

C O N T E N T S

**Sixteenth Series, Vol. X, Fourth Session, 2015/1937 (Saka)
No. 35, Wednesday, May 13, 2015/Vaisakha 23, 1937 (Saka)**

| <u>S U B J E C T</u> | <u>P A G E S</u> |
|---|-------------------------|
| REFERENCE BY THE SPEAKER | |
| Earthquake which rocked Nepal and northern part of India on 12 May, 2015 | 6 |
| PAPERS LAID ON THE TABLE | 8-12 |
| STANDING COMMITTEE ON WATER RESOURCES 4 th Report | 13 |
| STATEMENT BY MINISTER | |
| (i) Status of implementation of the recommendations contained in the 81st Report of the Standing Committee on Finance on Action Taken by the Government on the observations/recommendations contained in the 6th Report of the Committee on 'Inflation and Price Rise', pertaining to the Ministry of Finance | |
| Shri Jayant Sinha | 14 |
| (ii) Attempt to commit suicide by four girl trainees of Sports Authority of India's Special Area Games Water Sports Centre at Alappuzha | |
| Shri Rajiv Pratap Rudy | 15-19 |

**MOTION RE: NINETEENTH REPORT OF
BUSINESS ADVISORY COMMITTEE**

20

SUBMISSIONS BY MEMBERS

- (i) Re:Harassment meted out to students by
private schools affiliated to CBSE 31-32
- (ii) Re: Cancellation of M/S. Shaktiman Mega Food Park
on the points raised in the House 54-55

NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL, 2015

| | |
|--------------------------------|------------------------|
| Motion to Consider | 56 |
| Shri Jayant Sinha | 56-57, 89-91, 95-97 |
| Shri M.I. Shanavas | 57-63 |
| Shri Hukum Singh | 64-66 |
| Shri S. Selvakumara Chinnaiyan | 67-68 |
| Prof. Sugata Bose | 69-71 |
| Shri Jhina Hikaka | 72-73 |
| Shri Rahul Shewale | 74-75 |
| Dr. Ravindra Babu | 76 |
| Shri B. Vinod Kumar | 77 |
| Dr. A. Sampath | 78-82 |
| Dr. Varaprasada RaoVelagapalli | 83-84 |
| Shri Dushyant Chautala | 85 |
| Adv. Joice George | 86-87 |
| Dr. Udit Raj | 88 |
| Clauses 2 to 4 and 1 | 98-102 |
| Motion to Pass | 102 |

**MESSAGE FROM RAJYA SABHA
AND
BILL AS PASSED BY RAJYA SABHA**

103-105,

173

**WHISTLE BLOWERS PROTECTION (AMENDMENT)
BILL, 2015**

| | |
|-------------------------------|---------------------|
| | 106-163 |
| Motion to Consider | 106 |
| Dr. Jitendra Singh | 106-107, 151-160 |
| Shri Adhir Ranjan Chowdhury | 108-113 |
| Dr. Sanjay Jaiswal | 114-120 |
| Prof. Saugata Roy | 121-124 |
| Shri Bhartruhari Mahtab | 125-128 |
| Dr. Ravindra Babu | 129-130 |
| Dr. K. Kamaraj | 131-132 |
| Shri Rahul Shewale | 133-136 |
| Dr. A. Sampath | 137-142 |
| Shrimati Kavitha Kalvakkuntla | 143-145 |
| Kumari Sushmita Dev | 146-148 |
| Shri Om Birla | 149-150 |
| Clauses 2 to 11 and 1 | 162-163 |
| Motion to Pass | 163 |

GOVERNMENT BILLS -Introduced

(i) Repealing and Amending (Third) Bill, 2015

Shri D. V. Sadananda Gowda 165

(ii) Benami Transactions (Prohibition)
Amendment Bill, 2015

Shri Jayant Sinha 166

GOVERNMENT BILLS -Referred

(i) Benami Transactions (Prohibition)
Amendment Bill, 2015

166

(ii) Compensatory Afforestation Fund Bill, 2015.

170-172

| | |
|--|---------|
| (iii) National Waterways Bill, 2015 | 172 |
| (iv) Micro, Small and Medium Enterprises Development (Amendment) Bill, 2015. | 172 |
| DISCUSSION UNDER RULE 193 Millennium Development Goals | |
| Dr. Ramesh Pokhriyal ‘Nishank’ | 168-169 |
| COMPANIES (AMENDMENT) BILL, 2014 <i>(Amendments made by Rajya Sabha)</i> | |
| Shri Arun Jaitley | 174-181 |
| Motion to Consider | 174-177 |
| Clauses 4 to 22 and 1 | 178-180 |
| Amendments Agreed | 181 |
| VALEDICTORY REFERENCE | 182-185 |
| NATIONAL SONG | 185 |

OFFICERS OF LOK SABHA

THE SPEAKER

Shrimati Sumitra Mahajan

THE DEPUTY SPEAKER

Dr. M. Thambidurai

PANEL OF CHAIRPERSONS

Shri Arjun Charan Sethi

Shri Hukmdeo Narayan Yadav

Shri Anandrao Adsul

Shri Pralhad Joshi

Dr. Ratna De (Nag)

Shri Ramen Deka

Shri Konakalla Narayana Rao

Shri Hukum Singh

Shri K.H. Muniyappa

Dr. P. Venugopal

SECRETARY GENERAL

Shri Anoop Mishra

LOK SABHA DEBATES

LOK SABHA

Wednesday, May 13, 2015/Vaisakha 23, 1937 (Saka)

The Lok Sabha met at Eleven of the Clock

[HON. SPEAKER *in the Chair*]

REFERENCE BY THE SPEAKER

Earthquake which rocked Nepal and northern part of India on 12 May, 2015

माननीय अध्यक्ष : माननीय सदस्यगण, 12 मई, 2015 को नेपाल में एक और भूकम्प आया, जिसकी तीव्रता रिक्टर स्केल पर 7.3 आंकी गई तथा जिसके तीव्र कम्पन भारत के उत्तरी भागों में भी महसूस किए गए। इस भूकम्प का केंद्र काठमांडू से 83 किलोमीटर पूर्व माउंट एवरेस्ट के निकट था। इसके पश्चात् भी इस क्षेत्र में छह बार भूकम्प के तेज झटके आने की सूचना प्राप्त हुई है।

इस भूकम्प में 57 व्यक्तियों की मृत्यु होने और कई अन्य व्यक्तियों के घायल होने तथा सम्पत्ति का भारी नुकसान होने की सूचना मिली है।

उत्तर प्रदेश, बिहार, दिल्ली, असम, उड़ीसा, सिक्किम और पश्चिम बंगाल तथा निकटवर्ती क्षेत्रों में भी भूकम्प के झटके महसूस किए गए। बिहार में 15 व्यक्तियों सहित भारत में 17 व्यक्तियों की मृत्यु होने की सूचना प्राप्त हुई है।

यह सभा दुःख की घड़ी में नेपाल की सरकार और जनता तथा हमारे अपने देश के विभिन्न भागों में प्रभावित सभी लोगों के प्रति अपनी सहानुभूति और पूर्ण समर्थन व्यक्त करती है। यह सभा लोगों की मृत्यु पर अपना गहरा शोक व्यक्त करती है और शोकसंतप्त परिवारों के प्रति अपनी हार्दिक संवेदना प्रकट करती है तथा घायलों के शीघ्र स्वस्थ होने की कामना करती है।

यह सभा अब दिवंगत आत्माओं के सम्मान में थोड़ी देर मौन खड़ी रहेगी।

11.04 hrs

The Members then stood in silence for short while.

HON. SPEAKER: Papers to be Laid on the Table.

... (Interruptions)

HON. SPEAKER: I know there are Adjournment Motions. Though the matters are important enough, they do not warrant interruption of business of the day. I have, therefore, disallowed all the notices of Adjournment Motion. They can raise it afterwards.

... (*Interruptions*)

11.05 hrs**PAPERS LAID ON THE TABLE**

HON. SPEAKER: Now, Papers to be laid. Shri Jagat Prakash Nadda.

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI JAGAT PRAKASH NADDA): I beg to lay on the Table a copy each of the following papers (Hindi and English versions):-

- (i) Memorandum of Understanding between the HLL Lifecare Limited and the Department of Health and Family Welfare, Ministry of Health and Family Welfare, for the year 2015-2016.

[Placed in Lirary, See No. LT 2664/16/15]

- (ii) Memorandum of Understanding between HLL Biotech Limited and the HLL Lifecare Limited for the year 2015-2016.

[Placed in Lirary, See No. LT 2665/16/15]

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI SMRITI ZUBIN IRANI): I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under Section 33 of the National Council for Teacher Education Act, 1993:-

1. The National Council for Teacher Education (Amendment) Rules, 2015 published in Notification No. G.S.R. 126(E) in Gazette of India dated 27th February, 2015.

[Placed in Lirary, See No. LT 2666/16/15]

2. The National Council for Teacher Education (Recognition Norms and procedure) Regulations, 2014 published in Notification No. F 51-1/2014-NCTE (N&S) in Gazette of India dated 1st December, 2014.

[Placed in Lirary, See No. LT 2667/16/15]

3. The National Council for Teacher Education (Determination of Minimum Qualifications for Persons to be recruit-ed as

Education Teachers and Physical Education Teachers in Pre-primary, Primary, Upper Primary, Secondary, Senior Secondary or Intermediate Schools or Colleges Regulations, 2014 published in Notification No. F. No. 62-1/2012/NCTE (N&S) in Gazette of India dated 16th December, 2014.

[Placed in Lirary, See No. LT 2668/16/15]

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): On behalf of my senior colleague Shri Santosh Kumar Gangwar, I beg to lay on the Table a copy of the Memorandum of Understanding (Hindi and English versions) between the Cotton Corporation of India Limited and the Ministry of Textiles for the year 2015-2016.

[Placed in Lirary, See No. LT 2669/16/15]

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA): I beg to lay on the Table a copy of the Minimum Wages (Central) (Amendment) Rules, 2015 (Hindi and English versions) published in Notification No. G.S.R. 182(E) in Gazette of India dated 12th March, 2015 under Section 30A of the Minimum Wages Act, 1948.

[Placed in Lirary, See No. LT 2670/16/15]

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA): On behalf of my colleague Shrimati Nirmala Sitharaman, I beg to lay on the Table a copy each of the following papers (Hindi and English versions):-

- (1) Foreign Trade Policy, 2015-2020.
- (2) Handbook of Procedures of Foreign Trade Policy, 2015-2020.

[Placed in Lirary, See No. LT 2671/16/15]

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS AND MINISTER OF STATE IN THE MINISTRY OF SHIPPING (SHRI PON RADHAKRISHNAN): I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under Section 10 of the National Highways Act, 1956:-

- (i) S.O. 3275(E) published in Gazette of India dated 26th December, 2014, making certain amendments in the Notification No. S.O. 3426(E) dated 11th November, 2013.
- (ii) S.O. 3289(E) published in Gazette of India dated 29th December, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 8E (Part of Bhavnagar Section) in the State of Gujarat.
- (iii) S.O. 3035(E) published in Gazette of India dated 1st December, 2014, regarding acquisition of land for building, maintenance, management and operation of Proposed Ahmedabad-Vadodara Expressway NE-I (Ahmedabad-Vadodara Section) in the State of Gujarat.
- (iv) S.O. 3293(E) published in Gazette of India dated 29th December, 2014, regarding acquisition of land for building, maintenance, management and operation of Proposed Vadodara-Mumbai Expressway (Vadodara-Mumbai Section) in the State of Gujarat.
- (v) S.O. 3295(E) published in Gazette of India dated 29th December, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 8E (Part of Bhavnagar Section) in the State of Gujarat.
- (vi) S.O. 259(E) published in Gazette of India dated 28th January, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 8D (Junagadh Section) in the State of Gujarat.
- (vii) S.O. 121(E) published in Gazette of India dated 9th January, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 8E (Amerli Section) in the

State of Gujarat.

- (viii) S.O. 3218(E) published in Gazette of India dated 18th December, 2014, authorising the Special Land Acquisition Officer, Rajkot, as the competent authority to acquire land for building, maintenance, management and operation of National Highway No. 27 in the State of Gujarat.
- (ix) S.O. 2432(E) published in Gazette of India dated 18th December, 2014, making certain amendments in the Notification No. S.O. 474(E) dated 19th February, 2014.
- (x) S.O. 3(E) published in Gazette of India dated 1st January, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 8E (Ext.)(Part of Devbhumi Dwarka Section) in the State of Gujarat.

[Placed in Lirary, See No. LT 2672/16/15]

- (xi) S.O. 3292(E) published in Gazette of India dated 29th December, 2014, regarding acquisition of land for building, maintenance, management and operation of Proposed Vadodara-Mumbai Expressway (Vadodara-Mumbai Section) in the State of Gujarat.
- (xii) S.O. 2849(E) published in Gazette of India dated 10th November, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 8E (Bhavnagar Section) in the State of Gujarat.
- (xiii) S.O. 2872(E) published in Gazette of India dated 10th November, 2014, regarding acquisition of land for building, maintenance, management and operation of Proposed Vadodara-Mumbai Expressway (Vadodara-Mumbai Section) in the State of Gujarat.

[Placed in Lirary, See No. LT 2673/16/15]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJU): I beg to lay on the Table:-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the National Disaster Management Authority, New Delhi, for the year 2013-2014, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Disaster Management Authority, New Delhi, for the year 2013-2014.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Lirary, See No. LT 2674/16/15]

- (3) A copy of the Central Reserve Police Force Group 'B' and 'C' (Radio Operator, Crypto, Technical, Radio Fitter, Draughtsman)(Non-Gazetted) Male or Female Ranks (Signals) Recruitment (Amendment) Rules, 2015 (Hindi and English versions) published in Notification No. G.S.R. 188(E) in Gazette of India dated 13th March, 2015 under sub-section (3) of Section 18 of the Central Reserve Police Force Act, 1949.

[Placed in Lirary, See No. LT 2675/16/15]

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF HOUSING AND URBAN POVERTY ALLEVIATION (SHRI BABUL SUPRIYO): I beg to lay on the Table a copy of the Memorandum of Understanding (Hindi and English versions) between the Hindustan Prefab Limited and the Ministry of Housing and Urban Poverty Alleviation for the year 2015-2016.

[Placed in Lirary, See No. LT 2676/16/15]

11.12 hrs

STANDING COMMITTEE ON WATER RESOURCES

4th Report

श्री हुकुम सिंह (कैराना) : महोदया, 'किसानों को बाढ़ से नष्ट हुई उनकी फसलों की हानि के लिए मुआवजा देने और किसानों के खेतों में बची रेत के निपटान के अधिकार सहित देश में बाढ़ प्रबंधन, जलमग्न और अपक्षरित भूमि के लिए मुआवजा और स्वामित्व की स्थिति से संबंधित मुद्दे' के बारे में जल संसाधन संबंधी स्थायी समिति (2014-15) का चौथा प्रतिवेदन (हिन्दी तथा अंग्रेजी संस्करण) सभा पटल पर रखता हूँ।

11.13 hrs

STATEMENT BY MINISTER

(i) Status of implementation of the recommendations contained in the 81st Report of the Standing Committee on Finance on Action Taken by the Government on the observations/recommendations contained in the 6th Report of the Committee on 'Inflation and Price Rise', pertaining to the Ministry of Finance*

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JAYANT SINHA): Madam Speaker, on behalf of my senior colleague Shri Arun Jaitley, I beg to lay a statement regarding the status of implementation of the recommendations contained in the 81st Report of the Standing Committee on Finance on Action Taken by the Government on the observations/recommendations contained in the 6th Report of the Committee on 'Inflation and Price Rise', pertaining to the Ministry of Finance.

* Laid on the Table and also placed in Library, See No. LT 2677/16/15

11.14 hrs**(ii) Attempt to commit suicide by four girl trainees of Sports Authority of India's Special Area Games Water Sports Centre at Alappuzha***

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): Madam, on behalf of the hon. Minister of State of the Ministry of Youth Affairs and Sports Shri Sarbananda Sonowal, I beg to lay a Statement regarding attempt to commit suicide by four girl trainee of Sports Authority of India's Special Area Games Water Sports Centre at Alappuzha.... (*Interruptions*)

SHRI K.C. VENUGOPAL (ALAPPUZHA): Madam, it is one of the serious issues. We had raised that issue yesterday also. The hon. Minister has assured the House that he would make a statement in this regard. Kindly read the statement.

HON. SPEAKER: You can read the Statement.

SHRI RAJIV PRATAP RUDY: This is certainly a very important matter. The hon. Minister has made a complete statement and all the facts are mentioned here. In case, you feel that there is anything additional to be asked, we can certainly get back.

SHRI K.C. VENUGOPAL: How can we know without reading it?

SHRI RAJIV PRATAP RUDY: I am laying this Statement. If you want me to read it, I can read it out. It is an important issue of Kerala and everyone should know about it. Now, I read it.

Speaker Madam, on behalf of my colleague Shri Sarbananda Sonowal, I wish to read a suo-moto statement in this august House on the most tragic and shocking incident in the history of Sports Authority of India (SAI) occurred at the SAI Special Area Games (SAG) Water Sports Centre (WSC) at Alappuzha, Kerala

* Placed in Library, See No. LT 2678/16/15.

on 06.05.2015 wherein four girl inmates attempted to commit suicide by consumption of a locally available poisonous fruit known as "*Othalanga*", whose botanical name is *Cerbera Odollam*. The tree bearing this fruit is commonly referred to as suicide tree. The girls were detected to be unwell around 7.15 p.m. and were admitted to Alappuzha Medical College hospital around 9.00 p.m. One girl trainee Ms. Aparna Ramambhadran, a 17 year old promising junior national level rower succumbed to the poison in the early hours of 07.05.2015 while the remaining three girls are undergoing treatment in the Intensive Care Unit (ICU) of the hospital. According to the latest update, as of 12.05.2015 early morning, the three surviving girls' health condition has improved significantly and stabilised.

The matter was reported to the hon. Minister in the morning and he directed Director General, SAI to immediately enquire into the matter and submit a report for necessary action. DG, SAI reached Kochi around 9.00 p.m. and proceeded straight to the Alappuzha Government Medical College by road and reached the hospital around 11.30 p.m. He visited the 3 surviving girl trainees in the ICU and enquired about their health. He also met the parents of the girls. DG, SAI later spoke to the District Collector and indicated that SAI was willing to airlift the girls for treatment at AIIMS, New Delhi, if the situation so warranted.

Based on his request, the Director, AIIMS constituted a Medical Board comprising the Heads of Medicine, Pharmacology, Cardiology and Emergency for providing necessary advice and support in the treatment of the girls. A telemedicine video conference was held with the expert doctors of AIIMS on 08.05.2015 at 10.00 a.m. The team of doctors at AIIMS expressed satisfaction over the treatment procedure adopted by the Alappuzha Government Medical College, but suggested certain modifications in the treatment management, which was duly followed. The DG, SAI once again met the parents of the three surviving girls and handed over a financial assistance of Rs.25,000/- each for meeting the miscellaneous expenditure. He also visited the house of the deceased girl, Ms Aparna Ramabhadran and assured fair enquiry and stringent action if anyone was found guilty. He handed over a cheque for Rs. 5,00,000/- (Rupees

five lakhs only) to the mother of late Ms Aparna Ramabhadran as ex-gratia payment. He also offered her a job on a contract basis in SAI as a Multi-Tasking Staff.

DG, SAI interacted with the girl inmates in their hostel premises, which is a rented building, and appealed to them to face the situation with strength and cooperate with the ongoing investigations. Thereafter, he enquired from them as to what had actually happened. He also enquired from boy trainees, who have accommodated in the SAI centre, about the incident. Based on the interaction, the following decisions were taken for immediate action:-

- i. Psychology counselors may be engaged to counsel the trainees so that they can come out of the emotional trauma;
- ii. Particular care would be taken to ensure psychological and emotional rehabilitation of the three girls who have survived the suicide attempt;
- iii. The mothers of girl trainees may be allowed to stay in the hostel for a week or so until the situation normalizes;
- iv. The trainees who are keen to take a short break may be allowed to be taken home by their parents provided their presence is not required for the ongoing investigations;
- v. Hostels should be constructed by using pre-fabricated technology and all the inmates should be shifted within the shortest possible time to the premises of SAI centre;.
- vi. An Assistant Director will be stationed at Alappuzha until normalcy is restored.

