentralised. If there is genuine autonomy and power provided to the states, the development could be accelerated. I am sure that the discussion on this Bill will also make more space on the necessity of the post of Governor. Despite having a democracy, we have an anti-democratic provision of Article 356 in our Constitution. This Article has been frequently misused. As a result, the states are more dependent on the Central Government. But the Government of West Bengal and other states have repeatedly made demands for a restructuring of Centre-State relationship. The Srinagar Conclave in 1983 brought together a number of regional parties. The Governor's powers was one of the core issues. Other issues were about the administrative, legislative and financial spheres. In administrative sphere, the major issues involved the abuse of Article 356 and deploying the Central forces to the States without their concurrence and the role of Governors. In legislative sphere, it figured intrusions by the Centre into State List subjects and delays in obtaining assents for important Bills passed by the State Assemblies. In the financial sphere, the major issues were related to increasing centralization of powers in the Union Government. To restructure the Centre-State relations, the Union Government had also set up the Sarkaria Commission in 1983. But, its recommendations failed to resolve most of the basic issues, in this regard. Moreover, most of its recommendations remained unimplemented for nearly four decades. Till date, many Commissions and Committees have been appointed on Centre-State relations. Sadly, the States were not consulted prior to the formation of these Commissions or Committees. Neither the Terms of Reference nor the composition of the Commission were appropriately discussed. Similarly, the Union Government set up a Commission on Centre-State Relationship in April 2007 with former Chief Justice M.M. Punchhi as the Chairperson. But, the Terms of Reference of said Commission did not reflect the long-standing demands of the States. The Justice Punchi Commission stressed on greater devolution of financial powers to states. Such a serious threat to national unity or the secular fabric of the country has been highlighted from various quarters and by many of the Members from different political parties, in this House. The verdict given by

Hon'ble Supreme Court on S.R. Bommai case also calls for an urgent need to build in strong safeguards in Articles 356 and 365 through appropriate amendments of the Constitution. However, no decision has been taken by the Union Government in this regard. The deployment of paramilitary forces in the States unilaterally by the Central Government has been a controversial matter. The term 'internal disturbance' in Article 355 is related to 'public order', which is the first entry in the State List. This Article should be amended on the lines suggested above for Article 356. We should take an initiative on the discussion about the appointment and role of Governors. One suggestion is to collect the three names from the Chief Minister of State concerned . If you need the elected Governor, then an election should be conducted. An electoral college should be constituted with the Members of the Legislative Assembly and the representatives of the local-self Government. None of the major countries of the world with a federal Constitution follows such a practice as done in India. There should also be a time-limit with regard to Governor's assent to a Bill passed by the State Assemblies. It needs to be debated if a Governor should refrain from publically expressing disagreement or differences with the State Government. There is also a need to review whether Governors should continue to be ex-officio Chancellors of State Universities. For example, in Kerala, the Governor, after making the appointment, is asking the Vice-Chancellors to resign. The process of consultation between the Centre and the States needs to be institutionalized on legislations under the Concurrent List. The Constitution should also be amended to set definite time-limits for receiving the assent of the Governor or President in the case of Bills passed by the State Assemblies. The recent tussle between Governor of Kerala that Kerala Ministers is very unfortunate. The Chief Minister of Kerala asserted that the Governor held only limited powers and cannot act contrary to the aid and advice of the Council of Ministers. The Governor of Kerala is also not yielding. In the Shamsheer Singh Vs State of Punjab case, the Supreme Court has held that the Governor has to act as per the aid and advice of the Council of Ministers only and that the Governors have very limited discretionary powers. The silence in the Constitution regarding the pleasure of the

Governor is misused by the Governors these days to carry forward the agenda of the Union Government.

*Discussion not concluded.*

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**P. C. MODY,**  
*Secretary-General.*

[rssynop@sansad.nic.in](mailto:rssynop@sansad.nic.in)

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\*\*\*Supplement covering rest of the proceedings is being issued separately.