

**C O N T E N T S**

**Fifteenth Series, Vol. XXX, Twelfth Session, 2012/1934 (Saka)  
No. 12, Monday, December 10, 2012/Agrahayana 19, 1934 (Saka)**

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**OFFICERS OF LOK SABHA**

**THE SPEAKER**

Shrimati Meira Kumar

**THE DEPUTY SPEAKER**

Shri Karia Munda

**PANEL OF CHAIRMEN**

Shri Basu Deb Acharia

Shri P.C. Chacko

Shrimati Sumitra Mahajan

Shri Inder Singh Namdhari

Shri Francisco Cosme Sardinha

Shri Arjun Charan Sethi

Dr. Raghuvansh Prasad Singh

Dr. M. Thambidurai

Dr. Girija Vyas

Shri Satpal Maharaj

**SECRETARY GENERAL**

Shri T.K. Viswanathan

**LOK SABHA DEBATES**

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LOK SABHA

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Monday, December 10, 2012/Agrahayana 19, 1934 (Saka)

The Lok Sabha met at Eleven of the Clock

[MADAM SPEAKER in the Chair]



... (व्यवधान)

श्री रेवती रमण सिंह (इलाहाबाद): अध्यक्ष महोदया, उत्तर प्रदेश में हू (व्यवधान)

श्री शैलेन्द्र कुमार (कौशाम्बी): अध्यक्ष महोदया, यह बहुत गंभीर मामला है। हू (व्यवधान) उत्तर प्रदेश में धान की कहीं खरीद नहीं हो रही है।

अध्यक्ष महोदया : जीरो ऑवर में आप अपनी बैत कहिएगा।

... (व्यवधान)

श्री शैलेन्द्र कुमार : द धान की खरीद न होने की वजह से किसानों की स्थिति बहुत खराब है। हू (व्यवधान)

अध्यक्ष महोदया : यह सब मत दिखाइए।

... (व्यवधान)

अध्यक्ष महोदया : जीरो ऑवर में हम आपको मौका दे देंगे, तब आप इसे उठाइगा। अभी प्रश्न काल को चलने दीजिए।

... (व्यवधान)

अध्यक्ष महोदया : अभी बैठ जाइए।

... (व्यवधान)

**(Q. 221)**

SHRI C. SIVASAMI : Madam Speaker, from the reply of the hon. Minister, it seems that Indian shipyard have the capacity to build ships of various types. The Shipbuilding Industry can contribute to the economic development and also generate employment. I would like to know from the hon. Minister whether there is any well thought out plan for the development of the Indian Shipbuilding Industry.

SHRI G.K.VASAN: Madam, I would like to inform the hon. Member that the Government has come out with the Maritime Agenda 2020 which is a perspective plan to the Shipping Ministry which provides roadmap to the development of ports, shipping and IWT. This is to set the agenda to see that our ports are at par with international level. To achieve the agenda, we have set the goal for ourselves in the Ministry of Shipping. This is to achieve the global market share of five per cent in ship building by 2020 to develop a strong ancillary base in the country by 2020 and to generate employment as the Member just now told for about 2.5 million people which 0.5 million people are directly employed and 2 million people are indirectly employed in the core ship building as well as ancillary and supporting industry sector. The most important aspect in this is to develop the R&D facilities and design capabilities of the commercial shipbuilding and to be self-sufficient in ship repair requirements of the country and to emerge as a dominant ship repair centre in the country.

SHRI C. SIVASAMI : Madam Speaker, Tamil Nadu is the only State in the country which has three major ports. There is a lot of potential for the upgradation of infrastructure at these ports. I would like to know the steps taken by the Government in this regard.

SHRI G.K. VASAN: Madam, no doubt that the State of Tamil Nadu is endowed with the second longest coast line in India and has got three major ports – the Chennai Port, the VOC port and the Ennore port. For the purpose of carrying out efficient operation of the Chennai port, it is planned to establish integrated dry port

cum multi-modal logistics hub at Sriperumbudur near Chennai at an estimated cost of Rs. 415 crores. In VOC port in Tuticorin, works on two coal berths north cargo, berth number 1 and 2 is in progress and two berths north cargo, berth number 3 and 4 will be awarded in January, 2013.

In Ennore port, I would like to tell the hon. Member that a new LNG terminal with the capacity of 10 million  $\square$ ilom per annum is being proposed by IOCL and the project works are expected to commence in the coming year.

SHRI JOSE K. MANI: The Cochin Shipyard Limited is the only the shipyard functioning directly under the Ministry of Shipping. Thanks to the expertise developed over the decades. They have bagged prestigious, indigenised aircraft carrier of the Navy. But there have been reports that some delay has taken place in the implementation of the project. I would like to ask the Minister through you Madam, as to what steps have been taken. Will the Government implement this project without further delay?

SHRI G.K. VASAN: Madam, I would like to inform this august House, through you, that the indigenous aircraft is the most prestigious one being carried out by the CSL. The aircraft carrier is the most complex one and the largest warship is being constructed indigenously. Upon completion, India would join a select band of five nations of world having the capacity to design and build aircraft carriers of the size of the IAC. The Phase-I contract was signed on 12<sup>th</sup> May, 2007 in accordance with the contract, the keel of the vessel was laid in February 2009 with the minor delay of two months and the first launching of the vessel was performed in December 2011 without fully realizing the scope of Phase-I contract. This was primarily on account of delay in delivery of special high strength low alloy steel developed by the DRDO and the SAIL. As the development and design has progressed substantially, both the Navy and the CSL have agreed on a draft contract for an identified scope of the work to be undertaken in Phase-II envisaged for completion by December 2016.

DR. CHINTA MOHAN : Madam, a big industrial corridor is coming in Bangalore, Chennai and Tirupati. About 500 major industries have already started. They need to do exports and imports. Andhra Pradesh has got a big coastline of 100 kilometres. The Government of India is planning to start a major port in Andhra Pradesh. I would like to know from the hon. Minister, what is the current status of this proposed major port in Andhra Pradesh to help this industrial corridor.

SHRI G.K. VASAN: I would like to inform the hon. Member that last year in the month of August, I had written a letter to all the Chief Ministers of maritime States stating that the Government of India would be interested in setting up major ports, shipyards or major port-cum-shipyard in their States provided the requisite land was made available by the State Governments. Some States have responded, while responses of a few other States are still awaited.

I would like to say that the Government of Andhra Pradesh has identified three locations in which it promised to provide required land for development of major port. The Technical Committee constituted by the Government of India visited the location and submitted its report in April 2012. The estimated costs capacity and other project details will be known after the detailed project report is prepared. I would also like to tell the hon. Member that the draft Cabinet Note seeking, in principle approval of the Cabinet Committee on Infrastructure (CCI) for setting up of a new port in Andhra Pradesh was circulated in September. Comments have been received by some of the Ministries while comments are yet to be received from most of the Ministries. On receipt of the comments only, the proposal will be submitted to the CCI.

**स्वी विष्णु पद राय :** अध्यक्ष महोदया, शिप बिल्डिंग इंडस्ट्री करीब-करीब 27 मेजर इंडस्ट्रिज और छैंटे-मोटे इंडस्ट्रिज हजारों की मात्रा में देश में है। शिप बिल्डिंग इंडस्ट्री के माध्यम से देश में इम्प्लायमेंट आया था। शिप बिल्डिंग इंडस्ट्री में काफी कैपिटल इन्वेस्टमेंट की जरूरत है। वर्ष 2007 में यूपीए सरकार ने इस शिप बिल्डिंग इंडस्ट्री के ग्रोथ की वजह जो सब्सिडी स्कीम थी, उसे वापस कर लिया गया।



उन्होंने यह परिवर्तन किया कि सौ प्रतिशत एपड्डडीआई से इंडस्ट्री को डैवलप करो। मैं आपके माध्यम से मंत्री महोदय से कहना चाहता हूँ कि हमारे देश में शिप बिल्डिंग इंडस्ट्री की इम्प्लॉयमेंट थी, डैवलपमेंट हुआ था? हूँ मंत्री जी से जानना चाहता हूँ कि क्या सरकार शिप बिल्डिंग इंडस्ट्री में दुबारा सब्सिडी स्कीम लाएगी और यदि सब्सिडी नहीं देगी तो इंसेंटिव देगी ताकि इंडस्ट्री रिवाइव करे और पूरे भारत में शिप बिल्डिंग इंडस्ट्री में लोगों की इम्प्लॉयमेंट के रॉलए वह बैस्ट इन्वैस्टमेंट क्षेत्र बने?

SHRI G.K. VASAN: Madam, the hon. Member is correct in saying that the subsidy scheme which was in operation till 2007 definitely gave a boost to the ship-building industry. During the operation of the scheme, India's share of world order book increased from 0.02 per cent in 2002 to approximately 1.24 per cent in 2007. Since the Scheme was not extended beyond 2007, approval of the Cabinet was obtained for release of subsidy for contracts signed till 14-8-2007. I would also like to say that an estimate of Rs.5,152 crore has been projected for the period of 2008-09 to 2013-14. A revised proposal for subsidy for Indian shipyards has been considered by the Committee of Secretaries in its meeting on 16-11-2012. The revised proposed scheme seeks to provide a subsidy of 15 per cent instead of 30 per cent of the earlier scheme. This subsidy has been proposed to be linked to sourcing up to 50 per cent of materials and components in terms of cost for domestic suppliers in a phased manner. The proposal shall be taken up with the Department of Expenditure and the Cabinet Committee on Economic Affairs soon after the receipt of the recommendations of the COS.

DR. SANJEEV GANESH NAIK :Madam, I am from Navi Mumbai Constituency and the biggest port JNPT is nearby my Constituency. The hon. Minister has taken a lot of good steps. JNPT is a Government port. Similarly we have three private ports but still they are facing lot of problems. The Minister is trying to put a lot of infrastructure in place there. I would like to know what steps have been taken by the Ministry.

SHRI G.K. VASAN: Madam, PPP seems to be the order of the day, the preferred mode for awarding port development projects. Including JNPT port, most of the ports in the country are awarded through PPP projects and the development is

taking place only on PPP projects. JNPT has taken up major modernization of port equipment in the recent past. The port has replaced three quay cranes at a cost of Rs.103 crore in the previous year. JNPT has recently awarded a container berth of 300 metres through PPP mode at an investment of Rs.600 crore. The port has also plans to develop the fourth container terminal by 2013. I would also like to tell the hon. Member that JNPT has awarded a dredging contract for deepening and widening the Mumbai-JNPT channel. This will definitely increase the depth of the channel to 14.5 metres and thereby facilitate visit of larger vessels to the JNPT port.

**(Q. 222)**

**श्री जितेन्द्र सिंह बुन्देला :** अध्यक्ष महोदया, ऐसी महंगाई में एनएचएआई और ठेकेदार मिलकर जिस तरह से जनता के ऊपर आर्थिक बोझ बन रहे हैं, उस पर मैंने मंत्री महोदय से बहुत महत्वपूर्ण प्रश्न पूछा है। मैं आपके माध्यम से माननीय मंत्री महोदय से कहना चाहता हूँ, फोर लेन से सिक्स लेन बनाने वाली सड़कों में जब ठेका होता है, तो टैक्स तब लिया जाता है जब पूरी रोड बनकर तैयार हो जाती है।

मैं मंत्री महोदय से कहना चाहता हूँ कि आपके राज्य जयपुर में हाई कोर्ट ने एक संज्ञान लिया है। इसमें कम्पनी ने ठेका मिलते ही काम शुरू होने से पहले ही टैक्स वसूलना शुरू कर दिया है और लगभग 12 सौ करोड़ रुपया उस कम्पनी ने वसूल कर लिया है। मैंने अपने प्रश्न के 'घ' भाग में पूछा था कि क्या आम जनता की शिकायतें आपके पास आ रही हैं, तो उसमें आप क्या कार्रवाई कर रहे हैं?

अध्यक्ष महोदया, मैं कहना चाहता हूँ कि मंत्री जी ने मेरे प्रश्न का अधूरा जवाब दिया है। मंत्री जी ने जानकारी दी है लेकिन उस पर कार्रवाई क्या की है, यह नहीं बताया। ऐसी एजेंसियां जिनको काम मिलता है, वे काम शुरू करने से पहले ही आम जनता से पैसा वसूल करने लगती हैं। ऐसी स्थिति में मंत्री जी ने उनके खिलाफ क्या कार्रवाई की है, इस बारे में इनका जवाब शून्य है।

**डॉ. सी.पी.जोशी :** माननीय अध्यक्ष महोदया, माननीय सदस्य ने जो प्रश्न पूछा है, वह हम सबके लिए भी चिन्ता का विषय है। वर्ष 1997 में टोल लेने के रूल्स बनाये गये। उन रूल्स में यह प्रोविजन किया गया कि जब भी हम फोर लेन से सिक्स लेन को बनायेंगे, तो जो डे एवॉर्ड करेंगे, उसी दिन से हम टोल वसूल करने लग जायेंगे। जो टोल फोर से सिक्स लेन का वसूल किया जा रहा है, वह वर्ष 1997 में टोल कलैक्शन के जो रूल्स बने हुए हैं, उनके आधार पर किया जा रहा है। जब हम फोर लाइन से सिक्स लाइन में रोड कन्वर्ट करते हैं, पहले दिन से ही ठेकेदार टोल कलैक्ट करता है। रोड बनाने में जो तकलीफ होती है, उससे पैसेजर्स को तकलीफ होती है, यह बात सही है। लेकिन वर्ष 1997 के जो कानून बने हुए हैं, उन कानूनों के आधार पर ... (व्यवधान) आपको बात तो सुननी पड़ेगी। ... (व्यवधान) बात सुनने के बाद ही आप बोलिये। ... (व्यवधान)

**अध्यक्ष महोदया :** मंत्री जी को पहले अपना जवाब पूरा करने दीजिए।

... (व्यवधान)

**डॉ. सी.पी.जोशी :** माननीय अध्यक्ष महोदया, नैशनल हाईवे एक्ट 1956 के सैक्शन नाइन के अन्तर्गत यह प्रोविजन है कि हम टोल लगाने के प्रोविजन करेंगे। वर्ष 1997 में जो रूल्स बने, उन्हें हाउस में ले किया गया। हाउस ने उन रूल्स को पास किया। वर्ष 2008 में जो रूल्स बने, उन्हें हाउस में ले किया गया। हाउस में पास किया गया। जो टोल कलैक्शन हो रहा है, वे कानून सम्मत बनाये गये एक्ट के आधार पर हो रहा है, लेकिन मैं कहना चाहता हूँ कि माननीय सदस्य जो बेंत कह रहे हैं, वह सही है। ... (व्यवधान)

**अध्यक्ष महोदया :** अगर आप सभी लोग बोलेंगे, तो मंत्री जी जवाब नहीं दे पायेंगे।

... (व्यवधान)

**डॉ. सी.पी.जोशी :** जब हम टोल को फोर लाइन से सिक्स लाइन में कन्वर्ट करते समय लागू करते हैं, उसके कारण लोगों को तकलीफ हो रही है, यह बात सही है। इसे एड्रेस करने के लिए हमने सबसे पहले यह निर्णय किया किसी भी कंडीशन में जो टोल बढ़ेगा, वह 25 परसेंट से ज्यादा नहीं बढ़ेगा। हमने यह भी निर्णय किया कि डिस्ट्रिक्ट में जितने भी व्हीकल्स रजिस्टर्ड हैं, उन पर टोल 50 परसेंट दिया जायेगा। जब तक हम इस कानून को बदलने की कार्यवाही नहीं करेंगे तब तक यह कठिनाई रहेगी। मैं माननीय सदस्यों को आश्वस्त करना चाहता हूँ कि मेरा मंत्रालय इस बात से भिन्न है। हम इस नियम में परिवर्तन करने के लिए शीघ्र ही कैबिनेट में जायेंगे और फिर आपके पास आयेंगे कि इसमें परिवर्तन करने के लिए काम किया जा सकता है। आज के दिन, क्योंकि कांशियस डिजीजन वर्ष 1997 में जो बने हुए हैं, वे 20 साल के लिये एवॉर्ड किये गये हैं। उनके कांशियस डिजीजन के टर्म्स एंड कंडीशन्स को मैं नहीं बदल सकता, लेकिन मैं आपकी भावना से सहमत हूँ। इस तकलीफ को दूर किया जाना चाहिए। इसे दूर करने के लिए हम प्रयत्न करेंगे।

**श्री जितेन्द्र सिंह बुन्देला :** अध्यक्ष महोदया, माननीय मंत्री महोदय ने जो जवाब दिया है, उससे आम जनता को लाभ मिलने वाला नहीं है। इसके नियमों में परिवर्तन क्यों नहीं किया जा सकता, क्योंकि नियम तो हमने ही बनाये हैं। क्या सरेआम जनता इस तरीके से लुटती रहेगी? इस बारे में मैं आपसे अनुरोध करना चाहता हूँ।

मैं दूसरे विषय पर आना चाहता हूँ। अभी एफडीआई की चर्चा हुई। मध्य प्रदेश में नार्थ-साउथ कॉरीडोर बना रही कोरियन कम्पनी पिछले सात सालों से वहां पर कार्यरत है, लेकिन आज तक वहां काम प्रारंभ नहीं हुआ। मैं माननीय मंत्री जी से दूसरी बात यह जानना चाहता हूँ कि जब हम कोई गाड़ी खरादते हैं तो रोड टैक्स के नाम पर हमसे एकमुश्त पैसा जमा कराया जाता है। दूसरी तरफ टोल पर रोड टैक्स के नाम पर हमसे दोबारा पैसा लिया जाता है।



तीसरी चीज में यह कहना चाहता हूँ कि जो भी ठेकेदार हैं, आये दिन ये घटनाएं हो रही हैं जिसके कारण आम जनता के बीच में झगड़े, विवाद हो रहे हैं। मैं आपके माध्यम से माननीय मंत्री जी से जानना चाहता हूँ कि देश में टोल वसूलने वाली कम्पनियों के खिलाफ स्वतंत्र रेगुलेटरी अथॉरिटी बनाने के बारे में क्या यह सरकार विचार करेगी और लोगों में इसमें राहत दिलायेगी?

**वै. सी.पी.जोशी :** माननीय अध्यक्ष महोदया, यह बात बिल्कुल सही है कि हमें एक कांशियस डिजीजन लेना पड़ेगा कि क्या हम पब्लिक प्राइवेट पार्टनरशिप में रोड बनाने या इन्फ्रास्ट्रक्चर का काम करने के लिए मानसिक रूप से तैयार हैं या नहीं?

माननीय अध्यक्ष महोदया, आप जानकर आश्चर्य करेंगी कि आज तक जब हमने पब्लिक प्राइवेट मोड में काम शुरू किया है, लगभग 80 हजार करोड़ रुपये का इन्वेस्टमेंट इसमें हुआ है और हमने 20 हजार किलोमीटर सड़क बनायी है। यदि हम पब्लिक-प्राइवेट मोड के अंतर्गत सड़क निर्माण का काम नहीं करेंगे, तो हमारे यहां इन्फ्रास्ट्रक्चर डेवलपमेंट नहीं हो सकेगा। इसलिए हमने कांशस डिजीजन लिया है, कांशस डिजीजन लेने के बाद यह काम किया है। यह काम कोई यूपीए की सरकार में नहीं हुआ है, वर्ष 1997 में यह एक्ट बना था, उसके अंतर्गत हमने कार्रवाई की है, वर्ष 2008 के एक्ट के अंतर्गत हमने कार्रवाई की है। मैं आपको आश्चर्य करना चाहता हूँ कि जनता की तकलीफ को हम समझते हैं और उसको एड्रेस करने के लिए जो भी कार्रवाई करने की जरूरत है, वह हम करेंगे और आपके सामने हम आएंगे कि उसमें कैसे परिवर्तन कर सकते हैं ....(व्यवधान)

MADAM SPEAKER: Nothing else will go on record.

*(Interruptions)\* ...*

**श्री गोरख प्रसाद जायसवाल :** अध्यक्ष महोदया, टोल टैक्स करने वाली एजेंसियां जनता का शोषण करने वाली एजेंसियां बन गयी हैं और इन एजेंसियों में गुण्डे टाइप के लोग रखे जाते हैं, जो जनता को डराने एवं धमकाने का काम करते हैं। सरकार ने टैक्स कलेक्ट करने के संबंध में जो कानून बनाया है, वह बिल्डरों एवं ठेकेदारों के लिए है, आम आदमी को उससे फायदा नहीं हो रहा है। इन कानूनों से आम आदमी का शोषण होता है। देश भर में टोल ठेकेदारों के विरोध में आंदोलन हो रहे हैं। स्थानीय लोगों द्वारा ठेकेदारों के विरुद्ध आवाज उठाई जा रही है, परन्तु सरकार टोल टैक्स कलेक्ट करने वाले कानूनों का सहारा लेकर मौन बैठी हुई है।

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\* Not recorded.

**डॉ. सी.पी.जोशी:** महोदया, यह बात सही है कि टोल कलेक्शन में जनता के साथ मिसबिहेवियर होता है, इसकी शिकायतें हमारे पास आ रही हैं। इसको एड्रेस करने के लिए हम कार्रवाई कर रहे हैं। मैं आश्वस्त करना चाहता हूँ कि टोल टैक्स कलेक्शन करने वाले जो लोग मिसबिहेव करेंगे, हम उनके खिलाफ कार्रवाई करेंगे और कानूनन कार्रवाई करने के संबंध में अगर उनके टोल को टर्मिनेट करना पड़ेगा, तो उसे टर्मिनेट भी करेंगे।

**SHRI N.S.V. CHITTHAN :** After the UPA Government came to power, with a view to improve the infrastructure of our country, roads of the National Highways were formed on a large scale at par with the world class standards and as a result, the journey time for the users is saved considerably, road accidents are reduced and the maintenance cost of the vehicles has naturally come down. The road journey now has become more safe and enjoyable. At the same time, with regard to the toll fee collected by the concerned agencies, as raised by other hon. Members, I wish to refer to the Notification issued on 5.12.2008 and also the Report of the Committee of Secretaries on 20.04.2009. It is very categorically said that a toll plaza can be established at the National Highways beyond a distance of 10 Kms. From a municipality or local town area limit. It is also said that another toll plaza.....

**MADAM SPEAKER:** Please ask the question.

**SHRI N.S.V. CHITTHAN :** I am coming to the point. I would not take much time. It is a very important question. It is also said that another toll plaza on the same section of the National Highway and in the same direction shall not be established within a distance of 60 Kms. Madam, Speaker, these two norms are violated at certain places. For example, in Tamil Nadu, in Madurai district at Thirumangalam, my home town, at the National Highway-7 a toll plaza is being established within 1.5 Kms. Of the municipal boundary and there is another toll plaza at less than 60 Kms. At the same section. Contrary to the rules and norms the operators at the plaza are fleecing money from the local users thus resulting into the law and order problem. There may be cases like this in other parts of our country.

Madam, may I request through you our affectionate and hon. Minister to kindly intervene and examine the specific toll plaza so that it is shifted and established 10 Kms. Away from Thirumangalam. Also, the toll fee collected, as raised by the other hon. Members, from the users all over the country is very much on the higher side. I wish to know, through you, from the hon. Minister what steps the Ministry is going to take to reduce the toll fee and to shift the toll plazas established at the controversial sections.

DR. C.P. JOSHI: Madam, I do agree that there are discrepancies between 1970 rules and 2002 rules and because of these discrepancies there are such toll plazas located at different locations and the people are facing the problem. The hon. Member has raised this issue to me. I can assure you that I will look into it and we will do whatever is possible.

**श्री जयंत चौधरी :** हमें राष्ट्रीय राजमार्गों को विकसित करने की गति को बढ़ाना होगा। यह सही है कि सरकारों के पास सीमित संसाधन हैं। इसलिए मंत्री जी ने जिस पीपीपी मॉडल की बात कही है, वह काफी हद तक सही है। अगर हम सोचें कि जो लोग बड़ी गाड़ियों में जाते हैं, वे टोल दे सकते हैं, लेकिन जो क्षेत्रीय निवासी हैं, हमारे देश में किसान अपनी ट्रॉली लेकर जाते हैं, अगर हम सोचें कि वे हर दिन इस टोल को दे पाएंगे, तो उसके पास देने के लिए साधन नहीं हैं। मैं मंत्री जी से पूछना चाहता हूँ कि क्षेत्रीय निवासियों को हम क्या छूट दे सकते हैं, क्या बिना सर्विस लेन विकसित किए, क्योंकि कई जगह राष्ट्रीय राजमार्ग के अलावा लोगों के पास अन्य कोई विकल्प ही नहीं है इसलिए वे मजबूर हो जाते हैं? इसके अलावा हम जो करार या समझौता करते हैं प्राइवेट पार्टी से, तो क्या उसमें यह शर्त नहीं होनी चाहिए कि बिना सर्विस लेन बनाए वे राष्ट्रीय राजमार्ग का ठेका न लें?

**श्री सी.पी.जोशी:** अध्यक्ष महोदया, जैसा मैंने पहले कहा कि 1997 के कानून के अंतर्गत जो कंसेशनेयर्स हुए, वे 2008 के अंदर जो कंसेशनेयर हुए हैं, उनके अंदर नियम में अंतर है इस कारण यह प्रॉब्लम आ रही है। मैं आश्वस्त करना चाहता हूँ कि 2011 में हमने फैसला किया है कि जिले में जो वाहन रजिस्टर्ड हैं, उनसे मात्र केवल 50 प्रतिशत टोल लिया जाएगा। लेकिन जो 1997 के पहले कंसेशनेयर बन गए (व्यवधान) आप पहले सुन लें। ट्रैक्टर के ऊपर कोई भी चार्ज नहीं है। यदि कोई माननीय सदस्य ऐसा कहता है तो वह सही नहीं है। इस कानून के अंतर्गत ट्रैक्टर के ऊपर कोई भी टोल का पैसा नहीं लिया जाता है।

यदि आपके नोटिस में ऐसा है, तो मेरे ध्यान में लाएं, मैं उनके खिलाफ कार्रवाई करूंगा, यह मैं आपको आश्वस्त करना चाहता हूँ। मैं यह भी कहना चाहता हूँ कि 2008 के बाद के जो कंसेशनेयर्स हैं और 1997 के जो कंसेशनेयर्स हैं, उनके बीच में जो डिस्क्रिपेंसी के कारण जो पब्लिक फंडेड के प्रोजेक्ट 1997 में बन गए हैं, उनके कंसेशनेयर्स के कारण यह प्रब्लम क्रिएट हो रही है, जिसे माननीय सदस्य ने बताया है। हम यह कोशिश कर रहे हैं कि 1997 के कंसेशनेयर्स को दोबारा नेगोशिएट करें और 2000 के रूल के अंतर्गत लाएं, जिससे कि इसका लाभ सबको मिल सके। इस बारे में हमने इनीशिएट लेने की कार्यवाही शुरू कर दी है।

**SHRI BAIJAYANT PANDA :** Madam, in his detailed answer laid on the Table, the hon. Minister has given some details of the complaints received. Item No.12 says that there are no complaints received from Haryana whereas the whole country knows that only a few weeks ago, the Toll Booth connecting Delhi-Gurgaon, Haryana had a massive traffic jam where the High Court had to intervene. In fact, it stopped the Toll collection for a period of time. This is another instance where the Administration and this august House itself is abdicating its responsibility by which the courts are stepping in.

My question to the hon. Minister is that apart from the increased traffic, one of the problems is the inefficiency of processing the traffic because it is all processed manually, whereas everywhere else in the world, they now have technology and automatic reading of those commuters who have paid their monthly fees. Does the hon. Minister have proposals to introduce technology for faster processing of the traffic at these Toll Booths?

**DR. C.P. JOSHI:** Madam, I can inform the hon. Member that we have already introduced RFID technology recommended by the Nandan Nilekani Committee. We have started introducing this concept and within two years, the entire country will have RFID with every vehicle. So, we will be able to overcome the problem which we are facing today in Delhi-Gurgaon Toll Plaza.

**स्वी आनंद प्रकाश परांजपे :** मैं जिस संसदीय क्षेत्र कल्याण से आता हूँ, वह जिला ठाणे, महाराष्ट्र का एक हिस्सा है। मुझे नहीं लगता कि भारतवर्ष में कोई ऐसा जिला होगा जिसमें 18 टोल, चाहे एनएचएआई के हों

या राज्य सरकार के हों, पड़ते हैं। हमारे यहां से तीन नेशनल हाइवेज़ एनएच तीन, आठ और चार। मेरे संसदीय क्षेत्र में टोल की बहुत बड़ी समस्या है। यहां संजीव नाईक जी बैठे हैं, वह भी जानते हैं। एनएच-तीन का जो मसला है, एनएचएआई के स्टैंडर्ड के हिसाब से रोजाना दो लाख वाहन यहां से गुजरते हैं। माननीय मंत्री को हमने कई बार इस बारे में निवेदन किया है कि यहां पर आठ लेन की आवश्यकता है, अभी इन्होंने छः लेन का कार्यब्रह्म हाथ में लिया है, वड़पे से लेकर गोंडपे तक, लेकिन ठाणे से जहां से यह एनएच तीन शुरू होता है, इसके एक ओर भिवंडी संसदीय क्षेत्र पड़ता है और दूसरी तरफ कल्याण संसदीय क्षेत्र पड़ता है। आज तक इस बारे में कोई कार्यवाही नहीं की गई। कभी-कभी मुझे महसूस होता है कि इनकी सारी नीतियां लोगों के लिए हैं या ठेकेदारों के लिए हैं, क्योंकि दो लाख से ऊपर वाहन रोजाना एनएच तीन से गुजरते हैं इसलिए यहां आठ लेन की आवश्यकता है।

बीच में रांजोली और मांकोली दो जंक्शन्स हैं, जहां पर महाराष्ट्र सरकार एमएमआरडीए के माध्यम से 180 करोड़ रुपये से दो फ्लाई-ओवर बनाना चाहती थी, पूरा खर्चा महाराष्ट्र सरकार करना चाहती थी लेकिन उसके लिए एनओसी भी एनएचएआई ने नहीं दी। अनेकों बार मंत्रालय को निवेदन किया और माननीय मंत्री जी को निवेदन के साथ मानसून सत्र में हम मिले भी थे। मैं जानना चाहता हूं कि इनकी पॉलिसी क्या है? क्या इनकी पॉलिसी लोगों के लिए है या ठेकेदारों के लिए है?