Several external investigations are currently underway, which include police investigation, preliminary enquiry conducted by the District Administration, enquiry by the State Sports Secretary, enquiry by State Human Rights Commission, etc. Hence it would not be appropriate to make any specific comment in this regard at this point of time. However, the shocking and tragic incident that occurred at the SAG Water Sports Centre, Alappuzha does point out an urgent need to strengthen the SAI training system. DG, SAI has made

elaborate suggestions for the purpose. Some of the major recommendations made by DG, SAI as follows

(i) Engagement of counseling psychologists in all SAI training Centres for the purpose of group counseling as well as one-on-one counseling. This is considered most essential for the emotional well-being of the trainees;

(ii) Yoga may be introduced as a compulsory activity in all SAI centres, as it would have a salutary effect on holistic development and emotional well-being of SAI trainees. Part-time Yoga instructors may be engaged for this purpose;

(iii) AIIMS to develop a two-day module on sports psychology for SAI trainees, which would be extremely useful for them;

(iv) We may request iconic sportspersons to adopt SAI centres and act as SAI Trainee Mentors. This will not only inspire young SAI trainees but also enable them to emulate the qualities of their role model;

(v) A 24X7 Helpline may be introduced for SAI trainee related grievance redressed, especially for reporting the cases of sexual harassment;

(vi) A robust institutionalized mechanism should be put in place to maintain close rapport and coordination with the State Sports department.

(vii) An Expert Committee may be constituted to study the existing SAI training system and make necessary recommendations for its further improvement in the areas of sports and related infrastructure, equipment support, coaching, sports science (including sports medicine and sports psychology), competition exposure, skill development, management, holistic trainee development, athlete grievance redressal, anti-sexual harassment measures and overall security. The Committee may visit, a few SAI Centres to gain first-hand understanding. The Committee may submit its report along with recommendations within two months.

We would examine these suggestions and take necessary action at the earliest to ensure that such incidents do not occur in future.

I thank the Kerala Government and people from all walks of life in the State who extended full assistance to us in dealing with the situation.

Thank you.

11.15 hrs

**MOTION RE: NINETEENTH REPORT OF
BUSINESS ADVISORY COMMITTEE**

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): I beg to move:-

“That this House do agree with the Nineteenth Report of the Business Advisory Committee presented to the House on 12th May, 2015.”

HON. SPEAKER: The question is:

“That this House do agree with the Nineteenth Report of the Business Advisory Committee presented to the House on 12th May, 2015.”

The motion was adopted.

माननीय अध्यक्ष : श्री केशव प्रसाद मौर्य - उपस्थित नहीं।

श्री भानु प्रताप सिंह वर्मा (जालौन) : अध्यक्ष महोदया, मेरे लोक सभा क्षेत्र जालौन के गरौठा में अभी ओलावृष्टि से जो वहां के किसानों के फसलों की तबाही हुई है, उसके लिए प्रदेश सरकार द्वारा जो चेक बांटे जा रहे हैं, उनमें यह हम लोगों के संज्ञान में लाया गया है कि हमारे जालौन जिले के ग्राम शेखपुर और हदरूख में दो भाइयों के बीच किसी को सात हजार रुपये के चेक दिए जा रहे हैं, तो किसी को अठारह हजार रुपये के चेक दिए जा रहे हैं। वहां लेखपाल अपनी मनमानी के हिसाब से चेक बांट रहे हैं। वास्तविकता यह है कि हमारे जनपद झांसी में जो गरौठा क्षेत्र है, वहां किसी किसान को चार हजार रुपये के, किसी को छः हजार रुपये के, किसी को सात हजार रुपये के चेक बांटे जा रहे हैं। वहां लेखपाल अपनी मनमानी के हिसाब से चेक बांट रहे हैं।...(व्यवधान)

श्री धर्मेन्द्र यादव (बदायूँ) : महोदया, राज्य सरकार अपने स्तर से किसानों को पैसा बांट रही है। केन्द्र सरकार इसके लिए राज्य सरकार को पैसा दे।...(व्यवधान)

श्री भानु प्रताप सिंह वर्मा: महोदय, अगर उत्तर प्रदेश सरकार के पास पैसा नहीं है तो उसे केन्द्र सरकार से पैसा मांगना चाहिए।...(व्यवधान) इसका बिना सर्वे कराए लेखपाल अपने मनमाने तरीके से ये चेक बांट रहे हैं।...(व्यवधान) मेरा कहना यह है कि अगर दो भाइयों की जिस एक हैं तो दोनों को बराबर राशि के चेक मिलने चाहिए।...(व्यवधान)

महोदया, इसलिए मैं केन्द्र सरकार से कहना चाहता हूँ कि राज्य में जो मशीनरी काम कर रही है, वह बुरी तरह से फेल है और वह मनमाने तरीके से चेक बांट रही हैं।...(व्यवधान) मैं केन्द्र सरकार से मांग करता हूँ कि इसकी विशेष तौर से जांच की जाए और किसानों को जो मुआवज़ा दिया जाना चाहिए, वह प्रति एकड़ के हिसाब से दिया जाना चाहिए।...(व्यवधान) उत्तर प्रदेश में जो किसानों के साथ दुर्व्यवहार करके और मनमाने ढंग से चेक दिए जा रहे हैं, उसे बंद किया जाना चाहिए।...(व्यवधान)

माननीय अध्यक्ष : श्री भैरों प्रसाद मिश्र को श्री भानु प्रताप सिंह वर्मा द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्री मुलायम सिंह यादव (आज़मगढ़) : अध्यक्ष महोदया, केन्द्र सरकार से इसके लिए पैसा नहीं दिया गया है।...(व्यवधान)

माननीय अध्यक्ष : मैं इसे बाद में देखूंगी। प्लीज़, को-ऑपरेट करें। बैठिए।

...(व्यवधान)

श्री राहुल शेवाले (मुम्बई दक्षिण मध्य) : अध्यक्ष महोदया, मेरे संसदीय क्षेत्र मुम्बई साउथ सेंट्रल के देवनार गांव में सौ साल पुराना महालक्ष्मी माता का मन्दिर है, जहां हज़ारों श्रद्धालु पूजा-पाठ करते हैं। प्रत्येक वर्ष यहां पर एक यात्रा भी निकाली जाती है। वर्ष 1960 में इस मन्दिर के आस-पास की भूमि केन्द्र सरकार ने विकास के लिए खरीदी और वहां भूमि अधिग्रहण कर ली। वर्ष 1965 में यहां पर सिर्फ एक टेलीकॉम फैक्ट्री चल रही थी तथा इस ज़मीन का बहुत बड़ा भू-भाग खाली पड़ा है।

देवनार गांव के लोगों ने इस सौ साल पुराने महालक्ष्मी माता मन्दिर के विस्तार और एक मण्डप बनाने के लिए केन्द्र सरकार से 2,902 वर्ग गज भूमि 'देवनार ग्रामस्थ महालक्ष्मी देवालय ट्रस्ट' को ट्रांसफर करने के लिए वर्षों पहले एक ज्ञापन केन्द्र सरकार को दिया था, परन्तु इस प्रस्ताव पर अभी तक सरकार ने कोई कार्रवाई नहीं की है।

अध्यक्ष महोदया, मैं आपके माध्यम से केन्द्र सरकार से मांग करता हूं कि शीघ्र ही देवनार देवालय ट्रस्ट को 2,902 वर्ग गज भूमि ट्रांसफर करे, जिससे इस मन्दिर का पुनरुद्धार और पुनर्निर्माण हो सके।

SHRI R. DHRUVANARAYANA (CHAMARAJANAGAR): Madam, I want to raise an important issue regarding India's relative slow progress in research and development as compared to other developing countries, which is hampering innovation in the country.

As per UNESCO, India has 366 research and development personnel per million population. In comparison to India's small number, Brazil has 1,366 and China has 2,358 personnel per million population. Even if we see percentage spending on research and development, India had spent 0.9 per cent of GDP on research and development in 2014. The global average for the same is 1.8 per cent. When we compare this to other countries, Israel spends 4.2 per cent; China spends two per cent; Brazil spends 1.3 per cent; and South Africa spends one per cent. As a result, India has been lagging behind innovation and filing of patents as well. While China filed over two lakh patents from 2005-2012, India filed only 59,988.

In this regard there is an urgent need to not only increase investment on research and development but also establish industry and sector-specific research linkages with research institutes.

I urge the Government to take note of this issue and do something. Thank you.

HON. SPEAKER: Shri Nishikant Dubey and Shri Bhairon Prasad Mishra are allowed to associate with the matter raised by Shri R. Dhuruvaranarayana.

श्री प्रेम सिंह चन्दूमाजरा (आनंदपुर साहिब) : महोदया, आजादी के बाद पंजाब के साथ बहुत अन्याय हुआ। यह बहुत लंबी कहानी है। आज मैं केवल एक बात कहना चाहता हूँ, माननीय गृह मंत्री जी सदन में उपस्थित हैं, जब पंजाब-हरियाणा री-आर्गनाइजेशन एक्ट बना, उस फार्मूले के तहत वहाँ इम्प्लाइज और ऑफिसर जो रखने थे, उनका 60-40 के रेश्यो में बंटवारा था। पिछले कुछ दिनों में नया सर्वे आया। वहाँ पाँच परसेंट ही पंजाब के ऑफिसर, इम्प्लाइज रह गए हैं और हरियाणा के भी कम हो गए। एक नया यू.टी. कैडर बना दिया गया।

दूसरा, वहाँ जो पंजाबी लैंग्वेज है, 90 परसेंट लोग पंजाबी बोलते हैं, पढ़ते हैं, जबकि इंग्लिश को ऑफिशियल लैंग्वेज बना दिया गया, पंजाबी को सेकेंड लैंग्वेज भी नहीं बनाया गया।

मेरा आपके माध्यम से माननीय गृह मंत्री जी से निवेदन है कि यह अन्याय पिछले 65 वर्षों से हो रहा है और आज हम आपसे अपेक्षा करते हैं। पहले चंडीगढ़ पंजाब का हिस्सा था, यह पंजाब को ही मिलना चाहिए। दूसरा, कम से कम वहाँ जो ऑफिसर और इम्प्लाइज हैं, वे तो हमारे ही रहने चाहिए।

इसके साथ ही एक दूसरा महत्वपूर्ण इश्यू है। पंजाब के बहुत सारे नौजवान जो इराक में फंसे हुए हैं, उनके परिवार दिल्ली में रहते हैं। मैं आपके माध्यम से सरकार से निवेदन करना चाहता हूँ कि उनके परिवारजनों की सैटिस्फैक्शन के लिए उनकी जो असली पोजीशन है, रिएल फैक्ट्स हैं, वे उनके परिवारों को दिए जाएं ताकि परिवार सैटिस्फाई हो पाएं। धन्यवाद।

HON. SPEAKER: Shri M.B. Rajesh – He is not present here.

श्री गणेश सिंह (सतना) : महोदय, मैं आपके माध्यम से केन्द्र सरकार का ध्यान नए रोजगार के सृजन की ओर दिलाना चाहता हूँ। हालांकि यह बात बिल्कुल सही है कि हमारी नई सरकार ने नए रोजगार के सृजन के लिए मेक इन इंडिया, स्किल इंडिया तथा मुद्रा बैंक जैसे कई कार्यक्रम चलाने का निर्णय लिया है। दुनिया में सबसे ज्यादा मैन पावर हमारे देश में है। इन हाथों में ऐसी कारीगरी है जो सुई से लेकर जहाज तक बनाते रहे हैं, लेकिन पूर्ववर्ती सरकार ने इस शक्ति का सही उपयोग नहीं किया। लिहाजा युवाओं में एक तरफ निराशा बढ़ी है, दूसरी तरफ हर जरूरत का सामान हमारे पड़ोसी देश चीन से आने लगा और जो हमारे देशी पूंजी निवेशक थे, उनमें भी निराशा आ गई।

इन्हीं कारणों से आज देश में भयंकर बेरोजगारी पैदा हो गई है। हालांकि यह बात सही है कि हमारी नई सरकार ने इस दिशा में बहुत कारगर नए उपाय शुरू किए हैं और उसका परिणाम भी अब देखने को मिलने लगा है। मैं सरकार को एक सुझाव देना चाहता हूँ कि चीन तथा अन्य पड़ोसी देशों की हमारे यहाँ आम जरूरत की जो वस्तुएं बाजार में बिक रही हैं, उन पर रोक लगाकर उन सारी वस्तुओं का देश में निर्माण कराया जाए। इससे जहाँ एक ओर नए रोजगार पैदा होंगे, वहीं दूसरी तरफ देशी पूंजी निवेशकों को भी अवसर मिलेगा और मेड इन इंडिया बनाने में बल मिलेगा। धन्यवाद।

माननीय अध्यक्ष : श्री पी.पी.चौधरी, श्री निशिकान्त दुबे, श्री भैरों प्रसाद मिश्र, श्री गजेन्द्र सिंह शेखावत, डॉ. किरिट पी. सोलंकी को श्री गणेश सिंह द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

HON. SPEAKER: Shri Janardan Mishra – He is not present here.

Shri S.R. Vijaya Kumar – He is not present.

श्री अरविंद सावंत (मुंबई दक्षिण) : महोदय, मैं आज थोड़ा सा व्यथित हूँ। मुंबई शहर की रचना आप जानती हैं कि दक्षिण की तरफ वह बहुत ही नैरो बैंडिड होती जाती है। मुंबई में यातायात की इतनी समस्याएं खड़ी हो रही हैं कि पूछिए मत। वहां गाड़ियों की संख्या बढ़ रही है। चुनाव के पूर्व हम लोगों ने जनता को वचन दिया था कि हम वहाँ कोस्टल रोड बनाएंगे। अब सबसे बड़ी बात यह है कि हमारी मुंबई महानगरपालिका ने इस कोस्टल रोड का खर्चा करने की जिम्मेदारी ली। मुंबई महानगरपालिका ने कहा है कि यह सारा खर्चा हम उठाएंगे। वर्ष 2010 में यह सरकार थी, तब यह प्रस्ताव दिया, राज्य की सरकार ने उसकी सिफारिश की, उसके बाद भी हमारी सरकार आने के बाद, पिछले एक वर्ष से प्रस्ताव आपके पास पड़ा है। अपने एनवायरनमेंट मिनिस्ट्री की तरफ से एक छोटी-सी शिथिलता की आवश्यकता थी। खासकर, सी.आर.जेड. का जो कानून है, उसमें थोड़ी-सी शिथिलता लाने की आवश्यकता थी, उसके कारण यह प्रस्ताव अभी भी रुका हुआ है।

मैं आपके माध्यम से मंत्री महोदय से प्रार्थना करता हूँ कि सी.आर.जेड. जोन की जो थोड़ी-सी शिथिलता लानी है, जो रिलैक्सेशन लाना है, वह जल्द से जल्द लायें। मुंबई की जनता परेशान है, वहां की समस्याओं से और गाड़ियों की ट्रैफिक जाम से उनको राहत दिला दें। मैं आपके माध्यम से यह प्रार्थना सरकार से करता हूँ।

HON. SPEAKER: S/Shri Rahul Shewale, Shrirang Appa Barne and Poonam Majahan are permitted to associate with the issue raised by Shri Arvind Sawant.

Dr. Udit Raj – not present. Now, Shri E. Ahamed.

SHRI E. AHAMED (MALAPPURAM): Madam, I want to raise a very important matter, which affects many people from Southern India. The matter is about Karippur Airport, which is also known as Calicut International Airport. It is the fifth airport in the matter of income under the Airport Authority of India (AAI). This airport is dealing with overseas passengers to destinations like Dubai, Abu Dhabi, Sharjah, Doha, Jeddah, Riyadh, Dammam, Kuwait etc. and domestic connections to Mumbai, Chennai, Bangalore, Coimbatore and Kochi. Earning of the airport to Airport Authority of India and Air India shows the importance of this airport.

So far, the airport has been operating Boeing 747 Jumbo aircrafts and 777 – 200 and 300 series besides all other small aircrafts including Airbus 320. Air Port Authority of India should have taken up the re-carpeting and strengthening of the airport much earlier. But, unfortunately, all of a sudden, they found that this airport cannot be made operational for bigger aircrafts like Boeing 777 or 747. This airport is used for Haj operations. Besides this, a large number of people of Indian origin living in Saudi Arabia use this airport for travelling to Riyadh, Jeddah and Dammam.

Now, the Airport Authority of India finds that this airport cannot be made operational due to technical reasons. Such an important airport, which earned for the nation, should have been taken care of much earlier. But the Airport Authority of India in the matter of Calicut airport is creating difficulties for the people. Haj operations may have been changed from Calicut.

More than that, in the name of re-carpeting or strengthening of the airport, the operation of flights from airport have been stopped for many months. This is really causing great hardships and difficulties.

Anyway, I would only urge the Government to complete repairing and strengthening of the airport and make it operational as early as possible. Due to this, Haj pilgrims from Kerala are also facing a lot of inconvenience. Air India as well as other foreign airlines like Saudi Airlines and Emirates has been operating

from Calicut Airport. But the Airport Authority of India has completely stopped the operation of Boeing 777 and 747 Jumbo Aircrafts due to security reasons.

In this respect, the Government of India through Director General of Civil Aviation should approach Air India as well as foreign airlines like Saudi Airlines, Emirates Airlines and Qatar Airways to operate small aircrafts like Airbus 333 series and others – if not Jumbo and 777 aircrafts – from Calicut Airport so as to ease the difficulties faced by travelling passengers. Air India should also take steps to start a shuttle service with smaller aircrafts between Cochin and Calicut....
(*Interruptions*)

HON. SPEAKER: Please conclude Ahamed ji. You have already read two pages.

... (*Interruptions*)

SHRI E. AHAMED: Madam, this is a very important issue.

I also take this opportunity to say that some arrangements should be made to connect Calicut to Cochin through some small aircrafts. ... (*Interruptions*) The Airport Authority of India should take some steps to help the people because Calicut is far away from Delhi... (*Interruptions*) Are they not able to see that? That is why, I am asking it. You should see India as a whole. ... (*Interruptions*)

HON. SPEAKER: It is all right. Please sit down.

Now, Prof. Saugata Roy.

... (*Interruptions*)

HON. SPEAKER: Ahamed ji, you have completed. You have raised your issue very nicely.

... (*Interruptions*)

HON. SPEAKER: Nobody is saying no to it.

Saugata Roy ji, please raise your issue.

... (*Interruptions*)

PROF. SAUGATA ROY (DUM DUM): He is a senior Member. I am just waiting him to finish his speech. ... (*Interruptions*)

HON. SPEAKER: He has raised his issue. He has already read two pages. He got sufficient time.

... (*Interruptions*)

SHRI E. AHAMED: In my parliamentary career of 25 years, I did not make such a request before. ... (*Interruptions*) The operations at Calicut Airport have been stopped. ... (*Interruptions*) Haj operations should be shifted from Calicut.... (*Interruptions*) To whom should we go but for this House? This is the House where we can come. ... (*Interruptions*) You are such a large-hearted Speaker.... (*Interruptions*) Therefore, I would request you to direct the Government.... (*Interruptions*)

HON. SPEAKER: S/Shri Mallikarjun Kharge, M.I. Shanavas, M.K. Raghavan, M.B. Rajesh, P.K. Biju, A. Sampath, C.N. Jayadevan, Adv. Joice George and Kumari Shobha Karandlaje are permitted to associate with the issue raised by Shri E. Ahamed.

PROF. SAUGATA ROY: Madam, I am raising an issue, which I had raised last week regarding the jute industry in West Bengal. This is an issue which affects my colleagues Shri Dinesh Trivedi, whose constituency has 22 jute mills; Shri Kalyan Banerjee, whose constituency has many jute mills and Dr. Ratna De (Nag). The jute is grown in Murshidabad, Nadia and all other parts up to Raiganj. In Bihar also, it is grown in Purnia, Supaul and many other parts of the State. So, it is a big problem.

Over the last two years, the jute industry has been reeling under an existential crisis. This has led to around 25 per cent mills out of total of 56 in the State being shut and nearly one lakh workmen rendered jobless. Even yesterday, Weaverly Jute Mill in Shyamnagar and Nadia Jute Mill at Naihati closed down making the tally to 11 jute mills closed in 11 days. The livelihoods of around 40 lakh farmer families are endangered due to uncertainty.

