

RAJYA SABHA

***SYNOPSIS OF DEBATE**

(Proceedings other than Questions and Answers)

Wednesday, December 21, 2022/ Agrahayana 30, 1944 (Saka)

OBSERVATION BY THE CHAIR

MR. CHAIRMAN: Hon'ble Members, on 12th December, 2022, I had made a request to the leaders of the parties to allocate seats amongst their Members for the sake of my convenience and for compliance of rules in identifying from which seat the Member, whose name has been called, is speaking and is entitled.

I am constrained to observe that my request has not drawn the desired attention till date and parties such as INC, AAP, TRS, Shiv Sena, JD(U) and SP are yet to allocate seats amongst their Members. Once again, I request you to kindly expedite and forward your details, without any further delay, to the Table during the course of the day.

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

MATTERS RAISED WITH THE PERMISSION OF THE CHAIR

1. Economic Hardships being faced by Rubber Farmers in Kerala due to Steep Decline in Price of Natural Rubber

SHRI JOSE K. MANI: Natural rubber has been a strategic produce right since independence. The main reason for fall in price of natural rubber is the indiscriminate import of rubber. The import of natural rubber has correlation with the price of natural rubber here. Whenever the price of natural rubber goes down, the tyre industry increases the price of tyres. The import duty collected by the Government of India is the sweat of the rubber farmers and, therefore, it should be passed on to the rubber farmers. To mitigate the climate change, the best solution is planting trees and the research shows that the carbon absorption by the rubber trees is much higher. The amount set apart for the climate change mitigation may be given to the farmers of rubber plantation.

(Several hon'ble Members associated.)

2. Declining Mental and Physical Health of Children in the Country

PROF. MANOJ KUMAR JHA: While there are so many impediments to the physical health in India, there are much more impediments to the mental illness and issues related to mental health. The issue of mental health of children was a matter of concern even before Covid, but the post-Covid situation has made it even more difficult. According to the UN Report, 13 per cent of drug abusers are under the age of 20. Its factors are poverty, oppression, home environment or peer pressure etc. Such children either try to hurt themselves or try to hurt others. When we discuss mental health, we should try to reach small towns and villages apart from big cities. There should be a separate system for taking care of mental illness in government hospitals in towns and districts.

(Several hon'ble Members associated.)

3. Need to Roll Back the Proposed Amendment to Rule 6 of IAS (Cadre) Rules, 1954 relating to Deputation of IAS Officers to Union Government

SHRI JAWHAR SIRCAR: The amendment to Rule 6 of the IAS (Cadre) Rules, 1954 relating to deputation of IAS Officers to the Union

Government will give absolute one-sided overriding power to the Centre in violation of the All-India Service Act and spirit. In West Bengal, only 11 out of 280 officers have been deputed to work at the Centre. In Rajasthan, it is 13 out of 247. In Telangana, it is 7 out of 208. It is an administrative requirement of the states. I request the Government not to transgress into federal relations in a one-sided manner, appreciate the problem and take an overview of the total shortage of officers, so that both the Centre and the States can function properly.

(Several hon'ble Members associated.)

4. Need to Install the Statue of Legendary Panna Dai in Jaipur, Rajasthan

SHRI SURENDRA SINGH NAGAR: While the name of Maharana Pratap is taken with pride in the history of Rajasthan, the name of Dai Panna Gujri is also taken with the same pride. Her devotion to her master was paramount and for that she also sacrificed her son Chandan. But despite being a unique example in history, Panna Dai has not been accorded due respect. Various social organizations and people of Rajasthan have been demanding from the Government of Rajasthan since long that the biography of Panna Dai should be included in the curriculum of Rajasthan and her statue should be installed in Rajasthan. But the Government of Rajasthan has not done so yet. I request the Central Government to intervene in this matter and try to get Panna Dai's statue installed and her biography included in the curriculum of Rajasthan to give her due respect.

(Several hon'ble Members associated.)

5. Difficulties being faced by various States in Notifying Labour Codes and Issues Arising out of It

SHRI M. SHANMUGAM: The Union Government has made unsuccessful attempt to simplify and codify all the laws into one uniform code to ease trade, and improve trade and commerce in the nation. In 2019, the Government introduced four Bills in Parliament without having a discussion and developing a consensus in the tripartite meeting. These Codes have proved to be anti-workers as they paved the way for a 'hire and fire' policy and restrict the right to strike. There is a lack of clarity in various

definitions. For all these reasons, some State Governments are reluctant to frame draft rules for the notification. The Government should withdraw these Codes.

(Several hon'ble Members associated.)