**वै. सी.पी.जोशी :** माननीय अध्यक्ष महोदया, माननीय सदस्य एक तरफ तो कह रहे हैं कि पीएसयूज बढ़ गये हैं इसलिए 4 लाइन्स से 6 लाइन्स और 6 लाइन्स से 8 लाइन्स की जाएं, दूसरी तरफ कह रहे हैं कि हम कन्सेसनर्स को मदद करने के लिए करना चाहते हैं। हम कन्सेसनर्स को मदद करने के लिए नहीं करना चाहते हैं। कानून बने हुए हैं उसके अंदर टोल कलैक्शन होता है। यदि आपने जो पीएसयूज बताए हैं उनके अंदर ज्यादा है तो निश्चित तौर पर उसे 6 लाइन्स बनाने लिए ..... ( व्यवधान)

**अध्यक्ष महोदया :** आप माननीय मंत्री जी को बोलने दीजिए।

.....(व्यवधान)

DR. C.P. JOSHI: We will not give the lesse to the State Government to use this. Let it be the prerogative of the NHAI. This prerogative will be used by the NHAI and then we will proceed to give to the State Government. You will have to appreciate that.

(Q.223)

SHRI A. SAMPATH : Madam, we all know our nation is having one of the lengthiest coast line in the world. Lakhs of people are dependent on fisheries to earn their livelihood.

Madam, I would like to ask my first supplementary in this matter and would also need your protection in this matter. Even now – after six months in captivity of the Somalian pirates – some of the Indian citizens working in certain Indian ships have been held hostages by the Somalian pirates. At the same time, the hon. Minister, in page number 2, of his reply has stated and with your permission I would like to quote from it.

“Some foreign vessels are transiting very close to Indian West Coast to avoid piracy attack by Somalian pirates, leading to their transgression into the fishing zone utilized by Indian fishermen.”

My question is, while our brothers are being held hostages by Somalian pirates, why our Government is still sleeping over this matter and allowing all these foreign vessels to travel through the West Coast of India? It is because of that lakhs of lives of our poor fishermen are in peril now. The coast lines of Tamil Nadu and Kerala have become very vulnerable because of transgression of the foreign vessels. That is why I am asking this question.

SHRI JITENDRA SINGH: Madam, I fully agree with the hon. Member that the Indian coastline is 6516 kilometres; exclusive economic zone is 2.1 million square kilometers across nine coastal States and four Union Territories. Over 3.5 million fishermen, 3222 fishing villages and over 2 lakhs fishing boats, both motorized and mechanized. The Government is very concerned.

The issue which the hon. Member has raised about foreign vessels coming into Indian fishing zone relates to the High Risk Area. West of 78 degrees East Longitude is declared as a High Risk Area. India has raised the matter with Maritime Safety Committee at IMO to shift the High Risk Area West of 65 degree East Longitude. I would also like to tell the hon. Member that there is a UN-led

initiative – Contact Group on Piracy of Coast of Somalia which meets every four months. India is raising this matter very actively in the UN and other agency.

SHRI A. SAMPATH : Madam Speaker, the hon. Minister, in his reply, has given a statement about the International Maritime Bureau Piracy Reporting Centre based at Kuala Lumpur and UK Maritime Trade Organization, etc. and ISC established at Singapore. In his reply, the hon. Minister has stated that 3.2 million people are depending on fisheries. Most of them are very poor people and illiterate. They do not know about all these things.

In my first supplementary, I have pointed out one issue. Nowadays, our fishermen are constantly being attacked by the Sri Lankan Navy. They are being fired at. People who are going to fishing from Tamil Nadu and my State, Kerala, also are being attacked by the Sri Lankan Navy. This does not happen from the side of the Pakistan Navy. This happens only from the side of Sri Lankan Navy. We are saying that we are proud of having this much population engaged in fisheries, this much of coastline, this much of fisheries villages and lakhs and lakhs of vessels, etc. But my question is, what strong measures have been taken by the Government of India to ensure that those fishermen who are going to the sea to earn their daily bread by catching fish come back safely without being shot dead and without being attacked? It is not only the vessels which are hitting the small fishing boats.... (*Interruptions*)

It is mentioned about the Italians in the reply and my people have died due to the shots being fired by the Italian ships. Here, it has been stated by the hon. Minister himself that two fishermen were killed in the firing incident by MT Enrica Lexie while five fishermen died in the collision of fishing boat with MV Prabhu Daya. Then the hon. Minister says that the monetary loss suffered by the fishermen is being looked into by the State Government. Even now, we do not have the exact data of the monetary loss suffered by the fishermen. What safety measures can we propose to our citizens who are going to the sea so that they will

come back safely without being attacked, without being shot dead? That is why, our people have become vulnerable, especially fishermen from the States of Tamil Nadu and Kerala. ... (*Interruptions*)

DR. P. VENUGOPAL : The matter is very serious and I support the hon. Member.... (*Interruptions*)

SHRI T.K.S. ELANGO VAN : Madam, we demand an Half-an-hour discussion on this issue.

MADAM SPEAKER: All right, you give me a notice.

SHRI T.K.S. ELANGO VAN : We have already given a notice.

MADAM SPEAKER: I will look into it.

SHRI JITENDRA SINGH: Madam, I share the concern of the hon. Members and the whole House.

The Indian Coast Guards has taken various steps to help the fishermen. I would like to tell you some of the steps which have been taken by them. The following advice/instructions are given to fishermen which include:

- (a) Boats registration certificate and permit be carried while going for fishing at sea.
- (b) All crew to carry identity cards.
- (c) Boats to carry life saving equipment.
- (d) Boats to have VHF communication set and GPS equipment.
- (e) Do not cross international maritime boundary.
- (f) Benefit of group fishing.
- (g) Help each other in distress.
- (h) To report any untoward incident.

Since 2009, a total of 1696 community interaction programmes have been held. Along with these things, a pilot project in which transponders will be fitted in all fishing boats is under progress. Then, the Indian Coast Guards has taken up this issue with various international agencies. I can give you some of those initiatives being taken by them.



The International Maritime Bureau (IMB) Piracy Reporting Centre based at Kuala Lumpur has issued such an advisory. The UK Maritime Trade Organizations has also issued necessary advisory to the mariners transiting the area about fishing activities. So, the ships which move into that area are being told that there are fishermen in these areas and to please avoid that route. The Information Sharing Centre established at Singapore is also working towards such activities. There is the Navigational Warning system about which I have dealt with at length in my reply and I do not think it is important to take the time of House reading that.

In addition to that, the local print media of Kerala and other States have also been informed about the advisories to fishermen. DG (Shipping) has also issued a notice apprising the shipping community about the fishing activities on the SW coast of India. Then, there has been increase of surveillance by the Indian Coast Guards both by air and sea.

**स्वीमती सुषमा स्वराज :** अध्यक्ष महोदया, प्रश्न पूछने से पहले मैं अपनी एक शिकायत आपके समक्ष दर्ज कराना चाहती हूँ। यह जो उत्तर सदन के पटल पर रखे जाते हैं, उनमें इस प्रश्न का उत्तर आज हमारे सैट में नहीं है। मैंने डिप्टी स्पीकर साहब और आडवाणी जी का सैट भी देखा था कि हो सकता है कि मेरे सैट में छूट गया हो लेकिन तीनों में से किसी में भी नहीं था। स्वाभाविक है कि उन्होंने उत्तर लेट भेजा होगा, समय पर नहीं भेजा होगा। आपके सचिवालय के संबंधित लोग यहां नहीं हैं। इसलिए मैं चाहुंगी कि आप मंत्री जी को निर्देशित करें कि उनका मंत्रालय समय पर जवाब भेजा करे ताकि हम लोगों को मिल जाएं क्योंकि उससे पूरक प्रश्न पूछने में आसानी होती है।

अध्यक्ष महोदया, मछुआरों की सुरक्षा का मसला हमारे देश के लिए बहुत अहम बना हुआ है। अभी भी आपने सदन में भावनाएं देखी होंगी। लगभग हर सत्र में हम लोग इस मामले को उठाते हैं और सदन के बाहर भी उठाते हैं। मैं आपके माध्यम से मंत्री जी से जानना चाहती हूँ कि जिस समय श्रीलंकन नेवी द्वारा दो भारतीय मछुआरों को मार दिया गया था तो मैंने यह मामला विदेश मंत्री के साथ उठाया था। उन्होंने मुझे कहा था कि एक ज्वाइंट वर्किंग ग्रुप बना हुआ है लेकिन उन्होंने स्वीकार किया कि उसकी बैठक कभी नहीं होती है। उन्होंने कहा कि अब हम आज से नियमित रूप से इसकी बैठक करेंगे और इस मामले को हल

करेंगे तथा इसकी पुनरावृत्ति नहीं होगी। लेकिन कुछ दिन बाद ही पांच मछुआरे फिर मार दिये गये। फिर जब मैंने यह मसला उठाया तो उन्होंने कहा कि श्रीलंका और तमिलनाडु दोनों के मछुआरे परम्पर संबंधित हैं। हमें यह लगता है कि दोनों जगह के प्रतिनिधियों को बैठाकर हम एक बैठक करवाएं तो मामले का हल निकल सकेगा। मैं मंत्री जी से जानना चाहूंगी कि क्या तब से ज्वाइंट वर्किंग ग्रुप की मीटिंग हो रही है? क्या इन दोनों जगह के प्रतिनिधियों की बैठक हो गई है और अगर हुई है तो उसका क्या परिणाम निकला?

**SHRI JITENDRA SINGH:** Madam, as the hon. Member has rightly said, there was an Indo- Sri Lanka Joint Working Group which was formed and its first meeting was held in April, 2005 in New Delhi with Director, Fisheries and Environment. The second meeting was held in Colombo in January, 2006 and the third meeting was held in February, 2011 in New Delhi. The fourth meeting was held in January this year with Director, Fisheries and Environment. They sit and discuss the issues between the Indian Government and the Sri Lankan Government.

**स्वीमती सुषमा स्वराज :** अध्यक्ष महोदया, मैं यह जानना चाहती हूँ कि दोनों तरफ के मछुआरों के प्रतिनिधियों की जो बैठक होनी थी, उसके बाद तो फिर पांच मछुआरे मारे गये थे और मुझे यह कहा गया कि दोनों तरफ के प्रतिनिधियों के साथ बैठेंगे और उसमें इस मसले को हल करेंगे क्योंकि अब वहां के मछुआरे भी आकर वहां फिशिंग करना चाहते हैं। जिस समय एलटीटीई का मामला चल रहा था तो वे फिशिंग के लिए नहीं आते थे। हमारे वाले ही जाकर फिशिंग करते थे लेकिन अब वे भी यहां आना चाहते हैं। मुझे यह कहा गया कि दोनों जगह के प्रतिनिधियों की एक मीटिंग कराएंगे और उसमें इस मसले को हल कर लेंगे क्योंकि यह मसला अभी हल नहीं हुआ है। अभी भी हमारे लोगों को कभी गोली मार दी जाती है, कभी अरैस्ट कर लिया जाता है। सैकड़ों की संख्या में पाकिस्तान में लोग बंद हैं और बीसियों की संख्या में यहां लोग मारे जाते हैं या अरैस्ट किये जाते हैं। इसीलिए मैं मंत्री जी से पूछना चाहती हूँ कि दोनों तरफ के मछुआरों के प्रतिनिधियों के साथ बैठकर जो मसला हल होना था, क्या वह बैठक हो गई?

**SHRI JITENDRA SINGH:** I would like to state that there is an operational problem. The Sri Lankan and Indian maritime boundaries are very close. The different zones in which the boundaries are defined are very close. So, some times boundaries are crossed from Sri Lanka and from India.

I would like to assure the hon. Senior Member that we are going to sit and I will personally organise such a meeting and we would take corrective steps in this



regard. Of course, both the matters are bilateral. The Ministry of External Affairs has taken steps in this regard. This mainly relates to the Ministry of External Affairs. But whatever the Ministry of Defence and the Indian Coast Guard need to do, we will do that.

SHRI K. SHIVKUMAR *ALIAS* J.K. RITHEESH : Madam, thank you very much for this opportunity.

The issue regarding the fishermen is very sensitive and a burning one in Tamil Nadu. This is not the first or the second time that this incident has happened. It has been happening since 1983. From 1983 till date, nearly 400 fishermen have died; 193 boats have been damaged; 800 fishermen have been injured; and 124 fishermen were missing. Such incidents are regularly happening in our coastal areas. We need a concrete solution for this issue.

I would like to ask the hon. Minister, through you, as to what steps are being taken by the Government to safeguard the fishermen of Rameshwaram and Nagapattinam in Tamil Nadu. Thank you.

SHRI JITENDRA SINGH: I think, I have already answered this question. I can go through all the steps that have been taken by the Government once again. A Joint Working Group with Sri Lanka and also with Pakistan and with all our neighbours has been formed. So, bilateral initiatives are being taken by the Government. Along with that, it is very important to mention that fishing boats often cross boundaries. They often come on the routes where the merchant ships are going.

So, I think, it is very important to address the fact that the fishermen are equipped and are given the knowledge not to cross those boundaries.

SHRI P.C. CHACKO : While answering, the Minister has mentioned about the vessels captured by the Somalian pirates. This issue was raised on many occasions earlier also. The Minister has said that 27 Indian fishermen are under captivity. Today, all the main newspapers have reported that the pirates have served an ultimatum that they will be shot at. Only our fishermen are left. Their

family members are anguished. They say that there is a system in the UN and they are holding four-monthly meetings and that an appeal is being made. The Crisis Management Group under the Government of India, with the Ministry of External Affairs, the Ministry of Defence and other Ministries concerned, should swing into action immediately. Otherwise, the lives of the Indian citizens are at gun point. The action taken by the Government is not sufficient.

I have been knocking at the doors of the Cabinet Secretary, Defence Secretary, Directorate of Shipping, etc. for the last six months. Their parents are in anguish. The other countries, whose vessels have been captured, are directly negotiating through some channels and are getting their ships and citizens released. Only our people are being orphaned and distressed.

So, I would like to ask the hon. Minister whether the Government is thinking of constituting a Crisis Management Group to get the Indian citizens released who are under the captivity of the Somalian pirates. ... (*Interruptions*)

SHRI JITENDRA SINGH: This relates to the Ministry of External Affairs and the Ministry of Shipping. I believe there is a group of officers in the Ministry of Shipping who are dealing with this issue.

## (Q.224)

**श्री पूर्णमासी राम :** माननीय अध्यक्ष महोदया, मैं आपके माध्यम से श्रम एवं रोजगार मंत्री से जानना चाहता हूँ कि आज देश में ठेका एवं दैनिक मजदूरों की हालत बहुत खराब है और यह हमारे श्रम कानूनों का सही ढंग से पालन न होने के कारण है। मजदूरों की हालत अत्यंत खराब होती जा रही है। इस संदर्भ में मैं माननीय श्रम मंत्री जी से जानना चाहता हूँ कि क्या श्रम एवं रोजगार मंत्रालय के मुख्य श्रमायुक्त के क्षेत्रीय कार्यालय में ठेके एवं दैनिक मजदूरों को एक निश्चित समयावधि के अंतर्गत न्याय मिल पाता है, क्या सरकार ने इसके लिए कोई ठोस नियम बना रखा है?



दैनिक एवं ठेका मजदूरों को भविष्य निधि के भुगतान में कई प्रकार की दिक्कतों का सामना करना पड़ता है। श्रमिकों की भविष्य निधि का पैसा चीनी उद्योग एवं नियोजकों द्वारा उनके खाते में वर्षों तक जमा नहीं किया जाता है तथा भविष्य निधि के आयुक्तों द्वारा प्रबंधकों एवं नियोजकों के खिलाफ कोई ठोस कार्रवाई भी नहीं की जाती है, जिसके चलते श्रमिकों को समय पर भविष्य निधि का पैसा नहीं मिल पाता है। क्या सरकार ने इस तरह की विसंगतियों को दूर करने कोई ठोस कदम उठाया है या उठाना चाहती है?

**श्री मल्लिकार्जुन खरगे :** अध्यक्ष महोदया, माननीय सदस्य ने जो प्रश्न पूछा है, वास्तव में यह एक समस्या है, इसे मैं मानता हूँ। लेकिन इसे सुलझाने की हम कोशिश कर रहे हैं, ताकि एक तरफ जो कांट्रैक्ट लेबर के काम की स्थिति है, वह ठीक हो और उन्हें जो मजदूरी सेम वर्क, सेम वेजिज मिलनी चाहिए, हम उसके लिए भी कोशिश कर रहे हैं। जहां तक सेंट्रल स्फियर्स का सवाल है, हमने इनफोर्समेंट अथारिटी की तरफ से कुछ कदम उठाये हैं। जहां तक स्टेट्स का सवाल है, हमने बहुत सी स्टेट्स को लिखा है और खासकर जब लेबर मिनिस्ट्री की कांन्फरेन्स होती है, उसमें भी हमने इसके बारे में कहा है। इसमें बहुत सी स्टेट्स इंटरेस्ट नहीं लेती हैं, यह बड़े दुख की बँत है, फिर भी हम बार-बार लेबर कांन्फरेन्स , सेकरेटरीज मीटिंग और मिनिस्टर्स मीटिंग में इनफोर्स करने के लिए कहते हैं। इसलिए आज यह जो गंभीर समस्या है, इसके बारे में मेरा एक सुझाव है कि इस पर एक अमेंडमेंट लाकर हम कुछ करना चाहते हैं।

माननीय सदस्य ने यह भी पूछा कि जब कांट्रैक्ट लेबर वॉयोलेशन होता है तो इसके लिए आपके मंत्रालय की तरफ से क्या कदम उठाये गये हैं? हूँ 2009-10, 2010-11 और 2011-12 के कुछ आंकड़े देना चाहता हूँ कि वर्ष 2009-10 में 5181 केसिज फाइल हुए, 2010-11 में 7129 और 2011-12 में 7832 इंस्पेक्शन किये गये। ये नम्बर ऑफ इंस्पैक्शन किये गये हैं और इनमें जो केसिज फाइल किये गये

हैं, मैंने आपके सामने उनके आंकड़े बताये हैं। लेकिन 2009-10 में 2318 कंविक्शन हुए, 2010-11 में 1528 हुए और 2011-12 में 3634 कंविक्शंस हुए हैं। यानी जिस जगह वायलेशन होता है, वहां सरकार इंटरफियर करने की पूरी कोशिश कर रही है। लेकिन स्टेट्स को भी ज्यादा मजबूती के साथ काम करना है और हम हमेशा उनके साथ सम्पर्क में रहते हैं। हम यह कोशिश करते रहे हैं कि उन्हें वेज भी ठीक मिले और जहां वायोलेशन होता है, उस जगह पर भी हम कुछ कदम उठा सकें। मैं मानता हूँ कि कुछ खामियां हैं, इसीलिए इसमें अमेंडमेंट लाने की भी मैं कोशिश कर रहा हूँ। अगर स्टोक होल्डर्स, लेबर ट्रेड यूनियंस, सरकार, प्राइवेट स्टोक होल्डर्स और जो इम्प्लायर्स हैं, अगर सभी ने मिलकर कोऑपरेट किया तो इसमें कुछ न कुछ हल जरूर निकलेगा।

**श्री पूर्णमासी राम :** अध्यक्ष महोदया, सबसे बड़ी बात यह है कि उद्योगों में दैनिक मज़दूर और ठेका मज़दूर ज्यादा काम करते हैं।

मैं माननीय मंत्री जी से यह जानना चाहता हूँ कि क्या दैनिक और ठेका मज़दूरों की पहचान करने के लिए कभी छापा डाला गया है? उसके साथ-साथ मैं यह भी जानना चाहता हूँ कि उन उद्योगों में, चाहे  कौनसी उद्योग हो या अन्य उद्योग हो, चाहे बड़े ठेकेदारों का धंधा हो, वहां पर कब तक छापा मरवा कर  जगह-जगह पर इनकी तलाश कर के मज़दूरों को भविष्य निधि की राशि दिलाने का काम करेंगे?

**श्री मल्लिकार्जुन खरगे :** महोदया, जैसा मैंने अभी बताया है कि हमारे विभाग की ओर से इंस्पेक्शंस कंडक्ट किए जाते हैं। कंडक्ट करने के बाद अगर उसमें कुछ इरैग्युलैरिटीज़ हैं तो नोटिस भी दिया जाता है। नोटिस देने के बाद अगर उनका रिप्लाई संतोषजनक नहीं होता है, तो फिर केस फ़ाइल किया जाता है। उसी में जो कंविक्शन के नंबर मैंने दिए हैं, कंविक्शन के बाद बहुत से एम्प्लॉयर के खिलाफ कदम उठाया गया है। खास कर के प्रोविडेंट फण्ड और ईएसआईसी के बारे में भी पूछा है। उसके लिए भी जगह-जगह पर, जब कोई नोटिस या कम्प्लेंट आती है, तो प्रोविडेंट फण्ड और ईएसआईसी वाले भी इसके ऊपर कदम उठाते हैं।

**अध्यक्ष महोदया :** कैप्टन जय नारायण प्रसाद निषाद - अनुपस्थित।

**श्रीमती अन्नू टण्डन :** मैडम, जैसे कई इंडस्ट्रीज़ में है वैसे ही मेरे लोक सभा क्षेत्र में लेबर इंडस्ट्री में भी कई लाख लोग काम करते हैं। परंतु ये अनऑर्गनाइज़्ड सेक्टर में ठेकेदारों द्वारा कान्ट्रैक्ट पर लिए जाते हैं। जब प्रोजेक्ट आया या ऑर्डर आया तो उनको काम मिल गया। उसका नतीजा यह होता है कि उनकी कोई

स्थायी आमदनी नहीं होती है। न ही उनको कोई पीएफ या ईएसआईसी जैसी सुविधाएं मिल पाती हैं। केवल चंद लोगों को नौकरी पर रख कर खाना-पूर्ति हो जाती है। बाकी सब लोग कान्स्ट्रैक्ट पर होते हैं।

महोदया, मैं आपके माध्यम से माननीय मंत्री जी से यह पूछना चाहती हूँ कि क्या सरकार इस तरह के अनऑर्गनाइज़्ड सेक्टर में लेबर को जो रोज़गार मिलता है, मैं इंडस्ट्री की तरफ से भी समझती हूँ, क्योंकि उनके पास कंटीन्यूअस प्रोजेक्ट नहीं होते हैं, पर इस तरह के जो कान्स्ट्रैक्ट लिए जाते हैं, इन लोगों को कोई न्यूनतम वेतन देने के बारे में कुछ सोचा जा रहा है? इन लोगों को पीएफ या ईएसआईसी की सुविधा दिलाने की कोई योजना है या उस पर कोई विचार हो रहा है?

**श्री मल्लिकार्जुन खरगे :** महोदया, मैंने अभी कहा कि रेग्युलर लेबर्स के लिए जो कानून लागू हैं, वह कान्स्ट्रैक्ट लेबर्स के लिए भी लागू है। चाहे वह पीएफ हो, चाहे ईएसआईसी हो, चाहे मिनिमम वेजेज़ हो और चाहे ग्रैच्युटी हो। हर कानून जो पर्मानेंट वर्कर्स के लिए लागू होते हैं, वही कानून उनके लिए भी होते हैं। फर्क इतना ही है कि अगर हर राज्य इन कानूनों को कमिटमेंट के साथ लागू करे तो माननीय सदस्य ने जो दिक्कतें बताई हैं या जो डिफ़ेक्ट्स बताए हैं, वे दूर हो सकते हैं। लेकिन बदकिस्मती यह है कि बहुत से राज्य इसमें अपना कदम या योगदान नहीं देते हैं, इसीलिए ये दिक्कतें आती हैं। इन दिक्कतों को दूर करने के लिए ही मैं यह कोशिश कर रहा हूँ कि इसमें कुछ अमेंडमेंट ला कर, मज़दूरों को कुछ राहत दी जाए। इसकी कोशिश हो रही है। अगर सभी स्टैक होल्डर्स सपोर्ट करेंगे तो इसका हल हो जाएगा।

**श्री तूफ़ानी सरोज :** महोदया, सभी माननीय सदस्यों ने असंगठित क्षेत्र के मज़दूरों की परेशानियों की तरफ आपका ध्यान आकृष्ट कराया है। आज देश में 36 करोड़ से ज्यादा मज़दूर असंगठित क्षेत्र में कार्यरत है। इनके लिए कोई श्रम नीति नहीं बनाई गई है। अधिकांश कंपनियों ने अपना कार्य ठेके पर दे रखा है जिससे उनकी तमाम जिम्मेदारियों से बचत हो जाती है।

मैं माननीय मंत्री जी का ध्यान अपने लोक सभा क्षेत्र के कराखियांव औद्योगिक क्षेत्र, वाराणसी की ओर दिलाना चाहता हूँ। इस क्षेत्र की तमाम कंपनियों में ठेके पर मज़दूरों को रखा गया है। 12 घंटे के लिए साढ़े तीन-चार हज़ार रुपये पगार दी जाती है। मैं माननीय मंत्री जी से जानना चाहता हूँ कि क्या कराखियांव औद्योगिक क्षेत्र के अंदर कोई विशेष टीम भेज कर जिसमें क्षेत्र के जन प्रतिनिधि भी हों, ताकि कोई लीपा पोती न हो सके, वहां के मज़दूरों को शोषण से बचाने के लिए कोई टीम बनाने का काम करेंगे?

**12.00 hrs**

**श्री मल्लिकार्जुन खरगे :** महोदया, माननीय सदस्य ने जो प्रश्न पूछा है, अगर यह स्टेट स्फीअर में है तो हम स्टेट को लिखेंगे कि वहां पर मिनिमम वेजेज नहीं मिल रहा है, वर्किंग ऑवर्स के बारे में भी अगर शिकायत है तो भी हम स्टेट को लिखेंगे और अगर वह गवर्नमेंट ऑफ इंडिया के स्फीअर में आता है, जूरिस्टिक्शन में आता है तो मैं उसके बारे में रिपोर्ट मंगवाकर जो भी ... (व्यवधान)

**अध्यक्ष महोदया :** आपका प्रश्न हो गया है, आप ऐसा क्यों कर रहे हैं? प्रश्नकाल समाप्ति पर है।

**श्री मल्लिकार्जुन खरगे :** आप मेरी बात सुनिये।

महोदया, इस कानून को राज्य सरकार इम्प्लीमेंट करती है और सेन्ट्रल स्फीअर में सेन्ट्रल गवर्नमेंट इम्प्लीमेंट करती है। इसी वजह से अगर उनके स्फीअर में आता है तो उन्हें उस पर अमल करना चाहिए और अगर हमारे स्फीअर में आता है, जूरिस्टिक्शन में आता है तो हम उस पर कदम उठाएंगे।

**अध्यक्ष महोदया :** धन्यवाद।

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**12.01 hrs**

**REFERENCE BY THE SPEAKER**

**Human Rights Day**

MADAM SPEAKER: Honourable Members, today is the Human Rights Day. On this day, 64 years ago, United Nations General Assembly adopted the Universal Declaration of Human Rights, recognising a wide range of fundamental rights and freedoms to which all men and women, everywhere in the world, are entitled.

Human rights are inalienable rights of each and everyone of us and bind us together as a global community.

Let us, on this occasion, reaffirm our faith in human rights and resolve to promote social progress and better standards of life for all.

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**12.02 hrs****PAPERS LAID ON THE TABLE**

MADAM SPEAKER: Now papers to be laid.

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRIMATI D. PURANDESWARI): Madam, on behalf of Shri Anand Sharma, I beg to lay on the Table:-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Handloom Export Promotion Council, Chennai, for the year 2011-2012, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Handloom Export Promotion Council, Chennai, for the year 2011-2012.

(Placed in Library. See No. LT 7728/15/12)

(2) A copy each of the following papers (Hindi and English versions) under sub-section (1) of Section 619A of the Companies Act, 1956:-

- (i) Review by the Government of the working of the Central Cottage Industries Corporation of India Limited, New Delhi, for the year 2011-2012.
- (ii) Annual Report of the Central Cottage Industries Corporation of India Limited, New Delhi, for the year 2011-2012, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

(Placed in Library. See No. LT 7729/15/12)

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the All India Handloom Fabrics Marketing Co-operative Society Limited, Noida, for the year 2011-2012, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the All India Handloom Fabrics Marketing Co-operative

Society Limited, Noida, for the year 2011-2012.

(Placed in Library. See No. LT 7730/15/12)

THE MINISTER OF SHIPPING (SHRI G.K. VASAN): Madam, I beg to lay on the Table:-

- (1) (i) A copy of the Annual Administration Report (Hindi and English versions) of the Mumbai Port Trust (Pension Fund Trust), Mumbai, for the year 2011-2012, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Mumbai Port Trust (Pension Fund Trust), Mumbai, for the year 2011-2012.

(Placed in Library. See No. LT 7731/15/12)

- (2) (i) A copy of the Annual Administration Report (Hindi and English versions) of the Mumbai Port Trust, Mumbai, for the year 2011-2012.
- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Mumbai Port Trust, Mumbai, for the year 2011-2012, together with Audit Report thereon.
- (iii) A copy of the Review (Hindi and English versions) by the Government of the working of the Mumbai Port Trust, Mumbai, for the year 2011-2012.
- (iv) A copy of the Review (Hindi and English versions) by the Government on the Audited Accounts of the Mumbai Port Trust, Mumbai, for the year 2011-2012.