In the meantime, Bangladeshi jute industry has doubled its size in last seven years and jute products are being hailed globally as an environment friendly

alternative to plastics. The precarious situation has arisen mainly due to the acts of the Central Government such as: 1) Dilution of the Mandatory Packaging Act – introduced by Shri Rajiv Gandhi – from 100 per cent reservation for sugar and foodgrains - 20 per cent for sugar and 90 per cent for foodgrains on strong lobbying by plastic industry; 2) continuous attempts to violate the Act further by sugar industry and procurement agencies: (a) default in procurement of bags despite mandatory requirements, (b) attempts to keep jute bags out of the National Food Security Mission, (c) erratic indenting of jute bags in violation of established norms and system; 3) Erosion of the non-governmental market due to heavy imports from Bangladesh aided by (a) zero duty on imports and (b) 10 per cent export subsidy by Government of Bangladesh; 4) the procurement of jute bags has fallen from an average of 26.8 lakh bales annually (July to June) in 2013 to 20.3 lakh bales in 2013-14 and 19.9 lakh bales in 2014-15 (July to May); 5) The lack of demand has led to many mills cutting production which has aggravated labour issues, leading to violence and closure.

In the face of the shrinking market and added uncertainty about the future, the jute industry is going through de-growth. Investments in modernisation and product diversification have all but stopped since 2012-13. Joblessness among workers is creating skill deficit while uncertainty over market is discouraging jute farmers from adoption of the best practices developed over long years.

A strong supporting hand by the Central Government by way of stable orders for an extended time period and protection from cheap imports is required. This will lead to modernisation of industry resulting in cheaper and more efficient jute bags, diversification of products to increase market footprint beyond packaging into new areas like consumer bags, geotextiles etc. An environment-friendly and sustainable product like jute, will help solve a lot of national problems like river pollution, depletion of petrochemicals, landfill overload.

Madam, I had raised it last week. There is no response from the Minister. I have been looking for the Minister, Shri Gangwar, for the last three days. He is

nowhere to be visible. Will there be any response from him? Or, will mill after mill close down? He is from Bareilly. There are no jute mills or textile mills in Bareilly. He does not care. The industry is shutting down, putting lives of lakhs of farmers and workers at stake. There is no response from the Government as a whole to this big crisis in the jute industry. The Government remains silent. It is very strange that this is the way the Government is responding to people's woes and miseries!

Thank you. ... (*Interruptions*)

HON. SPEAKER: Shri Abhijit Mukherjee, Shri Nishikant Dubey, Dr. Ratna De (Nag) and Shri Md. Badaruddoza Khan are permitted to associate with the issue raised by Prof. Saugata Roy.

... (*Interruptions*)

HON. SPEAKER: Shri Anto Antony. He is not there.

... (*Interruptions*)

HON. SPEAKER: Dr. A. Sampath.

... (*Interruptions*)

DR. A. SAMPATH (ATTINGAL): Madam Speaker, our hon. Prime Minister has declared a scheme – Saansad Adarsh Gram Yojana – and requested the Members of Parliament to adopt a village in their constituencies. Subsequently, media also put forth a question to each and every Member as to which village he has adopted. I adopted a village in my constituency, out of the seven Assembly segments and 52 Gram Panchayats, having a total population of more than 1.5 million. There are three municipal corporations and 52 Gram Panchayats in my constituency.

I adopted a village called Anchuthengu which is also called Anjengo, which is the first earliest settlement of the Britishers in the whole nation. In the year 1721, the first revolt of the people against the British colonies happened in Anjengo and also Attingal. That Gram Panchayat is having very limited resources. It has a total population of 25,000 and total area of nearly 3.26 square kilometres.

With the help of the District Collector, I invited all the Central Government officers, heads of the Government Agencies and also the State Government Departments and agencies. We had a meeting at the village itself.

Madam Speaker, I request for your help. I have adopted a village like other hon. Members. Just like adopting the children, what will happen to the children we adopt, if they go orphan? We do not get the help and coordination from the government agencies and Government Departments, especially the Departments of the Government of India, the public sector banks and the Central Government agencies. This is my experience.

Madam, you are smiling at me and I hope that your heart is also smiling at me because this matter concerns you also. Madam, this has no politics at all. ...
(Interruptions)

HON. SPEAKER: I am always trying to hear all of you while keeping a smiling face.

... (Interruptions)

DR. A. SAMPATH: Madam Speaker, you understand the pity of the MPs. We have already adopted a village; we do not have the funds; MPLAD Fund has not been increased; there is no separate fund for SAGY; and the people are coming to us. They have dreams. What can we do if their dreams are shattered? It will be a casualty just like an earthquake. I do not know what will happen to the MPs also if they are not able to fulfil the promise as the Prime Minister has already declared it.

So, my humble submission is that on the part of the Government officials it is a humiliation to the whole House, and it is disrespect to the hon. Prime Minister also. So, I beg this from you on behalf of all the MPs that there should be adequate funds provided for the SAGY Scheme. There is lack of coordination. There should be more coordinated efforts between the Government agencies, Departments and the PSUs. We are not begging for CSR, but it is to fulfil the promises that we have made to the people. We are bound by that because the hon. Prime Minister has declared that scheme. So, I hope that you may be pleased to give directions to the

concerned Government officials through the Ministers that this will be taken care of. Thank you, Madam.

HON. SPEAKER: Shri P.K. Biju, Shri M.B. Rajesh, Shri Bhairon Prasad Mishra, Shri C.N. Jayadevan, Shri P.P. Chaudhary and Adv. Joice George are permitted to associate with the issue raised by Dr. A. Sampath.

11.41 hrs**SUBMISSIONS BY MEMBERS****(i) Re:Harassment meted out to students by private schools affiliated to CBSE**

डॉ. संजय जायसवाल (पश्चिम चम्पारण) : अध्यक्ष महोदया, आज 'इंडियन एक्सप्रेस' के पृष्ठ नम्बर पांच पर एक खबर छपी है कि स्कूलों में बच्चों का शोषण किया जाता है। उसमें नाइंथ क्लास की बच्चियों का एक आर्टिकल भी निकला है। पिछले सप्ताह माननीय एचआरडी मंत्री जी ने एक प्रश्न का जवाब देते समय कहा था कि स्कूल एक नॉन प्रॉफिट आर्गेनाइजेशन है और हम उसमें पैसा कमाने के लिए एलाऊ नहीं कर सकते। उसके साथ उनका यह भी जवाब था कि एफडीआई में हम हन्डर्ड परसेंट इन्वाइट करते हैं। अगर उसमें कोई प्रॉफिट नहीं है, तो फिर एफडीआई क्यों आयेगी? सही स्थिति यह है कि आज के जमाने में अगर सबसे सेफ धंधा कोई माना जाता है, मैं इसे धंधा बोलूंगा, तो वह प्राइवेट स्कूल खोलना है। उसमें भी डीपीएस आर्गेनाइजेशन है, वह इस बिजनेस का सबसे टॉप आर्गेनाइजेशन है। अगर आपको पूरे हिन्दुस्तान में कहीं भी एक भी डीपीएस का लाइसेंस मिल गया, तो आप निश्चित रहिए, आपकी तीन जनरेशन तर जायेगी। ... (व्यवधान)

अध्यक्ष महोदया, मैं आपका ध्यान डीपीएस, पटना की तरफ दिलाना चाहता हूँ। मैंने माननीय मंत्री जी को इस बारे में चिट्ठी भी लिखी है। वहां बच्चों को जानबूझकर नाइंथ क्लास और ग्यारहवीं क्लास में फेल किया जाता है। वे रिजल्ट में पास हैं, लेकिन उन्हें प्रमोट नहीं किया जाता। डीपीएस, पटना के 30 बच्चे साइकिएट्रिक काउंसलिंग में चले गये और दो बच्चियां सूसाइडल टैंडेंसी में चली गयीं। उन सबके लिए ये स्कूलस पैसे कमाने के धंधे हो गये हैं। यह अब समाज सेवा का धंधा नहीं है। आजकल अंगूठा छाप स्कूल खोलते हैं और सोसायटी चला रहे हैं।

अध्यक्ष महोदया, मेरा अनुरोध है कि सीबीएसई स्कूलस की जो भी गाइडलाइन्स हैं, उसके तहत बच्चों को कापी देखने का मौका दिया जाये। किसी भी प्राइवेट स्कूल में जिन बच्चों को फेल किया जाता है, उन्हें कापियां तक नहीं दिखायी जातीं। उन्हें कापियां देखने का हक होना चाहिए। अगर वे बच्चे पास हैं, उसके बावजूद भी स्कूल प्रमोट नहीं करता है। यहां माननीय मंत्री जी बैठी हैं, मेरा उनसे अनुरोध रहेगा कि वे इस तरह के स्कूलों पर सख्त से सख्त से कार्रवाई करें। मैं स्पेसीफिक डीपीएस, पटना का नाम ले रहा हूँ। वहां 30 बच्चियों को फेल किया गया। सब बच्चियों को स्कूल छोड़ना पड़ा। आखिर उन सबके करियर के लिए कौन जिम्मेदार है?

अध्यक्ष महोदया, मैं आपके माध्यम से अनुरोध करना चाहूंगा कि इस इश्यू को बहुत सीरियसली लिया जाये। एक तरफ हम बच्चों को कहते हैं कि टेंडर हैं, हर तरह का सपोर्ट देना चाहिए और दूसरी तरफ स्कूल ब्लैकमेलिंग करके ग्राजियन्स से ज्यादा पैसा वसूलने के लिए बच्चों को फेल कराते हैं, फिर डोनेशन लेते हैं और पास कराते हैं। इस धंधे को बंद करना चाहिए। बहुत-बहुत धन्यवाद।

मानव संसाधन विकास मंत्री (श्रीमती स्मृति जुबिन ईरानी) : अध्यक्ष महोदया, आदरणीय महोदय ने जो विषय उठाया है और विशेषतः एक स्कूल का नाम लिया है, मेरे मंत्रालय की ओर से मेरा प्रयास रहेगा कि इस विषय में सीबीएसई के अन्तर्गत एक जांच जरूर करवाएं। इन्होंने जो सुझाव दिये हैं, उन सुझावों पर भी हम लोग निश्चित रूप से ध्यान देंगे।

माननीय अध्यक्ष: डॉ. वीरेन्द्र कुमार, श्री पी.पी.चौधरी, श्री प्रहलाद सिंह पटेल, श्री निशिकान्त दुबे, श्री वीरेन्द्र कश्यप, श्री गणेश सिंह और कुमारी शोभा कारान्दलाजे को डॉ. संजय जायसवाल द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्री भरत सिंह (बलिया) : माननीय अध्यक्ष जी, आपने मुझे लोकसभा संसदीय क्षेत्र बलिया की महत्वपूर्ण समस्या के बारे में बोलने का मौका दिया, इसके लिए मैं आपका धन्यवाद करता हूँ। बक्सर ऐतिहासिक स्थान है। यहां पुल है जो उत्तर पूर्वांचल और बिहार को जोड़ता है। इस पुल पर प्रतिदिन हजारों ट्रक आते-जाते हैं। इस पर भारी वाहन चलते हैं। लगभग एक वर्ष से ट्रकों का आना-जाना बंद है क्योंकि यह पुल जर्जर हो गया है। मैं आपके माध्यम से माननीय सड़क परिवहन मंत्री जी का ध्यान आकर्षित करना चाहता हूँ। मैं उनसे इस संबंध में पहले भी मिल चुका हूँ। पुल के न बनने और बाधित होने की वजह से बलिया और गाजीपुर जनपद में बालू और अन्य चीजों के दाम बहुत बढ़ गए हैं। इस कारण भवन निर्माण की कीमत डेढ़ गुना बढ़ गई है। इस पुल को जनहित में तत्काल चालू कराना बहुत जरूरी हो गया है।

मेरा निवेदन है कि आप सरकार को निर्देशित करें कि इस पुल को तुरंत व्यवस्थित किया जाए। मेरा निवेदन है कि कम से कम इस पर मंत्री जी की तरफ से जवाब आ जाए। इस पुल को तुरंत चालू कराया जाए जिससे लोगों की समस्या का निराकरण हो सके।

श्री गोपाल शेट्टी (मुम्बई उत्तर): माननीय अध्यक्ष जी, महाराष्ट्र सरकार द्वारा केंद्र सरकार को राज्य के बृहनमुम्बई में स्टॉर्म वाटर डिसपोजल सिस्टम हेतु प्रस्ताव भेजा गया था जो ग्रेटर मुम्बई से संबंधित है। केंद्र सरकार ने एमसीजीएम को 1200 करोड़ रुपए की निधि रिलीज की है। इससे संबंधित यूटिलाइजेशन

सर्टीफिकेट केंद्र सरकार को आवश्यक कार्यवाही हेतु प्रेषित कर दिया गया है। मेरा आपके माध्यम से केंद्र सरकार से अनुरोध है कि महाराष्ट्र सरकार द्वारा अग्रेषित की गई संशोधित प्रकल्प राशि शहरी विकास मंत्रालय से राज्य सरकार को शीघ्र रिलीज कराने का कष्ट करें।

मुम्बई महानगर पालिका ने आशिया खंड में सबसे बड़ा सीवेज एंड डिसपोजल सिस्टम डैवलप किया है। आने वाले दिनों में दुनिया के सामने उदाहरण पेश करने का केंद्र और राज्य सरकार को बृहनमुम्बई महानगर पालिका के पीछे डट कर खड़े रहना चाहिए। राज्य सरकार को जितने धन की आवश्यकता है, उसे केंद्र सरकार को देना चाहिए। अगर इसे समय पर देने का प्रयास किया होता तो मुम्बई महानगर पालिका अपने बलबूते पर आने वाले दिनों में दुनिया के सामने एक बड़ा उदाहरण पेश कर सकती थी क्योंकि मुम्बई महानगर पालिका में इतनी ताकत है। मैं निवेदन करता हूँ केंद्र और राज्य सरकार मुम्बई महानगर पालिका की मदद करें।

HON. SPEAKER: Shri Ram Mohan Naidu Kinjarapu – not present.

Shri Ashok Mahadeorao Nete – not present.

श्री केशव प्रसाद मौर्य (फूलपुर): माननीय अध्यक्ष जी, आपने मुझे शून्य काल में बोलने का अवसर दिया, इसके लिए मैं आपका आभारी हूँ। मैं भारत में आए बांग्लादेशी और पाकिस्तानी घुसपैठियों के विषय को सदन में उठाना चाहता हूँ। मैं देश की चर्चा करने से पहले अपने लोकसभा क्षेत्र की चर्चा करूंगा। यहां बांग्लादेशी घुसपैठिए बड़ी संख्या में कुछ राजनैतिक दलों के नेताओं के संरक्षण के कारण जगह-जगह आकर बस गए हैं। इनका न तो इतिहास पता है और न भूगोल पता है लेकिन इनका नाम मतदाता सूची में दर्ज हो जाता है। इनके राशन कार्ड बन जाते हैं। मतदाता सूची में नाम दर्ज होने और राशन कार्ड बन जाने के बाद तमाम सरकारी सुविधाएं, जिनके वे हकदार नहीं हैं लेकिन इनको सुविधाएं उपलब्ध कराई जा रही है जबकि देश के गरीबों को ये सुविधाएं नहीं मिल पाती हैं। मेरे पास जो आंकड़े हैं, उसके हिसाब से पश्चिम बंगाल की 53, असम की 40 और लगभग बिहार की 30 विधानसभा सीट और भी ऐसे बहुत से विधानसभा क्षेत्र हैं जो बांग्लादेशी घुसपैठियों की भारी संख्या में उपस्थिति के कारण निर्णायक भूमिका में आ गए हैं। यह राष्ट्रीय समस्या है। यह विषय लगातार संसद में उठता रहा है। बांग्लादेशी और पाकिस्तानी घुसपैठियों की पहचान का काम बहुत दिनों से अधूरा है।

मैं आपके माध्यम से सरकार से मांग करना चाहता हूँ कि इनकी पहचान कराने का काम किया जाए। चाहे बिहार, पश्चिम बंगाल, असम का चुनाव हो, आने वाले समय में चुनाव से पहले घुसपैठियों की पहचान कराकर कम से कम मतदाता सूची से उनका नाम काटा जाना चाहिए। मैं आपके माध्यम से यह भी मांग करना चाहता हूँ कि देश में राजनैतिक दल या नेता, जो घुसपैठियों को मतदाता या निवासी बनाकर

वोट के लालच में गड़बड़ी करने वाले हैं, उनके लिए भी कुछ ऐसा प्रावधान किया जाना चाहिए।
...(व्यवधान) जिसमें कम से कम आजीवन कारावास हो।...(व्यवधान)

मैं यह बात इसलिए उठाना चाहता हूँ क्योंकि मेरे भी लोक सभा क्षेत्र में कम से कम 40000 की संख्या में बंगलादेशी घुसपैठी मतदाता हैं और चाहे मुम्बई हो या दिल्ली हो, चाहे कोलकाता हो, पूरे देश के अंदर बंगलादेशी घुसपैठी पहुंच चुके हैं। मैं इन घुसपैठियों को निकालने की मांग करता हूँ। वहां जो चुनाव अभी आने वाले हैं, चुनाव से पूर्व मैं सरकार से मांग करता हूँ कि इनका मतदाता सूची से नाम कटवाकर इनको जो सुविधाएं मिल रही हैं, उन पर रोक लगाई जाए और जो राजनीतिक दल का नेता या कार्यकर्ता इसके लिए दोषी पाया जाए, उसके लिए आजीवन कारावास का प्रावधान किया जाए, ऐसी मैं सदन के माध्यम से मांग करता हूँ।

माननीय अध्यक्ष: श्री अरविंद सावंत, श्री श्रीरंग आप्पा बारणे, श्रीमती पूनम महाजन, कुमारी शोभा कारान्दलाजे, श्रीमती मीनाक्षी लेखी, श्री राजेन्द्र अग्रवाल, श्री गणेश सिंह, डा. संजय जायसवाल, डा. वीरेन्द्र कुमार, श्री निशिकांत दुबे, श्री भैरों प्रसाद मिश्र एवं श्री पी.पी.चौधरी को श्री केशव प्रसाद मौर्य द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

SHRI M.B. RAJESH (PALAKKAD): Madam, I thank you for allowing me to raise an important issue during 'Zero Hour'. The City of Cochin is known as the Queen of Arabian Sea. If the City of Cochin is the Queen of Arabian City, the Cochin International Airport is the gem on the necklace of that Queen.

The Cochin International Airport Limited (CIAL) has got the wonderful and the most modern infrastructure facilities. This is the best and the most cost effective model promoted by NRIs. This Airport model has been widely acclaimed internationally.

This Cochin International Airport is connected to 202 countries. It holds fourth position in terms of international passenger volume and holds seventh position in terms of total passenger volume. It has achieved spectacular growth of 13 per cent in recent years. The Parliamentary Standing Committee on Civil Aviation has already recommended that the Cochin International Airport Limited should be given the 'Hub' status. My request to the Government is that to please

accept the recommendation of the Parliamentary Standing Committee and give this 'Hub' status to Cochin International Airport.

With these words, I conclude.

HON. SPEAKER: Shri P.K. Biju, Dr. A. Sampath, Adv. Joice George and Shri C.N. Jayadevan are permitted to associate with the issue raised by Shri M.B. Rajesh.

SHRI S.R. VIJAYA KUMAR (CHENNAI CENTRAL): Hon. Madam Speaker, though the Government of India is interested in providing education loan support to the needy and poor students with interest subsidy, yet in reality, the banks do not take initiative in making the scheme successful. Though interest subsidy scheme offers full reimbursement of interest charged to the students during the moratorium period, yet the students get only a small portion of interest payable. Banks force the students to pay the balance amount. In addition, the rate charged by the banks on education loan is so high that the very purpose of the scheme gets defeated.

In order to provide education loan support to the needy students, the Government of India can create a new institution to re-finance the education loans granted by the banks. This new Institution can be on the lines of the IDBI, NABARD and the SIDBI. The new Institution can get international funding at low interest and then re-finance to the banks, based on the education loans disbursed by them at low interest. This will reduce the rate of interest to the students. This will help the banks to increase the education loan beneficiaries.