6. Problems being faced by Areca Nut Farmers of Karnataka

SHRI G.C. CHANDRASHEKHAR: The country produces a total of about eight lakh tonnes of Areca nut; out of which, Karnataka alone produces about six lakh tonnes. Nearly 20 lakh families depend on this. In 2014, farmers used to get around Rs.1,00,000 per quintal. Now, they are getting Rs. 39,000 per quintal. Due to heavy floods, for the last three years, there has been 33 per cent crop loss worth around Rs.70,000 lakh. Similarly pepper and tea farmers are also facing problems due to increased imports of their products. I request the Government to reconsider the policies affecting farming communities.

(Several hon'ble Members associated.)

7. Increased Drone Sightings along Indo-Pak Border

SHRI RAJEEV SHUKLA: There has been an increase in drone sightings and incidents of infiltration especially along the Line of Control in Jammu and Kashmir and Punjab. These drones are being used for smuggling of narcotics. To deal with this issue of national security, there is a need to enhance the capability and effectiveness of the anti-drone system. I urge upon the Government to closely monitor the situation, ascertain the reasons for the low hit rate and take necessary corrective measures.

(Several hon'ble Members associated.)

8. Need to exempt Poultry Birds from the Purview of draft Prevention of Cruelty to Animal (Amendment) Bill, 2022

SHRI K.R.N. RAJESHKUMAR: The Ministry of Animal Husbandry have invited the suggestions from stakeholders with regards to draft Prevention of Cruelty to Animal (Amendment) Bill, 2022. Poultry farmers are concerned and they fear that the Government may include poultry birds under the purview of this Bill. India is now the world's third-largest egg producer and exports eggs and meat to many countries. The draft

PCA (Amendment) Bill fails to address the concerns of poultry farmers. The domesticated birds cannot be treated as animals. I request the Minister to invite the important stakeholders and poultry farmers and incorporate their suggestions in this Bill. If the Government considers poultry birds as production birds in-line with dairy production animals, the entire draft of PCA Amendment Bill, shall exempt poultry and it will not be included under the purview of this Bill.

(Several hon'ble Members associated.)

THE MINISTER OF FISHRIES, ANIMAL HUSBANDRY AND DAIRYING (SHRI PARSHOTTAM RUPALA), responding to the matter, said: I would like to assure the hon'ble MP and the poultry farmers of the entire country that the Government of India has no intention to harm their interests by any amendment in the law. We will not let this happen. We will make any amendments to the Bill only after receiving suggestions from the State Governments and poultry farmers through the website. But comparing poultry farmers with dairy farmers is not right.

9. Lack of Special Educators for Children with Special Needs in Government Schools

SHRI TIRUCHI SIVA: The Right to Education Act, of 2009, enables children with special needs or those differently-abled children to pursue mainstream education by mandating public schools to reserve 25 per cent of seats for students coming from economically weaker sections and disadvantaged groups or children with special needs. The Rights of Persons with Disabilities Act of 2016 reinforced their right to a dignified life, but many of these children still remain without formal education. The main reason for this is the lack of special educators in mainstream schools. To teach the special children, after obtaining a degree in B.Ed., Special Education, a license from the Rehabilitation Council of India is also needed. Due to the lack of special educators in the mainstream schools, the other teachers do not treat the special children as required. They are almost failed and most of them drop out of the schools. Special Educators hesitate to come to mainstream schools because they are employed only on contract basis and are paid very lowly. Therefore, I urge upon the Government to revise the school education policies to employ more

special educators and revise the pay scale of already employed special educators at par with the mainstream school teachers.

(Several hon'ble Members associated.)

10. Need to establish National Centre for Ageing in Banaras Hindu University, Uttar Pradesh

SHRIMATI SEEMA DWIVEDI: Rashtriya Varistha Jan Swasthya Yojna (RVSJ) of the Ministry of Health ensures better treatment of the senior citizens of the country. A large number of old people come to Banaras Hindu University for their treatment. Therefore, the establishment of National Geriatric Centre here will be very useful. Apart from this, the number of consultants, Resident Doctors and other supporting staff in the newly opened Department of Geriatrics in the University is less, it needs to be increased.

(Shri Abir Ranjan Biswas, Shri Vinay Dinu Tendulkar, Dr. Amar Patnaik, Dr. Fauzia Khan and Shri Sakaldeep Rajbhar associated.)

11. Successful Completion of Tamil Sangamam Cultural Event at Kashi Reflecting 'Ek Bharat, Shreshtha Bharat' Vision

SHRIMATI DARSHANA SINGH: Recently, a grand Tamil Sangamam programme was organized in Kashi which was an attempt to revive the cultural unity of India. Seminars, discussions, lectures etc. were organized in this Sangamam on various forms of knowledge, literature, ancient texts, philosophy, spirituality, music, dance, drama, yoga along with modern innovation, business exchange and next technology etc. I request the Government that this type of cultural meet and dialogue should be organized at other places as well, so that cultural harmony can be promoted.