(Placed in Library. See No. LT 7732/15/12)

- (3) (i) A copy of the Annual Administration Report (Hindi and English versions) of the Chennai Port Trust, Chennai, for the year 2011-2012, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of

the working of the Chennai Port Trust, Chennai, for the year 2011-2012.

(Placed in Library. See No. LT 7733/15/12)

(4) A copy each of the following papers (Hindi and English versions):-

(i) Memorandum of Understanding between the Shipping Corporation of India Limited and the Ministry of Shipping for the year 2012-2013.

(Placed in Library. See No. LT 7734/15/12)

(ii) Memorandum of Understanding between the Ennore Port Limited and the Ministry of Shipping for the year 2012-2013.

(Placed in Library. See No. LT 7735/15/12)

(iii) Memorandum of Understanding between the Dredging Corporation of India Limited and the Ministry of Shipping for the year 2012-2013.

(Placed in Library. See No. LT 7736/15/12)

(5) A copy each of the following papers (Hindi and English versions) under sub-section (1) of Section 619A of the Companies Act, 1956:-

(i) Review by the Government of the working of the Ennore Port Limited, Chennai, for the year 2011-2012.

(ii) Annual Report of the Ennore Port Limited, Chennai, for the year 2011-2012, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

(Placed in Library. See No. LT 7737/15/12)

(6) (i) A copy of the Annual Accounts (Hindi and English versions) of the Paradip Port Trust, Paradip, for the year 2011-2012, together with Audit Report thereon.

(ii) A copy of the Review (Hindi and English versions) by the Government on the Audited Accounts of the Paradip Port Trust, Paradip, for the year

2011-2012.

(Placed in Library. See No. LT 7738/15/12)

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): Madam, on behalf of Shrimati Jayanthi Natarajan, I beg to ay on the Table:-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Council of Forestry Research and Education, Dehradun, for the year 2010-2011, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Indian Council of Forestry Research and Education, Dehradun, for the year 2010-2011.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

(Placed in Library. See No. LT 7739/15/12)

(3) A copy each of the following Notifications (Hindi and English versions) issued under Sections 12 & 13 of the Environment (Protection) Act, 1986:-

- (i) S.O.1150(E) published in Gazette of India dated 22<sup>nd</sup> May, 2012 making certain amendments in the Notification No. S.O. 1174(E) dated 18<sup>th</sup> July, 2007.

S.O.1295(E) published in Gazette of India dated 6<sup>th</sup> June, 2012 making certain amendments in the Notification No. S.O. 1174(E) dated 18<sup>th</sup> July, 2007.

(Placed in Library. See No. LT 7740/15/12)

- (4) (i) A copy of the Annual Report (Hindi and English versions) of the Central Pollution Control Board, Delhi, for the year 2010-2011, alongwith

## Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Central Pollution Control Board, Delhi, for the year 2010-2011.
- (5) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (4) above.

(Placed in Library. See No. LT 7741/15/12)

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRIMATI D. PURANDESWARI): Madam, I beg to lay on the Table:-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Cashew Export Promotion Council of India, Kollam, for the year 2011-2012, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Cashew Export Promotion Council of India, Kollam, for the year 2011-2012.

(Placed in Library. See No. LT 7742/15/12)

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the Marine Products Export Development Authority, Kochi, for the year 2011-2012, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Marine Products Export Development Authority, Kochi, for the year 2011-2012.

(Placed in Library. See No. LT 7743/15/12)

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Diamond Institute, Surat, for the year 2011-2012, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Indian Diamond Institute, Surat, for the year 2011-2012.

(Placed in Library. See No. LT 7744/15/12)

- (4) (i) A copy of the Annual Report (Hindi and English versions) of the Gem and Jewellery Export Promotion Council, Mumbai, for the year 2011-2012, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Gem and Jewellery Export Promotion Council, Mumbai, for the year 2011-2012.

(Placed in Library. See No. LT 7745/15/12)

- (5) A copy each of the following papers (Hindi and English versions) under sub-section (1) of Section 619A of the Companies Act, 1956:-
- (a) (i) Review by the Government of the working of the Export Credit Guarantee Corporation of India Limited, Mumbai, for the year 2011-2012.
- (ii) Annual Report of the Export Credit Guarantee Corporation of India Limited, Mumbai, for the year 2011-2012, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

(Placed in Library. See No. LT 7746/15/12)

- (b) (i) Review by the Government of the working of the CHEMEXCIL (Basic Chemicals Pharmaceuticals & Cosmetics Export Promotion Council), Mumbai, for the year 2011-2012.
- (ii) Annual Report of the CHEMEXCIL (Basic Chemicals Pharmaceuticals &

Cosmetics Export Promotion Council), Mumbai, for the year 2011-2012, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

(Placed in Library. See No. LT 7747/15/12)

- (c) (i) Review by the Government of the working of the SHEFEXIL (Shellac & Forest Products Export Promotion Council), Kolkata, for the year 2011-2012.
- (ii) Annual Report of the SHEFEXIL (Shellac & Forest Products Export Promotion Council), Kolkata, for the year 2011-2012, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

(Placed in Library. See No. LT 7748/15/12)

- (d) (i) Review by the Government of the working of the CAPEXIL (formerly Chemicals & Allied Products Export Promotion Council), Kolkata, for the year 2011-2012.
- (ii) Annual Report of the CAPEXIL (formerly Chemicals & Allied Products Export Promotion Council), Kolkata, for the year 2011-2012, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon

(Placed in Library. See No. LT 7749/15/12)

- (6) (i) A copy of the Annual Report (Hindi and English versions) of the Pharmaceuticals Export Promotion Council of India, Hyderabad, for the year 2011-2012, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Pharmaceuticals Export Promotion Council of India, Hyderabad, for the year 2011-2012.

(Placed in Library. See No. LT 7750/15/12)



- (7) (i) A copy of the Annual Report (Hindi and English versions) of the Federation of Indian Export Organisations, New Delhi, for the year 2011-2012, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Federation of Indian Export Organisations, New Delhi, for the year 2011-2012.

(Placed in Library. See No. LT 7751/15/12)

- (8) (i) A copy of the Annual Report (Hindi and English versions) of the Plastics Export Promotion Council, Mumbai, for the year 2011-2012, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Plastics Export Promotion Council, Mumbai, for the year 2011-2012.

(Placed in Library. See No. LT 7752/15/12)

(9) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of Section 17 of the Export (Quality Control and Inspection) Act, 1963:-

- (i) The Export of Egg Products (Quality Control, Inspection and Monitoring) (Amendment) Rules, 2012 published in Notification No. S.O. 1952(E) in Gazette of India dated 22<sup>nd</sup> August, 2012.
- (ii) The Export of Fresh Poultry meat and poultry meat product (Quality Control, Inspection and Monitoring) Amendment Rules, 2012 published in Notification No. S.O. 2046(E) in Gazette of India dated 6<sup>th</sup> September, 2012.

(Placed in Library. See No. LT 7753/15/12)

- (10) A copy of the Tea Board (Recruitment and Conditions of Service of Factory Advisory Officer) Bye-Laws, 2012 (Hindi and English versions) published in Notification No. 23(1)/Estt./2011 in weekly Gazette of India dated 2<sup>nd</sup> November, 2012 under sub-section (4) Section 49 of the Tea Act, 1953.

(Placed in Library. See No. LT 7754/15/12)

- (11) (i) A copy of the Annual Report (Hindi and English versions) of the Export Promotion Council for EOUs & SEZs, New Delhi, for the year 2011-2012, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Export Promotion Council for EOUs & SEZs, New Delhi, for the year 2011-2012.

(Placed in Library. See No. LT 7755/15/12)

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. S. JAGATHRAKSHAKAN): Madam, I beg to lay on the Table:-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Design, Ahemdabad, for the year 2011-2012, alongwith Audited Accounts.
- (ii) Statement regarding Review (Hindi and English versions) by the Government of the working of the National Institute of Design, Ahemdabad, for the year 2011-2012.

(Placed in Library. See No. LT 7756/15/12)

(2) A copy of the Newsprint Control (Amendment) Order, 2012 (Hindi and English versions) published in Notification No. S.O. 2425(E) in Gazette of India dated 8<sup>th</sup> October, 2012 under sub-section (2) of Section 29B of the Industries (Development and Regulation) Act, 1951.

(Placed in Library. See No. LT 7757/15/12)

(3) A copy of the Patents (Amendment) Rules, 2012 (Hindi and English versions) published in Notification No. S.O. 2296(E) in Gazette of India dated 25<sup>th</sup> September, 2012 under Section 160 of the Patents Act, 1970.

(Placed in Library. See No. LT 7758/15/12)

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI P. BALRAM NAIK): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of Section 619A of the Companies Act, 1956:-

- (1) (i) Review by the Government of the working of the National Safai Karamcharis Finance and Development Corporation, New Delhi, for the year 2011-2012.
- (ii) Annual Report of the National Safai Karamcharis Finance and Development Corporation, New Delhi, for the year 2011-2012, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

(Placed in Library. See No. LT 7759/15/12)

- (2) (i) Review by the Government of the working of the National Scheduled Castes Finance and Development Corporation, Delhi, for the year 2011-2012.
- (ii) Annual Report of the National Scheduled Castes Finance and

Development Corporation, Delhi, for the year 2011-2012, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

(Placed in Library. See No. LT 7760/15/12)

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**12.02 ½ hrs**

**ELECTION TO THE COFFEE BOARD**

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRIMATI D. PURANDESWARI): Madam Speaker, on behalf of Shri Anand Sharma, I beg to move the following:

“That in pursuance of clause (b) of sub-section (2) of section 4 of the Coffee Act, 1942, read with rule 4 (1) of the Coffee Rules, 1955, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from amongst themselves to serve as members of the Coffee Board, subject to the other provisions of the said Act and rules made thereunder.”

MADAM SPEAKER: The question is:

“That in pursuance of clause (b) of sub-section (2) of section 4 of the Coffee Act, 1942, read with rule 4 (1) of the Coffee Rules, 1955, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from amongst themselves to serve as members of the Coffee Board, subject to the other provisions of the said Act and rules made thereunder.”

*The motion was adopted.*

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**12.04 hrs**

**CALLING ATTENTION TO MATTER OF URGENT  
PUBLIC IMPORTANCE**

Plight of Coconut growers of Tamil Nadu, leading to starvation deaths and steps taken by the Government in this regard.\*

SHRI T.R. BAALU (SRIPERUMBUDUR): Madam Speaker, I call the attention of the Minister of Agriculture to the following matter of urgent public importance and request that he may make a statement thereon:

“The plight of coconut growers of Tamil Nadu, leading to starvation deaths and steps taken by the Government in this regard.”

MADAM SPEAKER: Baaluji, have you received the statement?

SHRI T.R. BAALU : Yes Madam.

MADAM SPEAKER: Hon. Minister, you can lay it on the Table of the House.

\*कृषि मंत्रालय में राज्य मंत्री तथा खाद्य प्रसंस्करण उद्योग मंत्रालय में राज्य मंत्री (डॉ. चरण दास महंत): महोदया, तमिलनाडु के नारियल उत्पादकों की दशा के संबंध में माननीय सदस्य द्वारा व्यक्त चिन्ता से मैं भी अवगत हूँ। भारत सरकार को तमिलनाडु सहित नारियल उगाने वाले प्रमुख राज्यों में नारियल और मिलिंग खोपरा की बहुत अधिक गिरती हुई कीमतों की जानकारी है। इस वर्ष नारियल और नारियल उत्पादों, विशेष रूप से नारियल तेल के मूल्यों में अंतर्राष्ट्रीय तथा घरेलू मण्डियों में भी असाधारण गिरावट देखी गई है।

नारियल और इसके उत्पादों के मूल्य नारियल तेल के मूल्यों से जुड़े हैं, जो पामोलीन जैसे आयातित तेलों सहित प्रतिस्पर्धी वानस्पतिक तेलों के मूल्यों से प्रभावित होते हैं।

भारत सरकार वर्ष 1986 से मिलिंग और खाद्य बॉल खोपरा के लिए न्यूनतम समर्थन मूल्य (एमएसपी) का निर्धारण कर रही है ताकि नारियल किसानों के हितों की रक्षा की जा सके। इस वर्ष, मिलिंग खोपरा के लिए एमएसपी 5100 ₹ प्रति क्विंटल, बॉल खोपरा के लिए 5350 ₹ प्रति क्विंटल और पानी वाले छिलका रहित पके नारियल के लिए 1400 ₹ प्रति क्विंटल एमएसपी निर्धारित किया गया है, जो इन वस्तुओं के लिए पिछले वर्ष निर्धारित एमएसपी की तुलना में 12-17% की वृद्धि है।

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\* Laid on the Table and also placed in Library, See No. LT 7761/15/12

जब कभी भी मिलिंग और खाद्य खोपरा के बाजार मूल्य एमएसपी से नीचे गिरते हैं तो राज्य नामित एजेंसियों के जरिए नैफेड द्वारा मूल्य समर्थन कार्य आरम्भ किए जाते हैं। तमिलनाडु में मैसर्स तनफेड खोपरा की खरीद के लिए राज्य द्वारा नामित एजेंसी है। इस राज्य में 17 अधिप्राप्ति केन्द्र स्थापित किए गए हैं। दिनांक 3-12-2012 तक नैफेड द्वारा खोपरा की कुल खरीद 27,950 एमटी रही है। तमिलनाडु के 17 जिलों में कुछ 16,800 किसान लाभान्वित हुए हैं।

तमिलनाडु सरकार ने पीएसएस के तहत किसानों से सीधे मिलिंग खोपरा की खरीद के लिए प्राथमिक सोसायटियां चुनने हेतु जिला कलेक्टर की अध्यक्षता में जिला मानीटरिंग समिति बनाई है।

मूल्य समर्थन स्कीम के अलावा, भारत सरकार नारियल के समेकित विकास के लिए विभिन्न योजनाएं कार्यान्वित कर रही है। नारियल पौद की संकर किस्मों सहित गुणवत्ता रोपण सामग्रियों के उत्पादन और वितरण पर जोर दिया गया है। नारियल की वैज्ञानिक खेती के तहत और अधिक क्षेत्र लाने तथा इकाई जोतों की उत्पादकता तथा लाभप्रदता बढ़ाने के लिए नारियल आधारित कृषि पद्धतियों के संवर्धन की तमिलनाडु सरकार की पहल इसका समर्थन करती है।

सरकार 2001-02 से "नारियल प्रौद्योगिकी मिशन (टीएमओसी)" नामक एक केन्द्रीय क्षेत्रीय स्कीम भी कार्यान्वित कर रही है। जिसका अधिक जोर मूल्यवर्धन द्वारा "उत्पाद विविधीकरण और उपोत्पाद उपयोग" पर है। तमिलनाडु में टीएमओसी के कार्यान्वयन से खोपरा-नारियल तेल उन्मुखी बाजार को डी-लिक करने में मदद मिली है। राज्य में उत्पादित किए जाने वाले अधिकतर नारियल का उपयोग अब कच्चे नारियल के रूप में सूखा नारियल पाउडर, स्रे शुष्कित नारियल दुग्ध पाउडर, पैक किया हुआ और सुरक्षित कच्चे नारियल पानी आदि के निर्माण के लिए किया जाता है। तमिलनाडु ब्राउन नारियल रेशा का देश में एक प्रमुख आपूर्तिकर्ता भी बन गया है और कॉयर पिथ ब्रिकेट का एक प्रमुख निर्यातक है।

भारत सरकार तमिलनाडु सहित देश के सभी नारियल उत्पादकों के हितों की रक्षा करने के लिए सभी अपेक्षित उपाय करने के लिए कटिबद्ध है।

SHRI T.R. BAALU :Madam, I would like to draw the kind attention of this august House about the plight of the coconut growers in the State of Tamil Nadu, especially, in the districts Thanjavur, Thirvarur, Dindigul, Theni, Tirunelveli, Coimbatore, Tiruppur, Kanyakumari, Krishnagiri, Salem, Madurai, Erode, Pudukkottai, and Nagapattinam.

Madam, six months back, some of my friends, particularly, the former Ministers, Sri Kannappan, Sri Periyasamy, Sri Alagu Thirunavukkarasu, Sri Pongalur N Palanisamy and Sri Kambam Ramakrishna, MLA and other stakeholder had met me and expressed the problems faced by the coconut growers of Tamil Nadu leading to suicidal deaths also.

Subsequently, on 11<sup>th</sup> July 2012, I met the hon. Minister for Agriculture, Shri Sharad Pawar and explained the various problem faced by the Tamil Nadu coconut growers. This matter has also been discussed in the UPA meeting wherein Madam Sonia Ji, the hon. Prime Minister and Shri Sharad Pawar were present. Finally, the hon. Minister for Agriculture, Shri Sharad Pawar, came to Tamil Nadu and met the stakeholders, the Members of Parliament, MLAs, various public representatives and the office bearers of more than 23 coconut growers' associations.

The meeting was attended by so many most important coconut growers in the State of Tamil Nadu and the interaction went on for more than three-and-a-half hours between the coconut growers and the hon. Minister. In fact, I take this opportunity to thank my friend, Shri Sharad Pawar.


Madam, the total area of coconut cultivable land available in the State of Tamil Nadu is 3.9 lakh hectares and Tamil Nadu stands first as far as its productivity is concerned. About 14,000 nuts per hectare, per year is the productivity of coconut in the particular State and the State stands first. The State of Tamil Nadu is the largest coconut producer of this nation.

More than 10 lakh farmers and nearly about one crore labourers are involved in the particular profession. At least 53 exotic pieces and 43 indigenous

varieties of coconut are being maintained by two research stations; one at Veeppankulam of my district, Thanjavur, and the second one is at Aliyar Nagar in Coimbatore District. But neither the research centres nor the scientists of this country could detect or invent any medicine for the microbial disease.

For more than five to six years, to my knowledge, the particular microbial disease is prevailing through Tamil Nadu. Therefore, the yield is reduced. The coconut is not yielding properly, in spite of that Tamil Nadu stands first as far as the productivity is concerned.

Madam, to be very frank, I could point out a particular Deputy-Director General, Horticulture, ICAR. Mr. H.P. Singh, who attended the 21<sup>st</sup> All India Coordinated Research Project on Palms (AICRPP) has said that the disease prevailing would never end. I would like to quote from the *Times of India*, dated 12.7.2012; he said:

“We have noticed yellowing, a serious disease in coconut and palm trees in Tamil Nadu. We do not have a complete cure for the bacterial infection. It is bbal and is like cancer.”

This is what the person who is in charge of Horticulture has said. The farmers are just blinking. They do not know how to carry out the profession. The scientists or the Government of India have not so far identified the curative medicines. There is no medicine for this particular disease. We do not have any water because rain has failed. Even the subsoil water could not be bailed out because there is no electric current at all, there is no power at all. For more than 17 hours, there is no power for the farmers. There are lot of problems undergone by the farmers because of water scarcity and because of high price of the pesticides as well as fertilizers. Tamil Nadu is a water-starved State. Neither Mullaperiyar nor Cauvery river flows into that particular State. As a matter of right, we have to get water from both Mullaperiyar Dam as well as from Krishnaraja Sagar. We are not getting water because of various issues best known to my friends of those particular States. There is no water, no rain, no power and



no pesticides. The prices of pesticides and fertilizers are going at rocket speed. We are not getting proper help neither from the nature nor from the Government of India.

I would point out the problems over and above this natural disaster. The policy of the Government of India is not helping the farmers. Firstly, the Government of India has permitted crude palm oil at zero per cent duty. Over and above this, they are extending subsidy. What I would suggest is that instead of giving subsidy to the crude palm oil, the same subsidy can be extended to coconut oil. It can be distributed through PDS with the help of the State Government. The Government of India should come forward to see that the same subsidy extended to crude palm oil can be extended to the coconut oil, which is also edible oil, through PDS.

What is happening in palm oil import? From November 2011 to May 2012, the quantity of import of palm oil is 10,84033 tonnes whereas for the same period, from November 2010 to May 2011, it was only 5,51,327 tonnes only. How come 97 per cent over and above that the consumers can consume? Not only this, more than 82 per cent of palm kernel oil has been used at a particular time. How can palm kernel oil, 82 per cent over and above the previous year, and 97 per cent of palm oil over and above the previous year could be consumed by Indians? I think the Government of India should come forward and see what is going on in the import of crude oil, palm oil and kernel palm oil.

Secondly, Madam, the Government of India is permitting coconut oil cake from Philippines and Sri Lanka. What is happening here? The so-called oil cake is not the de-oiled cake. They are importing oil cake to feed the cattle. The oil cake is not fully extracted. They simply bring the oil cake here. They extract the coconut oil and sell it to Indians at cheaper price. Our people could not compete with those people. That is why the coconut products as well as the coconuts could not be sold in the market at proper price.

Thirdly, Madam, the MSP has been fixed at Rs. 51 per kg for the coconut. This MSP is not at all sufficient. Due to paucity of time, I could not explain everything. This MSP of Rs. 51 is a very meagre amount. When I met the hon. Minister, he was only cursing. "I do not know as to how to tackle this issue", this is what he has told. But the problem of coconut growers is very much important. It has to be addressed very quickly. Unless the Government of India comes forward to extend it to Rs. 75 per kg, the farmers have to resort to suicidal deaths only.

Those who are producing copra, they have got the infrastructure but, at the same time, the people who are not having the infrastructure, they are miserably failing. The Government of India has identified MSP only for copra not for dehusked coconut or for coconut. Where will the ordinary farmer, who is having one acre or two acres of land, go? Where is the chance for him to invest? He has already burnt his fingers. The Government of India should apply their mind properly. There is a Coconut Development Board but they are doing nothing. They could not deliver the goods properly. The problem of coconut growers persists forever. They are almost treated as untouchables. So, the Government of India should come forward to see that this particular issue is addressed properly.

Madam, the other day the hon. Agriculture Minister was telling me: "Where is a chance for me to store coconut or purchase it from the market through NAFED?" He is purchasing paddy. He is purchasing wheat. He is storing everything but he could not purchase coconut. What is happening here? They are saying that there is no space. We do not mind about space or anything. We want the things to be addressed properly otherwise, the coconut growers will have to shift their profession of cultivation. Then, they have to import from Sri Lanka and Philippines only. So, this matter has to be addressed properly. On the other day the hon. Minister has said: "We will open procurement centres and increase them from 17 to 34." He has not done that so far. He has said that he will increase the number of field officers as much as possible. Maybe, he would have written to

hon. Finance Minister also. I do not know as to what has happened. He has also said that he will order for payments to be made for 24 hours.

So far nothing has happened. The Minimum Support Price of Rs.51 should be increased to Rs.75. That has not yet happened. The Minister has not promised it. The entire set of people who attended this particular meeting, more than 400 people vociferously appealed to the Minister, and I can only make a request to my friend, the hon. Minister, to see that this should happen as quickly as possible. Otherwise, the Government of India will be a party to the problems of the farmers of Tamil Nadu.

SHRI N.S.V. CHITTHAN (DINDIGUL): Madam, I associate with the Calling Attention matter raised by Shri T.R. Baalu. ... (*Interruptions*)

SHRI JOSE K. MANI (KOTTAYAM): Madam, I also associate with Shri T.R. Baalu on this matter. ... (*Interruptions*)

SHRI CHARLES DIAS (NOMINATED): Madam, I also associate with Shri T.R. Baalu on this matter. ... (*Interruptions*)

MADAM SPEAKER: Yes. All right.

S/Shri Kamal Kishor 'Commando', K.P. Dhanapalan, M.K. Raghavan, R. Dhruvanarayana, Ponnambhakar, Shivarama Gouda, S.S. Ramasubbu, and P.L. Punia are also associating with this matter.

Now, the hon. Minister.



**डॉ. चरण दास महंत:** माननीय अध्यक्ष महोदया, बालू साहब ने जो नारियल उत्पादकों की चिन्ता व्यक्त की है, हम सब उस चिन्ता से परिचित हैं। माननीय बालू जी और उनके साथियों ने अनेक बार हमारे कृषि मंत्री जी एवं अन्य मंत्रियों को इस बारे में अवगत कराया है। मैं ऐसा समझता हूँ कि सदन का प्रत्येक सदस्य, जो कोकोनट स्टेट से आता है, जहां कोकोनट ज्यादा पैदा हो रहा है, ऐसा हम लोग मानते हैं कि हमारे देश के 18 राज्यों में कोकोनट का उत्पादन होता है। उसमें से अगर 90 प्रतिशत कोकोनट की बात करें तो तमिलनाडु, केरल, आंध्र प्रदेश और कर्नाटक आदि से आता है। यहां की चिन्ताओं के संबंध में जो माननीय सदस्य ने आपके सामने बातें कही हैं, यह बात सही है कि 26-10-2012 को हमारे कृषि मंत्री जी चेन्नई गए थे। उसमें हमारे बालू साहब भी थे और नैफेड तथा कोकोनट बोर्ड के कुछ सदस्य भी थे। वहां अनेक स्थानों से फार्मर्स आए थे। कोयम्बटूर, तिरुपुर, थंजावुर, तैनी, कन्याकुमारी, वेल्लूर, दिदिगुल, शिवगंगा आदि से जैसा कि इन्होंने बताया। इस तरह से जो अनेक प्रभावित फार्मर्स हैं, वे सब लोग वहां उनसे मिले थे। उनके सामने बैठक हुई थी और कुछ बातों पर विचार हुआ था। वहां कुछ मुद्दे तय किए गए थे कि हमें भविष्य में क्या करना है। सबसे पहला विचार यह आया था कि *opening up of more copra procurement centres*. इसकी बात वहां के लोगों ने की थी कि ज्यादा प्रक्योरमेंट सेंटर्स की बात हो। प्रक्योरमेंट सेंटर खोलने की टैनफेड और नैफेड को जिम्मेदारी दी गई थी। मुझे बताया गया है कि अब तक तीन और प्रक्योरमेंट सेंटर नैफेड के द्वारा स्वीकृत हो गए हैं। मैं आपको उनके नाम बता देता हूँ - एक तो Alangudi, Pudukkootai district में है, दूसरा Thirupuvanam, Sivaganga district में है और तीसरा Vazhapadi, Salem District में है। इन तीनों की बात हो गई थी, अन्य और स्थानों पर खोलने पर भी विचार चल रहा है। यह बात भी हुई थी कि जिस प्राइस पर नैफेड खरीदती है, उसका जल्दी से जल्दी भुगतान कर दिया जाए। मुझे यह बताया गया है और यह सत्य भी है कि अब तक कोशिश यह की जा रही है कि उन किसानों को 24 घंटे के अंदर उनका दाम मिल रहा है। मैं बालू जी से कहूंगा कि वे इसका परीक्षण कर लें। अगर इस दिशा में कुछ तकलीफ हो रही हो तो फिर से कृषि विभाग द्वारा आदेश दे दिए जाएंगे। कोकोनट प्रोसेसिंग के लिए और टैंडर कोकोनट वाटर परचेजिंग की बात वहां आई थी। वहां यह तय हुआ था कि आने वाले समय में और युनिट्स यहां खोले जाएंगे। बालू साहब को यह मालूम ही होगा कि आज की तारीख में वहां इस तरह के 55 सेंटर्स काम कर रहे हैं और भविष्य में आने वाले समय में इसको बढ़ाने की बात चल रही है। यह चर्चा दो महीने पहले की है और इस प्रक्रिया में दो-चार एवं छः महीने का समय लगता है, यह प्रक्रिया जारी है। इनकी चिन्ता पर भी बात हुई थी। कोकोनट ऑयल को पब्लिक डिस्ट्रीब्यूशन के माध्यम से इन्होंने वितरण करने की बात कही है। ये बात तमिलनाडु सरकार के

माध्यम से संभव होगी कि किस तरह से हम पब्लिक डिस्ट्रीब्यूशन के माध्यम से वहां कोकोनट ऑयल दे सकते हैं। इस बारे में भी केन्द्र सरकार ने अपने हिसाब से वहां निर्देश दे दिए हैं और तमिलनाडु सरकार के साथ बात चल रही है कि ऐसी व्यवस्था कर दी जाए। कोकोनट डेवलपमेंट बोर्ड ने सब्सिडी बढ़ाने की बात कही थी। अभी तक कृषि विभाग ने 25 परसेंट की सब्सिडी निर्धारित की है, मगर सब्सिडी को और बढ़ाने के लिए आप जानते हैं कि हमें वित्त विभाग की भी अनुमति चाहिए और प्लानिंग डिपार्टमेंट से भी चर्चा करनी पड़ेगी। वह चर्चा भी अभी जारी है, जिसके बारे में निकट भविष्य में हम आपको बतायेंगे। 12वीं योजना में इस तरह से बात चल रही थी और शायद हम इसमें सफलता पा सकेंगे।

कोकोनट सोसाइटीज के जो प्रोड्यूसर्स हैं, उनके बारे में कहना चाहूंगा कि बेहतर ढंग से उसका वितरण हो सके और कम से कम एक हजार टेंडर कोकोनट आउटलेट हर एक पर्यटन स्थल पर खोले जाएं, ताकि किसानों को उसका उचित दाम मिल सकें। ऐसी चर्चा वहां की गयी थी और इस दिशा में भी कार्रवाई जारी है। लगभग इन सभी बातों पर वहां जिक्र हुआ था, जिसमें बालू साहब उपस्थित थे। उन सभी बातों पर जहां-जहां निर्देश दिए जा सकते थे ...(व्यवधान)

SHRI T.R. BAALU : Madam, especially on the Calling Attention Motion, the proper Minister should reply because the Minister of State cannot reply on this issue. He is simply reading whatever his senior Minister has given him, in writing.