HON. SPEAKER: Shri Nishikant Dubey is permitted to associate with the issue raised by Shri S.R. Vijaya Kumar.

डॉ. उदित राज (उत्तर-पश्चिम दिल्ली) : माननीय अध्यक्ष जी, मैं आपका ध्यान जम्मू कश्मीर के दलितों, आदिवासियों और पिछड़ों की समस्याओं की तरफ आकर्षित करना चाहता हूँ। हाल ही में लगभग दो लाख रिक्रूटमेंट हुई हैं जिसमें रिजर्वेशन पॉलिसी फोलो नहीं की गई है। मंडल कमीशन के तहत 27 प्रतिशत रिजर्वेशन ओबीसी को दिया गया है लेकिन जम्मू और कश्मीर में अभी तक केवल दो प्रतिशत रिजर्वेशन ही

लागू किया गया है। वहां पर जो दो ट्राईबल्स सिप्पी और गद्दी हैं, एक हिन्दू और एक मुसलमान हैं, उनका रिजर्वेशन इसलिए डाइल्यूट हो रहा है कि जो पहाड़ी ट्राईब्स हैं, they are well to-do. उनको इसमें शामिल किया जा रहा है और अनुसूचित जाति के तमाम पदों को खत्म किया जा रहा है। पहले एडहॉक और कॉन्ट्रैक्ट बेसिस पर तमाम भर्तियां हुई थीं जिसमें रिजर्वेशन फोलो नहीं हुआ। जब वे पांच साल पूरा कर चुके हैं या जो अनुभव उनको गेन करना चाहिए, वह गेन करने के बाद जब उनको रेगुलेलाइज करने की बात की जा रही है तो उसमें रिजर्वेशन फोलो नहीं हो रहा है। उसमें से आरईटी विभाग है, आरईजैड विभाग, एसपीओ विभाग, आंगनवाड़ी वर्कर्स, पीडीडीएचईए इत्यादि ये तमाम सारे विभाग हैं, जहां पर रिजर्वेशन पॉलिसी को फोलो नहीं किया जा रहा है।

महोदया, मैं आपके माध्यम से अनुरोध करूंगा कि वहां की सरकार को सम्बेदित किया जाए कि वहां उनका रिजर्वेशन फालो किया जाए।

मैं एक बात और कहना चाहता हूं कि अनुसूचित जाति के चीफ इंजीनियर हैं। ... * only Chief Engineer fit to be Engineer-in-Chief and he is being denied his due. मैं अपने दोस्त डॉ. जायसवाल जी का समर्थन करना चाहता हूं। घर जाने के समय डर लगता है कि वहां अभिभावक अपने बच्चों का एडमिशन कराने के लिए घर लेंगे। हर प्राइवेट स्कूल में चार लाख रुपए, पांच लाख रुपए, दस लाख रुपए डोनेशन मांगते हैं। हमें घर जाने में डर लगता है कि अभिभावक अपने बच्चों की एडमिशन के लिए हमें घर लेंगे।...(व्यवधान)

HON. SPEAKER: Nothing will go on record.

*(Interruptions) ... **

माननीय अध्यक्ष : श्री विरेन्द्र कश्यप, श्री पी.पी. चौधरी और श्री भैरों प्रसाद मिश्र को श्री उदित राज द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

SHRI ANTO ANTONY (PATHANAMTHITTA): Madam Speaker, I request the Government to kindly introduce a comprehensive rehabilitation package for the non-resident Indians who are coming back to the country after losing their overseas employment.

As we know, Gulf countries have been major destinations of overseas employment for our nationals since 1970s. But the scenario has been changing since the policies like Nitaqat and sociopolitical unrest in Gulf countries. Due to

* Not recorded.

these reasons, employment opportunities are dwindling in Gulf countries. I represent a Constituency where NRIs have a significant presence, and I know their grievances personally. A person trying to get an overseas employment has to spend lakhs of rupees for that. In order to arrange this amount in most of the cases the NRIs depend on loans. Therefore, losing overseas employment means NRIs are thrown into lifelong debt traps.

Most of the NRIs are skilled workers and their expertise will be an advantage for India if it can be effectively utilized. If the Government could kindly introduce a comprehensive rehabilitation package including an interest-free loan scheme for NRIs, that will be equally beneficial for them and our country. Thank you.

HON. SPEAKER: Shri P.K. Biju and Adv. Joice George are permitted to associate with the issue raised by Shri Anto Antony.

श्री देवेन्द्र सिंह भोले (अकबरपुर): अध्यक्ष जी, विगत दिनों जो दैवीय आपदा विभिन्न प्रकार से आई, उसके कारण किसानों का बहुत नुकसान हुआ था। इसके अलावा एक नई परेशानी बरसात से पीड़ित किसानों को झेलनी पड़ रही है। पीड़ित किसानों को आर्थिक सहायता का चैक राजस्व के अभिलेख के अनुसार जिसमें जाति और उपजाति दर्ज नहीं होती है, दिए जाते हैं लेकिन उनके बैंक खाते में नाम, जाति या उपजाति के साथ होता है, जिसके कारण बैंक के अधिकारी और कर्मचारी पीड़ित किसानों को चैक का भुगतान करने में असमर्थता जाहिर करते हैं। इस कारण किसान बहुत परेशान हैं।

मेरा आपसे अनुरोध है कि अकारण जो यह समस्या पैदा हो गई है, इसके समाधान हेतु बैंक के अधिकारियों को आवश्यक दिशा-निर्देश देने की कृपा करें। यदि खातेदार किसान की पहचान बहुत ही आवश्यक लगे, तो ग्राम प्रधान द्वारा दिए गए निवास प्रमाण पत्र के आधार पर उन्हें अनुदान देने हेतु कार्रवाई की जाए।

श्री भैरों प्रसाद मिश्र (बांदा) : अध्यक्ष महोदया, मैं अपने आपको श्री देवेन्द्र सिंह भोले द्वारा उठाए गए विषय के साथ सम्बद्ध करता हूँ।

PROF. K.V. THOMAS (ERNAKULAM): Madam Speaker, I would like to bring to the notice of the Government the unethical and unfair practices of some private health insurance companies who lure people with tall promises and cheat them

when it comes to delivering service. There are fly-by-night operators and even established brand names bent upon exploiting people who are in need of health insurance coverage.

Very recently, a colleague of mine in the college had taken insurance from one of the well-known companies known as Cholamandalam. Well-known hospitals were listed, but when it came to the case of reimbursement, it was flatly refused. Yesterday in the *Times of India* a similar case was reported regarding Reliance General Insurance Company which did not pay in time. When the Government is thinking of allowing privatization of insurance companies, these are major issues because this is health insurance. This is an important matter on which the Government should take immediate steps so that people who take the insurance get the reimbursement.

HON. SPEAKER: Shri Shivkumar Udasi is permitted to associate with the issue raised by Prof. K.V. Thomas.

12.00 hrs

श्री अशोक महादेवराव नेते (गढ़चिरोली-चिमुर): अध्यक्ष महोदया, मैं आपके माध्यम से सरकार का ध्यान महाराष्ट्र के विदर्भ विभाग में चन्द्रपुर, गढ़चिरोली, भंडारा, गोंदिया एवं कुछ अन्य जिले जहां बंगाली समाज बड़ी संख्या में रहता है, की ओर दिलाना चाहता हूं।

महोदया, इस समाज को पश्चिम बंगाल, ओडिशा और छत्तीसगढ़ में अनुसूचित जाति का प्रमाण पत्र दिया जाता है, लेकिन महाराष्ट्र के इन जिलों में, जहां यह बंगाल समाज रहता है, उनको यह प्रमाण पत्र नहीं दिया जाता है। अनुसूचित जाति प्रमाण पत्र नहीं मिलने से शासन की योजनाओं एवं सुविधाओं से वे वंचित रहते हैं, इससे उन लोगों में असंतोष फैला हुआ है। बंगाल समाज संगठन के माध्यम से जाति का प्रमाण पत्र उनको मिलना चाहिए, इसके लिए उन्होंने शासन से कई बार पत्र व्यवहार किया, वहां के लोक प्रतिनिधियों ने भी इसके लिए कई बार पत्र व्यवहार किया, लेकिन अभी तक उनको अनुसूचित जाति का प्रमाण पत्र नहीं मिला।

अध्यक्ष महोदया, मेरा आपके माध्यम से सरकार से अनुरोध है कि नियमों में संशोधन करके बंगाली समाज को अनुसूचित जाति का प्रमाण पत्र दिलाया जाए। ऐसी मैं आपसे विनती करता हूं, प्रार्थना करता हूं।

SHRI C. MAHENDRAN (POLLACHI): Madam Speaker, thank you for giving me this opportunity to speak.

My thanks to our dynamic leader Makkal Mudhalvar Puratchi Thalaivi Amma who has special consideration for the Kongu region.

Makkal Mudhalvar Amma had already taken steps to relieve the congestion of road traffic in Coimbatore Corporation by moving the existing bus terminuses like Ukkadam, Singanallur and Gandhipuram by establishing an integrated bus stand at Vellalore at a cost of Rs 300 crore.

It is the right time and need of the hour to establish a new Railway station at Malumachampatti which is located near Vellalore as the broad gauge conversion work is going on now in Pollachi- Podanur Section.

The present population of Malumachampatti is around 50,000. If the integrated bus stand is shifted to Vellalore, the floating population of this place will be doubled. This will be the alternative solution to reduce the expected floating population.

As the Vellalore and Malumachampatti come under my Pollachi Parliamentary Constituency, I assure that Tamil Nadu State Government will render fullest cooperation in all possible ways. As a special case, to improve the sub-urban area and to mitigate the road traffic congestion of Coimbatore Corporation, a new Railway station be formed at Malumachampatti as per the wishes of Puratchi Thalaivi Makkal Mudhalvar Amma.

Hence, I urge upon the hon. Minister for Railways to consider establishing a new Railway station at Malumachampatti by allocating sufficient funds to this Scheme at the earliest.

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Speaker Madam, in spite of high promises made by this Government specially the Railway authorities, the travel in Railway has been a nightmare for common passengers. Last Tuesday, in wee hours in Sealdah Division, a gruesome incident took place where hundreds of passengers were caught in the exchange of fire and bomb between two rival

groups. As a result, scores of common passengers have been injured and seven of them are stated to be critical.

The fact is, on one hand, the number of passengers and the number of trains has been increasing but on the other hand, security personnel in commensurate with the increasing number of trains and passengers have not been deployed. As a result, there is severe lack of security in trains which belies the high promises made by this Government. In spite of all their arguments, the Railway authorities have not been providing enough security personnel to trains.

I would urge upon this Government that, at least safety and security should be provided to those common passengers who have been undergoing trying times in traveling.

SHRI MD. BADARUDDOZA KHAN (MURSHIDABAD): Hon. Speaker Madam, with your kind permission, I would like to draw the attention of our hon. Law Minister.

As we all know a huge number of cases are pending in the various courts of our country due to insufficient courts and insufficient judges. To combat this situation, the Government decided to set up some fast track courts. Accordingly, nine courts were set up in Murshidabad district but it is a great regret that out of nine in four courts there are no judges and the public are just coming and going back. गरीब आदमी को न्याय नहीं मिल रहा है। ज्यादातर गरीब आदमी न्याय पाने के लिए कोर्ट के चक्कर लगा रहा है। So, I urge upon the Government through you to take some immediate steps to appoint judges in these courts. In Murshidabad, district in four courts, there are no judges; and 10,000 cases are pending in nine courts. It is a serious issue. So, I again request the Government through you to take some immediate steps to resolve this issue. Thank you.

DR. PRABHAS KUMAR SINGH (BARGARH): Thank you, hon. Speaker Madam, for giving me an opportunity to speak on a very important matter relating to my constituency.

Jharsuguda railway station is one of the oldest railway stations in the country. Mahatma Gandhi, the Father of our Nation, had visited this station during the freedom struggle. Three districts, namely, Bargarh, Sambalpur and Sundergarh depend on this railway station daily as passengers on different trains from different directions use this station for their day to day work. But due to the apathy of the authorities, it has been neglected for a long time. There is no connectivity; there is no water supply, no drainage system, and no sanitation. I want to urge upon the Union Government to declare Jharsuguda railway station as a railway division since it is in an industrial corridor and a number of industrial houses are located near this station making it an industrial hub and also since during 2016 the new airport will come up. I request the Government through you Madam to declare Jharsuguda as a railway division and also to build a new overbridge at Chowki Para in Jharsuguda town which is a long pending demand of the people of my constituency.

HON. SPEAKER: Shri Ajay Mishra – not present. Shri P. Karunakaran.

SHRI P. KARUNAKARAN (KASARGOD): I would like to raise a really very serious issue in this House. I rise to raise the voices of the lakhs of undertrial deteneus in various jails in various parts of the country.

There are about four lakh prisoners who are waiting for their trial in various jails in various States. There is no justification on the part of the Government or the Judiciary to put the people in the jails for a long time without any trial. It is really against the Constitutional Right that a person enjoys, against the democratic principles a citizen can avail of and also against the humanitarian consideration that a citizen has to get.

The reason stated really is that there is a lack of judges, shortage of judges in various courts, as stated by the other hon. Member in this House now. As a result, the cases are pending in almost all the courts including the High Courts and also the lower courts. So, I request the Government to take a serious note. Of course the Judiciary has a responsibility but at the same time the Government also

has the same responsibility. So, really due to the failure of the Government and the Judiciary the innocent people have been punished for a long time. What is the justification on the part of the Government and also the Judiciary to keep these people in prisons? For a range of a period from one year to ten years, they are in jails without any trial. What does the have Government to say on this? With these words, I conclude.

HON. SPEAKER: Shri P.K. Biju and Shri Joice George are permitted to associate with the issue raised by Shri P. Karunakaran.

डॉ. वीरेन्द्र कुमार (टीकमगढ़) : अध्यक्ष महोदया, मैं बच्चों के बचपन और उनके कंधों पर किताबों का जो बोझ बढ़ रहा है, उससे संबंधित महत्वपूर्ण विषय को आपके सामने उठाना चाहता हूँ। देखने में यह आ रहा है कि बच्चों की मासूमियत खत्म हो रही है, उनका बचपन खो रहा है। अवीवा इंडिया कम्पनी के द्वारा दस शहरों में 2250 पैरेंट्स का सर्वे कराया गया, जिसमें 93 परसेंट अभिभावकों ने माना है कि वह जो बचत करते हैं, वह बच्चों की उच्च शिक्षा को ध्यान में रख कर करते हैं। 70 प्रतिशत अभिभावकों की तमन्ना थी कि उनके बच्चे डॉक्टर और इंजीनियर बनें। बच्चों के प्रति यह जो जागरूकता आयी है, यह अच्छी बात है, लेकिन उनकी अव्यवहारिक अपेक्षाएं मासूम बच्चों से उनका बचपन छीन रहा है। जो अभिभावक नहीं कर पाए हैं, वह बच्चों से अपेक्षा कर रहे हैं कि मेरा बेटा या बेटी आगे बढ़े। यह मानसिकता बच्चों के लिए शारीरिक और मानसिक पीढ़ा का सबब बन रही है। कोचिंग, ट्यूशन, होम वर्क इन सबका दबाव इतना अधिक बढ़ रहा है कि यूनाईडिट फोरम द्वारा कुछ स्कूलों में एक अध्ययन कराया गया, उसमें 8-19 वर्ष की उम्र के 30 प्रतिशत बच्चे तनाव व अवसाद का शिकार पाए गए हैं और इसके कारण बच्चे अपराध की दुनिया की तरफ बढ़ रहे हैं तथा आत्महत्या जैसे कदम उठा रहे हैं। देश के 85 शहरों के एक लाख से भी अधिक स्कूली बच्चों पर अध्ययन कर के बॉडी इंडेक्स निकाला गया है। इससे जुड़े आंकड़े बताने हैं कि देश में स्कूल जाने वाले 40 प्रतिशत से भी अधिक बच्चे शारीरिक रूप से भी अस्वस्थ हैं। महानगरों के बच्चे आज स्कूली होमवर्क की अधिकता और कम शारीरिक व्यायाम की समस्या से जूझ रहे हैं। इससे भविष्य में अस्वस्थ किशोरों की संख्या में वृद्धि का डर बना रहेगा।

महोदया, मोबाइल, इंटरनेट, व्हाट्सएप व फेसबुक के साथ बच्चे अपने मनोरंजन की बहुत सी जरूरतें पूरी कर लेते हैं पर इससे वे शारीरिक श्रम से जुड़ी गतिविधियों से दूर होने के कारण मोटापा, गर्दन व जोड़ों के दर्द, लीवर में सूजन, चिंता, निराशा व आंखों में बहुत जल्दी चश्मा लगने जैसी बीमारियों के शिकार हो रहे हैं। यह एक राष्ट्रीय चिंता का विषय है। खेल के मैदानों से बच्चों की किलकारियां खत्म हो

रही हैं। फरीदाबाद के सैक्टर 11डी स्थित डीपीएस में बच्चों के बढ़ते बोझ को कम करने के लिए नई तकनीक का साहारा लिया गया है। 9 अप्रैल से यह प्रयोग शुरू हो चुका है। सेशन में बच्चे अपने बैग में एक टैबलेट लेकर आएंगे। इसमें रिकॉर्ड सभी विषय होंगे। इसके साथ केवल चार कॉपी बैग में ले कर आना होंगी। नर्सरी से 12वीं तक के छात्रों को बढ़ते बैग के बोझ से मुक्ति देने के लिए यह कदम उठाया गया है। इतना ही नहीं अभिभावक घर से स्कूल जाते समय और कैंपस में अपने बच्चों की गतिविधियों पर पल-पल नजर रख सकेंगे। इसके लिए भी अलग से अभिभावकों के लिए मोबाइल एप भी तैयार किया गया है। इसके द्वारा बच्चों की पढ़ाई नई तकनीक से होगी। इसमें पश्चिम व पूर्व की शिक्षा संस्कृति की झलक मिलेगी। सीबीएससी बेस्ड पढ़ाई होगी। यह एक बहुत अच्छा प्रयोग उस स्कूल में किया गया है। इसी तरह कुछ स्कूलों में बच्चों का होमवर्क स्कूलों में ही कराने की परंपरा शुरू की है ताकि बच्चे अपना बस्ता घर न ले जाएं। मैं अनुरोध करना चाहता हूँ कि हमारी जो शिक्षा होनी चाहिए, उसमें बच्चों का शारीरिक और बौद्धिक विकास होना चाहिए। उसमें शिक्षा भी हो, खेल भी, कविता भी हो, गीत भी हो, कहानी भी हो और इसके लिए योगाचार्यों, मनोवैज्ञानिकों, बाल विशेषज्ञों, शिक्षाविदों और समाजशास्त्रियों का सहयोग लेकर स्कूली शिक्षा को व्यावहारिक एवं ज्ञानवर्धक बनाने की योजना क्रियान्वित करने की आवश्यकता है।

माननीय अध्यक्ष : श्री भैरों प्रसाद मिश्र, श्री निशिकान्त दुबे, डॉ. मनोज राजोरिया, श्रीमती रीती पाठक, श्रीमती संतोष अहलावत, श्री पी.पी.चौधरी को डॉ. वीरेन्द्र कुमार द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्री जनार्दन मिश्र (रीवा) : महोदया, देश में ओलावृष्ट और ओलों की मार से फसलों को भारी नुकसान हुआ है। केंद्र सरकार ने पुराने नियमों को शिथिल करते हुए 50 प्रतिशत के बजाय 33 प्रतिशत नुकसान को सौ प्रतिशत मान कर किसानों को राहत राशि दी है। इसके लिए मैं सरकार का बहुत-बहुत धन्यवाद करता हूँ। मध्य प्रदेश में केंद्र सरकार के निर्देशों के अनुसार खरीदी हो रही है और बड़ी तादाद में किसान गेहूं मंडियों में ले जा रहे हैं। लेकिन रीवा जिले में अतिवृष्टि से गेहूं के दाने अति पतले हो गए हैं, जिससे वे वज़न में हल्के हो गए हैं, इसलिए आपके माध्यम से केंद्र सरकार से मेरा अनुरोध है कि रीवा जिले के किसानों को 300 रुपये प्रति क्विंटल खरीदी दाम से अतिरिक्त बोनस देने की कृपा की जाए।