(Shrimati Kanta Kardam, Shri Ajay Pratap Singh, Dr. Kalpana Saini, Shri Abir Ranjan Biswas and Dr. Amar Patnaik associated.)

12. Need to modernise Airports in Tamil Nadu including Chennai Airport

SHRI P. WILSON: There is a need to modernise various Airports in Tamil Nadu in order to cater to the needs of the industries, trade and

commerce and tourism sectors and for the benefit of the citizens. Chennai's airport is neither modern nor of international standard. A second airport with facilities of international standard is needed there. Also, there should be international flights from Madurai, the second largest city of the state also to avoid the explosion of traffic at Chennai Airport. Only one of the five UDAAN Scheme airport has started flight operations. I urge upon the Government to address the aforementioned issues expeditiously and also inform the status of disbursement of funds for all airports.

(Several hon'ble Members associated.)

13. Adverse Impact of GST on Small Traders of Uttar Pradesh

SHRI SANJAY SINGH: The common man was assured of tax relief when the GST law was passed. It was also assured that traders will get relief from tax complications and tax filing will be easier. But this did not happen. Small traders are troubled by the complexities and revisions of the tax process on a daily basis. In Uttar Pradesh, small traders are being harassed by raids. I urge that this should be stopped.

(Several hon'ble Members associated.)

14. Need to regulate Tobacco Advertising and Promotion of Tobacco Use on OTT Platforms

SHRI SUJEET KUMAR: I wish to draw the attention of the House to the issue of unregulated and unrestrained advertisement of tobacco products on OTT platforms. The OTT platform bypasses cable broadcast and satellite channels and are able to advertise tobacco and cigarette products without any restraint. Teenagers and young people get easily influenced by movie stars indulging in any tobacco use on screen. The stringent rules applying to the advertisement of Tobacco products in Television and movies should also apply to OTT platforms. I would like to call the attention of the Government towards the urgent need to regulate and restrain the use of tobacco and cigarette advertisement in OTT platforms.

(Several hon'ble Members associated.)

15. Need to establish a Heritage University for Research on Indian Cultural Heritage

SHRI JUGALSINGH LOKHANDWALA: In every state of India, there are many heritage sites which are either destroyed or not being maintained properly. I request that a heritage university be established through which the structures of these sites can be reconstructed in their own style. With this, our young generation will get involved in the conservation of monuments and artefacts and learn traditional art.

(Shri Abir Ranjan Biswas and Dr. Amar Patnaik associated.)

16. Need to include Self Defence and Martial Arts Training to Girls in School Curriculum in the Country

DR. KALPANA SAINI: A motto, "Beti Bachao, Beti Padhao" is being propagated by the Government for women empowerment. I request that "Beti ko sabal banao (Make the daughter strong)" should also be added to this motto. Along with the protection and intellectual development of girls, training should also be given to make them physically fit and strong. For this, a special curriculum of "Self Defence" should be implemented in all schools of India from class 1 to 12, in which judo, martial arts etc. should also be compulsorily taught to every girl child for self defence.

(Shri Abir Ranjan Biswas and Dr. Amar Patnaik associated.)

STATUTORY RESOLUTIONS

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI PANKAJ CHAUDHARY) moved the following Statutory Resolutions:

- I. Revise Special Additional Excise Duty on Aviation Turbine Fuel
- II. Levy Export Duty on Specified Types of Rice

(The motion for consideration of the Resolutions was adopted.)

GOVERNMENT BILLS

#(i) The Appropriation (No. 5) Bill, 2022 - Contd.

#(ii) The Appropriation (No. 4) Bill, 2022 - Contd.

THE MINISTER OF FINANCE; AND THE MINISTER OF CORPORATE AFFAIRS (SHRIMATI NIRMALA SITHARAMAN), replying to the debate, said: There has been a concern expressed by many Members that the Supplementary Demand for Grants is actually a big amount and, therefore, it raises a question that we were not well prepared or we could not assess and estimate the numbers which we need to come up in BE stage itself. It is not unusual for Governments to come up with Supplementary Demand for Grants. The Supplementary Demand for Grants earlier, no.1 & no.2 put together, were 20 per cent of what was estimated earlier in the Budget Estimates (BE) and it was 19 per cent in 2020-21, post the Covid. This Supplementary Demand for Grants, which is just the first one, is only eight per cent of the BE. So, it is not a very big sum in that sense. In this particular case, since it is post a global crisis situation, what we have brought in now is as a result of what could not have been anticipated in January when we were preparing the Budget. The nominal GDP growth projection at 11.1 per cent was done in January, 2022; there was an overall, across the globe, clear understanding that the pandemic is waning, measures of recovery were taken by different Governments, by different countries. The IMF also projected that the Indian economy will grow at a high rate of 9 percent. But, then came the Russia-Ukraine War and the complete disruption in supply-chain particularly for food and energy. Therefore, we have come up with the Supplementary Demand for Grants ensuring that the Indian economy, particularly the poor, the farmers, and so on, are given enough support. Many Members say that they are fully in support of this supplementary demand for grants. The apprehensions people have in their mind that this was because we could not estimate it