I want to know whether the de-husked coconut should be purchased from the coconut growers or not... *(Interruptions)* Otherwise, there is no meaning at all. Invariably, on the Calling Attention Motion, the concerned Cabinet Minister should be answering. The Minister of State cannot have his say in the decision-making. He cannot decide on the issue.

MADAM SPEAKER: Let him complete.

SHRI T.R. BAALU : This shows the lukewarm approach of the Government of India about the coconut growers. This is not proper, Madam. I do not agree. This should be taken up once again... *(Interruptions)*

डॉ. चरण दास महंत : अध्यक्ष महोदया, मैं इनकी पूरी बातों का जवाब दूंगा। ...(व्यवधान)

SHRI T.R. BAALU : I am not going to hear him. We are walking out, Madam.

**12.27 hrs**

*At this stage, Shri T.R. Baalu and some other hon. Members left the House.*

DR. CHARAN DAS MAHANT: What is this, Madam? This is not correct...  
(Interruptions) मैं इनकी पूरी बातों का जवाब दे रहा हूँ। इस तरह से गुस्सा दिखाने का कोई मतलब नहीं होता है। ...(व्यवधान)

**अध्यक्ष महोदया :** आप अपना जवाब पूरा करिए।

...(व्यवधान)

SHRI S.S. RAMASUBBU (TIRUNELVELI): It is a very serious issue.

MADAM SPEAKER: I know.

... (Interruptions)

MADAM SPEAKER: All this will not go on record.

(Interruptions)\* ...

**डॉ. चरण दास महंत :** महोदया, बालू जी ने एमएसपी की बात कही कि इसमें पिछले वर्षों में कोई वृद्धि नहीं हुयी है। मैं बताना चाहता हूँ वर्ष 2008 में 3,660 रूपए मिलिंग खोपरा का एमएसपी निर्धारित हुआ था, जो वर्ष 2012 में बढ़कर 5,100 रूपए हो गया है। इसमें लगभग 40 प्रतिशत की बढ़ोत्तरी हुयी है। अध्यक्ष महोदया, बॉल खोपरा की वर्ष 2008 में 3,910 रूपए एमएसपी थी, इसमें 36.80 यानी लगभग 37 प्रतिशत की बढ़ोत्तरी हुयी है। पानी वाले छिलका रहित पके नारियल का दाम 988 रूपए था, यह बढ़कर 1,400 रूपए हो गया है, इसमें लगभग 42 प्रतिशत की वृद्धि है। उनका कहना है कि कोकोनट की एमएसपी में वृद्धि नहीं हुयी है, यह सही नहीं है। ...(व्यवधान)

**अध्यक्ष महोदया :** आप इधर संबोधित करिए।

...(व्यवधान)

MADAM SPEAKER: Mr. Minister, you address the Chair.

... (Interruptions)

SHRI S. SEMMALAI (SALEM): The Minimum Support Price of coconut should be raised... (Interruptions)

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\* Not recorded.

SHRI A. GANESHAMURTHI (ERODE): In Kerala, de-husked coconut is procured by the NAFED whereas in Tamil Nadu, there is no procurement of de-husked coconut. The Government should make arrangement to procure de-husked coconut from the farmers. ... (*Interruptions*)

अध्यक्ष महोदया : उनको जवाब देने दीजिए।

... (व्यवधान)

MADAM SPEAKER: Let the Minister give his reply. Please sit down.

... (*Interruptions*)

अध्यक्ष महोदया : आप बैठ जाइए।

... (व्यवधान)

डॉ. चरण दास महंत : आदरणीय अध्यक्ष महोदया जी, हम सभी सदस्यों को ज्ञात ही है कि एमएसपी एक कमीशन निर्धारित करती है जो कृषि विभाग के माध्यम से कैबिनेट तक जाता है और कैबिनेट की स्वीकृति के बाद ही एमएसपी आती है। जहां तक कोकोनट के एमएसपी की बात है, यह लगभग जनवरी में डिसाइड की जाती है। अभी तो, दिसम्बर शुरू हुआ है और जनवरी आने वाला है। सरकार सोच रही है कि आने वाले समय में किसानों की आवश्यकतानुसार एमएसपी का निर्धारण किया जाएगा। हम को विश्वास है कि किसानों की चिंता हमें ज्यादा है बनिस्पत उनके मैं ऐसा कह सकता हूं।

जहां तक उन्होंने पामोलिन आयल की बात कही है जो हमारी कठिनाई है, आप सब जानते हैं कि लगभग 40 प्रतिशत एडीबल ऑइल आयात करते हैं, इम्पोर्ट करते हैं और इसके लिए क्रूड ऑइल भी कर रहे हैं, रिफाइन ऑइल भी कर रहे हैं। देश में कोशिश यह की जा रही है कि हमारे यहां किसी तरह से तिलहन का क्षेत्र बढ़े। हम खुद अपने देश में तिलहन पैदा कर सकें, ऑइल पैदा कर सकें ताकि हमें इस तरह की इम्पोर्ट करने की जरूरत न पड़े। हम समय-समय पर यह परेशानियां भी झेलते हैं और अपने क्षेत्र के किसानों को, देश के किसानों को इस दिशा में हम बढ़ा रहे हैं। बाहर से पामोलिन ऑइल आ जाता है और यहां के लोगों का कोकोनट ऑइल पर्याप्त मात्रा में बाहर नहीं जा रहा है, यह भी उन्होंने चिंता व्यक्त की है। इस संदर्भ में आप सब जानते होंगे, मुझे कुछ कहना नहीं है। कुछ साल पूर्व कोकोनट ऑइल को केरल से बाहर भेजने की बात हुई है और अभी अन्य पोर्ट से भी भेजने की बात चल रही है, इस में कैबिनेट और कृषि विभाग गंभीरता से विचार कर रही है कि कहां-कहां से हमें एक्सपोर्ट का आर्डर देना है। जब इस तरह से निर्णय हो जाएंगे तो कहां हमें इस ऑइल को एक्सपोर्ट करना है उसकी भी बात पूरी हो जाएगी।

उन्होंने एक चिंता व्यक्त की है कि नारियल के जो पेड़ हैं, आजकल उनके रूट पर बिल्ट नाम की एक बीमारी हो रही है। इस बीमारी की जानकारी आईसीएआर को हो चुकी है। इसमें परीक्षण चल रहा है। यह गंभीर बीमारी है। जिस तरह से आज कल मनुष्य में कैंसर हो जाता है, उसके इलाज की कोशिश हो रही है, उसी तरह इस गंभीर बीमारी की भी इलाज की बातें चल रही हैं।

मैं सदस्यों को यह बता देना चाहता हूँ कि देश में नारियल की तीन तरह की वेरायटिज पाई जाती हैं। एक टॉल वेरायटी जिसकी उम्र लगभग 60 से 65 साल की होती है। दूसरी, ड्वार्फ वेरायटी जिसकी उम्र लगभग 35 साल होती है। इसकी हाइब्रिड वेरायटी भी नई आ गई है जो लगभग 30 साल तक फल देती है। किसी भी नारियल के पेड़ से छः साल बाद ही हम उसका फल पा लेते हैं बाकी कोई 5 साल में फल देता है तो कोई 6 साल में फल देता है। इस तरह की जो कठिनाइयां हैं उन पर भी विचार चल रहा है कि फ्रूटिंग कैसे हो, फाउलिंग कैसे हो, उनके क्रॉस पॉलिनेशन का जो प्रॉब्लम हाइब्रिड में आता है उसको और कैसे बेहतर तरीके से कर सकते हैं?

मैं जहां तक समझता हूँ सरकार पूरी तरह से प्रयास कर रही है कि किसी भी प्रकार से हमारे यहां के जो किसान हैं चाहे वे नारियल के किसान हों, धान के किसान हों या अन्य फल-फूल के किसान हों, उन्हें कोई कठिनाई न हो। उनकी कठिनाइयों का सतत् नियंत्रण किया जा रहा है, परिक्षण किया जा रहा है और समय-समय पर आवश्यकतानुसार निर्णय भी किया जा रहा है।

यह मेरा निवेदन है। जिस तरह से बालू जी ने अपना रोष यहां प्रकट किया है, मैं नहीं समझता हूँ कि सरकार जो कर रही है, वह रोष प्रकट करने लायक है। मैं उनसे निवेदन करूंगा कि और जो भी समस्याएं हैं, आदरणीय पवार जी आप से अनुमति ले कर गए हैं, जब भी वह आएंगे, गंभीरतापूर्वक उनके साथ बैठ जाएंगे। पवार साहब उनसे बात करने के लिए तैयार हैं। हमारे सभी लोग बात करने के लिए तैयार हैं। अधिकारी लोग बात करने के लिए तैयार हैं। किसी भी प्रकार की किसानों की समस्या है उसको पूरी तरह से हल किया जाएगा।

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**12.34 hrs**

**GOVERNMENT BILLS –Introduced**

**(i) THE COMPETITION (AMENDMENT) BILL, 2012\***

THE MINISTER OF STATE OF THE MINISTRY OF CORPORATE AFFAIRS (SHRI SACHIN PILOT): I beg to move for leave to introduce a Bill further to amend the Competition Act, 2002.

MADAM SPEAKER: The question is:

“That leave be granted to introduce a Bill further to amend the Competition Act, 2002.”

*The motion was adopted.*

SHRI SACHIN PILOT: I introduce the Bill.

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**12.35 hrs**

**(ii) THE GOVERNORS (EMOLUMENTS, ALLOWANCES AND PRIVILEGES) AMENDMENT BILL, 2012 \***

MADAM SPEAKER: Item no.11 – Shri Sus Kumar Shinde.

THE MINISTER OF HOME AFFAIRS (SHRI SUSHILKUMAR SHINDE): I beg to move for leave to introduce a Bill further to amend the Governors (Emoluments, Allowances and Privileges) Act, 1982.

MADAM SPEAKER: The question is:

“That leave be granted to introduce a Bill further to amend the Governors (Emoluments, Allowances and Privileges) Act, 1982.”

*The motion was adopted.*

SHRI SUSHILKUMAR SHINDE: I introduce the Bill\*\*.

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\* Published in the Gazette of India, Part II, Section-2, dated 10.12.2012

\*\* Introduced with the recommendation of the President.

MADAM SPEAKER: Now, we will take up 'Zero Hour'. Shri Ravneet Singh Bittu.

SHRI RAVNEET SINGH (ANANDPUR SAHIB): Madam, I want to speak from here. ...(व्यवधान) में मैडम से परमीशन मांग रहा हूं।...(व्यवधान)

MADAM SPEAKER: You should be back on your seat.

**श्री रवनीत सिंह:** मैडम, मैं आपका ध्यान पंजाब की ओर दिलाना चाहता हूं। पिछले दिनों पंजाब की पुलिस, पंजाब के पुलिस स्टेशन का जो सियासीकरण हुआ...(व्यवधान) सारे पुलिस स्टेशन एमएलए को दिए जा चुके हैं।...(व्यवधान) सबसे पहले पंजाब के जलंधर शहर में गोली चली। उसके बाद श्रुति कांड हुआ।...(व्यवधान)

**अध्यक्ष महोदया :** कृपया फोटो मत दिखाइए।

...(व्यवधान)

**श्री रवनीत सिंह :** जिस पुलिस ने पंजाब से टेरोरिज़्म को भगाया, वे पुलिस वाले भी पंजाब में अपने आपको सुरक्षित महसूस नहीं कर रहे हैं। ...(व्यवधान) पुलिस का एक इंस्पैक्टर अपनी लड़की को सरेआम बाजार में बचाने के लिए गया।...(व्यवधान)

**अध्यक्ष महोदया :** सिर्फ रवनीत सिंह जी की बात रिकार्ड में जाएगी।

...(व्यवधान) \*

**श्री रवनीत सिंह :** जो रिवेन्यू मिनिस्टर है, होम मिनिस्टर है, उनके यूथ्स के लीडर \* के लोगों ने सरेआम इंस्पैक्टर को गोली मार दी। ...(व्यवधान) उन्होंने सरेआम बाजार में गोली मार दी। आज पंजाब की एमपी श्रीमती हरसिमरत कौर अपने आपको नन्ही शाह की बात बताती हैं, लड़कियों को बचाने की बात करती हैं, उन्हीं बहनों को आज सरेआम बाजारों में मारा जा रहा है।...(व्यवधान) इससे ज्यादा गलत बात कोई और नहीं हो सकती।...(व्यवधान)

\*\*Sit down. All of you. ... (*Interruptions*) You have destroyed the entire Punjab. ... (*Interruptions*)

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\* Not recorded.

\*\*English translation of this part of the Speech was originally delivered in Punjabi.

अध्यक्ष महोदया : आप चेयर की तरफ देखकर बोलिए।

SHRI RAVNEET SINGH \*\*Our sisters are not safe. They cannot go out of their homes without being harassed and stalked. ... (*Interruptions*)

अध्यक्ष महोदया : आप चेयर की तरफ देखकर बोलिए।

... (व्यवधान)

श्री रवनीत सिंह : आज पुलिस स्टेशन को\* का अड्डा बना दिया गया है। वहां कानून की कोई बात नहीं है।... (व्यवधान) सारे पुलिस ऑफिसर्स के लीडर के दबाव में नशा बेचा जा रहा है।... (व्यवधान)

अध्यक्ष महोदया : अब आप अपनी बात समाप्त कीजिए। नाम मत लीजिए।

... (व्यवधान)

श्री रवनीत सिंह : आज वहां कोई भी लड़की बाहर नहीं निकल सकती। इन्होंने पंजाब के ऐसे हालात बना दिए।... (व्यवधान) मैं आपसे मांग करता हूं कि पंजाब में पुलिस रिफॉर्म की बात की जाए, पंजाब को बचाया जाए। केन्द्र सरकार वहां इंटरफियर करे, नहीं तो पंजाब में गवर्नर रूल लगाना चाहिए।... (व्यवधान)

MADAM SPEAKER: Please, sit down. Take your seat.

... (*Interruptions*)

अध्यक्ष महोदया : श्री रेवती रमण सिंह।

... (व्यवधान)

अध्यक्ष महोदया : सिर्फ रेवती रमण सिंह जी की बात रिकार्ड में जाएगी।

... (व्यवधान)

श्री रेवती रमण सिंह : अध्यक्ष महोदया जी, पहले इन लोगों को चुप करवाइए।... (व्यवधान)

अध्यक्ष महोदया : सब चुप हो गए हैं। अब आप बोलिए।

... (व्यवधान)

श्री रेवती रमण सिंह : हम ऐसे कैसे बोलें। आप पहले हाउस को आर्डर में कीजिए।... (व्यवधान)

MADAM SPEAKER: Nothing else will go on record.

(*Interruptions*) \*...

\* Not recorded.

\*\*English translation of this part of the Speech was originally delivered in Punjabi.

**अध्यक्ष महोदया :** आप बोलिए, वे बैठ जाएंगे।

...(व्यवधान)

**12.40 hrs**

### **SUBMISSION BY MEMBER**

**Re: Need to open more procurement centres  
for paddy in the country**

**श्री रेवती रमण सिंह (इलाहाबाद) :** माननीय अध्यक्ष जी, आज मैं सदन में जो समस्या उठाने जा रहा हूँ ... (व्यवधान) यह अत्यंत गंभीर मामला है। ... (व्यवधान) यह मामला लगभग 35 करोड़ आबादी से जुड़ा हुआ है। ... (व्यवधान) मान्यवर, ऐसे तो नहीं होगा। ... (व्यवधान)

**अध्यक्ष महोदया :** अब हो गया। आप सब अब इस विषय पर आ जाइये।

...(व्यवधान)

**अध्यक्ष महोदया :** बाजवा जी, आपस में क्या हो रहा है? आप सब बैठ जाइये।

...(व्यवधान)

**अध्यक्ष महोदया :** अब हम दूसरे विषय पर आ गये हैं, इसलिए आप सब बैठ जाइये।

...(व्यवधान)

**श्री रेवती रमण सिंह :** माननीय अध्यक्ष जी, मैं आपका आभारी हूँ कि इतने महत्वपूर्ण विषय को आपने सदन में उठाने का मौका दिया। लेकिन मेरा आग्रह है, निवेदन है कि आप सदन में खाद्य मंत्री को बुला लें, क्योंकि माननीय मुलायम सिंह जी ने कुछ दिन पहले धान खरीद के बारे में एक सवाल उठाया था। उस समय खाद्य मंत्री ने कहा था कि हम एक टीम को यहां से भेज रहे हैं। हमारा कहना है कि टीम को भेजने से मामले का हल नहीं निकलेगा। उसका हल मंत्रालय से निकलेगा। भारत सरकार एमएसपी यानी समर्थन मूल्य घोषित करती है। समर्थन मूल्य किसानों के लिए लाभकारी मूल्य नहीं है, क्योंकि उनकी लागत ज्यादा है। लेकिन फिर भी केन्द्र सरकार यह घोषित करती है कि किसानों की कुछ मदद की जाये, जिससे उनकी उपज बिचौलिये न खरीद पाये। लेकिन समस्या क्या है और उसका निदान क्या है? खाली उत्तर प्रदेश पूरे देश में सबसे ज्यादा धान, चावल पैदा करता है। बिहार, मध्य प्रदेश, छत्तीसगढ़ आदि सबको जोड़ लिया जाये, तो लगभग 40 करोड़ आबादी इससे प्रभावित हो रही है। हमें मालूम नहीं लेकिन दूसरे प्रदेशों की भी आबादी इससे प्रभावित हो रही होगी। यह समस्या क्या है? माननीय मंत्री जी ने उस दिन मुलायम सिंह के जवाब में एक ऐसा मजाक किया कि हम यहां से एक टीम भेज रहे हैं। टीम क्या करेगी? उस समस्या का निदान यहां मंत्रालय से होना है। वह समस्या एफसीआई से संबंधित है। एफसीआई किसानों का खुले रूप से

शोषण कर रही है। भारत सरकार ने एक हाईब्रिड वैरायटी निकाली जिसमें पानी कम लगता है और उत्पादन ज्यादा होता है। लेकिन उसमें टूटन ज्यादा होती है। इन्होंने कहा कि हाईब्रिड में रिकवरी 67 फीसदी आनी चाहिए जबकि हाईब्रिड में रिकवरी 62 से 64 फीसदी तक होती है। इससे ज्यादा उससे रिकवरी नहीं हो सकती। वह धान, चावल यह नहीं खरीदेंगे।

दूसरा, एफसीआई ने यह किया कि अगर चावल में 4 प्रतिशत से ज्यादा टूटन होगी तो वह चावल हम नहीं खरीदेंगे।

मान्यवर, मैं समस्या बता रहा हूँ। जब तक मंत्री जी इसका जवाब नहीं देंगे तब तक यह निरर्थक हो जायेगा। आज ही धान मंडियों में आया है, लेकिन उसकी खरीद कहीं नहीं हो रही। मैं बाकी दूसरे प्रदेशों की बात नहीं जानता, लेकिन उत्तर प्रदेश, बिहार ... (व्यवधान) एफसीआई उसे खरीदे, न खरीदे, लेकिन उसमें जो रोड़ा अटकाने का काम कर रही है, वह बहुत गंभीर है। उसी के साथ-साथ अगर चावल की टूटन 4 प्रतिशत हुई, तो यह नहीं खरीदेंगे, जबकि हाईब्रिड की टूटन 3 प्रतिशत हो, तो उन्हें खरीदना चाहिए। हमारा कहना है कि वह यह प्रचलन बंद कर दें। आज हम किसानों की वजह से पूरी दुनिया से आयात नहीं कर रहे। हम अमेरिका से गेहूँ नहीं मंगा रहे, आस्ट्रेलिया से गेहूँ नहीं मंगा रहे, लेकिन हमारे किसानों को तो सही रेट मिले, लेकिन वे रेट्स भी देने को तैयार नहीं हैं। खाली घोषणा करने से कि हम किसानों को एमएसपी देंगे, कुछ होने वाला नहीं है।

मान्यवर, उसी के साथ एक समस्या परिवहन व्यय की है। इन्होंने परिवहन व्यय दस रुपये रखा है लेकिन आज महंगाई और डीजल के रेट में वृद्धि की वजह से व्यय ज्यादा आता है। मिलर उसे ले जाने के लिए तैयार नहीं है। जब इनके गोदामों में माल जाता है, तो कई दिन तक लाइन लगानी पड़ती है। तीन-चार दिन में वह माल उतर पाता है। इस तरह कौन दस रुपये में ढुलाई करेगा? यह एक गंभीर समस्या है।

मान्यवर, इनके पास स्टॉफ नहीं है। टेक्नीकल स्टॉफ भी नहीं है और न ही खरीद करने वाला स्टॉफ है। जितने क्रय केंद्र खुलने चाहिए, उतने क्रय केंद्र भी नहीं खोले जा सकते हैं। ये सब बहुत गंभीर समस्याएं हैं। मेरा आपसे आग्रह है कि हम अपनी बात कह दें, माननीय सदस्य अपनी बात कह दें, तो उसका क्या मतलब होगा अगर इसका निदान न हो। इसका एक ही चारा है, अभी इस सदन का सत्र एक हफ्ते है, अगर आपकी अनुज्ञा हो, तो जो समस्या है, वह मैं आपको लिखकर भी भेज सकता हूँ। मेरा आपसे आग्रह है कि आप सरकार से यह कहें कि इसका निदान तत्काल करवाएं। अगर धान नहीं खरीदा जाएगा, तो बिचौलिए औन-पौने दाम पर खरीद लेंगे और किसान को घाटा होगा, क्योंकि आज केमिकल खाद का दाम इतना बढ़ गया है कि किसान को पड़ता नहीं होता है। मैं आपसे आग्रह करता हूँ कि इस गंभीर

समस्या पर आपका हस्तक्षेप बहुत जरूरी है और थॉमस जी को बुलवाकर इस पर जवाब दिलवा दीजिए।  
मंत्री जी अभी आए थे, लेकिन फिर वापस चले गए। इस पर आप सरकार को कुछ निर्देश दें।...(व्यवधान)

**अध्यक्ष महोदया :** श्री गणेश सिंह, श्री पन्ना लाल पुनिया, श्री पी.के.बिजू स्वयं को श्री रेवती रमण सिंह जी द्वारा उठाए गए विषय के साथ सम्बद्ध करते हैं।

...(व्यवधान)

**श्री शैलेन्द्र कुमार (कौशाम्बी):** सरकार की तरफ से इस पर जवाब आना चाहिए।

**अध्यक्ष महोदया :** शून्यकाल में निर्देश देने का सवाल नहीं है।

...(व्यवधान)

**अध्यक्ष महोदया :** ठीक है, आप बैठ जाइए।

...(व्यवधान)

MADAM SPEAKER: All this will not go on record.

*(Interruptions)\* ...*

MADAM SPEAKER: It is a very serious matter. We are all concerned about the plight of the farmers and the paddy growers, and we do not want them to suffer any kind of loss. I would urge upon the Government to kindly take urgent steps.

... *(Interruptions)*

MADAM SPEAKER: Now, we have Shri M. Anandan.

SHRI BASU DEB ACHARIA (BANKURA): Madam, I have also given notice. ...  
*(Interruptions)*

SHRI M. ANANDAN (VILUPPURAM): Madam, in Tamil Nadu, Vikkaravandi is in my Parliamentary Constituency Viluppuram. Vikkaravandi is a special grade town Panchayat. It is one among the three special grade town Panchayats in Viluppuram District. The total population of Vikkaravandi alone is 15,000. It is surrounded by 59 villages, which are fully depending on Vikkaravandi to serve

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\* Not recorded.

their purposes. There are 21 modern rice mills, engineering college, polytechnic, ITI, Government offices, etc. Vikkaravandi is a growing industrial town. It is situated nearby four-track National Highway.

Now, there is only one nationalized bank, which is not sufficient to serve the people of this town. Moreover, the agriculturists of this town and the surrounding ... (*Interruptions*)

MADAM SPEAKER: Hon Member, you have made me a request that you would speak in Tamil. Hence, I have arranged for an interpreter. Now, you have chosen to speak in English. It is your choice, but it is very beautiful to hear you speak in Tamil.

SHRI M. ANANDAN : Yes, Madam, I can speak in Tamil.

\* Vikravandi is in my constituency. It is one of the three special town Panchayaths in our constituency. There are so many engineering and technological colleges. Many small scale industries, lorry construction companies, iron ore industries, modern rice mills and many industrial houses are located in Vikravandi. It is a growing industrial town. More than 15,000 people are residing in Vikravandi. It is surrounded by fifty nine villages. The villagers have to depend on Vikravandi for their livelihood and for their other necessities. At present, only Indian bank is functioning at Vikravandi. It is not sufficient for people's needs. A branch of nationalized State bank of India needs to be established at Vikravandi. If such an establishment is facilitated, it will benefit not only the people of Vikravandi but also the surrounding villagers. State Bank of India has excelled in providing assistance to farmers, to self-help groups and have enhanced rural development. Establishment of a branch of State Bank of India at Vikravandi will enhance the upliftment of the livelihood of the people of Vikravandi and of the surrounding villages. Earlier, Rotary Clubs have taken some initiative with regard to this issue.

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\* English translation of the speech originally delivered in Tamil.

I request that this issue may please be considered. Madam, I had already given a letter to the Minister of Finance for establishment of branches of State Bank of India at Elavanasur kottai at Ulundhurpet taluk in my constituency and at Athiyur Thrice in Vilupuram. I request that those requests may also be considered. With these words, I conclude my speech.



MADAM SPEAKER: Shri Yashwant Sinha.

SHRI BASU DEB ACHARIA : Madam, I have given notice on this issue only.

SHRI YASHWANT SINHA (HAZARIBAGH): Madam Speaker, I am grateful to you for giving me this opportunity to raise an important issue on a day which we are celebrating worldwide as Human Rights Day.



Tibet has been under Chinese rule for 60 years now. The grossest violation, the most flagrant violation of human rights has taken place during these 60 years in Tibet by the Chinese.

Madam, you will be absolutely shocked to know that so far 81 Tibetans, men and women, have committed self-immolation. What is worse, the response of the Chinese is more repression. Since January this year, 66 Tibetans have committed self-immolation in Tibet – self-immolation which is the most extreme step of punishing oneself by giving up one's life, by burning oneself or putting oneself on fire.

Madam, the UN High Commissioner for Human Rights, Ms. Navi Pillay, a lady, as you know, while addressing the UN General Assembly on 24<sup>th</sup> October, 2012, said: “She was disturbed by the continuing allegations of violence against Tibetans seeking to exercise their fundamental human rights of freedom of expression, association and religion.” She pointed out to the reports of detentions and disappearances and of excessive use of force against peaceful demonstrators and curbs in cultural rights of Tibetans. She said: “I recognize Tibetans’ intense frustration and despair which has lead them to resort to such extreme measures, but there are other ways of making their feelings clear. The Government also needs to recognize this and permit Tibetans to express their feelings without fear or retribution.”

Madam, what are the concerns of the Tibetan people? I am very briefly mentioning a few of them. Their first concern is excessive use of military force against the Tibetans; second, religious restrictions and cultural repression,

particularly in regard to enforced patriotic education campaign of the Chinese Government; third, the on-going disappearances and detentions of Tibetans who express their dissatisfaction with the Party Policy. Fourthly , restrictions on access to Tibet by media and international observers; fifthly, the forced removal of the Tibetan nomads from their ancestral lands; and sixthly, the degradation of the delicate eco-systems of the Tibetan Plateau. These are the concerns and I call upon this House, Madam, through you to express its deepest heartfelt concern at this on-going tragedy of our times namely, the repression of the Tibetans and call upon the Chinese leadership who are ruling Tibet from Beijing to listen to the cry of anguish of the Tibetan people and ensure that the Tibetan people and the autonomous region of Tibet is given the rights which is guaranteed to them globally under the UN Convention and even under the Chinese Constitution. This is an appeal that I am making to all Members of the House, through you, Madam and call upon this Parliament to speak for the Tibetans.

MADAM SPEAKER: Shri Virender Kashyap, Shri Govind Prasad Mishra, Shri Jitendra Singh Bundela, Shri Arjun Ram Meghwal and Shri Virender Kumar are allowed to be associated with the issue raised by Shri Yashwant Sinha.

Shri Basudeb Acharia Ji, do you want to associate yourself with this?

SHRI BASU DEB ACHARIA : I do not want to associate with what Shri Yashwant Sinha ji has said.

MADAM SPEAKER: What is the subject matter?

SHRI BASU DEB ACHARIA : The subject is violation of Human Rights. Madam, today is the International Day for Human Rights. Madam, you can remember that in the last Session I initiated a discussion on Private Members' Resolution on large scale violation of Human Rights in our country. Today, a large number of Muslim women have come from Jammu and Kashmir and they are holding *dharna* at Jantar Mantar. What is happening for the last several years in Jammu and Kashmir? Muslim youths are being picked up by the security forces. They are being put behind the bar, behind the jail by arresting them. They have to

remain in Jail for years together – for five years or six years as undertrial prisoners and after keeping them in jail, then they are accused with several cases. Even there are cases where the mothers are not informed about the whereabouts of their children. Wives are not even informed about the whereabouts of their husbands. This is nothing but a blatant violation of human rights which is happening in the State of Jammu and Kashmir by the security forces. There is a demand for withdrawal of Armed Forces Special Powers Act. In spite of the recommendations given by the State Government for the withdrawal of the AFSPA, the Government of India has not decided to withdraw Armed Forces Special Powers Act from Jammu and Kashmir and also from Manipur.

Madam, I will refer to the recent incident of blatant Human Rights violation in the State of Maharashtra. 35 youths belonging to Scheduled Castes and Minority Community went to Mumbai. They were taken by a company to work in a construction company in Mumbai. When they went there, within two days, they were arrested alleging as Bangladeshis.