श्री भैरों प्रसाद मिश्र (बांदा) : महोदया, मेरे संसदीय क्षेत्र के अंतगत जनपद चित्रकूट के तहसील कर्वी के ग्राम ओरा के पास बांगै नदी में लिफ्ट केनाल के पास खनन माफियाओं ने बालू निकालने का पट्टा प्राप्त कर लिया है। वहां पर बड़ी-बड़ी मशीनों से गहरा कर बालू निकाला जा रहा है। फलस्वरूप जिस धार पर पंप हाऊस लगा है, उससे नदी की धार बदल जाएगी। इससे वह बड़ी पुरानी सिंचाई परियोजना नष्ट हो जाएगी।

इस परियोजना से दर्जनों ग्रामों की हजारों एकड़ फसल की संचाई होती है। किसान कई दिनों से उस स्थल पर इकट्ठे हो कर धरना दे कर विरोध प्रकट कर रहे हैं। बालू माफिया उनको डरा-धमका रहे हैं। उनके खिलाफ झूठे मुकदमें भी लिख रहे हैं। प्राशासन ने जन दबाव को देखते हुए खनन कार्य को अस्थायी रूप से रुकवा दिया है। लेकिन खनन माफियाओं की मशीनें अभी भी वहीं खड़ी हैं। दर्जनों असलहाधारी अराजकतत्व वहां पर उपस्थित है तथा खनन की योजना में हैं। अतः मेरा सरकार से अनुरोध है कि उक्त खनन पट्टे को निरस्त कराने की कृपा करें तथा यह सुनिश्चित कराएं कि पम्प हाउस के आसपास 1 किलो मीटर तक कोई खनन कार्य न हो।

श्री गौरव गोगोई (कलियाबोर): महोदया, मैं यहाँ से बोलने की अनुमति चाहूँगा।

माननीय अध्यक्ष : हाँ, बोलिए। आज सबको अनुमति है।

श्री गौरव गोगोई : महोदया, मैं आपके द्वारा केन्द्र सरकार के सुरक्षा मंत्रालय का ध्यान आकर्षित करना चाहता हूँ। हमें बताया गया है कि जंग की स्थिति में भारत के गोला-बारूद के भण्डार में पर्याप्त मात्रा में गोला-बारूद होना चाहिए। पिछले हफ्ते आई सुरक्षा मंत्रालय पर सीएजी रिपोर्ट से विपक्ष बहुत चिन्तित है। सीएजी रिपोर्ट के अनुसार सुरक्षा मंत्रालय के भण्डार में सिर्फ 10 दिन की जंग के लिए गोला-बारूद है, जबकि हमारे पास 40 दिनों के लिए पर्याप्त गोला बारूद होना चाहिए।

The CAG report highlighted 10 major categories including high calibre ammunition where the percentage of requisite ammunition is critical. The poor situation of the Defence Ministry is further compounded given that the 2015-16 defence budget gave the smallest increase in annual budget to Defence Forces since 1960. The scrapping of technology transfer in the Rafale jet deal has dented the domestic defence manufacturing industry, especially, the Hindustan Aeronautics Limited. The Defence Ministry has compromised but the Defence Minister is heard commenting on the Amethi Food Park.

माननीय अध्यक्ष : आप यह बात छोड़िए। आप अपनी बात उठाओ।

SHRI GAURAV GOGOI : We request that the Minister support our Armed Forces with higher budget and technology upgradation. Me being from Kaliabor, I am proud that many people from Assam join the Armed Forces. We want these Armed Forces to be supported by the Defence Minister. We request that the Defence Minister respond to the CAG report.

श्री जय प्रकाश नारायण यादव (बाँका) : महोदया, मैं आपके माध्यम से हम अपने संसदीय क्षेत्र बाँका, जो बिहार और झारखंड का सीमावर्ती इलाका है, वहाँ रेल सेवा और यात्रियों की सुविधा में कमी रहने के कारण बहुत परेशानी यात्रियों को होती है। मेरी एक माँग है कि पटना से बाँका वाया भागलपुर एक नई इंटरसिटी ट्रेन चलाई जाए। मैं कई बार सदन में माननीय मंत्री जी व्यक्तिगत रूप से भी आग्रह कर चुका हूँ। हम आज भी आपके माध्यम से माननीय मंत्री जी से आग्रह करते हैं कि एक नई बाँका इंटरसिटी ट्रेन पटना से बाँका तक वाया भागलपुर चलाई जाए। दूसरा, पटना से भागलपुर तक जाने वाली विक्रमशिला को बाँका तक बढ़ाया जाए। तीसरा, बाँका में एक वार्षिक पीट स्वीकृत किया जाए। चौथा, डीआरएम कार्यालय, जो पहले से स्वीकृत हुआ है, वह बाँका में खोला जाए।

माननीय अध्यक्ष : सभी रेलवे मिनिस्ट्री से सम्बन्धित माँगे हैं।

श्री जय प्रकाश नारायण यादव : वर्तमान इंटरसिटी में एक नया कोच दिया जाए और अंत में जिसे निशिकान्त जी भी सपोर्ट करेंगे, हावड़ा-नई दिल्ली राजधानी ट्रेन प्रतिदिन चलाई जाए और जसीढी में उसका ठहराव हो। हम यही माँग करके अपनी बात समाप्त करते हैं। नमस्कार।

HON. SPEAKER: Now Deependerji to speak. क्या हो गया?

SHRI DEEPENDER SINGH HOODA (ROHTAK): Madam, please allow Shri Khargeji first. He has also given notice.

माननीय अध्यक्ष : ठीक है, ऑन दीपेन्द्र जी, आपको मौका दे रहे हैं।

श्री मल्लिकार्जुन खड़गे (गुलबर्गा) : महोदया, मैंने जो नोटिस दिया था। बहुत से सैंक्शन प्रोजेक्ट्स आज रुके हुए हैं। इसका कारण मैं नहीं जानता हूँ, लेकिन जो हमको इत्तला आती है कि या तो जमीन नहीं रहने की वजह से या बजट रिलीज नहीं होने के कारण या कोई टेक्निकल फ्ला रहने की वजह से या ऐसे बहाने से प्रोजेक्ट्स कौन्सिल हुए हैं, जो भी यूपीए गवर्नमेंट ने बहुत से प्रोजेक्ट्स सैंक्शन किए थे, उन्हें रोका जा रहा है डायरेक्टली और इनडायरेक्टली। ... (व्यवधान)

माननीय अध्यक्ष : एक मिनट। दीपेन्द्र, आपका वन रैंक वन पेंशन का मुद्दा था। मैं कुछ समझी नहीं, यह क्या है?

SHRI DEEPENDER SINGH HOODA: Madam, Khargeji has given notice of Adjournment Motion on some other issue.

श्री मल्लिकार्जुन खड़गे: महोदया, मैंने जीरो ऑवर के लिए दिया था, अगर आप अनुमति दें तो मैं कहता हूँ, नहीं तो मैं बाद में बोलूँगा।

SHRI DEEPENDER SINGH HOODA : It is a different notice and mine is different. You kindly allow me later on.

माननीय अध्यक्ष : ऐसा नहीं होता है।

श्री मल्लिकार्जुन खड़गे: एक 9 बजे दिया और एक 10 बजे दिया।

माननीय अध्यक्ष : मैंने इनका नाम लिया था, लेकिन चलिए अब आप बोलिए।

श्री मल्लिकार्जुन खड़गे: गलती न हो, ऐसा समझकर एक 9 बजे दिया और फिर 10 बजे आकर ऑफिस को एक और दे दिया। इस मुद्दे पर मैं ज्यादा पॉलिटिक्स नहीं करना चाहता हूँ, क्योंकि कल भी यहाँ पर बहुत पॉलिटिक्स हुई।... (व्यवधान) मैं आपके नोटिस में लाना चाहता हूँ।... (व्यवधान)

पहला मुद्दा यह है कि Indira Gandhi Lift Canal Phase II for drinking water for Nagaur, Rajasthan में तीन हजार करोड़ का एक प्रोजेक्ट शुरू करने की स्कीम थी। उस प्रोजेक्ट की प्रोग्रेस आज तक जीरो है। उसको कोई पैसा भी नहीं दिया गया है और वह वैसा ही पड़ा हुआ है। दूसरा, प्रोजेक्ट एम्स, जो नई दिल्ली प्रोजेक्ट है, उसमें नेशनल कैंसर इंस्टीट्यूट का, 1000-beded expansion of the AIIMS, New Delhi सैंक्शन भी हुआ और हर तरीके से इस प्रोजेक्ट को पिछली सरकार ने मदद की थी, लेकिन आज इसमें भी कोई प्रोग्रेस नहीं है। ऐसे कई प्रोजेक्ट्स मैं बताता हूँ। रेलवे कोच फैक्ट्री, सोनीपत ... (व्यवधान)

माननीय अध्यक्ष : जीरो ऑवर में एक विषय ही उठाते हैं।

श्री मल्लिकार्जुन खड़गे: मैं यह मुद्दा इसीलिए उठा रहा हूँ कि बहुत से जो मेगा प्रोजेक्ट्स हैं, जो हमने शुरू किए थे, या तो पैसे नहीं देने की वजह से या बजट में प्रोविजन नहीं करने की वजह से बहुत से प्रोजेक्ट्स बन्द हो गए हैं। उसके रीजन्स भी वे अलग-अलग ढंग से देते हैं। अभी कल का ही उदाहरण मैं आपके सामने देता हूँ।

माननीय अध्यक्ष : आप जानते हैं शून्य काल में पूरा भाषण नहीं देते हैं।

श्री मल्लिकार्जुन खड़गे: मैं भाषण नहीं दे रहा हूँ। ... (व्यवधान) मिसेज हरसिमरत कौर बादल ने कल ही आपके सामने बोला।... (व्यवधान)

माननीय अध्यक्ष : आप नाम लेते हैं और मेरे लिए मुश्किल कर देते हैं।

... (व्यवधान)

श्री मल्लिकार्जुन खड़गे : मैं उसका ही उदाहरण देता हूँ।... (व्यवधान) मैं एक ही उदाहरण देता हूँ।... (व्यवधान)

माननीय अध्यक्ष : फिर वे नाराज हो गए।

...(व्यवधान)

श्री मल्लिकार्जुन खड़गे: अखबार में आया है, आप लोग सुनिए।...(व्यवधान) आप थोड़ी शान्ति से सुनिए।...(व्यवधान)

श्री राजेन्द्र अग्रवाल: महोदया, यह रोज-रोज की बात हो गई है।...(व्यवधान)

श्री मल्लिकार्जुन खड़गे : मैं आपके नोटिस में लाता हूँ।...(व्यवधान)

माननीय अध्यक्ष : आप कुछ मत सुनाओ, आप अपनी बात रखिए।

...(व्यवधान)

श्री मल्लिकार्जुन खड़गे : आप ही यह निर्णय लीजिए कि यह परपजली किया जा रहा है,...(व्यवधान) इन्टेन्सली किया जा रहा है।...(व्यवधान) मैं आपको उन्हीं का एक पैराग्राफ पढ़कर सुनाता हूँ।...(व्यवधान)

माननीय अध्यक्ष : इतना नहीं, सबका समय खराब हो रहा है।

...(व्यवधान)

श्री मल्लिकार्जुन खड़गे: दिनांक 26-06-2014 के पत्र द्वारा यह सूचित किया गया कि अपेक्षित भूमि का अधिग्रहण अभी उनके द्वारा किया जाना है, क्योंकि उक्त पट्टे पर दिए जाने के लिए यूपीएसआईडीसी के निदेशक द्वारा दिए जाने वाले परिवर्तन विचाराधीन हैं। प्रमोटर कम्पनी ने 30 सितम्बर, 2014 तक और समय विस्तार का अनुरोध किया था।

दूसरा, प्रमोटर कम्पनी द्वारा अन्तिम अनुमोदन के लिए आवश्यक पूर्व शर्तों को पूरा करने में होने वाले अत्यधिक विलम्ब के सम्बन्ध में...(व्यवधान)

माननीय अध्यक्ष : खड़गे जी, यह जीरो ऑवर चल रहा है। इसमें भाषण नहीं कर सकते हैं।

...(व्यवधान)

श्री मल्लिकार्जुन खड़गे : सचिव अध्यक्षता वाले आमंत्रण, अनुमोदन की दिनांक 30-06-2014...(व्यवधान)

माननीय अध्यक्ष : श्रीमती अंजू बाला।

...(व्यवधान)

माननीय अध्यक्ष : आप लोग बैठिए।

...(व्यवधान)

माननीय अध्यक्ष : खड़गे जी, आपकी बात हो गई। आपने बात उठा दी है।

...(व्यवधान)

माननीय अध्यक्ष : भाषण नहीं करना है। कृपया, बैठिए।

... (व्यवधान)

श्रीमती अंजू बाला (मिश्रिख) : महोदया, आपने मुझे समय दिया, इसके लिए मैं आपको धन्यवाद देती हूँ।... (व्यवधान)

माननीय अध्यक्ष : अंजू बाला जी, एक मिनट रूकिए।

... (व्यवधान)

माननीय अध्यक्ष : हरसिमरत कौर जी, आप बैठ जाइए।

... (व्यवधान)

HON. SPEAKER: Shrimati Harsimrat Kaur Badal, I am not allowing you.

... (Interruptions)

माननीय अध्यक्ष : आप अभी तो बैठिए।

... (व्यवधान)

HON. SPEAKER: Hon. Members, what are you doing? What do you want? I know.

... (Interruptions)

माननीय अध्यक्ष : आप बैठिए।

... (व्यवधान)

HON. SPEAKER: No, this is not good.

... (Interruptions)

HON. SPEAKER: No, I am sorry.

... (Interruptions)

माननीय अध्यक्ष : खड़गे जी, आप जानते हो कि शून्य काल में इतना लम्बा भाषण नहीं होता है। आपका यहाँ पर नोटिस भी नहीं मिला है, फिर भी मैंने आपको अलाऊ किया है।

... (व्यवधान)

श्री मल्लिकार्जुन खड़गे : मैंने ऐसा उदाहरण इसलिए दिया, क्योंकि इसी सदन में वह बोला गया।... (व्यवधान)

माननीय अध्यक्ष : खड़गे जी का माइक बन्द है। बार-बार खड़गे जी का माइक क्यों बन्द कर रहे हो?

... (व्यवधान)

श्री मल्लिकार्जुन खड़गे: नियरली 12 मेडिकल कॉलेजेज जो गरीबों के लिए शुरू हो गए थे, उन्हें भी बन्द किया गया है।... (व्यवधान)

माननीय अध्यक्ष : ठीक है। इतना लम्बा शून्य काल में नहीं बोला जाता है।

... (व्यवधान)

श्री मल्लिकार्जुन खड़गे: यानी इस तरीके से अगर हर प्रोजेक्ट बन्द करते गए तो उसका कोई कारण नहीं है।... (व्यवधान)

माननीय अध्यक्ष : आपकी बात हो गई है।

... (व्यवधान)

श्री मल्लिकार्जुन खड़गे: उसका कारण एक ही हो सकता है, वह पॉलिटिकल हो सकता है।... (व्यवधान) दूसरा और कुछ नहीं है।

माननीय अध्यक्ष : आप बैठिए। ऐसा नहीं होता है।

... (व्यवधान)

श्री मल्लिकार्जुन खड़गे: यह तो अवेंजर पॉलिटिक्स है।... (व्यवधान) मैं बता रहा हूँ कि दूसरा क्या है।... (व्यवधान) यह अवेंजर पॉलिटिक्स है।... (व्यवधान) इसकी दूसरी वजह नहीं हो सकती है।... (व्यवधान) जमीन रहते हुए नहीं दे रहे हैं, अप्रूवल रहते हुए उसे आगे नहीं बढ़ा रहे हैं। इसीलिए जो ऐसे प्रोजेक्ट कौन्सिल हो रहे हैं, इससे आपकी जो मंशा डेवलपमेंट करने की है, वह नहीं पूरी होगी। इसीलिए मैं आपके माध्यम से उनसे विनती करता हूँ कि ये जितने भी प्रोजेक्ट्स आप कौन्सिल कर रहे हैं या रोक रहे हैं, उन्हें चलने दें और चलाएं।... (व्यवधान)

माननीय अध्यक्ष : आपका कोई ऐसा नाम नहीं लिया है। केवल कल के लिए कहा है।

श्रीमती अंजू बाला : माननीय अध्यक्ष महोदया, मैं आपके माध्यम से सरकार का ध्यान अपने लोक सभा क्षेत्र की ओर दिलाना चाहती हूँ। ... (व्यवधान)

माननीय अध्यक्ष : आपका नाम कल के लिए लिया है, रोज़ रोज़ कोई एक्सप्लानेशन नहीं होता। आप क्या कहना चाहती हैं। अंजू बाला जी, आप प्लीज़ बैठिये।

... (व्यवधान)

खाद्य प्रसंस्करण उद्योग मंत्री (श्रीमती हरसिमरत कौर बादल) : जो उस लैटर के बारे में बात कर रहे हैं ... (व्यवधान)

माननीय अध्यक्ष : आप बैठिये। Everyday it will not happen. आप प्लीज़ बैठिए। I am not allowing you. प्लीज़ बैठिये।

...(व्यवधान)

माननीय अध्यक्ष : रोज़ रोज़ यहाँ प्रश्नोत्तरी मत करिये। आप बैठिये। आप भी बैठिये। कोई नहीं बोल रहा है। यह अगस-मगर का युद्ध मत चलाओ। यहाँ कोई फाइट नहीं चल रही है। प्लीज़ बैठिये।

...(व्यवधान)

श्रीमती हरसिमरत कौर बादल : मैडम, मेरा नाम लिया गया है। ... (व्यवधान)

माननीय अध्यक्ष : अंजू बाला जी, आप बोलिये।

...(व्यवधान)

HON. SPEAKER: I am not allowing, Shrimati Harsimrat Kaur. आप प्लीज़ बैठिये। रोज़-रोज़ नहीं होता है।

...(व्यवधान)

HON. SPEAKER: 'Zero Hour' is over.

Shri Jayant Sinha.

... (Interruptions)

माननीय अध्यक्ष : आप बैठिये। मिस्टर मिनिस्टर, आप भी बैठिये।

...(व्यवधान)

HON. SPEAKER: The House stands adjourned to meet again at 12.45 p.m.

12.28 hrs

The Lok Sabha then adjourned till Forty-Five Minutes past Twelve of the Clock.

12.47 hrs

The Lok Sabha reassembled at Forty Seven Minutes past Twelve of the Clock

(Hon. Speaker *in the Chair*)

डॉ. किरीट सोमैया (मुम्बई उत्तर पूर्व) : अध्यक्ष महोदया!...(व्यवधान)

माननीय अध्यक्ष : प्लीज़, बैठिए।

...(व्यवधान)

श्री सुमेधानन्द सरस्वती (सीकर) : अध्यक्ष महोदया, मैं एक विषय के बारे में बोलना चाहता हूँ!...(व्यवधान)

माननीय अध्यक्ष : आप बैठिए।

...(व्यवधान)

माननीय अध्यक्ष : प्लीज़, बैठिए।

...(व्यवधान)

माननीय अध्यक्ष : माननीय सदस्यगण, अभी शायद कुछ ऐसी बात हुई, जिसमें हरसिमरत कौर जी का नाम लिया गया था।

हरसिमरत जी, मेरा इतना ही कहना है कि अगर आपको कुछ कहना है तो आप उसे सदन के पटल पर रख सकती हैं, क्योंकि अभी माननीय मंत्री जी बोलने के लिए खड़े हो गए हैं। चूंकि उनके द्वारा आपका नाम लिया गया था, इसलिए आप अपने एक्सप्लैनेशन को सदन के पटल पर रख सकती हैं।

...(व्यवधान)

12.48 hrs

(At this Stage, Shri Jyotiraditya M. Scindia and some other hon. Members came and stood on the floor near the Table.)