Discussed Together.

earlier, and therefore, we are coming with a correction, is not well founded at all. Situations have developed in such a way, post the war and post the disruptions which have been happening till recently also, that we needed this additional support. The former Finance Minister spoke about various specific issues and raised some issues like from where we are going to raise this Rs. 3.25 lakh crores, are we going to borrow and are you going to raise revenue. We have not changed our borrowing plans which means we are very clear that we are going to see that the revenue that we are generating is sufficient to take care of this addition. During the first seven months of the current financial year, gross tax receipts have registered a growth of about 18 percent over the previous year which is substantially higher than the Budget growth of 9.6 per cent over the Revised Estimates of last year. Also, a question was raised about reduction in the corporate tax. In 1994 the corporate tax was cut to 40 percent from the then prevailing 45 percent. In 1997 it was brought down to 35 per cent from 40 percent after abolishing the surcharge also. From 2000 onwards, surcharges were back, raising the total corporate tax again to about 36-38 percent. But again, the same was reduced to 30 per cent in 2005. Were they also bonanza to corporates? So if that is bonanza at that time, it is not bonanza now because we think that post the 2014 situation, cutting down the corporate tax was only following some of those measures which is important for business and manufacturing to grow in India. He also expressed his concern that private investment is not happening. Non-food bank credit has been expanding at double digit on yearly basis and has reached 17.9 percent. I spoke about twin balance-sheet problem which we took up very seriously. Prime Minister Modi gave the formula of 4Rs through which we can recognize the problem of NPAs in banks and also reform banks as a result of which the twin balance-sheet problem has been addressed. Gross Non-Performing Assets have come down to a six year low of 5.9 per cent. The core debt of private non-financial sector which has decreased to 87.7 per cent of the omewhere 97.4 per cent in March, 2016. Together with this approach to clean up the twin balance-sheet problem, the Government has also taken several steps, such as National Monetization Pipeline, Gati Shakti, PLI, etc. which are bringing

back investors, so that manufacturing sector can really gain some prominence. Hon. former Finance Minister also raised a question about doubling the GDP. He observed that from 1991, it took 12 years to double the GDP and it took only another 10 years to double it again. So, he was pointing out that will we double the GDP going by the trend that every ten years you see it doubling. The Indian economy, certainly, witnessed an average growth of 6.6 per cent from 2014-15 to 2019-20. But, these ten years will also have to be looked at – particularly last five years – from the point of view of COVID as well as a result of which globally all economies were affected and there was lockdown and so on. Despite that, we are somewhere very close to doubling it. It was pointed out by him that major world economies are facing recession and India's exports and growth will fall in the coming quarters. I would just like to highlight that global economies including large developed economies are facing recession, because the way in which they handled the COVID is different from the way we have handled COVID in India. Because of the targeted way in which hon. Prime Minister decided to give relief during COVID and address the concerns has kept us on the safe course of revival, and not getting into recession. Our macro-economic fundamentals are better now, post the COVID - and this is not my observation, this is coming from the World Bank. The IMF and the World Bank, both have said on several occasions that India is the brightest spot in the global economy and is an island of hope for global growth. It was observed many Members that Government's public expenditure is going on. Private investment is happening. The credit rating agency of India, ICRA, said that some of the key industries, showing healthy CapEx, include energy, oil; gas; green hydrogen pharmaceuticals; chemicals; textiles etc. In the financial year 2023, India's private sector capex is seen to be driven by chemicals and renewable energy. The Mahindra Group has announced 10,000 crores of investments in Electric Vehicles in Maharashtra. So, private sector capex is happening. Fourteen sectors have been given PLI and that is drawing a lot of investments into the country. Similarly, exports have been buoyant. Contact-intensive services sector has completely recovered to the pre-

pandemic gross value additional levels. I would like to assure the House that we are keeping a good eye on inflation.