MADAM SPEAKER: All right, thank you so much. आप पटल पर विषय के साथ सम्बद्ध होने के लिए अपने नाम की चिट भेज दीजिए।

...(व्यवधान)

SHRI BASU DEB ACHARIA : They are all from my constituency. They belong to Scheduled Castes. None of them were Bangladeshis. They were kept in Jail for more than two months. ... (*Interruptions*)

अध्यक्ष महोदया : आपका विषय समाप्त हो गया है, अब आप बैठ जाइये।

...(व्यवधान)

अध्यक्ष महोदया : आप बैठ जाइये, अब आपका वर्सन रिकार्ड में नहीं जा रहा है।

...(व्यवधान) \*

MADAM SPEAKER: Shri Rajaiah Siricilla will only speak. Nothing will go in record.

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\* Not recorded.

*(Interruptions)\* ...*

MADAM SPEAKER: Shri M.B. Rajesh, Shri P.K. Biju and Shri Nama Nageshwar rao may be allowed to associate with the issue raised by Shri Basudeb Acharia.

SHRI RAJAI AH SIRICILLA (WARANGAL): Thank you Madam for giving me an opportunity to speak.

**13.00 hrs**

It is a unique opportunity that has been given to me to speak on orphans on this International Day of Human Rights.... *(Interruptions)*

MADAM SPEAKER: He is talking about the plight of orphan children.

*... (Interruptions)*

MADAM SPEAKER: Nothing will go on record.



*(Interruptions)\* ...*

SHRI RAJAI AH SIRICILLA : As this august House knows, the living condition of orphans is very pathetic. As we know, there are two categories of orphans. One category is of those who do not know the parents. This comes under 'no parent' category. The second one is of abandoned families, this incarceration by families due to poverty and all. That comes under 'social orphans'. The first category is of true orphans. If you look at the figures of the orphans in the country, we are shocked to know that about four per cent of our population is under orphan category. This is as per the UNICEF Survey and the SOS survey. This figure is more than that of the population of Delhi. We are astonished to know this. In recent official surveys, the figure is about four to six per cent. About 20 million population is under orphan category. The innocent and ignorant children are looking at our country, looking at our Government and the society with broken hearts. What is their caste? What is their religion? What is their nationality? Who are their parents? What is their date of birth? What is their identity? After so many years of our Independence, this country does not have any answer to them. So,

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\* Not recorded.

there is a dire necessity for the country and the State to bring such a legislation to provide protection and give them equal rights and equal recognition to this particular group of people. So, there is every necessity. There is no access to them to go even to school; there is no access to them to get into a train without the identity certificate. So, there is a dire necessity to bring legislation as an institutional protection. For this, we must think of this one issue, whether we know it or not, whether we accept it or not.

This society is a hierarchical society with a strong caste base. Every caste is being imbued with an impermeable iron wall. If they are to be given education, in which caste they must be included. There is a necessity for that. This august House may think of this. A separate class category has to be created, that is, 'no caste category'. The survey may be done of their population. According to their population, a proportionate representation and equal opportunity should be given to them, as has been ensured and guaranteed by the Indian Constitution under 'no caste category'. There is every necessity to issue a card to them. We are issuing cards like Aadhar Card, Voter Identity card and several other cards. But these people do not have any Identity card. There is need that these children may be categorized as 'needy children'. They are risky people. There should be one card given to them called the 'Needy Children Card' so that their morale gets boosted. They will get a due recognition in the society. Without their fault, without the identity cards, they are being ignored by the society. So, there must be some legislation to provide protection to them. The Government has taken up several programmes under ICDS. There also, this need is not being properly addressed. Therefore, I would request the august House to think of formulating a plan and having an appropriate legislation to uphold the dignity and identity of these children.



MADAM SPEAKER: Shri P.L. Punia and Shri Kamal Kishor 'Commando' are allowed to associate with Shri Siricilla Rajaiah on this issue.

**13.05 hrs**

*The Lok Sabha then adjourned for Lunch till Five Minutes past Fourteen of the Clock.*

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**14.07 hrs**

*The Lok Sabha re-assembled after Lunch at Seven minutes past  
Fourteen of the Clock.*

(Mr. Deputy-Speaker *in the Chair*)

**MATTERS UNDER RULE 377\***

MR. DEPUTY-SPEAKER: Hon. Members, the Matters under Rule 377 shall be laid on the Table of the House. The Members who have been permitted to raise Matters under Rule 377 today and are desirous of laying them may personally hand over slips at the Table of the House within 20 minutes. Only those Matters shall be treated as laid for which slips have been received at the Table within the stipulated time. The rest will be treated as lapsed.

- (i) **Need to provide funds for acquisition of land for laying of railway line between Bhiwani and Loharu in Haryana and to augment rail facilities in Bhiwani and Mahendragarh districts of the State**

SHRIMATI SHRUTI CHOUDHRY (BHIWANI-MAHENDRAGARH): I would like to draw the attention of the House regarding the steps to be taken on a top-priority basis in my Parliamentary Constituency Bhiwani-Mahendragarh in Haryana as follows:-

- (a) Survey for Bhiwani-Loharu (Haryana) railway line had been conducted thrice in 2007. It's survey was also approved in the Railway Budget 2010-11. Now, funds may please be sanctioned for land acquisition for this line and construction

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\* Treated as laid on the Table.

of stations coming on this route. This railway line will reduce the traveling distance between Haryana and Rajasthan.

(b) The route of any one of the following trains may please be extended upto Bhiwani junction (Haryana) so that train facility is available for the common people of Bhiwani, well known as “Mini Kashi”:-

(i) Haridwar-Delhi passenger train No. 331/332.

(ii) Rishikesh-Delhi Train No. 371/372.

(iii) Mussorie Express (14041/14042) coming to and fro Delhi.

(c) The stoppage of following trains may please be provided at Railway station, Kanina Khas, district Mahendragarh to obviate the hardships being faced by a large number of people of this urban town and adjoining area :-

(i)12457-58 (Up-Down) from Delhi-Sarai Rohilla to Bikaner

(iii)22471-72 (Up-Down) from Delhi-Sarai Rohhila to Bikaner

(iii)14705-06 (Up-Down) from Delhi- Sarai Rohila to Sadulpur

I, therefore, request the Hon'ble Minister for Railways to take up the above mentioned works in the interest of the people of Bhiwani and Mahendragarh districts.



**(ii) Need to run passenger trains with increased number of bogies  
between Merata Road and Merata city in Rajasthan  
under North Western Railways**

**श्री गोपाल सिंह शेखावत (राजसमंद) :** उत्तर पश्चिम रेलवे के जोधपुर खंड के मेड़ता रोड़ से मेड़ता सिटी के 15 किलोमीटर के शहर को जोड़ने के लिए पहले मीटर गेज रेल लाइन थी । उसको अब ब्राडगेज में परिवर्तित कर दिया गया है । मीटर गेज के समय इस रूट पर कई डिब्बों की सवारी गाड़ी चलती थी लेकिन अब इस लाइन पर रेल बसें चला दी गई हैं जिससे सवारियों को भारी परेशानी होती है । कई बार धक्का-मुक्की के चलते महिलाओं और बच्चों को भारी असुविधा होती है । कई फौजदारी मुकदमें इन समस्याओं के चलते हो चुके हैं ।

अतः सरकार से मेरी मांग है कि इस रूट पर अधिक डिब्बों वाली रेल या डीएमयू चलवाने की कृपा करें ।

**(iii) Need to provide medical and financial assistance to the dengue infected regions of Tamil Nadu and other parts of the country**

SHRI S.S. RAMASUBBU (TIRUNELVELI): There are about 3,500 species of mosquitoes found throughout the world. They spread number of diseases affecting millions of people every year. Mosquito is a silent killer and some of the diseases caused by mosquito bite are fatal. Malaria, Chickengunya, Yellow Fever, Encephalitis and particularly Dengue continue to take massive toll in India in the last few years.

Dengue is becoming one of the major public health concerns in the tropical and sub-tropical countries. So much so that over 40% of the world's population (2.5 billion ) is at risk from dengue- mostly kids. WHO says 50-100 million infections occur every year across the globe and it costs India almost \$29.3 million a year. However, majority of them do not even exhibit symptoms. Depending on several factors, including age, dengue fever can progress to severe forms. Mortality is quite high in the case of dengue hemorrhagic fever.

In India, Dengue infected/ death cases were steadily rising in the last few years as under :-

In 2009, it was 15535/96; in 2010 – 28292/10; in 2011 – 19000/180. During this year upto 5 November, Tamil Nadu has the most number of cases, nearly 8,500 according to the National Vector Borne Disease Control provisional data. West Bengal is second with about 5,700 cases. Tamil Nadu had the most number of cases in 2007 and 2011 too. It recorded the most number (54) of deaths in 2012. The National Capital, Delhi is also not behind. It has reported 1,427 including 4 deaths till 11 November 2012.

This is a serious issue and the steps should be taken on war-footing to control the spread of this disease. Keeping in view of the above, I humbly urge

upon the Union Government to render all necessary medical and other financial assistance to the Dengue infected States more particularly for the southern districts of Tamil Nadu to control this disease and to protect the lives of common man.

**(iv) Need to set up a new cancer hospital in Nagpur and to grant financial assistance to Government Medical College and Hospital, Nagpur to purchase additional equipment**

SHRI VILAS MUTTEMWAR (NAGPUR): I wish to bring to your notice an alarming statistical fact that as per Indian Cancer Registry, Nagpur city is showing highest cancer incidence in its population as compared to Mumbai, Pune and Aurangabad in Maharashtra State. In fact, Nagpur has recorded third highest incidence of Breast Cancer and Esophagus in females and second highest number of oral cases in India.

Because of its geographically central location and good railway connectivity, patients from all over Vidarbha as well as adjoining three states of Madhya Pradesh, Chhattisgarh and Andhra Pradesh come for diagnosis and treatment at Nagpur. Most of these patients belong to socially and economically backward communities who cannot afford treatment in private hospitals.

Government Medical college and hospital at Nagpur which has Radiation Therapy facility with a single Cobalt unit and Brachytherapy is catering to 2000 new cancer patients annually. The single Cobalt unit machine is being used to its fullest capacity as 80 patients are being treated with radiotherapy per day. There is long waiting lists of patients who have to wait for three months to be treated for cancer, which is unethical from the cancer treatment point of view. Therefore, they have requested for sanction of 55 crore for the procurement of additional equipment. Similarly, there is another hospital Rashtrasant Tukdoji Regional Cancer Hospital being managed by the Cancer Relief Society, Nagpur for treatment of cancer patients. Despite the available facilities, the two hospitals are unable to cater to the need to the cancer patients.

In view of the above, there is an urgent need for setting up a new world class dedicated Cancer Hospital in Nagpur for treatment of rapidly growing

number of cancer patients. Meanwhile, I would urge upon the Government to urgently consider granting financial assistance to Government Medical College and Hospital, Nagpur to purchase additional equipment in order to serve the large number of cancer patients.

**(v) Need to shift the route of proposed express highway connecting three highways in West Delhi posing serious threat of displacement of large number of people in the area**

**श्री महाबल मिश्रा (पश्चिम दिल्ली):** मेरे संसदीय क्षेत्र पश्चिमी दिल्ली में डी.डी.ए. द्वारा तीन नेशनल हाइवे को जोड़ने वाला 100 मीटर चौड़ा और करीब 35 कि.मी. लंबा एक्सप्रेस-वे बनाने की एक योजना है, इसकी स्वीकृति डी.डी.ए. ने जनवरी, 2004 में यहां पर खाली पड़ी भूमि बताकर माननीय उप-राज्यपाल से ली है, परंतु पिछले 15-16 साल में इस क्षेत्र में घनी आबादी बस चुकी है, यदि इस जगह पर यह एक्सप्रेस-वे बनता है तो नजफगढ़ के लगभग 30000 परिवार बेघर होते हैं। यहां पर अभी हाल ही में दिल्ली सरकार द्वारा स्वीकृत लगभग 11 रेगुलराइज्ड कालोनियां हैं जिनमें द्वारका विहार, रोशन गार्डन, संगम विहार, अमर विहार, इंदिरा पार्क, लक्ष्मी विहार इत्यादि कालोनियां हैं जिनमें हजारों परिवार हैं, मई, 2006 में मुख्यमंत्री कार्यालय को दी गई उपायुक्त की रिपोर्ट पर अमल किया जाए तो इन बसे हजारों परिवारों को उजड़ने से बचाया जा सकता है, यह रिपोर्ट जनहित में काफी महत्वपूर्ण है। परंतु डी.डी.ए. इस डी.सी. रिपोर्ट पर अमल करता नहीं दिखाई दे रहा है। उसने आज तक अपनी योजना में कोई फेरबदल नहीं किया है।

अतः मेरा सरकार से अनुरोध है कि इस संबंध में यथाशीघ्र हस्तक्षेप करके व इस एक्सप्रेस-वे का पुनः सर्वे करके इसका निर्माण उस जगह पर किया जाए जहां पर वर्तमान में खाली भूमि पड़ी है जिससे नजफगढ़ के हजारों परिवारों को बेघर होने से बचाया जा सके।

**(vi) Need to convert two-lane road between Jagtial and Kodad  
in Andhra Pradesh into four-lane road**

SHRI PONNAM PRABHAKAR (KARIMNAGAR): I would like to draw the attention of the august House regarding the dire need to improve the road connectivity by laying a 4-lane road from Jagtial to Kodad measuring 283 kms. to improve the connectivity to Bandar port from Telangana Districts in Andhra Pradesh. I would like to state that Karimnagar District is in northern Telangana and located centrally to Adilabad, Nizamabad, Warangal & Khammam districts in A.P. In consideration of available natural resources, manpower and other infrastructure facilities, there is a lot of scope for industrialization and there is a possibility of formation of industrial corridor or SEZ, but due to lack of better port connectivity, the things are not materializing. The nearest port to Karimnagar is Bandar Port. Presently, the available road is passing from Nizamabad to Jagdalpur highway via Jagtial. In the way, it passes from Jagtial, Karimnagar, Warangal, Khammam and Kodad then it goes through Vijayawada and connects Bandar Port. The road from Jagtial to Kodad is 2-lane and remaining is 4-lane i.e. out of total 452 kms. of length, 283 kms. is double, and it needs to be converted into 4-lane road for better port connectivity. This 283 kms. length road passes through 4 Integrated Action Plan (IAP) naxal affected districts. It will be the first better port connecting road to entire backward Telangana region. It will provide better transport facilities in 8 districts of Telangana i.e. Adilabad, Nizamabad, Karimnagar, Warangal, Khammam, Nalgonda, Rangareddy & Hyderabad except Mahabubnagar with low-cost project and with lot of benefits. Hence, I request the Hon'ble Union Minister for Road Transport & Highways, to consider the proposal for conversion of 2-lane to 4-lane road with dividers from Jagtial to Kadad on a top priority-basis immediately for better employment opportunities to the youth and to improve the industrial growth in the Telangana area.

**(vii) Need to ensure quality of development works under Pradhan  
Mantri Adarsh Gram Yojana in Gaya parliamentary  
constituency, Bihar**

श्री हरी माझी (गया): मैं केन्द्रीय सामाजिक न्याय और अधिकारिता मंत्री का ध्यान मेरे संसदीय क्षेत्र गया बिहार की ओर दिलाना चाहता हूँ। गया जिले के 225 ग्रामों को प्रधानमंत्री आदर्श ग्राम्य योजना के लिए चयन हुआ है। जिससे लोगों में भारी प्रसन्नता है। इस योजना से क्षेत्र के गांवों का विकास तेजी से हो सकेगा। लेकिन विकास की इन योजनाओं में अनियमितता हो रही है क्योंकि स्थानीय प्रशासन अपनी मर्जी से कार्य कोलकाता की बड़ी-बड़ी कंपनियों को दे रही है। इस प्रकार से दूसरे राज्यों से आने वाली कंपनी से कार्य में अनियमितता होने की संभावना है। मेरा माननीय सामाजिक न्याय मंत्री जी से अनुरोध है कि प्रधानमंत्री आदर्श योजना के लिए इन गांवों के विकास के कार्य स्थानीय एजेंसियों को दिया जाए और कार्य की निगरानी ठीक से किया जाए। सरकार के लक्ष्यपूर्ति और उद्देश्यों को प्राप्त करने के लिए बाहरी कंपनियों के कार्यों से दिक्कत होने की संभावना है। इसलिए कार्यों के लिए स्थानीय स्तर के कार्यरत एजेंसियों को प्राथमिकता दी जाए।



**(viii) Need to review and amend Article 370 of the Constitution of India**

SHRI KIRTI AZAD (DARBHANGA): It has been enshrined in the Constitution of Jammu and Kashmir that it is an integral part of India however vested interests have steadily tried to alienate the State using article 370. This article is an additional legislative mechanism that was badly conceived and has become irrelevant over the course of time. It has allowed State apathy to prevail with respect to status and empowerment of SC/ST/OBC/women. The State has also relegated certain citizens of India residing in Jammu and Kashmir to the status of refugee. By doing this the State has washed its hands off the responsibility of welfare of these individuals. A glaring example of State's blatant disregard of establishing an equitable society is its own citizenship law which overrides the laws of Indian Parliament. According to this law, a female subject married to an Indian not from the State of Jammu and Kashmir loses her right to inherit property in the State however, a male subject is free to marry anyone from any part of India or the world and be assured of his right to inherit property of his forefathers. This is not only in violation of basic human rights but also the U.N. Convention on Elimination of all Forms of Discrimination against Women that India has signed and ratified.

Article 370 has contributed to the alienation of State from the India and fanned separatist sentiments. Therefore, it is doing more harm than good to the people of the State and India at large.

**(ix) Need to produce and use chemical free organic farming**

SHRI SHIVARAMA GOUDA (KOPPAL): Biological control is a method of controlling pests using other living organisms. This includes insects, mites, weeds and plant diseases. The idea of using microbial pathogens of agronomic pests as a method of biological control dates back to the 19<sup>th</sup> century.

As per studies chemical insecticides are toxic and poisonous to human being, whereas, microbial bio control agents like Trichoderma, Pseudomonas etc. are non-toxic and non-poisonous. But they are identified under the group of chemical insecticides in India. This is a wrong grouping that is why it should be looked into.

I would like to point out that several Agricultural Universities, State Bio control Laboratories and ICAR Institutes have identified farmers friendly or eco-friendly microbial bio control agents from the nature such as Trichoderma barzianum and Pseudomonas fluorescents from the control of root and foliar plant diseases, Beauveria Bassiana and Metarhizium anisopliae for the biological control of crop pests like white grubs and cut worms, Bacillus thuringiensis and NPV for the control of cotton bollworms and Paecilomyces lilacinus for the control of plant parasitic nematodes.

Even though these microbial bio control agents are safe to human being and plants, in India they are wrongly grouped as chemical insecticides. It is causing a great inconvenience to people who wish to produce or manufacture. One has to submit toxicological data to get license. If these microbial bio control agents are not grouped as chemical insecticides, the unemployed rural youth can take up mass production and sell to farmers at a much cheaper cost.

I would like to urge upon the Union Government to take all possible steps to take corrective measure to make our India farmers themselves able to produce and use for organic farming free of chemicals.

**(x) Need to provide special package for providing clean drinking water in Rewa parliamentary constituency, Madhya Pradesh**

**श्री देवराज सिंह पटेल (रीवा):** मेरे संसदीय क्षेत्र मध्य प्रदेश के रीवा जिला का भू-जल स्तर लगातार गिर रहा है । पानी की उपलब्धता कम हो रही है । अधिकांश क्षेत्र पिछड़ा क्षेत्र हे जहाँ गरीबों की संख्या सर्वाधिक है । उनको पानी का प्रबंध करने में अत्यधिक धन खर्च करने पर भी शुद्ध जल प्राप्त नहीं हो पाता है । सरकार द्वारा जल संरक्षण से संबंधी स्कीमों को लागू नहीं किया जा रहा है । अत्यधिक प्रदूषित जल पीने से असाध्य बीमारियों जैसे हृदय रोग, किडनी रोग, कैंसर रोग, खून संक्रमण रोग फैल रहे हैं ।

अतः सरकार से अनुरोध है कि मेरे संसदीय क्षेत्र रीवा (म0प्र0) में शुद्ध पेयजल उपलब्ध कराने हेतु विशेष पैकेज उपलब्ध करावें । प्रदूषण रूकवाने एवं जल संरक्षण स्कीम को प्रोत्साहन देने हेतु उचित एवं त्वरित कदम उठाये ।

**(xi) Need to revise the salary and other emoluments of bank employees in the country**

**श्री कौशलेन्द्र कुमार (नालंदा):** आज देश में बैंक कर्मचारियों का अधिकतर भविष्य/आकर्षक वेतनमान के लिये सरकारी बैंकों की नौकरी छोड़कर प्राइवेट बैंकों में जा रहे हैं जबकि उन पर सरकार का काफी पैसा ट्रेनिंग पर खर्च होता है, इसको बैंक प्रबंधन को समझना चाहिए । अभी भी बैंकों में काफी अल्प वेतनमान है । इसलिये बढ़ती महंगाई और पारिवारिक खर्च के चलते सरकारी बैंक वाले नौकरी छोड़कर दूसरे प्राइवेट बैंक में जा रहे हैं क्योंकि प्राइवेट बैंक वाले बिना उन पर ट्रेनिंग खर्च दिये, केवल आकर्षक वेतनमान देकर बढ़िया मानव शक्ति को अपने यहाँ रख लेते हैं और उनके बेहतर अनुभवों एवं ट्रेनिंग का फायदा उठा रहे हैं । इस माननीय सदन के माध्यम से मैं सरकार से यह मांग करता हूँ कि वह बैंक कर्मचारियों/अधिकारियों के पिछले दो बार वेतनमानों में कितना संशोधन किया गया और क्या यह बढ़ती महंगाई और बढ़ती जीवन शैली के खर्चों में महंगाई के अनुरूप है और विद्यमान दो बढ़ोतरी वेतनमानों का कितना प्रतिशत है । मैं सरकार से यह भी मांग करता हूँ कि वर्तमान परिस्थितियों में बैंक सेक्टर कर्मचारियों/अधिकारियों के हालातों में सुधार लाये जाने के लिए क्या रिफार्मस लाये जा रहे हैं या लाये जाने की संभावना है । लाये जाने से पहले जीवनशैली और बढ़ती महंगाई का ख्याल भी रखा जाये और यह भी ध्यान रखा जाये कि वे बेहतर सुख-सुविधा पाने के लिए ही सरकारी बैंक छोड़ रहे हैं तथा यह बहुत ही बेहतर मानव संसाधन है जिसे सरकारी बैंकों को पलायन करने से रोकना चाहिए ।

**(xii) Need to implement ‘The Place of Worship (Special Provisions) Act, 1991’**

SHRI ABDUL RAHMAN (VELLORE): The 400 year-old Babri Masjid was demolished on December, 6,1992. The sectarian violence in the aftermath resulted in the deaths of over 2,000 people, injuries to thousands and loss of property amounting to hundreds of crores of rupees.

We demand that the Government must not delay anymore in taking appropriate action against the culpable persons clearly listed out in the Liberhan Commission report. The people of this country has waited long enough to get the justice and are now wondering if they will ever get it at all.

Apart from this the people of this country also call for a reaffirmation of "The Place of Worship (Special provisions) Act, 1991" that prohibits the conversion of any place of worship and provides for the maintenance of its religious character as it existed on 15<sup>th</sup> August, 1947. Although this Act does not apply to the Babri Masjid, its reaffirmation is necessary to ensure that other places of worship are not engulfed in the same sectarian and divisive politics that Babri Masjid fell victim to.

**(xiii) Need to facilitate the development works in areas that come within the restricted zone around ancient monuments and sites notified by Archeological Survey of India in Alathur parliamentary constituency, Kerala**

SHRI P.K. BIJU (ALATHUR): In order to maintain retain and preserve the traditional cultural history of Kerala the Archcological Survey of India (ASI) has been conducting surveys and taking over such monuments to notify it as a monument of national importance. But majority of such monuments taken over by Archaeological Survey of India in my constituency of Alathur is situated in densely populated areas. Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, which came into force from January 2010, stipulates that any development within a 100 m from the precincts of a monument is prohibited. Further, as per the same rules the area of 200m from the prohibited zone is considered a regulated area. The impact of the amended act is more severe and harrowing for the people belonging to the Vadakkanacheryy Grama Panchayath that come under Vadakkancherry constituency, Chovvannur Kadavalloor, Kadangodu, Katakambal that come under the Kunnamkulam constituency, Kanissery Grama Panchayath that come under the Thrissur Grama Panchayath. For the construction of new houses and renovation of the existing ones, they have to wait for long period due to the inordinate delay in getting sanction from the Central Government. There is no mechanism by the Government to make the inhabitants aware about submission of application forms and other procedural steps. A state Archeology director's office had been set up for the collection and submission of such application forms to the centre. Due to shortage of funds in contrary to the promises made in the last budget, the office is struggling to meet the daily expenses and distributing salary to its personnel and the office is almost defunct. Due to the amended act, it is not possible to implement development projects such as roads, drinking water etc to these Panchayaths. People are also not able to sell their land due to the clutches of the real estate mafia who are conniving

for lower price for the land much lower to the present market rate. I urge the Government to take necessary steps to overcome such impediments caused by the amended act and direct the Archeologica! Director's office for the collection and submission of application forms from the inhabitants of areas notified by ASI

**(xiv) Need to allocate funds for construction of new broad gauge railway line between Bhadrachalam and Kovvur in Andhra Pradesh**

SHRI NAMA NAGESWARA RAO (KHAMMAM): I want to bring to the notice of Hon'ble Railway Minister that Kovvur-Bhadrachalam railway line in Andhra Pradesh was proposed way back in 1969. With great difficulty it was finally included in the 2009 budget session. I took up the proposal with the Minister and was successful in convincing the Railway board about the economic viability of the project. The broad gauge line would cut short the distance between Hyderabad and Visakhapatnam by about 130 Kilometers, besides connecting the region with the major ports on the east coast. Industrial pockets such as Kothagudem, Yellandu, Madaram, Paalvancha, Sarapaka, Aswipuram and Manuguru would also have easy access to major cities in the State. Also 200 villages of the remote tribal belt will be facilitated. The people in the region would get the advantage of greater mobility sought to be provided by the project. Various companies which had been depending on the road transportation for supply of coal to many of its bulk consumers would also be benefited by switching over to rail transport. Keeping in view of all the above, I once again request the Minister to look into the matter personally and initiate steps for allocating funds and laying of foundation stone so that the work may start on this new rail connectivity from Bhadrachalam to Kovvur broad gauge railway line.



**(xv) Need to pursue the presidential reference made on constitutional validity of Punjab Termination of Agreement Act, 2004 to facilitate completion of Sutlej-Yamuna link Canal**

SHRI KULDEEP BISHNOI (HISAR): A presidential reference questioning the constitutional validity of Punjab Termination of Agreement Act, 2004 was made on 22.7.2004. Due to this Act, the two judgments of the Supreme Court dated 15.01.2002 and 4.6.2004 in the Sutlej Yamuna Link (SYL) canal could not be implemented so far. Due to delay in completion of Sutlej-Yamuna Link (SYL) canal, the agricultural fields of Haryana are facing acute shortage of water for irrigation purpose resulting in heavy losses in agricultural crops.

I request the Government to take up the matter suitably so that it could come up for detailed hearing at the earliest.


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**14.08 hrs****ENFORCEMENT OF SECURITY INTEREST AND  
RECOVERY OF DEBTS LAWS (AMENDMENT) BILL, 2011-Contd.**

MR. DEPUTY-SPEAKER: The House shall now take up Item No. 13 – Shri Shailendra Kumar to continue.

**श्री शैलेन्द्र कुमार (कौशाम्बी):** माननीय उपाध्यक्ष महोदय, प्रतिभूति हित का प्रवर्तन और ऋण वसूली विधि (संशोधन) विधेयक, 2011 के बारे में मैं पिछली बार बोल रहा था और लगभग सारी बातें समाप्त हो चुकी थी। चूंकि आज कन्टीन्यू करना है इसलिए आज ज्यादा कुछ न कहकर इतना ही कहना चाहूंगा कि मैंने जो सुझाव पूर्व में दिए हैं, उनका सरकार भली प्रकार से पालन करे। जिन बड़ी कंपनियों या बड़े घराने के लोगों को विभिन्न बैंकों से ऋण दिए जाते हैं, उनके कर्ज की वसूली में सख्ती नहीं बरती जाती है। यह बड़ा दुर्भाग्य है। ऐसा प्रतीत होता है कि भारतीय बैंक उनके लिए लिबरल है और उन्हीं के लिए खजाने रखे गए हैं। मैंने एक-दो कंपनियों का उदाहरण भी दिया था। दूसरी तरफ किसान किसी भी बैंक बैंक ऑफ बड़ौदा, ग्रामीण बैंक, कोआपरेटिव बैंक या कहीं से भी 10, 20 या 50 हजार या लाख का लोन ले लेता है तो उस पर इतनी सख्ती होती है कि कचहरी से आरसी इश्यू हो जाती है। यहां तक कि उसे लॉकअप में रखा जाता है, उसे जेल जाना पड़ता है। आज यह स्थिति है। भारत की अर्थव्यवस्था को देखते हुए देश के किसानों के लिए इस प्रकार की सख्ती बरतेंगे तो मेरे ख्याल से भारतवर्ष की इकनॉमी पर बहुत प्रतिकूल प्रभाव पड़ेगा।

महोदय, मैं आपके माध्यम से माननीय मंत्री जी से मांग करना चाहता हूं कि इस पर सरकार गंभीरता से सोचे कि जितने बड़े देनदार हैं, जो वसूली से मुक्त हुए हैं, उनसे वसूली क्यों नहीं की गई? क्या कारण था? ऐसे लोगों को बचाने में सरकार ने एक विशेष पहल क्यों नहीं की, यह मैं मंत्री जी से पूछना चाहूंगा।

दूसरी बात मैं कहना चाहूंगा कि अगर उनसे ऋण के कर्ज की वसूली हो जाए तो मेरे ख्याल से देश की इकोनोमी जो अरबों-खरबों रुपये में है, इसके आने से देश का विकास हो सकता है। ... (व्यवधान) किंगफिशर के बारे में मैं उस दिन बोल चुका हूं। इस प्रकार से ऐसे कई घराने हैं, जिनका मैं नाम नहीं लेना चाहूंगा, चूंकि वह दूसरे सदन में सम्मानित सदस्य भी हैं। यह बहुत चिंता का विषय है। मैं ज्यादा कुछ न कहकर आपके माध्यम से  कहना चाहूंगा कि मंत्री जी इस तरफ विशेष ध्यान दें। जिस तरह से किसानों की ऋण वसूली पर आप सख्ती करते हैं, वैसे ही जो बड़े-बड़े बकायेदार हैं, उन पर भी सख्ती कीजिए, कार्रवाई कीजिए और कर्ज की वसूली कीजिए।

PROF. SAUGATA ROY (DUM DUM): Sir, I rise to speak on the Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Bill, 2011. It is a combined law incorporating amendments to two Acts; The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the Recovery of Debt due to Banks and Financial Institutions Act, 1993.