खाद्य प्रसंस्करण उद्योग मंत्री (श्रीमती हरसिमरत कौर बादल) : मैडम, मैं आपसे यही आग्रह कर रही थी कि एक रिपोर्टर ने चिट्ठी में लिखा है कि उनको एक यूनीक एडवांटेज दिया जा रहा था!...(व्यवधान)

माननीय अध्यक्ष : आपकी जो भी बात है, आप सदन के पटल पर रख दें।

...(व्यवधान)

श्रीमती हरसिमरत कौर बादल : मैडम, मैं उसी के बारे में उल्लेख करना चाहती हूँ, आप परमिशन दे दीजिए।... (व्यवधान)

12.49 hrs

(Shri Jyotiraditya M. Scindia and some other hon. Members then went back to their seats.)

12.49 ¼ hrs

SUBMISSIONS BY MEMBERSContd.

**(ii) Re: Cancellation of M/S. Shaktiman Mega Food Park
on the points raised in the House***

THE MINISTER OF FOOD PROCESSING INDUSTRIES (SHRIMATI HARSIMRAT KAUR BADAL): In continuation to the statement regarding cancellation of M/s Shaktiman Mega Food Park made on 12th May, 2015 in the Lok Sabha, Shri Mallikarjun Kharge, hon. Member of Parliament raised fresh points today, hence in the light of the same, it is to clarify that the Ministry received a letter dated 19.07.2012 whereby it was informed that the UP State Industrial Development Corporation Board had decided to allow subletting of vacant land and not to charge commercial rates in order to facilitate setting up of the Mega Food Park. According to the same letter, M/s Indo Gulf Fertilizers and M/s Shaktiman Mega Food Park Limited were thereafter asked to submit papers within one week as per their own request. Whether the required documents were submitted by the SPV to the UPSIDC was not reported by SPV.

On December 18, 2012, the Ministry of Food Processing Industries received a letter from the Ministry of Petroleum and Natural Gas informing that it would not be possible to allocate domestic gas in view of its shortage in the country for the proposed captive power plant in the mega food park at Jagdishpur.

On 16th January, 2013, the Ministry of Food Processing Industries received a letter from M/s. Shaktiman Mega Food Park Private Ltd. (Aditya Birla Group company) in which the promoters requested for natural gas at administered prices (APM) from GAIL natural gas terminal at Jagdishpur for setting up a natural gas based captive plant that would offer a “unique advantage” to their food park. The promoters stated and I quote “that we cannot go ahead with the project unless we are clear on the financial viability of the project for which your approval for domestic natural gas at administered prices is absolutely critical”.

* Laid on the Table.

In view of the facts above, I would like to inform the House that UPSIDC agreed to allow subletting of the land to the SPV without charging commercial rates, it seems that necessary formalities for acquiring the land were not completed. Also the unique advantage that was expected by M/s Shaktiman Mega Food Park Limited for putting up captive power plant with an assured supply of gas at administered prices (APM) was not a pre-requisite or a pre-condition for setting up of Mega Food Park under the guidelines of the scheme.

12.49 ½ hrs**NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL, 2015**

HON. SPEAKER: Now, we shall take up Item No. 13 – The Negotiable Instruments (Amendment) Bill, 2015.

Shri Jayant Sinha.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE
(SHRI JAYANT SINHA): Madam Speaker, I beg to move:

“That the Bill further to amend the Negotiable Instruments Act, 1881, be taken into consideration.”

The hon. Supreme Court, in the case of Dashrath Rupsingh Rathod versus State of Maharashtra and another (Criminal Appeal No. 2287 of 2009), held that the territorial jurisdiction for dishonour of cheques is restricted to the court within whose local jurisdiction the offence was committed. Pursuant to the judgement of the Supreme Court, representations have been made to the Government by various stakeholders, including industry associations and financial institutions, expressing concerns about the wide impact this judgement would have on business interests as it will offer undue protection to defaulters at the expense of the aggrieved complainant, will give rise to multiplicity of cases covering several cheques drawn on banks at different places and adhering to it is impracticable for a single window agency with customers spread all over India.

To address the difficulties faced by the payee or the lender of the money in filing the case under Section 138 of the said Act, because of which large number of cases are stuck, the jurisdiction for offence under Section 138 has been clearly defined. The Negotiable Instruments (Amendment) Bill, 2015 provides for the following, namely:-

- (1) filing of cases only by a court within whose local jurisdiction the bank branch of the payee, where the payee presents the cheque for payment, is situated;

- (2) stipulating that where a complaint has been filed against the drawer of a cheque in the court having jurisdiction under the new scheme of jurisdiction, all subsequent complaints arising out of Section 138 of the said Act against the same drawer shall be filed before the same court, irrespective of whether those cheques were presented for payment within the territorial jurisdiction of that court;
- (3) stipulating that if more than one prosecution is filed against the same drawer of cheques before different courts, upon the said fact having been brought to the notice of the court, the court shall transfer the case to the court having jurisdiction as per the new scheme of jurisdiction; and
- (4) amending Explanation I under Section 6 of the said Act relating to the meaning of expression “a cheque in the electronic form”, as the said meaning is found to be deficient because it presumes drawing of a physical cheque, which is not the objective in preparing “a cheque in the electronic form” and inserting a new Explanation III in the said section giving reference of the expressions contained in the Information Technology Act, 2000.

It is expected that the proposed amendments to the Negotiable Instruments Act, 1981 would help in ensuring that a fair trial of cases under Section 138 of the said Act is conducted keeping in view the interests of the complainant by clarifying the territorial jurisdiction for trying the cases for dishonour of cheques.

I would, therefore, request the hon. Members of this august House to support the Bill. Thank you.

HON. SPEAKER: Motion moved:

“That the Bill further to amend the Negotiable Instruments Act, 1881, be taken into consideration.”

Now, Shri M.I. Shanavas.

... (*Interruptions*)

माननीय अध्यक्ष : प्लीज बैठ जाइए, अभी कुछ नहीं है।

SHRI M.I. SHANAVAS (WAYANAD): Thank you, Madam Speaker, for giving me the opportunity to intervene in this debate on a very important matter....
(Interruptions)

The Negotiable Instruments Act, 1881 was enacted to define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques. The Negotiable Instruments (Amendment) Bill, which the hon. Minister has just moved...
(Interruptions)

Madam, some order may be restored in the House. ... (Interruptions)

माननीय अध्यक्ष : प्लीज बैठिए।

... (व्यवधान)

माननीय अध्यक्ष : अभी कुछ नहीं हो रहा है, बैठिए। बिल शुरू हो गया है। अगर आपको बिल पर बोलना हो तो you are allowed; otherwise not. प्लीज बैठिए।

... (व्यवधान)

माननीय अध्यक्ष : अगर आपको नहीं चलाना है तो, the House stands adjourned to meet again at 2 p.m.

12.53 hrs

The Lok Sabha then adjourned till Fourteen of the Clock.

14.03 hrs

*The Lok Sabha re-assembled at Three Minutes past
Fourteen of the Clock.*

(Hon. Deputy Speaker *in the Chair*)

**NEGOTIABLE INSTRUMENTS (AMENDMENT)
BILL, 2015 — Contd.**

HON. DEPUTY SPEAKER: Now, Shri M.I. Shanavas.

SHRI M.I. SHANAVAS (WAYANAD): Thank you hon. Deputy Speaker, Sir. First of all, I request that I may be permitted to speak from this seat.

HON. DEPUTY SPEAKER: You are permitted to speak from there.

SHRI M.I. SHANAVAS: Thank you hon. Deputy Speaker, Sir. The Negotiable Instruments (Amendment) Bill, 2015 has been introduced in this House by the hon. Minister. First of all, I would like to tell that it is an Act, which was enacted in 1881, to define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques. This Amendment Bill, which the hon. Minister has moved, is a very small Bill containing just four Clauses. Even though it has only four Clauses, still it is very serious in nature. It concerns lakhs of people. About 40 lakh cases relating to cheque are pending in various courts of India.

Sir, so many times, the Negotiable Instruments Act has been amended. In 1988 and in 2001, cardinal amendments were made in this Act. So many litigations are there everywhere in this country with respect to issue of cheques and bouncing of cheques. Landmarks judgments have been there in this regard.

I would very briefly speak in this august House about the cardinal features of one or two judgments. One such judgment was Bhaskaran *versus* Sankaran case, 1999, which was an important judgment of the Supreme Court. In that judgment, it was decided by the Supreme Court as to where territorial jurisdiction was defined. In the Negotiable Instruments Act, territorial jurisdiction is not defined. In the case of Bhaskaran *versus* Sankaran, it was defined, and five

courses of action were dictated by the hon. Supreme Court. One, where cheque is drawn; two, where payment had to be made; three, where cheque is presented for payment; four, where cheque is dishonoured, and five, where notice is served. There was an advantage for the drawee. The drawer, that is, the defaulter is at loggerheads in any of the following places. At five places, litigation could be started by the moneylenders.

So, after that, again the hon. Supreme Court came into the picture since this Act is 135 years old. The hon. Supreme Court again took up this issue. In the Herman Electronics Private Limited *versus* National Panasonic India Limited case, the hon. Supreme Court came to the rescue of those people who issue the cheques, the donors, the payers. The Supreme Court in this case held:

“We cannot, as things stand today, be oblivious of the fact that a banking institution holding several cheques signed by the same borrower cannot only present the cheque for its encashment at four different places but also may serve notices from four different places so as to enable it to file four complaint cases at four different places. This only causes grave harassment to the accused. It is, therefore, necessary in a case of this nature to strike a balance between the right of the complainant and the right of an accused vis-à-vis the provisions of the Code of Criminal Procedure ”

Hence to strike a balance between the right of the complainant and the right of the accused, it was drafted by the hon. Supreme Court in the Herman Electronics Private Limited *versus* National Panasonic India Limited case.

Now, the hon. Minister while presenting the Amendments, said about the Dashrath Rupsingh Rathod case. There is a landmark judgment on the Dashrath Rupsingh Rathod case, which was in 2014. This Supreme Court judgment went into the matter. The hon. Supreme in its judgment dated 4th August, 2014 overruled the Baskaran case. The Supreme Court held that ‘territorial jurisdiction for dishnour of cheques is restricted to the court within whose local jurisdiction the offence has occurred, which in the present case is where the cheque is dishnoured by the bank on which it is drawn.’

Mr. Deputy-Speaker, Sir, the hon. Supreme Court has crept into the picture. To rescue the interest of the payers of cheque, the donor of cheque, the Supreme Court relied on the Criminal Procedure Code and its Section 177, Section 178 and Section 179. The Supreme Court said that this harassment cannot be accepted. The harassment of the payers of the cheque cannot be accepted. The Supreme Court has said that 'this procedure is more often than not intended to use such oppressive litigation to achieve the collateral purpose of extracting money from the accused by denying a fair opportunity to contest the claims by dragging him to distant place.' Suppose the transaction takes place in Kerala. One, who gives the money, will be in Delhi. He will be having an account in Nagaland. He can present the cheque in Nagaland and he can extract money from the poor man or common man and this man will have to go all the way to Nagaland.

Mr. Deputy Speaker, this Section is to help whom? Whose interest is safeguarded by this Section? In paragraph 5 of the Statement of Objects and Reasons of this Bill, it has been said by this Government that 'pursuant to the judgement of the Supreme Court, representations have been made to the Government from various quarters to redress the difficulties faced by the payee or lender of money in filing the case under Section 138 of the said Act' and hence this Bill is coming.'

So, whose interest the Government is safeguarding? The Government is safeguarding the interest of the moneylenders. The sharks and the Shylocks extract money like anything from the poor people. Mr. Deputy Speaker Sir, I tell you the Supreme Court was right. A series of litigations in 135 years were concluded by the hon. Supreme Court and it said, "Oppressive measures shall not be taken for extracting money."

HON. DEPUTY SPEAKER: Please conclude.

SHRI M.I. SHANAVAS: I am coming to the conclusion.

Now, the question that is raised here is, what is the purpose of this Amendment Bill? Now there are 40 lakh cases pending. Mr. hon. Finance

Minister, let me ask you this. Of the 40 lakh cases pending, 95 per cent of the cases relate to the poor common man. They are being harassed. So, a total change comes. This Government is bringing this legislation to totally safeguard the interests of the moneylenders.

One thing I want to tell you is that a statistics was released by the All-India Bank Employees' Association. It said that 406 bad loan accounts are there in 24 banks, totaling to Rs.70,70,000 crore. What steps are you taking to recover these bad loans in the banks? In the last seven years, the bad loan is Rs.4,95,000 crore, and the bad loans are amalgamating like anything. I tell you, everybody in this House knows that a business tycoon, who is known as a liquor baron, has taken loan of Rs.7,500 crore from a bank.

HON. DEPUTY SPEAKER: That is not relevant to the Negotiable Instruments Bill.

SHRI M.I. SHANAVAS: But that has not been repaid but he goes free. If a poor man with five cents of land takes Rs.50,000 or Rs.1,00,000, his property is attached. I tell you, Mr. Deputy-Speaker, Sir, that the Government has come into the picture of safeguarding the interests of money launders and not the poor people.

HON. DEPUTY SPEAKER: Please conclude.

SHRI M.I. SHANAVAS: I am concluding.

I urge upon this Government to withdraw this draconian law, which is against the interests of the common man and which is going to affect millions of people. So, something has to be done. ... (*Interruptions*) The properties of farmers are being and the rights of the workers are denied. This legislation is depicting the true colour of the Government because the interests of the poor working class and common man will be affected.... (*Interruptions*)

So, I urge upon the Government to withdraw this Bill.

श्री हुकुम सिंह (कौराना) : उपाध्यक्ष महोदय, वित्त मंत्री जी जो संशोधन विधेयक लाये हैं, मैं उसका समर्थन करता हूँ। यह बहुत ही सूक्ष्म, साधारण, सामान्य संशोधन है। उन्होंने अपने उद्बोधन में इस बात का उल्लेख किया कि इस संशोधन को लाने की क्यों आवश्यकता पड़ी? एक समय था, जब कुछ भी चीज खरीदनी होती थी, तो जेब में नोट भरकर या थैली में रुपये भरकर ले जाना पड़ता था। लेकिन समय बदलता गया और वर्ष 1881 में नेगोशिएबल इंस्ट्रूमेंट एक्ट बना। इससे चैक की सुविधा मिली। इससे पैसे ले जाने की जरूरत नहीं, चैक बुक ले जाओ और जहां जरूरत पड़े, वहां चैक काटकर दे देना। उसमें भी कुछ दिक्कत आने लगी। बहुत से लोगों ने धोखे की मंडी खोल ली। बैंक एकाउंट में पैसा हो या न हो, उन्होंने चैक इश्यू कर दिया। उस मजबूरी में आकर फिर और संशोधन करना पड़ा। इसमें धारा 138 से लेकर धारा 142 तक, यानी चार धाराएं और बढ़ानी पड़ीं। उसमें इस बात का उल्लेख किया गया कि अगर बैंक एकाउंट में बैलेंस नहीं है और आप चैक इश्यू करते हैं, तो यह एक अपराध होगा, जुर्म होगा। यह मामला ऐसे ही चलता रहा। लेकिन उसके बाद सुप्रीम कोर्ट ने एक जजमेंट दिया कि केस का ट्रायल कहाँ होगा, कोर्ट का अधिकार क्षेत्र कौन सा होगा? उस जजमेंट में उल्लेख किया गया कि जहां पर उस चैक को डिसेऑनर किया जाता है, उसका अधिकार क्षेत्र जिस कोर्ट में आता है, केवल वहीं पर मुकदमा कायम हो सकेगा। इससे सबको दिक्कत आने लगी।

उपाध्यक्ष महोदय, आज प्रगतिशील युग है, लोग आगे बढ़ रहे हैं। इलैक्ट्रॉनिक युग आ गया, इलैक्ट्रॉनिक चैक की सुविधा हो गयी। इलैक्ट्रॉनिक चैक की सुविधा के बाद अगर यह पाबंदी रहती कि केवल वहीं पर मुकदमा चलेगा, तो शायद उसी आदमी को आराम मिलता, जिसने एक गलत चैक इश्यू किया, बिना बैलेंस के चैक इश्यू किया। अब उन लोगों को सुविधा मिलनी चाहिए, जिन्हें परेशानी हुई है। उस परेशानी को दूर करने के लिए आज माननीय मंत्री जी एक संशोधन लेकर लाये हैं। मैं उस संशोधन का मैं पूर्ण समर्थन करता हूँ।

उपाध्यक्ष महोदय, इसके साथ मेरे दो-तीन सुझाव हैं, क्योंकि आज पहली बार इस संशोधन के माध्यम से बैंक पर चर्चा करने का अवसर मिला है। बैंक की गतिविधियां बहुत बढ़ गयी हैं। आज बैंक केवल कुछ उद्योगपतियों और शहर में रहने वालों तक ही सीमित नहीं है। आज बैंक की गतिविधि गांव तक बढ़ी है। किसानों का पैमेंट भी बैंक द्वारा होने लगा है। यहां तक कि मनरेगा का पैमेंट भी बैंक में हो रहा है। जितने भी अनुदान या सब्सिडीज जाती हैं, वे भी सीधे खाते में जाती हैं। ये सारी गतिविधियां इतनी बढ़ गयीं कि इस बात का अहसास होने लगा कि बैंक कहां-कहां होना चाहिए।

अभी आदर्श गांव की बात चल रही थी। मैं दो-तीन बातें कहना चाहता हूं। आज गांव का इन्वाल्वमेंट बैंक में बहुत तीव्र गति से हुआ है। आज गन्ने किसानों का पैमेंट भी उनके खातों में सीधे जा रहा है। अगर बैंक केवल शहर की सीमाओं तक ही सीमित रहेंगे, तो गांव के लोगों को जो सुविधा मिलनी चाहिए, वह उनको नहीं मिल पायेगी। आज जिस तरह से कुछ जगहों पर कानून-व्यवस्था है, उसे देखते हुए अगर वे शहर से पैसा कैश कराकर गांव में जायेंगे, तो रास्ते में उनकी क्या हालत होगी, उसका आप खुद ही अनुमान लगा लीजिए। आज गांव को बैंकों से शामिल किया गया है। इसके लिए प्रधान मंत्री ने जन-धन योजना चलायी है। उस योजना में हर व्यक्ति का खाता खुल गया है। क्या इस बात पर विचार नहीं होना चाहिए कि बैंक की शाखाओं का एक्सपैंशन भी उसी गति से होना चाहिए।

उपाध्यक्ष महोदय, मैं एक बात कहना चाहता हूं, जिस पर ध्यान दिया जाये कि अगर मुझे बैंक कैश कराने के लिए जिला मुख्यालय में आना पड़ता है, तो मुझे क्या सुविधा मिली? आप बड़े-बड़े गांवों को ईकाई मानिए। जब गतिविधियां बढ़ी हैं, बैंकों पर लोड बढ़ा है, जिम्मेदारियां बढ़ी हैं तो बैंक की शाखाओं का भी विस्तार होना चाहिए, एक्सपैंशन होना चाहिए। गांव-गांव में बैंक की स्थापना होनी चाहिए।

माननीय प्रधानमंत्री जी ने घोषणा की है कि हर सांसद को एक आदर्श गांव बनाना है। शिकायत हो रही थी कि सरकारी महकमें सुविधा नहीं दे रहे हैं, सहयोग नहीं कर रहे हैं। आदर्श गांव को बनाने की जो नीति बनाई गई है, उसमें थोड़ा-बहुत योगदान हमारा होना चाहिए। मेरा अनुरोध है कि आज कम से कम इतनी बात ही हो जाए कि आज ही माननीय मंत्री जी घोषणा कर दें कि जितने भी आदर्श गांव का चयन हुआ है, हर गांव में एक बैंक की शाखा निश्चित रूप से खोली जाए। हम लोग ही शुरुआत नहीं करेंगे तो और कौन शुरुआत करेगा। आदर्श गांव हवा में तो बनना नहीं है। आदर्श गांव तभी बनेगा जब हम अपना योगदान देंगे।

महोदय, मैंने मंत्री जी द्वारा प्रस्तुत संशोधन का पूर्ण समर्थन करते हुए कुछ सुझाव दिए हैं। इनमें से एक सुझाव यह भी है कि बैंक की गतिविधियों में इतना विस्तार हुआ है कि बैंक गांव तक पहुंचा है। मनरेगा के लाभार्थियों का भुगतान खाते में होता है, अन्य अनुदानों की राशि भी खाते में आती है। माननीय प्रधानमंत्री जी ने जन-धन योजना की घोषणा की और करोड़ों लोगों के खाते खोले गए। इनमें अधिकांश लोग गांव में रहने वाले हैं। अगर गांव में बैंक की शाखा नहीं होगी, उनको शहर में आना पड़ेगा। गांवों में बैंक न होने के कारण गरीब आदमी तक लाभ नहीं पहुंच पाता है। मैं विशेष रूप से आपका ध्यान इस बात की तरफ दिलाना चाहता हूं कि माननीय प्रधानमंत्री जी की उस योजना, जिस पर आपत्ति की जा रही थी, को पूर्णतः सफल करने के लिए जितने आदर्श गांव का चयन माननीय सांसदों द्वारा हुआ है, आपके द्वारा यहीं से शुरुआत हो जाए, घोषणा की जाए कि हर आदर्श चयनित गांव में राष्ट्रीय बैंक द्वारा शाखा की

स्थापना निश्चित रूप से होगी। यह सभी की मांग है। यह माननीय प्रधानमंत्री जी की घोषणा है, इसका महत्व तभी दिखाई देगा जब सबको लगेगा कि सरकार इसके बारे में गंभीर है, यह संशोधन लाई है और इस संशोधन के साथ माननीय वित्त मंत्री जी ने इसकी घोषणा भी की है और इसका पालन भी होगा।

महोदय, जिस प्रकार से बैंक बढ़ रहे हैं, जिन सुविधाओं को देने के लिए संशोधन बिल लाए हैं, आप वास्तव में बधाई के पात्र हैं। आप गांवों को जोड़िए, देहातों को जोड़िए जहां देश की 70 प्रतिशत आबादी रह रही है। हम इनको शहर में आने के लिए क्यों मजबूर कर रहे हैं? मेरा आपसे विशेष रूप से अनुरोध है कि आपके मन में जो भावना है, सरकार के मन में जो भावना है, उसे फलीभूत करने के लिए हर गांव में संख्या निर्धारित कर दें कि 5000 की आबादी वाले गांव में बैंक की शाखा होगी। मेरा अनुरोध है कि आप कम से कम एक मानक निर्धारित कर दें ताकि गांव बैंक की सुविधा से वंचित न रहे। यह सब होने से समझा जाएगा कि हम वास्तव में इसके लिए गंभीर हैं।

इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करते हुए अपनी वाणी को विराम देता हूं।

SHRI S. SELVAKUMARACHINNAYAN (ERODE): Hon. Deputy Speaker, Sir, I thank the Chair for giving me this opportunity and our leader Manbumighu Amma, for giving me the opportunity to represent Erode constituency in this august House.