We have also given two advance instalments, so that the States get the money in their hand well before the expected times. Even the GST compensation is being sent well in advance. I have made it a point if the utilization certificates reach us, we clear it immediately; and if the utilization certificates have not been given, the due is lying with you rather than with the Government of India. But it is the utilization certificate which really is the important point. There is question about cess collection and the surcharges. I just want to highlight that cess collection takes time. But, in the meanwhile, even if the collected cess on a particular item less, we have drawn from our own resources and sent the money in time. It is all going to the States. Similarly, in GST compensation cess, we have already given to the States. What is being given is much more than what has been collected. We cannot do anything with it unless it is given to the States to create that infrastructure. The Centre is more keen to have projects completed. We send it to the States as and when we have the States coming up with the proposals. When start-ups are created and given funds jobs are being created there. *Rozgar mela* has been organised by the Government, and ten lakh jobs are being given. It is an ongoing process and jobs are being created. The net pay roll addition, looking at the EPFO records, is 46 per cent higher. The periodic *Labour Force Survey* report has highlighted that the unemployment rate is gradually coming down. There was a lot of concern expressed about Left Wing Extremism. In order to address the issue of Left Wing Extremism, the Government approved a National Policy and Action Plan in 2015. Because the policy has been steadfastly implemented, there is a consistent and steady decline in violence in Left Wing Extremism-affected areas. There is 50 per cent reduction in incidents of violence in Left Wing Extremism-affected areas. Left Wing Extremism-related deaths have also come down. Even the number of death of security forces has declined. There has been 140 per cent increase in surrender by Left Wing extremists. Hon'ble Member had raised questions about MSMEs, that they are not getting funds adequately and whether there are NPAs

among them. I would let you know the percentage of Non-Performing Assets under the ECLGS. NPAs as a percentage of total loan guaranteed is only 3.89 percent. MSME sector has been given support and that support has actually helped them to stay out of difficulty. There is also the question of doubling farmers' income. There is an unprecedented enhancement in the budget for Agriculture and Farmers' Welfare. Income support, which is being given through PM-Kisan, has seen Rs.2 lakh crore being deposited in the accounts of farmers and 11.3 crore farmers have received this money. Institutional credit is also being extended not just to farmers but also to people who are in animal husbandry and fisheries and also to piggery and goat keeping people. The fixing of Minimum Support Price at one-and-a-half times the cost of production is also in favour of farmers. 'Per Drop More Crop' has seen, so far, an area of 69.55 lakh hectares being covered under micro irrigation through the PDMC Scheme. Similarly, Micro Irrigation Fund with initial corpus of Rs.5,000 crore has been created in NABARD. The corpus of the fund has been increased. 10,000 Farmer Producer Organisations (FPO) will be launched. Providing Soil Health Card, improvement of farm produce, logistics and introduction of Kisan Rail are all taking care of the farmers and that will naturally lead to bettering their income. I just want to highlight that one Hon'ble Member said about under-estimated BE figures and mismanagement of budgetary allocation. We have come out with Supplementary Demands for Grants, that is only 8 per cent of the fiscal. The total debt of the Government has actually been coming down since 2013-14 till we were hit by Covid. The Hon'ble Member has also been saying things about inflation. He also said that the wholesale inflation, that is, WPI, is high and it is in double digit. Actually WPI inflation has come down to a 21-month low of 5.85 per cent. The wholesale food inflation is at 2.17 per cent. When we hear the words 'udhaar card' as opposed to Aadhaar Card, it is very appealing, but we should not mock the small borrowers. Aadhaar card helps them in the bank in taking the loan because their KYC gets established. The Government is making it far more transparent by giving them the Aadhaar card. There were discussions on malnutrition. On the issue of malnutrition and people below

the poverty line, UNDP-MPI-2022 Report notes that nationally, the relative reduction has been faster. The policies are shaped around the *Antyodaya* principle. As a result, there are countless flagship schemes and also the food security, for which the supplementary demand has come up for funding the *Pradhan Mantri Garib Kalyan Anna Yojana*. It is very clearly indicative of the fact that food is reaching the common man, particularly, in difficult times of Covid. We are taking the nutrition and food security of people very seriously. After this supplementary demand, the allocation would go up for the same. I just want to highlight how trouble engines work. For Sardar Sarovar Dam, the plan was made in 1979, and the construction began in 1987. The Gujarat water table was going down. The Hon'ble Chief Minister then was trying to help farmers. But every trick was used to delay the project. Similarly for the Gujarat Government's gas pipeline and distribution projects, the network was laid at the State's own expenditure but it could not be completed. Our Government works on the principle of 'development for all and appeasement of none'. Sabka saath, sabka vikas. You have Jan-Dhan Yojana. Is it going to the corporates? JAM trinity has gone to the corporates? PM Ayushman Bharat. Does it go to corporates? Ujjwala. Does it go to corporates? UJALA. Does it go to corporates? Krishi Sinchayee Yojana. Fasal Bima Yojana. Do they go to corporates? This Supplementary Demand for Grants is asking money for fertilizers. Do fertilizers go to the corporates? Eighty crore people get free foodgrains. Is that going to your corporate. Every State has some inflation number or the other. Nowadays you get it even for the States. In Kerala the latest CPI is 5.9 per cent. Issue of BSNL is raised. There was Cabinet approval for revival of the BSNL in 2019. We gave Rs.54,021 crore for that. That is for pensionary benefit which is spread over ten years ex- gratia, capital infusion for 4G, and grant for GST for 4G Spectrum. In 2019, Rs.54,021 for the BSNL and the MTNL. Cabinet's approval for BSNL is for reissue of 9 per cent non-cumulative preference shares, allotment of 900 and 1800 megahertz spectrum, which, later on, can also be helpful for 5G, restructuring and operational integration, CAPEX requirement and compensation to BSNL for unviable rural wire line services. So, BSNL is being taken care of, for