Before I speak on Bills itself, I must remember that the nationalization of banks in 1969 was a major step taken by the then Prime Minister, Shrimati Indira Gandhi. For the first time, bank deposits came in the hands of the public. And, for the first time banks went into priority sector and agricultural lending. Further, in 1980 Shrimati Gandhi nationalized six more banks taking the total to 20. Our banking system, our regulator has stood the test of time. In 2008, when there was a global melt down, banks like the Lehman Brothers of USA, the Citi Bank had to receive support from the American Government to survive, none of our banks closed down. So, it is in the interest of all of us that the banking system as such and the regulating system led by the Reserve Bank of India remained strong and remained unaffected. It is in the interest of the nation because in banks on the one hand the security of depositors is concerned and on the other hand the loans to the poorer sections of people are ensured. I remember when Shrimati Gandhi nationalized the banks there were processions in Delhi of the cycle rickshaw pullers. For the first time, they were hopeful that they would get loans from the banks for their needs. So, when we look at any banking law, we must keep this basic purpose in mind. There is no doubt that in the 40 years or more since the first nationalization –the State Bank was nationalized and 15 years before that the Imperial Bank was transformed into the State Bank – the banking system has expanded vastly. The total deposits and the loans have increased manifold. Our banks have to compete in the global market place to survive. If I may mention, earlier the Government had taken two very important steps. Firstly, the SARFAESI Act – as it is called – brought in a new concept called the asset



reconstruction company which would take over and realise the secured assets of the banks.

Secondly, the Bank Recovery of Debts due to Banks and Financial Institutions Act, 1993, was also a good step. Under this Act, the Debt Recovery Tribunals were set up which would dispose of cases relating to bank loans and their non-realisation expeditiously. So, I think both these were strong steps to strengthen the banking system as a whole.

Now, the hon. Finance Minister has taken some more steps. In the present drive of the Government towards the so called liberalisation and reforms, what did the Government do? They did not only increase the FDI in multi-brand retail to 51 per cent but the other aspects of the banks were also opened to Foreign Direct Investment. For instance, the asset reconstruction companies have been allowed FDI up to 49 per cent. I am not in favour of this. I do not understand why to reconstruct assets in India, we need Foreign Direct Investment to come in.

With regret, I would say that once the Congress was known for *Swedeshi*. It agitated against import of foreign cloths. Now it seems that the Congress is becoming *Videshi* Congress. It feels that foreign investment is the panacea for all economic ills facing the country. I hope that the Finance Minister who has been the Finance Minister earlier also in the United Front regime in 1996 and then in the first part of UPA-I and has extreme knowledge about this whole financial sector would explain the rationale behind giving asset reconstruction companies 49 per cent.

The other thing that has been done by the 19<sup>th</sup> October Resolution - on which I would speak in more details when we would discuss the Banking Bill - is that in private sector, 74 per cent Foreign Direct Investment has been allowed. So, our deposits will be controlled by foreign companies and you would be shocked to hear that the public sector banks which Mrs. Gandhi had created by taking them away from the big monopolies in the country, in their equity also, 20 per cent Foreign Direct Investment has been allowed.

I think, these are retrograde steps and ought not have been done. If our banking system can withstand the pressure of global melt down of 2008, then why in 2012 we are exposing our banking system to Foreign Direct Investment where it will be subject to global risks? We know what has happened to banks in the European zone? We know what happened to the banks in America? So, this is something which is not desirable. I would like to request the hon. Finance Minister to reconsider his decision about opening up our banking system to Foreign Direct Investment.

Sir, this Bill unfortunately was not referred to the Standing Committee on Finance headed by Shri Yashwant Sinha. This was violative of the general convention that we have adopted in the House. Otherwise, in a short debate in the House we are not able to consider all aspects in an expert manner.

Sir, you would be surprised to know that the List of Business changes everyday. Earlier two Bills relating to education were listed for discussion in the House. Suddenly the hon. Finance Minister must have thought that he must pass the banking Bills quickly. The List of Business was changed and the Banking Bill and this Bill was prioritised. We did not even get time to submit amendments to these Bill. Many Members approached the Finance Minister and on their request he postponed the discussion on the Banking (Companies) Bill so that some Members could find time to submit their amendments. But we had no opportunity to submit amendments on this Bill. You, as a guardian of the rights of the Members, please ensure that in future all Bills are referred to the Standing Committee on Finance and also that Members get adequate time to study and submit amendments to all Bills.

Sir, apart from this, the Bill has no other objectionable features. The Bill provides for permission to Asset Reconstruction companies and securitisation companies to convert loans of borrower companies into equity shares; it permits banks to purchase immovable assets of borrower companies in lieu of their loan obligations; it includes multi-State Cooperative banks within the definition of

banks but if that will disturb the concept of cooperative which are more liberal with distributing loans to poor people is something that has to be considered by the hon. Finance Minister. Currently, banks and financial institutions need to respond to representation from borrowers within 7 days, the Bill makes provision to increase this to 15 days. It enables banks or any person to file a caveat if they are hurt by the DRT before granting a stay. It enables the Central Government to require by notification the registration of all transactions of securitisation or asset reconstruction, or security interest which is subsisting before the creation of the Central Registry. The Bill provides the Central Government with the power to direct in public interest that the provision of the SARFAESI may not apply, or may apply with modification to a class ... (*Interruptions*)

MR. DEPUTY-SPEAKER: Please conclude now.

प्रो. सौगत राय : अभी एकदम खत्म कर रहा हूँ।

उपाध्यक्ष महोदय : जल्दी खत्म कीजिए।

PROF. SAUGATA ROY: Sir, I feel that this Bill should still be sent to the Standing Committee.

Sir, finally, I was discussing the issue of Foreign Direct Investment in the banking sector. Today, one very interesting news came to my attention. This was in the first page of a newspaper which read 'Walmart spent 25 million in last four to lobby for India entry'. This is not only regarding FDI in multi-brand retail. Walmart has officially submitted that it spent so much money in lobby with the US Senate, US House of Representatives, US trade representatives and the US Department of State. Why did it do so? It wants to enter the Indian retail market because the retail market is estimated to be worth about \$ 500 billion currently and is pegged to cross \$ 1 trillion mark by 2020.

If Wal-Mart has spent so much money in lobbying to get into the Indian market – something which we opposed tooth and nail in this House – I would like to know whether the Wal-Mart has also spent money in lobbying with the Indian law makers. If so, how much and what are the details? I do think that Lok Sabha

should discuss this issue of Wal-Mart trying to get into India through illegal means because we are discussing FDI in Asset Reconstruction Companies. Why Wal-Mart has spent so much money is for all of us to think about.

With these words, I end my speech.

**श्री गोरखनाथ पाण्डेय (भदोही):** माननीय उपाध्यक्ष जी, आपने प्रतिभूति हित का प्रवर्तन और ऋण वसूली विधि (संशोधन) विधेयक, 2011 पर बोलने की मुझे अनुमति प्रदान की, इसके लिए मैं आपका आभारी हूँ।

महोदय, मैं आपके माध्यम से माननीय मंत्री जी का ध्यान दो-तीन बिन्दुओं की तरफ आकृष्ट करना चाहूँगा। बैंक एक ऐसी संस्था है जो झुग्गी-झोपड़ी में रहने वाले लोगों से लेकर देश के बड़े पूंजीपतियों से सीधे संबंध रखती है। बैंक के माध्यम से ही बड़े व्यापारी, उद्योगपति, और झुग्गी-झोपड़ी में रहने वाले सामान्य लोग कर्ज़ लेकर जीवन यापन करने की व्यवस्था में लगे हैं। लेकिन, बड़े दुःख के साथ यह बात कहना पड़ रहा है कि इसमें भेदभाव स्पष्ट रूप से दिखता है। जो व्यवस्था है, उसमें बड़े उद्योगपतियों के साथ तो उदारता का भाव होता है और निचले स्तर के लोगों को ऋण लेने में कठिनाई होती है। अगर वे छोटे-मोटे उद्योग के लिए, कृषि के लिए, अपने अन्य जीविकोपार्जन की व्यवस्था के लिए ऋण लेना चाहें तो बैंक में उन्हें दर्ज़नों बार चक्कर लगाने पड़ते हैं और उन्हें ऋण नहीं मिलता है जब तक कि बिचौलियों का उन्हें कोई सहारा न मिले। जब वसूली की बात आती है तो ठीक इसके विपरीत बात होती है। झुग्गी-झोपड़ी में सामान्य ढंग के गरीब परिवार और किसानों को जहां ऋण लेने में कठिनाई होती है, वहीं जब वसूली की बात आती है तो बड़े घरानों को सारी सुविधाएं हैं। वे जैसा चाहेंगे, हर तरह से डील कर लेते हैं। हर तरह की व्यवस्था देखने को मिलती है। एक तरफ बड़े घराने हैं, बड़े उद्योगपति हैं, या देश की वित्तीय व्यवस्थाओं से सीधे जुड़े लोग हैं और दूसरी तरफ सामान्य किसान है। यदि उससे ऋण वसूली में कोई कठिनाई होती है तो उस पर आर.सी. लागू होते हैं। वे जेलों में बंद कर दिए जाते हैं। उन पर मुकदमे कायम हो जाते हैं। महोदय, यह दोहरी नीति बहुत ही कष्टकारी है।

महोदय, एक तरफ तो यह कठिनाई है ही, दूसरी तरफ माननीय मंत्री जी विदेशी बैंकों को आकर्षित करके यहां स्थापित करने में लगे हैं। उन बैंकों की तुलना में हमारे देश के बैंक कहीं नहीं टिक पाएंगे। उनकी वसूली उनके नियमों के अनुसार होगी। हमारे जो छोटे-मंझोले व्यापारी, किसान या काश्तकार हैं, वे कहीं भी उन सुविधाओं से अपने को जोड़ नहीं पाएंगे और निश्चित रूप से उन्हें और भी कठिनाई होगी।

महोदय, मैं आपके माध्यम से माननीय मंत्री जी से गुजारिश करना चाहूँगा कि जहां एक तरफ इस नियम में संशोधन की बात हो रही है, वहीं जो निचले स्तर के लोग हैं, जो गरीब हैं, जो झुग्गी-झोपड़ी में रहते हैं, जो सामान्य किसान हैं, जो छोटे स्तर के व्यापारी हैं, उनको ऋण प्रदान करने की सुविधा कैसे दी जाए? कहने के लिए तो सूक्ष्म, लघु, मध्यम उद्योग के माध्यम से, प्रधानमंत्री ऋण योजना और कई ऐसी योजनाओं के माध्यम से बहुत सारी योजनाएं चल रही हैं, लेकिन किसान, गरीब तक उन योजनाओं का



लाभ नहीं मिल पाता। झुग्गी-झोपड़ी में रहने वाला वह किसान उन योजनाओं से लाभ नहीं ले पाता। कहने के लिए तो यह भी सुविधा है कि बिना किसी प्रतिभूति के उन्हें ऋण मिलेगा। पांच लाख या उससे कम, अब तो दस लाख की बात कही गई, लेकिन बैंकों में जाने के बाद सामान्य वर्ग को ऋण की सुविधा नहीं मिल पाती, जब तक कि कोई बिचौलिया उन्हें न मिले, अन्य सुविधाएं उन्हें देने के लिए बाध्य होना पड़ता है।

उपाध्यक्ष महोदय, मैं आपके माध्यम से माननीय मंत्री जी से कहना चाहूंगा कि जहां इसमें संशोधन लाया जा रहा है, वहां ऋण देने और ऋण वसूली, जो बड़े घराने एवं उद्योगपति हैं और जो निचले स्तर के लोग हैं, उनमें भी साम्यता होनी चाहिए। निचले स्तर के लोगों को ये सुविधाएं विशेष रूप से मिलनी चाहिए ताकि उन्हें समय पर ऋण मिले और ऋण वसूली के समय उनके सामने जो कठिनाईयां आती हैं, उन्हें पकड़ कर जेलों में डाल दिया जाता है, उन पर भी कोई ऐसे सामान्य नियम की व्यवस्था की जाए ताकि उन्हें उसकी सुविधा और लाभ मिल सके। मैं चाहूंगा कि इस पर पुनर्विचार करते हुए फिर से उन स्तर तक के लोगों को लाभ पहुंचाने की योजना बनाई जाए।

SHRI A. SAMPATH (ATTINGAL): Mr. Deputy-Speaker, Sir, while speaking on the Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Bill, 2011, I would like to point out certain matters which have been brought to my notice by some persons who are having some complaints regarding some authorities of the banks.

Sir, our country has entered an era where lakhs and lakhs of farmers are committing suicide. Now, on the one part, it has become very difficult for the people to get a loan, to avail of a loan either from a private bank or a nationalized bank and on the other part, if there are any arrears and default of repayment of the loan, the attitude displayed by the bank authorities towards the common people is something different from the attitude displayed towards the large industrial houses.

First of all, I would like to request the hon. Minister, through you, Sir, to consider our views that this Bill needs a thorough introspection, a detailed study by the Standing Committee of Parliament concerned. The dispossession of dwelling houses as a part of the immovable property happens as a part of the Act which is at present existing. A party is dispossessed from the dwelling house with the assistance of the police as well as the revenue authorities and the other paraphernalia as per the order of the Metropolitan Magistrate Court or the Chief Judicial Magistrate Court. There have been instances where the parties have committed suicide, even the whole family has committed suicide. It is an unpardonable sin. I may be excused for using such a term that our law has put upon such type of a burden, such type of a capital punishment on the citizens of India.

As a part of the procedure of this existing Act, the procedure followed in the Securitisation Act is that normally there are four numbers of notices published in the newspapers – two numbers of possession notices and two numbers of sale notices. Normally, what I understand from the various cases is that all these

notices put together including the advertisement in the newspapers come to around Rs. 1 lakh. So, a person who has availed of a loan of Rs.10 lakh is put to an additional burden of Rs. 1 lakh towards the advertisement charges and other So that he is not able to pay back also. What happens is that, this particular person is put from the frying pan to the burning pan. I am not going to make any political speech; I don't want to punch or pinch any of my friends from the Treasury Benches. I genuinely feel that they also will be supporting me in certain matters.

There have been reports in various newspapers, especially in today's newspapers, regarding some report about NABARD. Some of the private companies are getting loans for a very small rate of interest, 6.5 per cent of interest, with additional cash refunds; while farmers are getting it for seven percent and above. Not only that, what is the purpose of NABARD? I was one of the applicants who has written the examination and attended the interview at the time when the NABARD constituted but I did not join that job. ... (*Interruptions*) I am more lucky because I have got the company of all these learned friends, Sir. Our hon. Minister would be happy because I am also from the same feather, even though I am much junior to him, and in the profession as lawyer. What is the use of giving advertisements for Rs.37 crore by NABARD? Even a single *naya paisa* need not be spent for advertisement by NABARD.

The prime purpose for which the NABARD was constituted was refinancing the cooperative movement and State Governments and also to undertake certain flagship programmes of the Government of India. If this is correct, I feel ashamed of it. Are our banks misutilised by some of the top bureaucrats and executives for their luxury by spending Rs.37 crore for advertisements and spending crores of rupees for the so-called modifications of their offices? This has to be looked into very seriously and necessary action should be taken by the Government of India. This cannot be tolerated.

Today, there are other reports also. The Government of India is now, I understand, trying its best to bail out an Indian multi-national corporation from

one of our neighbouring countries. I am not going into any bilateral discussion or name any company; I am not going to add any fire into bilateral relations that we have with that country but through you, Sir, I want to invite the attention of the House to this.

You see the amendments moved by the hon. Finance Minister, at Sl. No.6, Clause 13 –

“6. Page 6, *after* line 15, *insert* –

(ac) *after* sub-section (5), the following sub-section shall be *inserted*, namely:-

“(5A) After hearing of the application has commenced, it shall be continued from day-to-day until the hearing is concluded:

Provided that the Tribunal may grant adjournments if sufficient cause is shown, but not such adjournment shall be granted more than three times and where there are three or more parties, the total number of such adjournments shall not exceed six.”

Sir, this is imposing something upon the Presiding Officer or a Tribunal. It is just like handcuffing the Tribunal. It is performing a judicial function. It is not fair for this Parliament to handcuff the Judiciary or a Tribunal or a quasi-judicial body.

MR. DEPUTY-SPEAKER  please conclude.

SHRI A. SAMPATH : Sir, I am going to conclude.

Sir, this is a very serious matter. This concerns the life and death of people. ... (*Interruptions*) Of course, I understand the difficulties faced by the banks also because the banks say that as equitable mortgage for the loan amount is usually created with any immovable property and since agricultural properties are exempted from the purview of the Act, again inordinate delay is caused for the realization of the amount due to banks. This is the argument of the banks. I am not saying that this is the argument of the hon. Finance Minister. But this is the

argument of the banks. We have heard such arguments in the DRTs also. Section 14 of the Act deals with the possession taken by the revenue authorities or the CJM courts. So, either the revenue authorities or the CGM court is empowered to take physical possession over the secured asset and hand it over to the banks. Here, the banks say that since the revenue authorities are involved, there are inordinate delays. This is their argument.

Sir, I would like to mention one thing about the jurisdiction of the DRT and the DRAT because the number of litigations are on the rise. I am coming from the State of Kerala. We are having only one Bench of the DRT there. I would like to make a request to the hon. Minister, through you, that for Kerala and Lakshadweep, another Bench of the DRT should be considered and allowed; not only that, we do not have a DRAT in Kerala. So, a DRAT should also be considered and it should also be sanctioned because the number of cases are increasing and in the coming days it will be even more. So, why should we put a burden upon the litigants on the one hand and on the banks on the other? We want a speedy trial. But as you know, justice hurried is justice buried. I hope our hon. Minister may also agree with me on this that justice hurried is justice buried.

MR. DEPUTY-SPEAKER: Please conclude.

SHRI A. SAMPATH : Sir, I am going to conclude.

Sir, the hon. Minister was a very senior lawyer of the Supreme Court of India and his career was in flying colours. So he will understand this better. I would like to humbly submit, through you, that this is not a very good practice to put all these Bills in the House to ensure that they get passed without any discussion or deliberation or evidence taking by the concerned Standing Committee on Finance. So, once again, I would request that this Bill should be sent to the Standing Committee on Finance for a thorough consideration, study and deliberation and only after taking into consideration the evidence collected by the Standing Committee on Finance and a thorough discussion, this Bill should be passed.

SHRI PINAKI MISRA (PURI): Mr. Deputy-Speaker, Sir, I thank you for giving my party, the Biju Janata Dal, an opportunity to speak on this very important piece of legislation which is sought to be brought to the House by the hon. Finance Minister.

Sir, the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 has been amended in 1995, in 2000 and then in 2004.

Similarly, the present Act, which is the other Act, which is sought to be amended, which is the SARFAESI 2002 has also been amended in 2004. It was first brought about in 2002 to give the 1993 Act more teeth and then had to be amended again in 2004.

Despite all these repeated amendments, the Finance Minister in a reply to the Question in the other House, on 23<sup>rd</sup> of August 2012, has admitted that the NPAs of all nationalised banks in India stand at a staggering figure of Rs.1,23,462 crore. It is a staggering figure. Out of this, the State Bank of India alone has an NPA of Rs.40,756 crore. This, Mr. Deputy-Speaker, Sir, I am sure the hon. Finance Minister will agree, is the GDP of many small countries.

It raises some very serious questions as to the kind of accountability that our public sector banks today offer the public. From the Chairman down to the Peon, it appears nobody is accountable once they are appointed. Let me tell you, Mr. Deputy-Speaker and let me tell the hon. Finance Minister that I am one of the victims who has had to actually remove my account from public sector bank because I was so disgusted with their way of functioning. I moved to a private bank now. This is a personal experience of mine.

Therefore, if this kind of lack of accountability continues in public sector banks, I do not understand the point of another amendment being sought to be brought today. The hon. Finance Minister would be advised to also remember that the year 2011-12 has seen the highest NPA in the last five years. This is how bad things have become. This is prior to his taking over, I admit. But I do not know if

after August when it was Rs. 1,23,000 crore, I think we must have added another Rs.5,000 crore to Rs. 7,000 crore of NPAs over the last five months.

Plus the absolute lack of efficacy of both these pieces of legislation is clear from the fact that 67,524 cases are pending before the Debt Recovery Tribunals. That is how completely non-eficacious these pieces of legislation have become and this is despite the fact that efforts have been made to dispose of these cases within 180 days, which is the mandate of the Government.

Now, the reason for this, may I say, Mr. Deputy-Speaker, and this is where I really have to be one with the suggestions made by several Members of this House from all shades of political colour, Shri Dushyant Singh, Shri Shailendra Kumar, Prof. Saugata Roy, Shri A. Sampath, myself, and my leader, Shri Bhartruhari Mahtab, who made the same offer and the same request. I do not know why the hon. Finance Minister feels that this is really a way of derailing this. This is not a way of derailing this because what he has brought by way of these amendments is far too little and he will soon have to bring another amendment within the next six months. So, our point was that he should take it to the Standing Committee and a proper deliberation can take place, we could come up with a more holistic amendment.


May I, as somebody who has practised some law on this side of the fence, tell the hon. Finance Minister certain practical problems which today beset both these pieces of legislation and which really could have been corrected by way of this if we would have the chance to go to the Standing Committee and tell the Standing Committee that this is what is required? But we have not had the opportunity and taking the opportunity now, Mr. Deputy-Speaker, that you have given me in this House to ask the Finance Minister again to consider from the other side of the fence as to what are the problems.

The banks will only give you piecemeal advice that little tinkering here, little tinkering there and that is enough. But really what is the leitmotif? The fundamental of these pieces of legislation is that the Act provides for setting up of

Asset Reconstruction Companies which are empowered to take possession of secured assets to the borrower, including the right to transfer by way of lease, assignment or sale and realise the secured asset.

This is the bulwark of this. If this is the bulwark, I want to ask the hon. Finance Minister why the current enactment does not permit *inter se* assignment of debt by one ARP to another. The purposive intent of SARFAESI is to ensure the expeditious recovery of debts. Therefore, if Section 5 of SARFAESI could be suitably amended and there could be an *inter se* re-assignment of debt, this could be much more expeditious and efficacious way of settling these issues.

Now, I come to the second issue. There has to be a codified structure by which banks show complete transparency in their assignment of debts to ARCs. So far, this has been done in an extremely cloak and dagger fashion, in a obfuscatory fashion, in a fashion which does not at all give anybody, inspire anybody any confidence.

Thirdly, one of the difficulties being faced by the secured  creditors under SARFAESI Act is the determination of the priority of debts. I hope, the Finance Minister will pay some attention to this because this is a very important aspect. I do not have his attention now. I hope, at some point I will get his attention....  
(Interruptions)

The provisions of SARFAESI Act for liquidation of debts have come into play but there is a priority of claim to statutory authorities which is coming in the way repeatedly. There is a complication because the State Sales Tax Act, as the hon. Finance Minister knows, always have a provision in their various State enactments that there shall be a first charge on the assets. Therefore, on realization of debts what happens is that the secured creditors are left high and dry and the purpose of SARFAESI Act is not served. Therefore, it would be very important that an amendment is brought about that SARFAESI Act shall have overriding effect over all statutory dues including Sales Tax, Income Tax, Central



Excise so that other secured creditors will have priority in realization of debts, of course, *pro rata* with workers, which is most important.... (*Interruptions*)

I read out your report that 67,000-odd cases are pending in DRTs. This does not take into account the number of petitions that are pending in writ petitions. It is because, I have personally had to appear in many matters in the High Court where writ jurisdiction has been invoked. Therefore, some amendment has to be brought about by which writ courts are enjoined from entering into these sort of litigations because this is supposed to be a summary procedure under a summary enactment. There is problem about uniformity of Stamp Act which must be uniform in all the States where SARFAESI Act is there. Therefore an amendment needs to be brought about.

Now I come to a very important point. In respect of Section 18 C, which is a new provision sought to be enacted today by amendment, why should there be a caveat in this day and age? This is a typical nationalized bank mentality. This is the mentality of the nationalized banks which unfortunately the Finance Minister, I am surprised with his kind of forward looking vision that he should fall prey to this that any person by whom the caveat has been lodged shall serve notice of the caveat by registered post, acknowledgement due. In this day and age, who deals with registered post, acknowledgement due any more? With great respect, I mean, is this the manner in which we are going to function in the 21<sup>st</sup> Century? Where are we? There are e-mails, there are faxes, there are speed posts, and there are couriers. What kind of enactment is this? It is basically intended to ensure that there will be no compliance.

Therefore I say with great respect, there are several other amendments I could suggest. Straightaway, I would be happy to suggest it. People like me,

would be happy to bow before the Standing Committee and suggest it to them. But unfortunately the Finance Minister is keen that this be passed in its present shape and form. We are unhappy with this. If the Finance Minister would reconsider, we would be very grateful. That is all.

SHRI ANANDRAO ADSUL (AMRAVATI): Mr. Deputy-Speaker, Sir, thank you very much for giving me an opportunity to speak on this Bill. I welcome some of the amendments which are suggested by the Minister of Finance in the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

First of all, the amendment suggested in the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 does not allow securitization or reconstruction companies to convert the debt on the borrower company into equity. This amendment proposes to provide for the conversion of any part of the debt into shares of a borrower company. Definitely it will help the banks and also the financial institutions.

Secondly, the Bill proposes to include multi-State cooperative banks in the definition of banks in the existing Act. I would request the hon. Finance Minister to pay his attention to my suggestions. If you have added the multi-State cooperative banks in the definition of banks, then, why have you not added the other cooperative banks into it? Multi-State cooperative banks means the banks which have opened their branch or branches in other States. They have registered under the Cooperative Societies Act of those particular States and done the business in one or more than one States. If you are allowing the multi-State cooperative banks; if they have opened their branches in other States; then why not other cooperative banks can do that? They are also working under the Banking Regulation Act since 1965. Therefore, it is my humble request to you to do that.

I know the importance of this Act. Whenever, we are doing the business of banking or financial institutions, there are two types of defaulters. One is the simple defaulter and the other is wilful defaulter. In case of defaulter, some unavoidable circumstances forced him not to pay the amount of the bank or financial institution. But there are some defaulters who are deliberately not paying the amount that they have got from the bank or institution. If this purpose is there,

then, what the cooperative banking is doing? They are doing the same business under the Banking Regulation Act. There is a statutory audit and also an inspection from the Reserve Bank of India. Again, my humble request to you is that to add all the cooperative banks in this Act as you have added them in the Banking Regulation Act. I will be thankful to you for this thing.

The other amendment, which will also help to the banking industry and financial institutions, is that banks are not empowered to accept any immovable property in realisation of the claim against the defaulter borrower in the situation where banks are unable to find a buyer for such assets. It is a fact. That is why you have allowed, by way of amendment, to take into possession the immovable property to the banking industry and the financial institutions.

My colleague has told regarding caveat. He is a lawyer of the Supreme Court of India, that is why, I could not comment on it. The Central Government may exempt the clause or clauses of the banks or the financial institutions from the provisions of this Act on grounds of public interest. It is also a good amendment. It will help in the public interest. Definitely there will be some relief to the public.

There is another amendment to be welcomed. It will propose to enable banks and financial institutions to enter into settlement of compromise with the borrower. It also seeks to empower the Debts Recovery Tribunal to pass an order acknowledging any such settlement or compromise. It will also be helpful. If there is any chance for settlement before an order passes from the tribunal or court, then, it will also help the bank.

In totality, definitely, good amendments are there. They will help to the banking industry and financial institutions.

I convey my sincere thanks to you, Sir.

**15.00 hrs**

SHRI GURUDAS DASGUPTA (GHATAL): Mr. Deputy-Speaker, Sir, I must tender my unqualified apology because at the beginning I did not realize the implications of this Bill. But on going into it, it appears that it is a toothless superfluous Bill.

Sir, the ARC was set up many years back. That was done to realize the defaulted sum, to realize the NPA and to clean artificially the balance sheet of the banks.

A number of times the Act was changed or amended. At the end of the day, let the hon. Finance Minister tell this House the reason. It is not a question of numbers. You can get the Bill passed. We can realize; that is not the issue. Despite all the Bills that they had passed, despite all the amendments that they had passed, and despite the all powerful Finance Minister, who is at the helm today and more so, he is a lawyer, even then the fact remains that the NPA is increasing. Today, my friend is saying that it is Rs.1,17,000 crore. No, it is nearly Rs.2,00,000 crore because the banks never disclose the NPA. The people who have stolen the money are the criminals of this country but the law of contract is so sacrosanct that they abide by that and they never let the country know who are the defaulters. Only suit filed cases are made public. The NPA is increasing. I would like to tell the Members of the Government and the Ruling Party as to why the NPA is increasing and who the defaulters are. The defaulter is Kingfisher. The firms like Kingfisher are the defaulters. The owner of Kingfisher has a free access to the Government. But a small peasant, who might have defaulted the payment of his bank loan because of his bad harvest, has no access even to the orderly of a nationalized bank. This is the class society, I am telling you.