The Negotiable Instruments Act was enacted in 1881 in the light of promissory notes, bills of exchange and cheques. So, after many years the nationalisation of banks happened in India, only in 1988, an amendment was effected that would cover the banking sector and the financial institutions under the ambit of this Act. Dishonour of cheques, either due to insufficiency of funds or due to lack of integrity or due to any other reason, causes problems to all concerned. Off and on litigations were initiated in several courts of law in this regard, but only the Supreme judgement delivered on 1st August, 2014 changed the entire scenario.

Under section 138 of the Negotiable Instruments Act, 1881, the jurisdiction of courts, either when the payee or when the payer goes to court, was a matter subject to interpretation, but according to the hon. Supreme Court's judgement in 2014, the jurisdiction is restricted to the place where the dishonouring bank is located.

Various stakeholders including industry associations, financial institutions along with several Bar Associations, throughout the country, brought to the notice of the Government the impact of this judgement on the business interest. They also pointed out about undue protection that is offered to the defaulters. This is also forcing the business people to resort to instant cash business as it becomes difficult to manage credit business. Noticing that this will lead to reduction in trading volume, acute shortage of commodities, hike in prices and above all lower tax collection by both the Central and State Governments, the Union Government thought it necessary to bring about this amendment so that the original position is retained and the payees of the cheques are benefited.

Now, this amendment provides for filing of cases only by a court within whose local jurisdiction the bank branch of the payee or where the payee presents the cheque for payment is situated. I welcome this move of the Union Government to safeguard the interests of both the business community and the Governments at the Centre and States. The Advocates of various Bar Associations are also very happy about the amendments in this Bill.

At this juncture, I would also like to suggest to the Government that they may consider providing for initiation of legal proceedings from the following : (i) where the cheque was issued; (ii) where the cheque was dishonoured; (iii) where the complainant resides; and (iv) where the cause of action arises. Further, I would like to suggest that the Bill should come with retrospective effect.

I would like to thank the hon. Minister of Finance, to whom I had written a letter in this regard recently, taking up the grievance of both the business community and also the legal fraternity throughout the country. Expressing my support to this Bill, I conclude. Thank you.

PROF. SUGATA BOSE (JADAVPUR): I rise to speak on behalf of my Party on the Negotiable Instruments (Amendment) Bill brought by this Government.

What this Bill attempts to do is to remove any ambiguities regarding the territorial jurisdiction of cases that are to be tried under Section 138 of the Act. I would like to ask the Minister of State for Finance -- who is present in the House - - to give us a clarification on the scale of the problem that we are facing. I find that in an answer given by the Finance Minister, Shri Arun Jaitley, on 9 December 2014, it was stated that : “The total number of cases pertaining to cheque bounce and dishonour pending in various courts up to 31 July 2013 were 21,94,022 cases.”

However, we find that there is a Law Commission Report, which suggested that, in fact, the number of cases chocking the criminal justice system of this nature amounted to 40 lakh cases, and more than 5.5 lakh are pending in Delhi alone. So, when the Minister of State rises to give his reply, we would like to get a very clear sense of the scale of the problem. But if, in fact, the number of cases pending are, as according to the Finance Minister, just short of 22 lakh until July of last year, then that too, I would say, is 20 lakh cases too many.

There are two points, which make we very said when I see these kinds of statistics. First of all, India, in its economic, monetary and financial history, has always been known for the sophisticated nature of its negotiable instruments. Negotiable instruments that finance long-distance trade, instruments that we knew by the name of *Hundi* or *Suftaja* enabled merchants from this country to carry out trade all across the sub-continent and also beyond the shores of this sub-continent in different parts of the Indian Ocean world.

When we have so many cheques bouncing, being dishonoured, what we find is that our whole system of negotiable instruments that had been based on trust seems to have completely broken down because when a cheque is issued, it is

not going to be dishonoured. It is basically a violation of trust, which was the basis of our negotiable instruments in the past.

The other feature which makes me very sad when I see the statistics is the number of pending cases. This particular Amendment Bill only tinkers at the edges of the problem. What we require from this Government is a scheme for comprehensive judicial reforms. Even in the course of 'Zero Hour' today, one of my friends from Murshidabad pointed out how many cases are pending in one district, which he represents. So, this will only address a very small part of the problem. I think we need comprehensive judicial reforms to be brought in.

There is another point that I wish to mention. I will not be as harsh as the preceding speaker from the Opposition, who has said that this Bill helps the moneylenders. If this had been an issue between small debtors and extortionate moneylenders, then we would wholeheartedly be on the side of the small debtors, but in this instance, it is a question of cheques that are being issued which are not being honoured because of either lack of integrity or because of insufficiency of funds, and whoever is issuing these cheques ought to know that these cheques will not be honoured. That is why we are prepared to go along with this particular amendment.

However, who are the people who are the so-called stakeholders who came to the Government as soon as the Supreme Court judgment of 1st August 2014 was delivered? We are reading not just in the media, but also in the Objects and Reasons spelled out by this Government that these were financial institutions and industry associations that were most concerned. I can see that this Government responds very swiftly when the issue is one of ease of doing business. But will this Government also respond with such alacrity when the question is about small consumers and not businesses? We constantly hear in this House about many banking norms are being simplified. We have heard the fanfare with which the Jan Dhan Yojana has been advertised throughout the country. But when I go to my constituents in my own Jadavpur Constituency, I constantly hear complaints from

people who live either in the City of Kolkata or in the villages to the South of Kolkata which I represent that they face huge difficulties even now for fulfilling KYC norms. This is a genuine difficulty and there is a gap between what is said in this House about easing various norms and the actual difficulties that consumers face. As was pointed out, there are many villages, there are many Gram Panchayats where there are no banks whatsoever so that there is no question of drawing cheques on those banks which may or may not bounce. So, I would urge this Government that just as they have responded to the concerns of industry associations and of financial institutions, they should also respond to the concerns of small consumers, people who are still denied access to the banking sector.

So, I will simply say that this is actually a very small piece of legislation. What the country requires are major legislations that have to be brought to bring about comprehensive judicial reforms and comprehensive banking reforms which will help very ordinary people in our country to gain access to credit so that they can actually be able to write cheques. That is the basic right that is denied to vast numbers of our people, living particularly in the villages of the subcontinent.

Finally, I would simply like to urge this Government that let their rhetoric of being people-friendly not be simply limited to rhetoric. Let them act, let them legislate and let us implement those legislations for the benefit of the citizens of this country.

SHRI JHINA HIKAKA (KORAPUT): Hon. Deputy Speaker, Sir, I am thankful to you for giving me an opportunity to say my views on the Negotiable Instruments (Amendment) Bill, 2015.

This Bill is seeking amendment to the Negotiable Instruments Act, 1881. I would like to state here that Negotiable Instruments Act, 1881 starting from Sections 138 to 142 dealing with the Banking, Public financial institutions and Negotiable Instruments Laws were found to be deficient to deal with the recent problems of offence relating to rejection or return of cheques due to insufficient funds in the drawer's account.

HON. DEPUTY SPEAKER: May I request the Members from the Treasury Benches to hear what the Member is speaking? I am very sorry to say this. You can go and sit outside. I am sorry to notice that the disturbance is coming more from this side only.

... (*Interruptions*)

SHRI JHINA HIKAKA: In this regard, I should clarify that the objective of the Negotiable Instruments Act is to ensure usage of cheques in order to enhance the credibility of the cheque as a reliable financial instrument for normal business transaction. This will ultimately provide a substantial ground for smooth trade and commerce and would encourage the lending institutions like banks to support financially without the fear of loan defaulters in view of bouncing of cheques.

This move is a welcome step and is aimed at resolving the increasing incidents of cheque bounce cases all over the country. By the end of 2014, around 35 million cases pertaining to dishonour or bounce of cheques are pending in various subordinate courts and High Courts of our country. We can imagine how much insecure our lending institutions, lending agencies are financially. This trend absolutely squeezes the very motive of smooth trade, commerce, financial transaction etc., consequently weakening the economy of our country. So, it is necessary to curb such problems at the earliest.

One more thing I would like to state here is that the Supreme Court as per its ruling previously in the case of Dasrath Rupsingh Rathod versus State of Maharashtra and others held that the territorial jurisdiction for dishonour of cheques is restricted to the Court within whose jurisdiction the offence was committed. I may further state that this Bill provides for filling of cases only by a Court within whose local jurisdiction the bank branch of the payee where the payee presents the cheque for payment, is situated. In my view, the jurisdictional issues should be taken up in the courts as per the interest of complainants in order to ensure a fair trial to avoid the security threat from violators. So, I would like to say that it is necessary to address the problem in the backdrop of threat to life of drawer. So, the offence of rejection or return of cheque should be inquired into and tried only by the Court within whose jurisdiction the bank branch of the payee is situated, I mean where the payee deposits the cheque for payment.

I would also like to state that the stringent act of punishment should be initiated against the culprits who deliberately make the ground for return or dishonour of cheques.

This is a very good step. Under the able leadership of our beloved Chief Minister Shri Naveen Pattanaik, we all support this Bill wholeheartedly for its passing and implementation, at the earliest.

SHRI RAHUL SHEWALE (MUMBAI SOUTH CENTRAL): Mr. Deputy-Speaker, Sir, I am very thankful to you for allowing me to speak on the Negotiable Instruments (Amendment) Bill, 2015. The Bill seeks to amend the Negotiable Instruments Act, 1881. I stand here to support this Bill moved by the Government.

The Act defined promissory notes, bills of exchange, cheques, and provided penalties for issues such as bouncing of cheques and specified circumstances under which complaints of bouncing of cheques can be filed. However, it did not specify the territorial jurisdiction of the court where such a complaint is to be filed. It is indeed a good move to amend the Act wherein cases of bouncing of cheques can be filed in a court whose jurisdiction the bank branch of the payee lies in. Also if a complaint against the person issuing a cheque has been filed in a court with the appropriate jurisdiction, then all subsequent complaints against that person will be filed in the same court.

If more than one case is filed against the same person before different courts, the case will be transferred to the court with the appropriate jurisdiction. The Bill also amends the definition of a cheque in the electronic form. Under the Act, it was defined as a cheque containing the exact mirror image of a paper cheque and generated in a secure system using a digital signature. The definition has been amended to mean a cheque drawn in electronic medium using any computer resource and which is signed in a secure system with a digital signature or electronic system.

It is quite appreciable as a clarification of jurisdictional issues may be desirable from the equity point of view as this would be in the interest of the complainant and would ensure fair trial and also would increase the credibility of the cheque as a financial instrument. No doubt this would also help the trade and commerce in general and allow lending institutions including banks to continue to extend financing to the economy without the apprehension of loan default on account of banking of cheque.

I would like to make some suggestions. As the aggrieved person has already suffered loss due to nonpayment, interest, mental trauma for other dues to be paid out of the money to be recovered, further he will have no clue where to find the better lawyer, the cost of litigation and most importantly when and what will be the outcome. It is simply hardship on his part. Hence I urge an immediate action is required to be taken early decisions in such cases. Similarly, most of the small creditors will not go for litigation as it will be a total waste of time and money. Moreover, this will simply favour the law breaker who can steal the hard earned money of innocent creditors.

A negotiable instrument enables the holder to expect prompt payment because a dishonour means the ruin of the credit of all persons who are parties to the instrument. So, I suggest that a deadline should be enforced and fast track courts be set up for speedy decisions whereby total compensation including penalty is paid.

It is observed that the system of judiciary is overburdened and if we want to clear such cases, our pending decisions should be resolved early. Additionally, in case of inter-State business dealings creditors may well prefer to avoid any such potential complication and press for alternative and risk less alternatives.

In the end I would like to submit that taking into consideration the above mentioned hardships faced by a honest creditor, the list of negotiable instruments is not a closed chapter. With the growth of commerce, new kinds of securities may claim recognition as negotiable instruments. The necessary amendments will further be included taking future transactions in account so that truly we can claim '*Sab ka saath, sab ka vikas*'.

With these words I support the Bill. Thank you.

DR. RAVINDRA BABU (AMALAPURAM): Hon. Deputy Speaker Sir, this Bill really seeks to nullify the double jeopardy created by the Supreme Court judgment. The Supreme Court judgment had created double jeopardy. For example, a poor fellow who has submitted his cheque in Thiruvananthapuram is supposed to go to Jammu and Kashmir or North East where he has to argue his case for getting the money back. Firstly, he has lost his money. Secondly, he has to travel all the way from South to North to fight his case of cheque dishonour.

So, this double jeopardy which was created by this judgment of the Supreme Court is sought to be nullified with one stroke of amendment in the Negotiable Instruments Act. We wholeheartedly welcome the step. This Bill nullifies the judgment of the Supreme Court by removing the hurdles and burden on the poor man who has lost money and who is supposed to go to the place of territorial jurisdiction of the Court where he has to fight. With one stroke, this hurdle has been cleared.

It also creates two more provisions. There are three things which pop up from this Act. The first one is, determining the territorial jurisdiction. The second is, defining the electronic exchange of Bill and electronic digital signature. The third is, dealing with multiple places. A person gives so many cheques to so many persons and the Court will determine according to the provision of this Act. This Bill has sought to remove many hurdles which we have experienced as well as those which cannot be foreseen. We, from the Telugu Desam Party wholeheartedly support this Bill. We also congratulate the Minister for taking this bold step.

SHRI B. VINOD KUMAR (KARIMNAGAR): Sir, on behalf of my Party Telangana Rashtra Samiti, we support this Negotiable Instruments (Amendment) Bill 2015. This Bill has come up because of the judgment passed by the Supreme Court in August 2014. To address the difficulties faced by the payee, a small legislation is brought in the House. We welcome this legislation because the place where the payee submits the cheque and the jurisdiction of that bank is taken as the jurisdiction of the Court to file a complaint under Section 138 of the Negotiable Instruments Act.

In the other Clause 4, that is Section 142 (A) which they are going to insert as a new section, it is stated that all the pending cases against the same accused will be tried by the same Court. This is also a welcome step. This is the aim and objective of this legislation and we support it. The Supreme Court judgment had given undue protection to the defaulters at the expense of the aggrieved party.

Coming to the point, the hon. Minister should take the recommendation of the Law Commission. Just now my hon. colleague had stated that till 2013 there were 37,466 cases out of which 20,000 cases are pending for the last three years. With regard to the pendency of cases in subordinate courts, there are more than 25 lakh cases. The Law Commission in its Report No. 230 in 2009 had said that in order to dispose the cases which are pending before various courts, Fast Track Courts should be created to dispose of dishonoured cheques under Section 138 of the Negotiable Instruments Act. The Government of India, particularly the Minister of Finance should take necessary steps to see that Fast Track Courts are immediately established in various States as per pending cases, and funds for creation of these Fast Track Courts should be provided by the Central government

DR. A. SAMPATH (ATTINGAL): Deputy-Speaker, Sir, I seek your permission to speak from this seat because the House is almost empty. ... (*Interruptions*)

HON. DEPUTY SPEAKER: Yes, you can speak from there.

DR. A. SAMPATH: Deputy-Speaker, Sir, the Negotiable Instruments (Amendment) Bill, 2015, Bill No. 151 of 2015 is *prima facie* a small Bill. But I would like to speak here from a lawyer's point of view. ... (*Interruptions*)

HON. DEPUTY SPEAKER: You are a lawyer.

... (*Interruptions*)

DR. A. SAMPATH: Yes, I am still having a Chamber in Thiruvananthapuram, the capital city of Kerala. My juniors are running the show. I do not have any files now. I do not have any clients now. I am an advocate with no files and no fees. ... (*Interruptions*) I hope, your hands may not go to the bell very early. ... (*Interruptions*)

SHRI E. AHAMED (MALAPPURAM): I do not know why he is very much worried. ... (*Interruptions*) I may be permitted to say something. First thing is, he said no case, no fees. ... (*Interruptions*)

DR. A. SAMPATH: It is, 'no brief, no case, and no fees', Sir. ... (*Interruptions*)

SHRI E. AHAMED : You will get fees and you will get everything. ... (*Interruptions*)

DR. A. SAMPATH: With all due respects to my learned friend Shri Jayant Sinha who is piloting this Bill I am happy that I had the opportunity to work in the Standing Committee along with Shri Yashwant Sinha also.

With your permission, I would like to invite the attention of the hon. Minister of State because the hon. Minister Shri Arun Jaitley is not in the House. I am not talking politics but only on the business before the House, which is the Negotiable Instruments Act.

In page 2, clause 3 (2), it has been stated:

“The offence under section 138 shall be inquired into and tried only by a court within whose local jurisdiction the bank branch of the payee, where the payee presents the cheque for payment, is situated.”

This creates a problem not for the business people, for the industries and commerce. Today, what I understand is that the Government of India has decided to have 51 per cent FDI in multi-brand retail trade. I remember, in the Fifteenth Lok Sabha, when the present occupants of Treasury Benches were in the Opposition, they were vehemently opposing FDI in multi-brand retail markets. I was there. My leader Shri Karunakaran and others were also there. We were opposing it. ... (*Interruptions*)

HON. DEPUTY SPEAKER: You speak on the Negotiable Instruments Act please.

... (*Interruptions*)

DR. A. SAMPATH : Yes.

With your permission, I will come to the Statement of Objects and Reasons. Here, it is stated that the Supreme Court has held that the territorial jurisdiction for dishonour of cheques is restricted to the courts within whose local jurisdiction the offence was committed, which in the present context is where the cheque is dishonoured by the bank on which it is drawn. This Bill, the Government says, is meant to address the difficulty arising due to the Supreme Court Judgement.

The Government says in para 4 of the Statement of Objects and Reasons

“Pursuant to the judgment of the Supreme Court, representations have been made to the Government by various stakeholders – here I would like to underline the word stakeholders – including industry associations and financial institutions, expressing concerns about the wide impact this judgment would have on the business interests as it will offer undue protection to defaulters at the expense of the aggrieved complainant ...”