overall revival. I have also heard that the Government is using ED to oppress Opposition parties'. It is a law enforcement agency. Don't blame ED or anybody else. It is said that States are most often left without enough money. To help States, the Centre took a loan of Rs.1.1 lakh crore in 2020-21 and Rs.1.59 lakh crore and released it back-to-back to the States to meet the gap created due to less collection of GST compensation. Central Government also released provisional GST compensation for States for the period February-May, 2022. Again, in November, the Centre released balance GST compensation for the period April-June, 2022. So, The total amount of compensation released to the States and Union Territories so far is Rs.1,15,662 crore. So, I just want to leave it absolutely plain on the Table of the House. The Budget of 2021-22 very clearly came up with a national Public Sector Enterprise Policy that has identified sectors in which a minimum presence will be of the Government.

The motion for consideration of the Bills, was adopted.

Clauses etc., were adopted.

The Bills, were returned.

(iii) THE MARITIME ANTI-PIRACY BILL, 2022

THE MINISTER OF EXTERNAL AFFAIRS (SHRI S. JAISHANKAR) moving the motion for consideration of the Bill said: The Maritime Anti-Piracy Bill, 2022, was passed by the Lok Sabha on 19th December. I would like to inform the hon. Members that this Bill was referred to the Standing Committee on External Affairs, 2019-20, for examination and report. The Committee made some very useful recommendations and observations. I would like to first thank all the hon. Members present in this House for their contributions, suggestions and views. The Ministry of External Affairs held extensive deliberations to incorporate all the recommendations of the Standing Committee in the Bill. Most of the recommendations have been incorporated in the Bill. For the establishment of a coordination mechanism, it also called for designing standard operating procedures for deportation and extradition of pirates. This

Bill addresses the issue of death penalty as an exceptional case and the quantum of punishments envisaged are in line with the gravity of offences. In the absence of a specific law or a legal provision, this Bill would provide an effective legal instrument to combat maritime piracy. This Bill will fulfill all the expectations of the UNCLOS, which India is a signatory for cooperation, in Repression of Piracy in high seas. As such, It will strengthen our maritime security including the safety of our maritime trade routes and the well-being of Indian sea-farers in the international borders.

SHRI VIVEK K. TANKHA: I would first commend the Ministry that the Bill was referred to the Standing Committee. The title of the Bill was changed on the recommendation of the Standing Committee. There was ambiguity whether the continental shelf is covered or not because it was not mentioned, It was changed in the first provision itself. Another thing which I noticed that it was not notified which personnel would be authorized to arrest, investigate. The 'aircraft' part has now been deleted. So 'aircraft' is not required in Clause 1(2). When you come to the offence part in Clause 3(ii), it says, 'in addition, shall also be subject to restitution or forfeiture of property involved in the commission of such offence'. Here, what is the procedure for forfeiture is not provided in this Act. There are many countries in the world who don't accept capital punishment. The moment you bring in capital punishment, all your treaties and conventions will go for a toss because their legal jurisdictions don't accept death penalty. If the two don't match, there will be problems between the two countries' legal jurisdictions. Clause 7 says, The authorised personnel may either generally or on suspicion that a ship is engaged in piracy on high seas, shall board such ship and arrest the persons or seize the pirated ship and property on board. This is something you should ponder over. You have rightly assessed that the Central Government, in consultation with the Chief Justice of India will designate courts The question again is, when you have an overcrowded docket in courts, are you giving them extra judges for these offences? There is a high level of presumption in Clause 11. Anybody caught with ammunition is deemed to have committed an offence under this Act, but they could be carrying weapons for their own protection also. It is not unusual these days. These provisions or presumptions sometimes become very, very harsh. It would be presumed because I am carrying ammunition in the high seas. I am a pirate. I have to prove beyond doubt that I am not a

pirate and, if I don't prove beyond that, I can't even get bail. I request the hon. Minister to look into some of these harsh provisions and see whether they would cause more damage than doing good to the country.

SHRI PRAKASH JAVADEKAR: Every country has 200 kilometers of exclusive economic zone, but the rest of the area does not belong to anyone. If someone commits piracy there, there was no provision to catch him. This legislation is basically for that.