Kingfisher has an access and it is reported, whether it is right or wrong, I do not know. The Government was using all its political clout to tell the banks to reconstruct the liability and to give him further loan. I am told that the State Bank of India directly said: "We will not give them a loan." This is the situation.

Despite your powerful Act, which Parliament has supported, you have not been able to take care of the increasing social malady of not paying back people's money. Whose money is in the bank? The big landlords do not keep their money in the bank. We keep our money in the bank. The common people keep their money in the bank.

People's money are being misused and allowed to be defaulted, and the Government has clearly and criminally defaulted in enforcing any law to bring to book those who have stolen people's money, and has totally failed.

This Act is again being amended. How is it going to help to realize the NPA?

**15.04 hrs**

(Shri Francisco Cosme Sardinha *in the Chair*)

Sir, the point is that the NPA undisclosed, the NPA unknown, the NPA covered up by the Government and RBI is nearly Rs. 2,00,000 crore. Over and above, there is a large NPA. I do not know how to describe it. Just see the linguistic fervour. Corporate loan adjusted as 'good' loan. It is shown like that in the balance sheet. What is the amount? It is more than Rs.1,00,000 crore? If we take these categories, then what is the NPA? It is nearly Rs. 3 lakh crore.

Therefore, Sir, the point is that the Government has miserably failed despite all the weapons they had armed them with, with the total support of the Parliament, to realise the NPA and to reduce the NPA. Why is it so? The Government will never accept their liability.

Sir, the paradox of the Indian Parliamentary System is that the Ministers and the Government never speak out the reason of their failure. They will make a statement; they will use their strength and number; and get the Bill passed. But I would like to know from the Minister, why despite all the Bills that they had passed, all the laws that they had enacted, all the weapons that they had in their armoury, they failed to reduce the NPA. How is this going to help them?

What is the matter? ARC will become the shareholder of a sick company. That is a new thing. Why should he become a shareholder? Can they change the

policy? Can they change the management? Even if they change the management, today the corporates know the technology as to how to manoeuvre. Not only the Government knows the manoeuvre to manage their number, the corporates also know the capacity as to how to manage and manoeuvre with the loans.

Therefore, Sir, the point is that the country needs a strong law. I demand a special court; I demand a special court and expeditious trial of all the wilful defaulters of the country, who have stolen our money and cheated the country. If you are serious, have a special court. If you are serious, have a special court, special trial within an expeditious time.

They are no less dangerous to the country than the terrorists. Yashwant Sinhaji, may I draw your attention? You had been a Finance Minister as he is. What is the problem in having a special court? You try the terrorists. They are terrorists because they had fired on you. Similarly, these defaulters are also terrorists because they have fired on the viability of the Indian economic system. We are overburdened with the bad debts; and the Government comes innocently every time to make a law, to show how serious they are! But there is always a gap between the cup and the lip.

Therefore, Sir, the criminality of the corporates, who did not pay their loan, cannot be condoned. At the same time, the salinity of the Government in not being able to enforce a law also cannot be condoned. ... (*Interruptions*)

PROF. SAUGATA ROY : Are you talking to Mr. Chidambaram or Mr. Sinha?

SHRI GURUDAS DASGUPTA : I am talking about the Government. Mr. Chidambaram is a very friend of mine. Why should I tell this to him?... (*Interruptions*)

MR. CHAIRMAN: Hon. Members, please do not disturb him. He knows what to speak.

SHRI GURUDAS DASGUPTA : He believes that this law will be changed. Therefore, he is optimistic. But I am saying the salinity of the Government,

salinity of the political system. Why should I separate a person from the collective responsibility? Collectively, the Government is responsible.

Sir, I agree with my colleagues that it should be referred to the Standing Committee. That is the simplest way. But at the same time, I say that the Minister of Finance owes an explanation. I hope he begins his statement by this. He owes an explanation as to why despite all the steps they have taken, the NPA is increasing. That is number one.

Number two, what prevents the Government from disclosing the names of the defaulters? Number three, why will the Government not consider it? I do not want him to give an assurance. The Government has tremendous corporate pressure on them, I know. I know under whose pressure and what amount of pressure, the Ministries and the Finance Minister have to work. I sympathies with them. There will be a pressure. Therefore, I do not want an assurance. But let them say whether they are ready to consider a special court, a special law, for an expeditious trial.

Lastly, what prevents the Government from disclosing the names of the people who have stolen our money? If we can disclose the name of a thief, why can we not disclose the name of a person, who has stolen people's money from the banks? Let the Government show its goodwill. सरकार आम आदमी की बात कहती है। देखा जाएगा कि आम आदमी के लिए आपके आंसू में कितना पानी है। हम इसे देखना चाहते हैं। आप दिखाइए, करके दिखाइए, हिम्मत से दिखाइए। केवल भाषण से नहीं होगा। I have seen this Government for many years. It is the eating that tastes the pudding. Let us see what the Government wants to do. Therefore, innocence is a veil but consequence is the truth. The Government is innocently saying, pass the Bill because there is nothing in it. Why should we pass it? How is it going to help us? There is the innocence that comes as a veil but it is the consequence which will prove the *bona fide* of the Government who swears by *aam admi*.



**डॉ. रघुवंश प्रसाद सिंह (वैशाली):** सभापति महोदय, विधेयक का नाम बिना कागज देखे पढ़ा ही नहीं जा सकता है। विधेयक का नाम वित्तीय आस्तियों का प्रतिभूतिकरण और पुनर्गठन तथा प्रतिभूति हित का प्रवर्तन अधिनियम है। यह विधेयक का नाम है। अंग्रेजी में इसका नाम the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act है। अंग्रेजी में विधेयक का यह नाम है। जब आम आदमी विधेयक का नाम नहीं ले सकते हैं, तो यह कानून कैसा होगा, इसे समझा जा सकता है। मेरा मंत्री जी से पहला प्रश्न है कि क्या आपकी मेधा इसमें कारगर नहीं है कि इस विधेयक का सहज नाम हो, जो आम आदमी की जुबान पर कानून का नाम लिया जा सके। मैं कहता हूँ कि एक भी माननीय सदस्य बिना कागज देखे विधेयक का नाम नहीं बता सकता है। जब कानून का नाम याद करना कठिन है, तो कानून का प्रावधान कैसे लागू कर सकते हैं?

इसमें सरकार ने दावा किया है कि बैंक द्वारा दिए गए लोन की वसूली सही ढंग से हो जाए, उसके लिए इस कानून से सहायता मिलेगी, इसलिए कानून में दो संशोधन लाए हैं। एक प्रतिभूति हित का प्रवर्तन और ऋण वसूली है और दूसरे विधेयक का नाम बैंक और वित्तीय संस्थाओं को शोध्य ऋण वसूली अधिनियम है। यह भी ऐसा ही नाम है, जिसे पढ़े बिना नहीं बोला जा सकता है, तो यह कानून कैसे बनेगा और इसका क्या लाभ होगा, क्योंकि लोग इसे जानेंगे ही नहीं। इसके नाम के उच्चारण में ही कठिनाई है। इसलिए मेरा कहना है कि इसे सरल बनाए और इसमें सुधार करें। इसमें एक साधारण क्लॉज है कि बैंक की जगह पर बहुप्रदेशीय मल्टी स्टेट कांफेडरेटिव, फिर इसका भी बैंक की तरह इस्तेमाल करेंगे। सभी माननीय सदस्य इससे सहमत होंगे कि बैंकों का व्यवहार आम आदमी के साथ कैसा है और पूंजीपतियों के साथ कैसा है। मेरा दूसरा सवाल है कि बैंक का व्यवहार बड़े पूंजीपतियों के लिए प्रो है, बैंक प्रो-कारपोरेटर हैं, प्रो-पुअर, प्रो-फार्मर नहीं हैं। इसका कैसे समाधान होगा, इसके लिए कौन-सा कानून है। वसूली के लिए कानून लाए हैं।

हमारा यह भी सवाल है कि जो गरीब आदमी है, किसान है, बेरोजगार है, उसके साथ क्या व्यवहार है और दूसरी तरफ जो कंपनी है, कॉर्पोरेट है, बड़े आदमी हैं, उनके साथ बैंक का क्या व्यवहार है? यह भी देखा जाना चाहिए। हम सभी माननीय सदस्य इस बात से सहमत हैं कि बैंक का प्रो-पुअर, प्रो-फार्मर, प्रो-बेरोजगार इन सबके साथ भी वैसा ही व्यवहार होना चाहिए जैसा कि कंपनी और बड़े आदमी के साथ है। यह सारा कंपनी का कब्जा है, यह बात कैसे साबित होती है? नॉन-पर्फॉर्मिंग एसेट पहले कहां था? नॉन पर्फॉर्मिंग एसेट बढ़ गया है। कैसे चालाकी से नाम दिया गया है? नॉन-पर्फॉर्मिंग एसेट-यानी जो पर्फॉर्म न करे। यह चालाकी आप देखिए कि उसका पैसा डूब गया और नॉन-पर्फॉर्मिंग एसेट नाम रख दिया- यानी

ऐसा एसैट जो पर्फॉर्म न करे। लेकिन हमारा सवाल है कि जो पर्फॉर्म न करे, वह फिर एसैट कैसे हुआ?...(व्यवधान) प्रसिद्ध अर्थशास्त्री जो दुनिया में हैं, सभी ने चालाकी से ऐसा नियम बनाया है। गरीब आदमी या किसान कोई थोड़े ही नॉन-पर्फॉर्मिंग एसैट वाला काम करता है? बड़ा बड़ा आदमी ही नॉन-पर्फॉर्मिंग एसैट बनाता है। जो अभी 1,11,600 करोड़ नॉन-पर्फॉर्मिंग एसैट है, इसमें माननीय मंत्री जी बताएं कि कंपनी कॉरपोरेट के यहां कितना है और हमारे गरीब किसान या गरीब आदमी के यहां कितना है? मंत्री जी अभी बताएं कि 1,11,000 यानी 85 फीसदी एनपीए में बढ़ोतरी की गई है? यानी जितना लोन हुआ, उसका यह चार प्रतिशत है और री-स्ट्रक्चरिंग अलग है तथा नॉन-पर्फॉर्मिंग और ज्यादा होगा। री-स्ट्रक्चरिंग 2,16,000 करोड़ रुपये की हुई है।...(व्यवधान) नाम बदलकर यह सब हो रहा है। आंख में धूल झोंकने का काम किया जा रहा है।...(व्यवधान)

जहां तक बैंकिंग प्रणाली का सवाल है, गांवों में ऐसा होता है कि जिस गरीब किसान ने कर्जा नहीं दिया है तो वह गर्दन में गमछा लगाए, रातभर गमछा लगाकर रखना है और उनको जेल में भी डाल दो। जेल में डालने का भी क्या कानून है? अपराधी, डाकू और आतंकवादी जाएगा तो वह सरकार का खाएगा और यदि वह किसान जो बैंक का पैसा वापस नहीं कर पाया, यदि वह किसान जेल चला गया तो उसको जेल में डाल देंगे और जो जेल में वह खाएगा तो सब उसके कर्जे में और बढ़ेगा। यह कानून किसने बनाया? मैं यह सवाल पूछना चाहता हूं। गांवों में यदि किसी किसान ने नॉन-पर्फॉर्मिंग एसैट कर दिया तो उसको गर्दन में गमछा लगाना है और उसकी चौखट उखाड़ लो तथा उसके बैल जब्त कर लो लेकिन धारा 302, 395 के तहत जो अपराधी जेल में जाएगा तो वह सरकार का खाएगा। यह प्रोविजन है। अगर किसान जेल में खाएगा तो उसके नाम पर कर्जा बढ़ेगा।...(व्यवधान)

कोई कहे कि बैंक के बिना गरीबी कैसे हटायी जा सकती है और जितने अर्थशास्त्री दुनिया भर में हुए, सबने महसूस किया कि बैंक की स्थापना होगी तब बिना पैसे वाले लोगों को बैंक से लोन मिल जाएगा, महाजनी से छुटकारा मिल जाएगा। लेकिन मैं देख रहा हूं कि कहीं वैसा व्यवहार नहीं है।

सरकार की तरफ से ढिंढ़ोरा पीटा जा रहा है कि नगद राशि खाते में जाएगी। आपने भी देखा होगा कि 120 करोड़ में से 20 करोड़ यू.डी.कार्ड बन गये और सबके खाते में भेजेंगे, कहा जा रहा है। लेकिन मैं पूछना चाहता हूं कि बैंक कितने खुले हैं? बैंक की शाखा गांव में गई ही नहीं तो नगद राशि कहां से दे देंगे? इसलिए यह जो बिना सोचे-समझे ज्ञान की बातें कही जा रही हैं, इन सब पर नियंत्रण रखना चाहिए। किसान के साथ व्यवहार अच्छा हो। किसान क्रेडिट कार्ड का क्या हाल है, क्या पूछना नहीं चाहिए? शिक्षा के बारे में सरकार ने एलान किया कि पढ़ने के लिए बैंक लोन देगा। आप देख रहे हैं कि यहां घोषणा कुछ



होती है और वहां कुछ नहीं मिलता है। यह बड़ा खतरनाक है कि यहां घोषणा हो लेकिन सरजमीं पर काम न हो। बिहार में यही हुआ है, राज्य सरकार ने घोषणा की, अब जनता ऊब गई है और वहां उलट-पलट करने के लिए तैयार है। भारत सरकार सावधान, देश की या राज्य की सरकारें सावधान, घोषणा बंद करो और जनता को वाजिब बात बताओ, सही काम करो। अब केवल घोषणा से काम नहीं चलेगा। प्रो प्रोफारमर, प्रो पुअर, गरीब आदमी, ग्रामों के साथ बैंक का क्या व्यवहार होगा? नॉन परफार्मिंग एसैट्स और रिस्ट्रिकरिंग का हिसाब साफ होना चाहिए। नहीं तो ऐसे काम नहीं चलने वाला है। आप किसान के मामले को नहीं देखते हैं। किसान के मामले में लोग घालमेल करते हैं। नहीं चलेगा, अब जनता खड़ी हो रही है। अब जनता जागरुक और संगठित है, अब धोखा नहीं दिया जा सकता है। बैंक को देखना चाहिए कि प्रो पुअर, प्रोप्रोफारमर को कैसे सहूलियत मिले, पूंजी मिले। बेरोजगार और पढ़ने वाले गरीब आदमी के पास पैसा नहीं है, उसका बैंक साथ न दे। “पवन जगावत आग को, दीप ही देत बुझाए”। बड़े आदमी की मदद के लिए बैंक है और गरीब आदमी के लिए नहीं है। कानून की बात को साफ करें, तभी कानून पास होगा, नहीं तो कानून लाइए हम ठीक करेंगे। काम उलटा हो रहा है।

\*SHRI PRASANTA KUMAR MAJUMDAR (BALURGHAT) : Respected Chairman Sir, there are two objectives of this Bill. One is recovery of bad loan and another is enforcement of security assets. The bill has been amended many times but recovery of loans is not taking place. Thus NPA has launched about two lakhs ie more than 4%. As per Reserve Bank directives, anything more than 4% amounts to bad loan. Who have taken these loans? What is the reality? The reality is that loans are taken by common people, small and marginal farmers, labourers as well as big business houses, companies and rich industrialists. Even the foreigners are taking loans and the foreign banks are doing brisk business. We have public sector banks, private sector banks, commercial banks, foreign banks and financial institutions who have lent money to people. This huge amount of money lies idle and is not being recovered. This is public money. The Government is indifferent. Laws are in place but are never implemented. The bureaucrats are inactive and there are many supporters in the political circle also. In the years 2002, 2003, 2005 and again in 2012, amendments have been brought but to no avail.

The poor, marginal farmers do take loans from the banks but there are also rich agriculturists who take credit but never repay. When small cultivators or labourers default, immediate action is taken against them and they are put behind bars. Their securities are grabbed and are rendered homeless. The land which is attached by the law enforcing agencies might be growing commercial crops. So the farmers also lose the produce along with the land. Thus the law should not be enforced on these poor peasants. The Government always talks about ‘aam admi’ or common people. The banks should allow them to take loans on easy terms which might improve their economic health and help them to survive.

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\*English translation of the Speech originally delivered in Bengali.

I request the Government to take care of these hapless people and shield them from the Debt Recovery Tribunal because it actually works in favour of the wealthy people and the poor farmers are left in the lurch.

Another point is that the state cooperatives should be included in its ambit. There are cooperatives who lend small amounts to the common people, marginal farmers for agricultural activities. There are other minor institutions also which lend to poor peasants on easy terms. These loans can also be recovered easily. The Government should look at the poor and not only at the rich. We know that the poor people actually do not have huge amount of overdue. There are 67,000 default cases which have been registered in the country. But only the downtrodden people are harassed and punished. The strictness of law is compelling the farmers to commit suicides. When the big industrial houses and foreign companies are given relaxation, it is they who feel the pinch. So the banking system should be strengthened for the progress of our economy. When late PM Smt. Indira Gandhi nationalized the banks, the Congress party campaigned that the banks would help the ordinary citizens or aam admi of the country. But actually that did not happen. Only the well-to-do people were benefitted by the banking system. They got the privileges and facilities while the innocent farmers were driven to suicides gradually. The Bill must be referred to the standing committee where erudite members can discuss and deliberate upon the provisions of the Bill. This would help the Government get a clear picture of the ground reality and come out with a much better and effective law.

With these words I thank you for allowing me to participate in this discussion on Enforcement of Security Interest and Recovery of Debt Laws (Amendment) Bill, 2011, and conclude my speech.

SHRI AJAY KUMAR (JAMSHEDPUR): Mr. Chairman, Sir, many of my colleagues have spoken on this issue. So, I am not going to repeat what has already been said, but I want to bring to the attention of the hon. Minister a few points.

One, the sense of the House is that it is a very important Bill and it should go to the Standing Committee on Finance before we get it approved in this House. I think, this is what everybody feels very strongly about.

Sir, if you look at this piece of legislation, as usual, it is very short on details. Since the BIFR was not working, you created and gave the responsibility to the Debt Recovery Tribunal. My esteemed colleague has said that the Debt Recovery Tribunal has got 65,000 cases pending. There is no mention of how you are going to expedite them.

Then, there is no mention of why there are non-performing assets worth Rs. 74,000 crore and who is responsible for them. Like a typical legislation, what we want to do is that every time we bring an amendment thinking that the problem should be shifted because the accountability of the executing agency is not there in our country. There is no time spent on focusing on who is accountable. There is a Debt Recovery Tribunal case pending with the stock market scam for the past seven years. There is no work done on that. So, we believe that suddenly giving this power to the banks will solve the problem.

The other problem is that when you take a loan in this country of less than rupees one crore, it is my problem and for a loan above rupees one crore, it is a problem of the bank. Like so many speakers have correctly said, we will continue to harass the small people. Sir, through you, I would like to know whether there is a provision where the Government will continuously come with a report on non-performing assets. If you look at the number of non-performing assets, you will find that 20 per cent of the people take 80 per cent of the loan. What action are we taking? We will focus only on 80 per cent poor people and will be wasting our time in courts. A very good example is that in one of the courts in Delhi there are



12 lakh cases pending. Out of the 12 lakh cases, 8 lakh cases are small amounts of cheque bouncing. Similarly, in the Debt Recovery Tribunal we will get into this because the amendment is extremely short on details.

So, my request, through you, is this. First of all, why did the BIFR fail? What steps are you taking? What are the steps that you are going to take with the BIFR? How are you going to get the Debt Recovery Tribunal to be more efficient? Will you submit a report on the Non-Performing Assets (NPAs)?

It is correctly said that the NPA is much bigger, and over Rs. 200,000 crore has been restructured. Now, if this is the way the Government continues to restructure the loan, then it is going to lead to a very serious situation. So, my request to you is once again that we need details on this. How are you going to have a time-bound provision for Debt Recovery? Are you going to go after the big people instead of wasting your time only after the small people?

I would request you and request the Government that we need to put more meat in our legislation in terms of accountability. Why it is that Debt Recovery Tribunal is having 65,000 cases pending? Why are these cases pending for seven years? Further, they believe that they have shifted the problem from BIFR to Debt Recovery Tribunal, and the country will become very performing and all assets will start working. It is actually walking away from the fundamental fact that you are not executing at the ground level and taking action. We believe that the piece of legislation will hold the Executive more accountable in terms of execution; come out with a White Paper as to who are the NPA and whom do they belong to; and also in the restructuring of loans, which happened of over 2 lakh crore, what steps the Government is taking?

I want to conclude by saying that if you are a small farmer / transporter, then immediately your properties will get seized and this is where we need to focus as peoples' representatives. What action is the Government taking? In conclusion, I would say that we need to give it to the Finance Committee to put more meat in the legislation. The legislation is very thin on details. We have just

said that the Debt Recovery Tribunal will solve all our problems. It has not solved all our problems as 65,000 cases are pending, and most of them are pending for seven years. The White Paper of the RBI should give a Performance Report every year on the NPAs. It is 50,000 crore, 70,000 crore, and next year, it will become 100,000 crore despite this legislation. So, I would request the Government to kindly consider this.

Sir, I thank you very much for the opportunity to speak.



**श्री कौशलेन्द्र कुमार (नालंदा):** माननीय सभापति महोदय, आपने मुझे प्रतिभूति हित परिवर्तन और ऋण वसूली विधि (संशोधन) विधेयक, 2011 पर बोलने का मौका दिया है, इसके लिए आपका बहुत-बहुत धन्यवाद।

मैं अपनी पार्टी जनता दल (यूनाइटेड) की तरफ से इस बिल पर बोलने के लिए खड़ा हुआ हूँ। इसका मुख्य उद्देश्य बैंकों को अपने लोन को चुकता करवाने के लिए विशेष शक्तियाँ दिए जाने के बारे में है। इससे बैंकों की गैर-निष्पादन कार्य संपत्तियाँ, एनपीए भी कम होंगी। एनपीए को कंट्रोल करने में बैंकों द्वारा रिकवरी और अन्य माध्यमों से किया जाता है। केंद्रीय बैंक भी इसका अनुसरण करता है। केंद्रीय बैंक इसका अनुसरण बैंकों की वार्षिक जांच में और बैंकों के नियामक रिटर्न, जो कि स्वयं जा कर जांच से प्राप्त होता है और बैंकों के साथ अंतरकाल मॉनिटरिंग में करता है।

बैंकों के लोन प्राप्त करने के मामले के तीन चैनल हैं। पहला सर्फेसी कानून है। द्वितीय आस्तियों और विभूतिकरण और पुनर्गठन तथा प्रतिभूति हित का परिवर्तन अधिनियम, 2002, दूसरा संशोधन ऋण वसूली अधिनियम, 1993, तीसरा लोक अदालत है। लेकिन इन तीनों चैनलों से लोन रिकवर का मामला हल नहीं हो पाता है। यही रिज़र्व बैंक ऑफ इण्डिया के जून, 2012 के उपलब्ध आंकड़ों से प्राप्त कुल एनपीए 1 करोड़ 23 लाख 462 करोड़ रुपये है। जिसमें भारतीय स्टेट बैंक के 40 हजार 756 करोड़ रुपये हैं। एसबीआई भारतीय बैंकिंग सेक्टर का 25 प्रतिशत हिस्सा है। यह कुल 33 प्रतिशत होता है। सन् 2011-12 में कुल एनपीए में सबसे ज्यादा बढ़ा है।

डैट रिकवरी ट्रिब्यूनल में 67524 मामले लंबित हैं, इसलिए बैंकों को यह अधिकार दिया गया है कि वे एआरसी के थ्रू अपनी कंपनी की प्रतिभूति को ही अपने में समाहित करें, लेकिन यह एक क्षणिक समाधान है। समाधान यह होना चाहिए कि लोन लेने वाली कंपनी तथा कार्पोरेट सैक्टर की पूरी बारीकी से जाँच हो तथा विदेशी बैंकों की तर्ज पर इसकी कैटागरी 'क', 'ख' और 'ग' लाई जाए, जिसमें जाँच के बाद कैटागरी 'क' और 'ख' को लोन दिया जाए। इससे लोन रिकवरी का मामला सुगम होगा। लोन लेते समय संपत्ति मॉर्टगेज की जाती है। जिसका जो वैल्यू कंपनी बनाकर देती है, उसको बैंक वाले भी जाँच कर सही वैल्यू लगाकर लोन दें, ताकि बाद में यह न हो कि 5000 करोड़ रुपये की संपत्ति ट्रिब्यूनल में 200 करोड़ रुपये की हो जाए। यह साबित करना होगा। इससे वार्षिक बैलैन्सशीट भी बिगड़ती है। अभी केंद्रीय

बैंक ने यह निदेश दिया है कि जो संपत्ति मूल्य एक्युअल है, उसे बैलैन्सशीट में दर्ज किया जाए। इतना कहकर मैं अपनी बात समाप्त करता हूँ।

MR. CHAIRMAN: Shri Yashwant Sinha.

SHRI S. SEMMALAI (SALEM): Mr. Chairman, Sir, please allow me to say a few words about my Party's stand regarding this matter.

MR. CHAIRMAN: Okay.

SHRI S. SEMMALAI: Sir, I am not going to make any speech, and I will only be stating my Party's stand on this matter.

Mr. Chairman, Sir, as far as this Bill is concerned, it should have been referred to the Standing Committee on Finance. Though the Bill has been taken up for discussion, it is not too late. At any time, the Bill could be referred to the Committee. So, my humble request is that the hon. Chairman may be pleased to refer this Bill to the Standing Committee on Finance.

SHRI YASHWANT SINHA (HAZARIBAGH): Thank you, Sir. I did not wish to intervene in this debate and I am not going to speak on the merits of the Bill. I am just going to reiterate the suggestion which has just been made by the hon. Member. This Bill was introduced in the last Winter Session, and it is coming to this House for consideration and passing exactly after one year. Even if it had been referred to the Standing Committee on Finance, I am sure the Standing Committee would have given its report and the Bill would have been then available for consideration of the hon. Members of this House in all its aspects and ramifications because the Standing Committees do apply their mind to the Bill.

I would even now earnestly appeal to the Government, Sir, in view of the fact that it has taken one year to bring the Bill before the House, to refer it to the Standing Committee on Finance, accept the sense of the House which has emerged after this discussion, and let the Bill be considered, again, by this House after it has been deliberated upon by the Standing Committee. This is the appeal that I wanted to make, through you, to the Government. Thank you.

SHRI GURUDAS DASGUPTA : Sir, this is the appeal of the entire Opposition. Let us see how far the Government responds to the opinion of the Opposition. ...  
(Interruptions)

PROF. SAUGATA ROY : This is the opinion of our Party also.

MR. CHAIRMAN: Please sit down. Please do not disturb now. The hon. Minister is on his feet.

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): Mr. Chairman, this is an Act which was first passed in the year 2002. When Dr. Raghuvansh Prasad Singh said that it has a very complicated name, all I can say is that this name came in the year 2002 and, that is why, in common parlance, this is referred to as SARFAESI Act because otherwise the name is a very long name. Otherwise, the name is a very long name. It is like some South Indian names which are very long. This Act has been amended once by Act 30 of 2004 and then in the working of this Act, some difficulties were experienced. The Bill was drafted. The Bill was introduced in the Lok Sabha on 12<sup>th</sup> December, 2011 by my distinguished predecessor. Immediately, he wrote a letter to the Speaker requesting that the Bill be taken up in the Winter Session which was on-going or in the Budget Session and it should be passed before the end of the Financial Year. The hon. Speaker in her discretion accepted the suggestion and, therefore, did not refer this Bill to the Standing Committee. So, there is a history why this Bill did not go to the Standing Committee. And I agree with hon. Shri Yashwant Sinha that if this request had not been made or if the Speaker had turned down the request, this Bill would have gone to the Standing Committee and perhaps, it would have been reported by now. But now to tell me or to tell the House or tell you, that in December, 2012, when the Bill finally has found an opportunity to be discussed in this House, let us refer it to the Standing Committee, I submit, would defeat the very purpose for which this Bill was sought to be introduced in December, 2011 with the request that it be taken up in that Session and to be passed in that very session, and if not, in the Budget Session.

I think when the objection was raised by hon. Member Prof. Saugata Roy, on the instructions of the Speaker, a ruling has already been given. The Speaker in her discretion has decided that the Bill will be discussed and passed in this House. So, my respectful request is that while I do appreciate the views expressed by the hon. Members that perhaps in 2011, this Bill could have been referred to the

Standing Committee, my respectful appeal is please do not press that argument now. We have got this Bill finally listed for a debate in 2012 and it is necessary in the interests of the very banking system that everybody was keen to protect that this Bill should be passed now. These are purely technical amendments. And I am willing to explain each amendment to say that no major changes are being brought about except to fill the gaps which have been found in the working of the Act.

The second point is that this Bill does no harm to any farmer or to any poor lender because by definition, these Bills do not apply to loans of less than Rs. 10 lakhs. The Debt Recovery Act does not apply to loans of less than Rs. 10 lakhs. And I will read Section 1 sub-section (4). It says that the provisions of this Act shall not apply where the amount of debt due etc. is less than 10 lakh rupees. And in the case of SARFAESI Act by virtue of section 31, the Act does not apply to any security interest created in agricultural land. Therefore, these Acts really do not mean any harm to any poor farmer or any poor borrower. These Acts are intended to recover large loans especially loans from the Corporate Sector, the loans which have been borrowed and then there is wilful default in paying these loans. So, there has been extensive consultation with banks and the RBI and with the DRT, because the DRT is the one that deals with these cases and therefore, after that, these amendments were drafted in the year 2011 and that is how, the Bill has been brought forward.

Now, Shri Adsul has asked the question. I did not want to interrupt him. He asked a very valid question. Why is the multi-state cooperative bank notified and why are other banks not notified? The answer is that they have been notified. Under Section 2(i)(c) "banks" means, such other banks which the Central Government may by notification specify. By notification dated 28<sup>th</sup> January, 2003, Cooperative banks have been notified and by notification dated 17<sup>th</sup> May, 2007, Regional Rural Banks have been notified. So, all the banks have been notified.

I am very grateful to you for your support. This is the only issue on which you wanted a clarification. I am happy to give the clarification.

Yes, NPAs are a problem. But NPAs in this country have been well under control when the economy was doing well. Between 2006 and 2011, the NPAs have been controlled to below three per cent. In 2006 March, it was 3.48 per cent gross NPA. Since then, for five years, it was below three per cent....

*(Interruptions)*

SHRI GURUDAS DASGUPTA : May I ask the number?

SHRI P. CHIDAMBARAM: Let me finish.... *(Interruptions)*

MR. CHAIRMAN : Nobody disturbed you when you were speaking.

... *(Interruptions)*

SHRI GURUDAS DASGUPTA : I am not disturbing. I am only asking. Hon. Minister may be delighted to let us know the volume. It is a jugglery of words....

*(Interruptions)*

SHRI P. CHIDAMBARAM: Let me finish. I heard everyone of the 13 Members. Let me finish and then you can ask any question.

It was 2.66 per cent, 2.39 per cent, 2.44 per cent, 2.5 per cent and 2.37 per cent. If the volume goes up, and if the percentage of NPA remains the same, that means the total lending has gone up substantially. That is why the percentage remains the same or roughly around two and a half per cent. The two and a half per cent gross NPA in a developing country is not unusual. The two and a half per cent gross NPA in a developing country is not unusual because there will be a certain number of defaulters in different sections – farmers and even self-help groups. Among the best repaying groups, there is an NPA of between one per cent to two per cent. Do you then say that the entire self-help group movement is a willful defaulter? You do not say that. There will be an NPA of one or two per cent. If everybody pays the loan, there will be no NPA. But I know of no country where everybody repays the loan. And net NPAs were well under control, a little over one per cent, because the banks were providing for it and the regulator has

been strict for many years. I do not take any credit for this. Every successive Finance Minister can take credit for this because the regulator has been very strict and provision has been made to keep net NPAs only to a little over of one per cent.

What has happened in the last couple of years is that because of the challenges to the economy, because of the stress in the economy, several sectors are not doing well. And because several sectors are not doing well, gross NPAs have indeed risen above three per cent. It is now about approximately 3.5 per cent. But even so, because we make provision, because the RBI is very strict in requiring the banks to make provision, the net NPA is still only 1.62 per cent. The gross NPAs are over three and a half per cent but the net NPA is only 1.62 per cent. The effort is to ensure that sectors which are under stress are helped to get out of this difficult time and from units which are making money, we must recover the loans. Units which are genuinely stressed must be helped. I did answer a question. I said that there must be some hand-holding in a time of stress so that they all do not become bankrupt or insolvent. They come out of the stress. We have to protect employment; we have to protect jobs; and we have to protect manufacturing. They will come out of the difficulty, once the economy recovers. We are going through a difficult time. And it is this difficulty which is reflected in this rising gross NPAs. But let me tell you, thanks to the RBI, thanks to the strict vigilance, thanks to the provisions made, the net NPAs are well under control. There is no reason to think that our banking system is in difficulty. In fact, many Members rightly complimented the banking system. When over a thousand banks failed in the United States, not one bank in India failed.... (*Interruptions*) Because of good regulation, good governance, good provisioning and the growth of the banking system, more people are depositing money and more people are able to borrow money.

Banks are expanding. When banks expand into newer areas there would be some difficulty in the early years. In fact in 2009-10 we opened 5,192 new branches; in 2010-11, 5,314 new branches; and in 2011-12, 6,503 new branches.





We are opening new branches at the rate of about 20 per day. Twenty branches per day is not easy to open, 20 branches per day are being opened. Even so, there are many parts of India which are un-banked and we must open many more branches. It is our intention to open many more branches.

Frankly, as Mr. Adsul rightly pointed out, there is nothing controversial about any section. The sections are self-explanatory. In fact nobody had any serious quarrel about any of the amendments, the substance of the amendments. So, it is perhaps not necessary for me to detail each amendment. There is nothing very controversial about any amendment.

There were some larger general issues raised. Who are the ARCs? There are 14 ARCs. One ARC actually has 60 per cent of the business and this is an ARC, Arcil, promoted by the public sector banks. So, the biggest ARC in the country is promoted by the public sector banks and that has almost 60 per cent of the business. Other ARCs have now come into being and they will of course get their share of business. But there are 14 ARCs.

Next question is: Is there a regulator for ARCs? Yes. The Reserve Bank of India is the regulator for ARCs. They have to get a licence from the Reserve Bank of India and the Act provides how the Reserve Bank will lay down guidelines to regulate the ARCs.

Mr. Sanjay Nirupam asked about a report on the working of the ARCs. Yes, there was a Committee which looked into the working of the ARCs. They pointed out that certain accounting methods followed by the ARCs were not in conformity with the standards. That report has been accepted and Arcil's accounts were recast in accordance with the recommendations, and RBI has accepted the recast accounts.

There was some reference to adjournments, by Mr. Sampath. I think he is pleading for poor lawyers who want more adjournments. In one breath he is saying that he is pleading for the banks who have to recover and in the same breath he is pleading for the defaulter. Mr. Pinaki Mishra said that 64,000 cases are pending.

Why are 64,000 cases pending? One reason is inadequate number of DRTs. I agree, more DRTs must be opened. We will open more DRTs. That requires infrastructure, finding judges, etc., but we will open more DRTs. I will look into your request that one more DRT should be opened in Kerala.

But cases are pending because the cases drag from weeks to months and from months to years. Therefore, we are limiting the number of adjournments a case can take. All these cases are where the security interest has been secured by a number of documents. There is really nothing by way of evidence to be given. It is all documented loans. Any number of documents are there to show that the person has taken the loan and the person has defaulted. Therefore, we are putting a cap on the number of adjournments a person can take.

How many adjournments should a case take? We said if there are 'x' number of respondents, limit the adjournments to six. Otherwise, limit the adjournments to three. What is wrong with that? One day or the other, these cases have to be decided. We cannot go on giving adjournments for the sake of asking. Then, why 64,000, 640,000 cases will start pending. These cases can and should be disposed of in one or two hearings because these are all perfectly documented cases. There is really no great controversy about these cases. Therefore, I think the provision limiting the number of adjournments is a wholesome provision. It does not deny the borrower the right of a complete inquiry. Six adjournments, is that not enough to dispose of a case?

I would respectfully request my fellow-lawyer Member, Shri Sampath not to make an issue as to why I am limiting the adjournments. In fact, we should limit the adjournments so that the cases are disposed of.

Then there was a question about pendency, about which I said. SARFAESI Act has overriding effect. If you have looked at section 35 – this was asked by Shri Pinaki Misra again – of the SARFAESI Act, it does give this Act overriding effect over other laws. He said that we must take away even the writ jurisdiction. That is not possible. He knows better than I do. ... (*Interruptions*)

MR. CHAIRMAN : Please do not disturb now.

SHRI P. CHIDAMBARAM: You cannot take away the writ jurisdiction. ...  
(*Interruptions*)

MR. CHAIRMAN: What is this? Nothing will go on record. Nothing will go on record, except what the hon. Minister says.

(*Interruptions*)\* ...

SHRI P. CHIDAMBARAM: We cannot take away the jurisdiction of the High Court or the Supreme Court, under article 226 and article 32; we can only take away the powers of the civil court. The powers of the civil court can be restricted, but we cannot restrict the powers of the High Court . ... (*Interruptions*) Please listen to me. I know you are an eminent lawyer, but please listen to me. ... (*Interruptions*) I do not claim that at all. ... (*Interruptions*) We cannot restrict the powers of High Court and the Supreme Court. Therefore, we have to leave the power under article 226 and article 32 in tact, but the powers of the civil court have been overridden. This Tribunal will have the powers to decide these cases.

There were some references to a couple of companies – individual cases. It may not be proper to discuss any individual cases. But let me assure you that in no case, will I allow any special favour to be shown. A particular case was mentioned, where there was a huge NPA; the strictest action is being taken by the banks, in asking them to put up the money upfront before any kind of accommodation can be given; no fresh loans are being given. In fact, the Tax Department has taken severe action in attaching those assets. So, no favours are being shown to any one, irrespective of whoever he may be. The law is taking its course.

Sir, as far as the merits of the amendments are concerned, I respectfully submit this. Perhaps it is not necessary to discuss the merits of the amendments. These amendments are purely amendments which have been made to make the Act more effective in its working, and to plug the loopholes that have been discovered in the application of the Act. These amendments are intended to help

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\* Not recorded.

the banks; the banks have been fully consulted. These amendments have been intended to help the DRTs to quicken the process; the DRTs have been fully consulted.

I would, therefore, request that these amendments be adopted. If, at the stage of third reading, any hon. Member has any difficulty about any particular amendment, I am willing to explain the amendment. But otherwise, these amendments are self-explanatory. I would respectfully request the House to kindly pass these amendments. ... (*Interruptions*)

MR. CHAIRMAN: No. All the hon. Members cannot speak at the same time. Please let him speak.

... (*Interruptions*)

SHRI YASHWANT SINHA : Sir, a very reasonable suggestion has been made that the Bill be referred to the Standing Committee. It is not even accepted; so, we walk out. ... (*Interruptions*)

**15.58 hrs.**

*At this stage, Shri Yashwant Sinha and some other hon. Members left the House.*

SHRI BASU DEB ACHARIA : What is the difficulty in referring the Bill to the Standing Committee? ... (*Interruptions*) We are also walking out.

**15.58 ½ hrs**

*At this stage, Shri Basu Deb Acharia and some other hon. Members left the House.*

SHRI GURUDAS DASGUPTA : Sir, we are walking out in protest. ... (*Interruptions*)

**15.59 hrs**

*At this stage, Shri Gurudas Dasgupta and some other hon. Members left the House.*

MR. CHAIRMAN: The question is:

“That the Bill further to amend the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, be taken into consideration.”

*The motion was adopted.*

MR. CHAIRMAN: The House shall now take up clause by clause consideration of the Bill.

The question is:

“That clause 2 stand part of the Bill.”

*The motion was adopted.*

*Clause 2 was added to the Bill.*

**16.00 hrs**

**Motion Re: Suspension of Rule 80 (i)**

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

“That this House do suspend clause (i) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No.3 to the Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Bill, 2011 and that this amendment may be allowed to be moved. ”

MR. CHAIRMAN: The question is:

“That this House do suspend clause (i) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No.3 to the Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Bill, 2011 and that this amendment may be allowed to be moved. ”

*The motion was adopted.*

**New Clause 2A**

**Amendment of section 5**

*Amendment made:*

Page 2, *after* line 8, *insert*—

**2A.** In section 5 of the principal Act, *after* sub-section (4), the following sub-section shall be *inserted*, namely:-

“(5) On acquisition of financial assets under sub-section (1), the securitization company or reconstruction company, may with the consent of the originator, file an application before the Debts Recovery Tribunal or the Appellate Tribunal or any court or other Authority for the purpose of substitution of its name in any pending suit, appeal or other proceedings and on receipt of such application, such Debts Recovery Tribunal or the Appellate Tribunal or court or Authority shall pass orders for the substitution of the securitization company or reconstruction company in such pending suit, appeal or other proceedings.”.

(3)

(Shri P. Chidambaram)

MR. CHAIRMAN: The question is:

“That new clause 2A stand part of the Bill.”

*The motion was adopted.*

*New clause 2A was added to the Bill.*

*Clause 3 was added to the Bill.*

**Clause 4**

**Amendment of section 13**

*Amendments made:*

Page 2, *after* line 31, *insert*—

‘(c) in the opening portion of sub-section (9), and in the Explanation thereto, *for* the words “three-fourth”, occurring at both the places, the words “sixty per cent” shall be *substituted*.’. (4)

(Shri P. Chidambaram)

MR. CHAIRMAN: The question is:

“That clause 4, as amended, stand part of the Bill. ”

*The motion was adopted.*

*Clause 4, as amended, was added to the Bill.*

*Clauses 5 to 11 were added to the Bill.*

**Motion Re: Suspension of Rule 80 (i)**

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

“That this House do suspend clause (i) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No.5 to the Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Bill, 2011 and that this amendment may be allowed to be moved.”

MR. CHAIRMAN : The question is:

“That this House do suspend clause (i) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No.5 to the Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Bill, 2011 and that this amendment may be allowed to be moved.”

*The motion was adopted.*

**New Clause 11A**

**Amendment of section 15**

*Amendments made:*

Page 5, *after* line 34, *insert*—

**11A.** In section 15 of the principal Act, in sub-section (2), the following proviso shall be *inserted*, namely:--

“Provided that the Central Government, during the pendency of the inquiry against the Presiding Officer or a Chairperson, as the case may be, may, after consulting the Chairperson of the Selection Committee constituted for selection of Presiding Officer or Chairperson, pass an order suspending the Presiding Officer or the Chairperson, if it is satisfied that he



should cease to discharge his functions as a Presiding Officer or Chairperson, as the case may be.”. (5)

(Shri P. Chidambaram)

MR. CHAIRMAN: The question is:

“That new clause 11A stand part of the Bill.”

*The motion was adopted.*

*New clause 11A was added to the Bill.*

*Clause 12 was added to the Bill.*

### **Clause 13**

### **Amendment of section 19**

*Amendments made:*

Page 6, *after* line 15, *insert---*

‘(aa) *after* sub-section (3), the following sub-section shall be *inserted*, namely:-

“(3A) If any application filed before the Tribunal for recovery of any debt is settled prior to the commencement of the hearing before that Tribunal or at any stage of the proceedings before the final order is passed, the applicant may be granted refund of the fees paid by him at such rates as may be prescribed.”;

(ab) *for* sub-section (5), the following sub-section shall be *substituted*, namely:-

“(5) The defendant shall, within a period of 30 days from the date of service of summons, present a written statement of his defence:

Provided that where the defendant fails to file the written statement within the said period of 30 days, the Presiding Officer may, in exceptional cases and in special circumstances to be recorded in writing, allow not more than two extensions to the defendant to file the written statement.”:

(ac) *after* sub-section (5), the following sub-section shall be *inserted*, namely:--

“(5A) After hearing of the application has commenced, it shall be continued from day-to-day until the hearing is concluded:

Provided that the Tribunal may grant adjournments if sufficient cause is shown, but no such adjournment shall be granted more than three times to a party and where there are three or more parties, the total number of such adjournments shall not exceed six:

Provided further that the Presiding Officer may grant such adjournments on imposing such costs as may be considered necessary.”.’ (6)

(Shri P. Chidambaram)

MR. CHAIRMAN: The question is:

“That clause 13, as amended, stand part of the Bill. ”

*The motion was adopted.*

*Clause 13, as amended, was added to the Bill.*

*Clause 14 was added to the Bill.*

*... (Interruptions)*

**Motion Re: Suspension of Rule 80 (i)**

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

“That this House do suspend clause (i) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No.7 to the Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Bill, 2011 and that this amendment may be allowed to be moved. ”

MR. CHAIRMAN : The question is:

“That this House do suspend clause (i) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No.7 to the Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Bill, 2011 and that this amendment may be allowed to be moved.”

*The motion was adopted.*

**New Clause 15**

**Amendment of section 36**

*Amendments made:*

Page 6, *after* line 28, *insert*—

**15.** In section 36 of the principal Act, in sub-section (2), *after* clause (c), the following clause shall be *inserted*, *namely*:-

“(cc) the rate of fee to be refunded to the applicant under sub-section (3A) of section 19 of the Act.”. (7)

(Shri P. Chidambaram)

MR. CHAIRMAN: The question is:

“That new clause 15 stand part of the Bill.”

*The motion was adopted.*

*New clause 15 was added to the Bill.*





MR. CHAIRMAN: Hon. Member, I have allowed you . You please address the Chair.

... (*Interruptions*)

PROF. SAUGATA ROY : Sir, I just want to make one point. Firstly, we are not happy with the explanation which the Finance Minister gave for not referring the Bill to the Standing Committee on Finance. Secondly, I did not hear any explanation from him as to why they have decided to bring 49 per cent FDI in asset re-construction companies. What is the need for raising the cap on FDI as far as asset re-construction companies are concerned for reviving companies which have given sick or bad loans? He has not explained that. I hope that he clarifies it or is it just to show that he is for reform and for opening the door to FDI?

SHRI P. CHIDAMBARAM: Sir, as far as the first point is concerned, I have already explained why a Bill introduced in 2011 by my distinguished predecessor with the request that it need not be referred to the Standing Committee should not be referred now after 12 months. I have given my explanation. Some are satisfied and some are not but that is life.

As far as FDI in ARCs is concerned, this is not being brought for the present Bill. The Reserve Bank of India by a circular dated 11<sup>th</sup> of November, 2005, has permitted FDI in equity in ARCs up to 49 per cent. This has been the FDI since 2005. However, you will be happy to know that the actual FDI in only one company is about 31 per cent. In about nine of the companies, there is no FDI at all. In Arcil which is the biggest company, there is only an FDI of 15 per cent and in other companies there is a small amount of FDI.

Now the question is why do we need FDI. Nobody is imposing FDI. It is quite possible that a re-construction company can be run without FDI but asset re-construction and securitization are extremely technical subjects. First of all, we did not have any re-construction companies in India. We do not have securitisation companies in India until this Act was passed. So, we have no experience of securitisation and asset reconstruction. When the first one was

floated by public sector banks at the instance of the Government, perhaps they thought that it may be useful to draw upon the experiences of other countries which have successfully done asset reconstruction and securitisation. Therefore, a window was opened for FDI and that window has been used only partially in a few companies. It is quite possible that window will be closed. As we gain experience we may not require FDI. But I think since asset reconstruction and securitisation are extremely advanced instruments, extremely sophisticated instruments, perhaps the RBI felt at that time that it is wise to allow a window for FDI. But as I said, the window has not been exploited; the window has not been misused. In fact, many companies do not have FDI.

MR. CHAIRMAN : The question is:

“That the Bill, as amended, be passed.”

*The motion was adopted.*

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**16.12 hrs****THE BANKING LAWS (AMENDMENT) BILL, 2011**

MR. CHAIRMAN: The House would now take up item no. 14 – The Banking Laws (Amendment) Bill, 2011.

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): Sir, I beg to move that the Banking Laws (Amendment) Bill, 2011 be taken into consideration...

*(Interruptions)* The Banking Regulation Act... *(Interruptions)*

SHRI BASU DEB ACHARIA (BANKURA): Sir, there is a question of procedure here. We all have given notice... *(Interruptions)*

SHRI GURUDAS DASGUPTA (GHATAL): Sir, my point is very simple. The point is that the hon. Finance Minister wants the approval of the House to suspend certain rules. The House must concur with him in order to enable the Suspension of the Rule. I am objecting to it and we do not agree to suspend the rule... *(Interruptions)*


SHRI BASU DEB ACHARIA : Sir, the hon. Minister has made a proposal to suspend the rule to bring certain amendments. You may kindly take the sense of the House in this regard and see if the House would agree for suspension of certain rules which the hon. Minister has sought for.

श्री यशवंत सिन्हा (हज़ारीबाग): सभापति महोदय, मैं अपने दोनों कलीग्स के साथ एसोसिएट करते हुए आपसे निवेदन करना चाहता हूँ। मैं यह बात शुरू में कह दूँ कि इस बिल का लम्बा इतिहास है, मैं मेरिट्स में नहीं जा रहा हूँ, प्रोसीजर पर बोल रहा हूँ। यह बिल इंट्रोड्यूस होने के बाद स्टैंडिंग कमेटी को गया, स्टैंडिंग कमेटी की सिफारिश आ गयी। स्टैंडिंग कमेटी की सिफारिश को कंसीडर करने के बाद सरकार यह बिल लाई। अब इसमें मुद्दा क्या उठता है, जो हमारे दोनों डिस्टिंग्विस्ड कलीग्स ने उठाया है।

**16.14 hrs**

(Dr. Girija Vyas *in the chair*)

मुद्दा यह है कि मंत्री महोदय ने नियम 388 के अंतर्गत एक नोटिस ऑफ मोशन दिया है। इस नोटिस में उन्होंने यह कहा है कि amendment number 3 to the Banking Laws (Amendment) Bill should be taken up for consideration in this House in relaxation of sub-clause (1) of rule 80. Now, रूल 80 क्या बोलता है? मैडम, आप किताब निकालकर देखें। Rule 80

says that the following conditions shall govern the admissibility of amendments to clauses or schedules of a Bill जिसमें कि ये कर रहे हैं। (i) An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates. Now, the Minister under rule 388 is seeking an exemption from this rule. Why does he have to seek an exemption? क्यों उसकी आवश्यकता पड़ी, इसलिए आवश्यकता पड़ी कि जो संशोधन वह लाए हैं, that is not within the scope of the Bill and does not relate to the subject matter of the Bill, और वह संशोधन लाए हैं। बिना मैरिट पर बोलते हुए मैं आपसे यह कहना चाहता हूँ कि यह जो बिल स्टैंडिंग कमेटी के सामने गया था तो स्टैंडिंग कमेटी ने सिफारिशों के साथ उसे सदन में लौटा दिया। इन्होंने उनमें से कुछ संशोधन तो स्वीकार कर लिए, लेकिन इन्होंने कम से कम तीन ऐसे नए प्रावधान भी जोड़ दिए हैं, जिससे  सारा का सारा नया बिल हो गया है। जिस क्लॉज़ के लिए ये एक्ज़म्पशन दूँद रहे हैं, मेरे हाथ में बैंकिंग रेग्युलेशन एक्ट 1949 है।

Clause 8 of the Banking Regulations Act, 1949 is relating to prohibition in trading of futures, commodity exchanges and all that.

जो सरकार संशोधन लाई है, उससे स्पेकुलेटिव ट्रेड में बैंक अपना पैसा लगाएं। इस बिल से पहले एनपीए की बात हो रही थी, अब स्पेकुलेटिव ट्रेड में, कमोडिटी फ्यूचर्स में ये बैंक अपना पैसा लगाएंगे तो बैंकों का क्या हश्र होगा। यह संशोधन लाए हैं। यहां पर मोइली साहब बैठे हैं। मैं उनका जिक्र इसलिए कर रहा हूँ, क्योंकि मोइली साहब इसके पहले कम्पनी अफेयर्स के मंत्री थे। उन्हें याद होगा, इसीलिए मैं प्रिंसिडेंट कोट कर रहा हूँ इस सदन में कि कम्पनीज बिल इस सदन में पेश हुआ। उसके बाद स्टैंडिंग कमेटी में गया। उसने अपनी सिफारिशों के साथ कम्पनीज बिल को लौटा दिया। उसके बाद सरकार ने उस बिल में जब संशोधन किए तो उन्होंने उसमें स्टैंडिंग कमेटी की सिफारिशों के बाहर जाते हुए नए संशोधन जोड़ दिए। नए संशोधन जोड़ने के बाद जब हमने सरकार से सदन में नहीं, सदन के बाहर निवेदन किया कि इसे दोबारा स्टैंडिंग कमेटी को भेजा जाए, मैं मोइली साहब का शुक्रगुजार हूँ कि उन्होंने इस बात को स्वीकार करते हुए कम्पनीज बिल को दोबारा स्टैंडिंग कमेटी को भेजा। फिर स्टैंडिंग कमेटी ने दोबारा विचार करके उस बिल को लौटा दिया।



मैं वित्त मंत्री से इस प्रिसेडेंट को कोट करते हुए यह आग्रह शुरू में ही करना चाहता हूँ कि आपने इस पूरे बिल को, जिस पर स्टैंडिंग कमेटी ने विचार किया था, यहां लाने में पूरा बदल डाला है। इसलिए यह आवश्यक है कि यह बिल दोबारा स्टैंडिंग कमेटी में भेजा जाए, यह मैं आपसे आग्रह करना चाहता हूँ... (व्यवधान)

MADAM CHAIRMAN : Hon. Minister, have you got to say something?

... (Interruptions)

MADAM CHAIRMAN: No, he is not answering. I will give my ruling but if the hon. Minister wants to say something on this matter, I am allowing him. Otherwise, I will give my ruling.

... (Interruptions)

सभापति महोदया: यदि मंत्री जी कुछ कहना चाहते हैं तो उन्हें सुना जाए, नहीं तो मैं अपनी रूलिंग दे रही हूँ।

... (व्यवधान)

### **16.19 hrs**

*At this stage, Shri Kalyan Banerjee, Shri P.K. Biju and some other hon. Members came and stood on the floor near the Table.*

... (Interruptions)

SHRI P. CHIDAMBARAM: This Bill was introduced in 2011. Let me explain the grounds... (Interruptions) You do not want to listen to the reply.... (Interruptions) Please listen to me.... (Interruptions)

MADAM CHAIRMAN: Please listen to the Minister. Otherwise, I will give my ruling.

... (Interruptions)

MADAM CHAIRMAN: Please go back to your seats. My ruling is reserved.

... (Interruptions)

SHRI P. CHIDAMBARAM: I am going to reply to your point. I am not running away from here. You have made your point and I will reply to it. ....  
*(Interruptions)* You have raised your point and I have to reply to it....  
*(Interruptions)*

He has raised an objection. I am ready to reply. ... *(Interruptions)*

MADAM CHAIRMAN : Please listen to me.

... *(Interruptions)*

सभापति महोदया : आपने अपना ऑब्जेक्शन दिया है लेकिन चेयर की रूलिंग तो आनी बाकी है।

... *(Interruptions)*

MADAM CHAIRMAN: You have to listen to the Chair. मेरी रूलिंग बाकी है।

... *(Interruptions)*

MADAM CHAIRMAN: You have to listen.

... *(Interruptions)*

SHRI P. CHIDAMBARAM: I am ready to reply. ... *(Interruptions)*

MADAM CHAIRMAN: The Minister wants to speak. Let him speak first.

... *(Interruptions)*

सभापति महोदया: आप रूलिंग तो सुनिये।

MADAM CHAIRMAN: The House stands adjourned to meet again at 4:45 p.m.

... *(Interruptions)*

### **16.22 hrs**

*The Lok Sabha then adjourned till Forty-Five minutes past  
 Sixteen of the Clock.*



**16.45 hrs**

*The Lok Sabha re-assembled at Forty-Five minutes past Sixteen of the Clock.*

(Dr. Girija Vyas *in the Chair*)

**BANKING LAWS (AMENDMENT) BILL, 2011-Contd.**

SHRI BASU DEB ACHARIA (BANKURA): Madam, this Bill should be sent to the Standing Committee.... (*Interruptions*)

**16.45 ½ hrs**

*At this stage, Shr Kalyan Banerjee, Shri M.B. Rajesh and some other hon. Members came and stood on the floor near the Table.*

MADAM CHAIRMAN : Hon. Minister, do you want to say something? I think he wanted to say something.

... (*Interruptions*)

SHRI P. CHIDAMBARAM: Madam, I beg to move:

“That the Bill further to amend the Banking Regulation Act, 1949, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and to...”

MADAM CHAIRMAN: Hon. Members, please sit down. Please take your seats.

... (*Interruptions*)

सभापति महोदया : आप अपनी जगह पर बैठ जाइए।

... (व्यवधान)

सभापति महोदया : आप अपनी जगह पर बैठ जाइए।

... (व्यवधान)

MADAM CHAIRMAN: I am giving the Ruling from the Chair. Please sit down. Please take your seats.

**16.46 hrs**

**OBSERVATION BY THE CHAIRMAN**

**Moving of Motion for Suspending Rule 80 (i)**

MADAM CHAIRMAN: Hon. Members, this objection should have been raised at the time of clause by clause consideration, but, anyhow, a few hon. Members have already raised the objection. So, I give my ruling. In this context, I would like to inform the House that whenever requests are received from the Ministers in-charge of the Bills for suspension of Rule 80 (i), the practice has been to allow the Minister concerned to move the Motion.

... (*Interruptions*)

MADAM CHAIRMAN: As such, it is not for the first time that the Minister in charge of a Bill has been permitted to move the Motion for Suspension of Rule 80 (i).

Therefore, as per past practice and exercising her power under Rule 388, the hon. Speaker has permitted the hon. Minister to move the Motion for Suspension of Rule 80 (i).

... (*Interruptions*)

सभापति महोदया : आप हाउस में डिबेट होने दीजिए।

श्री अनुराग सिंह ठाकुर (हमीरपुर, हि.प्र.): सभापति महोदया, हाउस आर्डर में नहीं है।(व्यवधान)

सभापति महोदया : आप माननीय सदस्य की बात सुन लीजिए। क्लॉज बाय क्लॉज डिस्कस होने दीजिए।

... (व्यवधान)

श्री अनुराग सिंह ठाकुर : सभापति महोदया, आपने महत्वपूर्ण बिल पर चर्चा करने की बात कही है, लेकिन हाउस ही आर्डर में नहीं होगा, तो न आप मेरी बात सुन पाएंगी और न ही मैं सदन में अपनी बात रख पाऊंगा। (व्यवधान) यह बहुत महत्वपूर्ण विषय है।(व्यवधान)

MADAM CHAIRMAN : The House stands adjourned to meet again on Tuesday, the 11<sup>th</sup> December, 2012 at 11.00 a.m.

**16.50 hrs**

*The Lok Sabha then adjourned till Eleven of the Clock  
on Tuesday, December 11, 2012/Agrahayana 20, 1934 (Saka).*

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