SHRI JAWHAR SIRCAR: The maritime piracy has reached a very high proportion. Therefore, the Bill is timely, in fact, could have been perhaps done even earlier. It is in execution of our international agreement. But, I have a few queries. Is it applicable only to Indian ships? If an Indian merchant hires another ship belonging to some other country and that is subjected to high seas piracy, what would happen? In Clause 2(I), 'authorized person' means 'Sarkar', so if it is a private ship, which does not have the authority, would that private ship, which is otherwise capable, be able to execute the honour of India? The words 'other aircraft' attracted my attention. I hope, it is not stretched like a rubber band to cover everything. We need an executing agency capable of executing it; otherwise, it remains a paper Act. I would request the hon. Minister to give us a picture of what is going on. What are the statistics? How many Indians have been captured? How many Indians have lost their lives? How many Indians have been rescued? How many Indian ships have been rescued? What value of goods have been brought in?

SHRI N. R. ELANGO: As far as Clause 3 is concerned, the methodology under which the forfeiture of property is to be made is not mentioned. In Clauses 4 'Aids Abets or conspires' words and in Clause 5 directs 'other person' words need to be replaced with 'abetment'. Clause 6 is conferring 'powers of arrest, investigation and prosecution by an officer of the State Government or the Central Government.' Now this is the problem. The Gazetted Officers who are not well trained with the provisions of Criminal Procedure Code are investigating the matter. Clause 9 focuses on the status of the ship, not the person who commits the offence of piracy. That proviso should be examined by the Ministry again. Then, Clause 10(1) says that a person who has been arrested has to be sent to the Magistrate. Now, if the Magistrate finds that detention of such a person is not

necessary, he has to send him to the Designated Court. I do not understand the rationale behind this. That 'not' is superfluous in my view.

DR. SASMIT PATRA: Firstly, I would like to thank the hon. Minister for bringing this Bill. We are celebrating 75 years of Independence, but India never had a domestic law on maritime anti-piracy. I have to offer a couple of pointers on the Bill. For instance, proviso 4 and proviso 5 at times seem to overlap. So, there needs to be further clarity on this. Likewise, regarding proviso 8, which provides for putting in place 'The Designated Courts', I have to say that the trial process can also be pretty lengthy. I would also like to know from the hon'ble Minister as to whether the jurisdiction under the law will cover both the resident of India and a foreign national and whether the Court will not have jurisdiction over offences committed on a foreign ship. I also want clarity on whether this Bill is 200 nautical miles plus 12 nautical miles, which is 212 nautical miles or is it a total of 200 nautical miles from the coast of India? The Indian Navy has participated very robustly as part of a UNSC mandate. My concern stems from Chinese aggression on the critical sea lanes in the South China Sea. Though this may not directly impact the Bill per se because we have a 200 nautical miles extension, but when Indian vessels travel across international waters, it also needs to be taken care of.

SHRI AYODHYA RAMI REDDY ALLA: Since the Indian authorities under IPC are allowed to take action only till 12 nautical miles from the coasts. Piracy actions committed outside the territorial waters do not fall under the jurisdiction of the Indian courts. Therefore, this Bill is essential to prosecute people who commit acts of piracy within the maritime region of the country beyond the Exclusive Economic Zone, which is 200 nautical miles beyond the Indian territorial waters. The Bill will help us protect our vessels, its crew members and Indian trade. With growing influence of India in the world, it has never been more important to have a Bill like this. We have a vast coastline that stretches about 7,500 kilometres. Our country has lacked a legislation to address maritime security concerns. Since the country lacked a domestic legislation, piracy acts by foreigners outside the Indian waters had no jurisdiction in Indian courts. Hence, this Bill will help us address the issue which had been neglected in the past. I urge upon the Government to focus more on coastal security to protect our vast coastline

and prioritize them equally as land borders. At the same time, I would request the Government to ensure better maritime security through deeper coordination between State Coastal Police, Navy and the Coast Guard. With these suggestions, I support the Bill.

DR. M. THAMBIDURAI: I support the Bill introduced by the hon. Minister. Nearly 80 per cent of our international trade is happening through sea. Under these circumstances, this kind of Bill assumes great significance. India is a party to United Nations Convention on the Law of Sea. It requires States to cooperate in repression of Piracy on high seas or any other places outside the jurisdiction. I want to bring it to the notice of the hon. Minister that when Tamil Nadu fishermen take their ships for fishing, the Sri Lankan navy sometimes come and attack our fishermen. In our territory also, that maritime incursion takes place. They attack and take away their ships. We have received a lot of complaints in this regard. As a consequence of all this, their families are facing great difficulties. Therefore, I would request the hon. Minister to consider this and compensation given to the affected persons. Besides, Tamil Nadu fishermen's safety must be taken into consideration.

SHRI G.K. VASAN: The bulk of our trade is taking place through sea route. This has been discussed in the UN Security Council that piracy should be curbed in high seas and in Exclusive Economic Zone. Nigeria and Somalia coasts are mostly responsible for piracy. I only want to bring it the knowledge of the Government about the inhuman manner in which the sailors, their families, the persons who are caught in this piracy, are treated. The pirates even ask for ransom to their families and the families suffer. Anybody who is caught in this is the breadwinner of the poor family. Sometimes, it takes years for the members to come out of this menace. This kind of harassment for the families should be stopped. It is in this context that this Bill is so important.

SHRI KANAKAMEDALA RAVINDRA KUMAR: I appreciate the hon. Minister for bringing forward this Bill. I also have to offer a few suggestions. Clause 3 deals with death punishment if such a person is committing that act. But it may not be accepted by the courts. So, it should be looked into. Under Clause 8, the designated court is already a district court. Likewise, the perusal of Clause 6 clearly shows that there is an

ambiguity with regard to investigation and prosecution of any person exercisable by a Police Officer. The hon. Minister has to give a thought to it. Clause 7 deals with arrest and seizure. There is also an ambiguity in that also. It has to be clarified. Now, Clause 11 is presumption. It is against the criminal jurisprudence. It has to be looked into. Finally, my suggestion is that the Government should have a comprehensive legislation so as to determine the jurisdiction in case of international waters according to the norms and guidelines of the international conventions.

DR. AMEE YAJNIK: The Bill under consideration, emanates from the signing of the treaty, that is, Convention on the Law of the Sea. The economic cost for piracy acts is huge. Besides, the insurance cost of the vessels what the private owners have to pay is also there. While supporting this important Bill, I also wish to highlight the fact that we need a great deal of international co-operation and co-ordination to prevent high sea piracy. We need to review it in view of newer realities and geo - political circumstances. These days, the pirates use the ships of other private companies as a mother ship to hold the trade ship to ransom. No doubt, a detailed drafting has been done but the Bill has certain shortcomings. For example, the definitions of "National" and "Nationality" remain quite vague. It is not clarified as to how a "Stateless" person will be tried in court of law. It can be contested as a serious human rights issue. Already, some practical points have been covered under it. However, we need to frame more rules which are commensurate with international law and also fulfil our international obligations.

SHRI MAHESH JETHMALANI: I fully support this long-awaited Bill. It has been drafted in the spirit of United Nations Convention on the Law of the Sea, 1982. It will secure our sea lanes, trade in Indian Ocean and Indian crew or Merchant Navy personnel deployed on domestic or foreign vessels. Our ship industry also has to be secured. Through this, various other issues like rising insurance payments and payment of ransom demands can also be dealt with. It is going to prove an effective deterrent for piracy related acts. India is most likely to be a future victim of acts of piracy. In past, Indonesia, Singapore, Thailand, Malaysia and other countries were effected by this menace. Now, our Exclusive Economic Zones and

isolated areas like the Andaman & Nicobar Islands are prone to piracy. There is a serious threat from terrorists of Al Qaeda and ISIS on sea routes. This Bill has been extremely well drafted. However, the death sentence is not made mandatory. The pirates responsible for the crimes like kidnapping, raping and ransom deserve no mercy and must face the death penalty. Though necessary, but the death sentence must be handed in exceptional cases only. Then, Clause 9 of the Bill is highly important because many of our previous prosecutions were failing on the ground that the Indian courts had no specified jurisdiction. Now, the jurisdiction related dilemma is over and as per Clause 9 of the Bill, any person apprehended or taken in the custody anywhere by Indian Navy or Indian Coast Guard can be triable in India. Even the sea plane or an aircraft brought down by pirates gets covered under this Bill. The Clause 3 of the Bill states that whoever commits any act of piracy, a sentence is prescribed. But, the Clause 5 also talks about the same thing. Hence, the Clause 5 seems irrelevant and could be done away with. Overall, it is a good Bill and I strongly support it.

SHRI BIKASH RANJAN BHATTACHARYYA: This Bill is really the obligation of Indian Government to be a part of the global participant in the maritime business. It is a welcome step. From a human rights perspective, we can not take the life of a stateless person. It is against the human rights. The punishment of life imprisonment or death or both, as provided in the Bill, is too harsh. The provision of death penalty must be revisited. The Clause 5 of the Bill is absolutely unnecessary. Already the Clause 3 and 4 have highlighted the aspects of crime and punishment. In sum, the principle of natural justice must be followed. With above suggestion, I strongly support the Bill.

DR. FAUZIA KHAN: This is a very important Bill which fulfils the obligations under U.N. Convention on the Law of the Sea. However, its execution remains the key issue. India has a very large coastline. If you imagine the high seas and the crime taking place on it, it is very difficult to rescue the people and collect the evidence against the criminals. The legal

process thereof is too cumbersome. In fact, the responsibility for security should also lie with persons or companies operating these ships. They should have adequate safeguards. For example, they should have a dash camera, radios or some kind of GPS to help both in rescuing the people and gathering the evidence. Such guidelines should be issued by Government, in this regard. Overall, it is a good Bill and I support it.

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