I am not arguing for the defaulters here. I want to know whether the Government has taken any suggestion, opinion or comments from the consumer organisations. Of course, they were generous to take the suggestions from the

industry and commerce. Here I would cite an example. Suppose I am having a business firm, a non-banking financial intermediary which is registered in Mumbai and I am having my own business in Kerala and Tamil Nadu also.

My company's branch is in Trichy, Thiruvananthapuram, Dindigul, Chennai, Kottayam, Kochi, etc. and people go there for the purchase of vehicles or consumer durables and are availing the loans. They are getting the money from my offices. They issue cheque which is with my enterprise. Subsequently, just like some of the private airlines say that they are happy to announce that they have modified the air fares, they will be demanding more money under some pretext; something like administrative expenditure, which you need not pay in cheque. There will be no receipt at all, just like yesterday a policeman asked a lady in Delhi to give the money but he will not give her any challan. Unfortunately, that happens. So, people will be at the mercy of this entrepreneur and quite naturally they will have to pay. My enterprise is having the cheques without any date. I will put some date and present them somewhere in Manipur. These cheques will become dishonoured. What will happen? These people, who have issued cheques, will have to travel up to Manipur to conduct the case.

My simple question is, if you are protecting the interest of the commerce, industry, etc. it is not only your honour but also your duty to protect the interest of the common man. Why should you drag all these men to the court?

I have a few suggestions to make. The place of transaction should be the criteria for presenting the complainant and the complaint should contain the pleading of jurisdiction and transaction. I say so because Section 177 of the Code of Criminal Procedure prescribes a jurisdiction for a criminal case. By making an amendment to the Negotiable Instruments Act, how can we overcome certain legal implications which a CrPC has envisaged?

The cause of action is the criteria for filing complaint under this Act. Hence the jurisdiction should be based on the place of transaction between the parties and not the convenience of the complainant or the accused. The bank

advancing the loan in Kerala may have branches in North India. Such a situation may happen. The bank would present the cheque where they have filed a complaint according to their own wish just like whims and fancies and the same would be a harassment to the people so as to pressurise the accused to settle the case.

For transaction between the institution or the agency or the entrepreneur and the individual, they can have their own agreement for fixing the place for filing the complaint and that is why I have given notice for an amendment. My amendments are there and I do not know whether the Minister will be glad to accept them. He has the majority and it is his own decision.

The court should consider the same under Section 202 of the Code of Criminal Procedure before taking cognizance as it is already held as mandatory.

The presence of the complainant need not be insisted as a matter of course except for evidence. If the Government is saying that the complainant is put at the mercy of the defaulter, it is not like that. Here the presence of the accused in each posting is must and hence prosecuting the case in any court will make no difference for the complainant. The accused can defend his case to rebut the presumption.

The Legislature is also duty bound to protect the interest of the citizens, like they are protecting the interest of the financial institution.

Sir, if this Bill is going to be enacted by this House at the late hour of the last day of this Session we are going to witness more and more suicides because people are now at the mercy of the money-lenders. Farmers have committed suicides. Poor people have committed suicides. They have committed suicides because they are in debt. So, Sir, this will be a hangman's knot on the common man. I pray before you, Sir, this Bill should have been referred to the Standing Committee of Law and Justice and that Committee should have taken ample evidence from various stakeholders and then only it should have been passed. Thank you.

15.00 hrs

SHRI VARAPRASAD RAO VELAGAPALLI (TIRUPATI): I thank the Chair for giving me this opportunity to speak on the amendment to the Negotiable Instruments Act.

The amendment mainly deals with Section 138 of the principal Act which deals with the cheque bouncing cases. Cases of cheque bounce are increasing day-by-day. As has been mentioned by the earlier speakers, it has touched an alarming figure of 40 lakh cases with Delhi alone having 5.5 lakh cases. In fact, the increase is so much that these cases are choking the judicial system as time not being available for other cases.

One of the main reasons for this kind of pendency is the ambiguity in the jurisdiction of court for filing the cases under Section 138. The present amendment was necessitated because the Supreme Court judgement in 2014 held that the territorial jurisdiction for dishonour of cheque is the district court in whose local jurisdiction the offence is committed which means where the cheque is dishonoured. The Supreme Court also directed that all other complaints relating to this should also be transferred to that particular court.

The principal Act provides for the summary trials and the compoundable offence. It is pertinent to refer to a case of 1999 wherein the Supreme Court talked about the multiplicity of jurisdiction. On the one hand, it says that it should be referred to only a particular court and in another case it talks about multiplicity of jurisdiction. In my opinion, the option may be given to the complainant who is suffering. So, in view of this contradiction, many stake holders have complained in this regard. Therefore, the complainant should be given the option in regard to filing of the case.

The present amendment also stipulates that if more than one prosecution is filed against the same drawer, all these cases have to be referred to the same court. Here one important point is that if all the cases go to a particular court, there is a

possibility for prejudice whereby it would affect the drawee or the payee. So an option should be given to the complainant.

Then the electronic form is a welcome step and we appreciate that. It goes along with the information technology. But they have made it so simple that they have totally forgotten to connect it with the CrPC also. It does not coincide with Sections 177, 178 and 179 of the CrPC. Therefore, this amendment should have taken CrPC into consideration as also the Reserve Bank guidelines with regard to the National Electronic Fund Transfer, RTGS and inter-bank mobile payment system so that it would have been more comprehensive rather than restricting it to only one issue.

So, I am of the opinion that this alone will not serve a big purpose unless it is made a more comprehensive amendment.

श्री दुष्यंत चौटाला (हिसार) : उपाध्यक्ष महोदय, मैं आज यहां 'नेगोशिएबल इंस्ट्रूमेंट्स (अमेंडमेंट) बिल, 2015' के समर्थन में खड़ा हुआ हूं। मैं सरकार द्वारा इस तरह की मुहिम चलाए जाने का स्वागत करता हूं, क्योंकि जहां बड़ी-बड़ी कंपनियां चेक जारी कर देती थीं और छोटे-छोटे लोगों को शहरों में जाकर उनके खिलाफ लड़ाइयां लड़नी पड़ती थीं। आज सरकार की ओर से यह एक कदम है, जिसके तहत इस तरह के अत्याचार को रोकने के लिए हमारा सदन एक बिल पारित करने जा रहा है।

महोदय, मैं माननीय मंत्री जी को एक ही सुझाव देना चाहूंगा। जिस तरह से मेरे से पूर्व वक्ता भी कह रहे थे कि आप केवल बड़े उद्योगों के बारे में ही नहीं, बल्कि उन छोटे लोगों के बारे में भी सोचिए, जिन्हें बड़े उद्योग चेक दे देते हैं और वे चेक बाउंस हो जाते हैं। उनके पास भी बराबर का अधिकार होना चाहिए कि जहां उनका गृह क्षेत्र है, वहां वे उन पर मुकदमा कर सकें। बड़ी कंपनी तो दिल्ली में, मुंबई में, कोलकाता में रजिस्टर्ड है और कोई गांव का व्यक्ति दिल्ली में आकर बड़े वकीलों को रख कर उनके खिलाफ लड़ाई नहीं लड़ पाएगा। आपको उनके बारे में भी सोचना चाहिए, उनके लिए भी कोई अमेंडमेंट क्लॉज़ इसके अंदर लाना चाहिए। मेरा तो यही सुझाव है।

मैं इस बिल का स्वागत करता हूं और इसका समर्थन करता हूं।

ADV. JOICE GEORGE (IDUKKI): Sir, regarding the Negotiable Instruments (Amendment) Bill, 2015, I do agree with the Government on one aspect because this is necessarily for the purpose of abating the confusion in the judgement of the Supreme Court in D.R. Rathod versus State of Maharashtra whereby the Supreme Court has held that the place where drawers bank is situated alone is having jurisdiction. That lacuna has to be removed necessarily. But under the guise of removing that lacunae, the Government is now fixing the jurisdiction only when the cheque is presented for collection before the payee's bank.

Earlier, there was a judgement of the Supreme Court in Bhaskaran versus Sankaran Vaidhyan Balan case in 1999 whereby the Supreme Court has fixed five places as its jurisdiction and that too, it was done after elaborate consideration of Sections 177 to 179 of the Criminal Procedure Code. The cause of action arises at places where the drawer's bank or payee's bank is situated. Now, as per this amendment, the provision is for giving jurisdiction only to the courts under which the drawer's bank is situated. This will affect the right of the people at large.

As pointed out by my colleague, Dr. Sampath and others, under the guise of ease of doing business, if we are conceding to the demands of the non-banking financial institutions and other corporate institutions, we are giving a go-by to the interests of the poor people and those people who are not in a position to honour their cheques which may not be their fault but due to some other reasons.

If we go by this amendment, a person who issues a cheque at Thiruvananthapuram or some other place to a non-banking financial corporation which is having its corporate office at Delhi or Kashmir, and if he chooses to present his cheque at some other places in the Northern States, then that person has to go to Kashmir or Northern States for the purpose of fighting his case and get justice for himself.

We should understand one position. In cases where a person is having a genuine grievance for not honouring the cheque, and if a dubious litigant chooses

to file a case in Mumbai or Kashmir, then that poor person who is residing at Thiruvananthapuram or Chennai has to go all the way to that place to fight out his case and get justice.

This point also has to be taken into account. That is why, I have moved an amendment also. The Government should relook these words and refer the issue to the Standing Committee.

DR. UDIT RAJ (NORTH WEST DELHI): Hon. Deputy-Speaker, Sir, I thank you for giving me this opportunity to speak on this Bill. In fact, a lot has been said on this Bill and so, I do not have to say much.

Now, people will be safe from double jeopardy. In fact, a few days back, a large number of traders of my constituency came to me and said that the judgment of the Supreme Court has created a lot of problems for them. They are the ones who should receive the payment but rather, they are paying more and more to the defaulters.

So, I support the Bill.

वित्त मंत्रालय में राज्य मंत्री (श्री जयंत सिन्हा): उपाध्यक्ष महोदय, मैं आपको धन्यवाद देता हूँ कि आपने जवाब देने के लिए कुछ समय दिया है। मैं पहले तो सिर्फ धन्यवाद दूंगा क्योंकि मुझे लगता है कि करीब आठ-दस वक्ता ने इस विषय पर बोला है। यह इस सदन की महानता है और हमारे जो माननीय सदस्य हैं, उनकी सोच इतनी अच्छी है कि यह जो एक छोटा सा चार क्लॉज का बिल है, परंतु इस विषय पर भी और जो काफी टेक्निकल मामला है, फिर भी उन्होंने कई रोमांचक पहलू के बारे में चर्चा की है। माननीय सुगत बोस जी ने एक ऐतिहासिक पहलू निकाला और उन्होंने बताया कि जो निगोशिएबल इंस्ट्रुमेंट्स एक्ट है, वह 1881 का एक्ट है। वह बहुत सालों से चला आ रहा है। हम लोगों ने उसमें काफी परिवर्तन किया है, परन्तु यह एक प्रकार का ऐतिहासिक एक्ट है, आज इसे हमारे कानून बुक में सम्मान दिया जाता है। पहला तो यह ऐतिहासिक पहलू है। दूसरा पहलू यह है कि यह कानूनी तरीके से इस मामले को कैसे संभाला जाये, इस मामले पर किस तरह की कार्रवाई की जाये, हमें इसके कानूनी पहलू को भी समझना है। अगर, हमें इसका समाधान करना है तो इसे बिजनस, इकॉनोमी, व्यापार और व्यवसाय के दृष्टिकोण से संभालना है। क्योंकि, अंत में इस बिल के माध्यम से हम यह करना चाह रहे हैं कि जो व्यवसाय इस देश में चल रहे स हैं, उनको आसानी से किया जाये और जो दो पार्टियों के बीच कॉन्ट्रैक्ट्स होते हैं, उन्हें हम किस तरह से मजबूत बनायें, और उन कॉन्ट्रैक्ट्स को एक सैक्टिटी ऑफ लॉ और उनको इम्प्लिमेंटेशन में आसानी दी जाये। यह सबसे महत्वपूर्ण है। इस समय देश में जो आर्थिक हालात हैं, और जो चेक्स के आंकड़े हैं, उन्हें उन पर ध्यान देना चाहिए। कई सदस्यों ने पूछा है कि कितने चेक्स बाउंसिंग के केसेज आज न्यायालयों में हैं? हम लोगों के पास जो आंकड़े हैं, उनके अनुसार इस समय 21 लाख चेक बाउंसिंग के केसेज कई न्यायालयों में फंसे हुए हैं, जिनमें हाई कोर्ट्स में 42,000 केसेज हैं। बहुत बड़ी संख्या में केसेज के ऊपर कार्रवाई हो रही है। साथ-साथ 259 कोर्ट्स सिर्फ चेक बाउंसिंग के लिए स्थापित किये गये हैं। आपको इससे पता चलेगा कि हमारा जुडिशियल सिस्टम इसमें बहुत फंसा हुआ है, उससे बहुत लोगों को तकलीफ हो रही है, खासकर हमारे जो व्यापारी हैं, जो व्यवसाय का काम कर रहे हैं उनको इससे काफी समस्या हो रही है। अब जो माननीय सुप्रीम कोर्ट की रूलिंग आयी है, जिसका जिक्र कई माननीय सदस्यों ने किया है, जिसमें यह कह दिया गया है कि अगर आपको कोई केस फाइल करना है तो आप केस वहां फाइल करिए, जहां चेक इश्यू होता है, उससे और भी बड़ी समस्या हो सकती है।

मैं इसके दो महत्वपूर्ण पहलू आप लोगों को समझाना चाहता हूँ। आप किसी भी टेलीकॉम कम्पनी को ले लीजिए, जिसके करोड़ों सब्सक्राइबर्स हैं। अक्सर, यह होता है कि कई सब्सक्राइबर्स अपना बिल नहीं

देते हैं, जब वह लोग बिल नहीं भरते हैं और उनके चेक बाउंस कर जाते हैं तो उस टेलीकॉम कम्पनी के लिए या कोई छोटा व्यापारी भी हो, जिसके पास 10, 20 या 25 ग्राहक हों, जिनके चेक बाउंस कर गए हैं, वह मुंबई में है तो वह कहां-कहां जाकर लाखों लोगों के विरुद्ध कोर्ट में केस फाइल करेगा और बोलेगा कि आपको जो हमें पैसा देना था, वह हमें दीजिए। यह बड़ा इम्पैक्टिकल मामला है। कोई इस तरह से अपना व्यापार और व्यावसाय नहीं चला सकता है। इसलिए हम लोगों को यह कोशिश करनी चाहिए कि हम लोग इसको किस तरह से कनविनिएंट बनायें। इसको इस तरह से चलायें जिसमें जो बिजनसेज हैं, अगर उनके हजारों या लाखों सब्सक्राइबर्स हैं, जिनके चेक बाउंस कर गये हैं, वे एक जगह केस फाइल करके कार्रवाई करें। इसलिए इसको कनविनिएंट बनाने के लिए माननीय सुप्रीम कोर्ट ने जो रूलिंग दी थी, वह बड़ी इम्पैक्टिकल थी, उसको हम लोग कनविनिएंट बनाने की कोशिश कर रहे हैं। माननीय सदस्यों ने कहा है कि इससे सामान्य जनता को हानि होगी क्योंकि आप कॉमन मैन को खिंच कर कहीं और ले जाइएगा और उस पर आप कार्रवाई चालू करवा दीजिएगा, आप उसे न्यायालय में ले जाइएगा।

माननीय सदस्यों को मैं यह समझाना चाहता हूँ कि 'प्रधानमंत्री जन धन योजना' के पहले 50 प्रतिशत लोगों के पास तो बैंक एकाउंट्स ही नहीं थे तो वे चेक्स के साथ क्या कर सकते थे? आप जिन गरीबों की यह बात कर रहे हैं कि उनके साथ वे फंस जायेंगे, उनके पास तो बैंक एकाउंट्स ही नहीं थे, उनके पास चेक्स भी नहीं थे तो वे किस तरह से इस चंगुल में फंसते, मैं यह नहीं समझ पा रहा हूँ। इसलिए यह उन गरीब किसानों के लिए नहीं है, जिसके पक्ष में आप बहस कर रहे हैं, यह उन लोगों के लिए है जो डिफॉल्टर्स हैं। जिन्होंने किसी से एक सर्विस ली या किसी से कोई चीज खरीदी तो फिर उसके लिए जो पैसे देने चाहिए थे, वह उसे नहीं दिये। इसके लिए उन पर जो कार्रवाई करनी चाहिए, उसको कनविनिएंट बनाने के लिए हम लोगों ने बिल पेश किया है। बहुत सारे लोगों ने आकर हम लोगों को रिप्रजेंटेशन दिये हैं। बहुत लोगों ने कहा है कि हम लोग यह नहीं कर पायेंगे तो जो नेगोशिएबल इंस्ट्रुमेन्ट की इंटीग्रिटी है। माननीय सूगत बोस जी कह रहे थे कि हिन्दुस्तान में एक इतिहास है, उसकी इंटीग्रिटी पर एक बड़ा धब्बा आयेगा और यह मुश्किल होगा कि हम उसे कैसे आगे बढ़ायें।

इसके साथ-साथ हमारी कोशिश यह भी है कि आगे के समय और भी 'कैशलेस' सोसायटी की तरफ चलें, जिसमें हम लोग इलेक्ट्रॉनिक पेमेन्ट्स से काफी सारे ट्रांजैक्शंस कर सकें। अगर इलेक्ट्रॉनिक पेमेंट्स का डिफॉल्टर्स पर कलेक्ट नहीं कर पाएंगे तो वहां भी बहुत बाधाएं आएंगी और हम कैशलेस सोसाइटी की तरफ नहीं जा पाएंगे। इस सबका समाधान करने के लिए, फाइनेंशियल सिस्टम को और मजबूत बनाने के लिए जिसमें ब्लैक मनी को कम किया जाए, कैशलेस सोसाइटी की तरफ चला जाए। कई माननीय सदस्यों ने कहा कि फाइनेंशियल इनक्लूजन होना चाहिए। शाखाएं नहीं हैं इसलिए हमें कोई न

कोई सुधार लाना चाहिए। इन सब चीजों को मजबूत बनाने के लिए जिसमें मोबाइल बैंकिंग कर पाएं, इलैक्ट्रॉनिक पेमेंट्स कर पाएं, इस प्रकार के एक्ट की बहुत सख्त जरूरत थी। इसलिए हमने यह एक्ट पेश किया है। कई माननीय सदस्यों ने इसके लिए सहयोग और समर्थन प्रकट किया है। इसलिए हमें विश्वास और भरोसा है कि अगर आप इस बिल के लिए समर्थन दें तो जिस प्रकार हमने अभी तक जन-धन योजना में बहुत अच्छी तरह लोगों को फाइनेंशियल इनक्लूजन में जोड़ दिया है, आज हर परिवार का बैंक में खाता खुल गया है। हम इससे सिस्टम की इंटीग्रेटी को मजबूत बनाएंगे, कैशलेस सोसाइटी की तरफ जा सकते हैं, बिजनस कौरैस्पोंडेंस, मोबाइल बैंकिंग आदि आधुनिक टेक्नोलॉजी का प्रयोग कर पाएंगे। इस प्रकार सिस्टम को मजबूत बनाते हुए, नई-नई टेक्नोलॉजी का प्रयोग करते हुए हर व्यक्ति चाहे वह सामान्य व्यक्ति हो या बड़े-बड़े बिजनस हों, सबको आधुनिक, डिजिटल इकोनॉमी में लाकर सुविधा पहुंचा पाएंगे। इसके साथ ही मैं अपनी बात समाप्त करता हूं।

I commend this Bill to the House to be passed.

श्री एस.एस.अहलुवालिया (दार्जिलिंग): उपाध्यक्ष महोदय, मैं मंत्री जी से सिर्फ इतना कहना चाहता हूँ कि इन्होंने कहा कि व्यापार बढ़ाने के लिए इनकी जरूरत है। मैं गवाह हूँ। जब सैक्शन 138 ऐड किया गया था, मैं उस कमेटी का सदस्य भी रहा हूँ जिस कमेटी ने रिपोर्ट दी और यह बना था। तब हायर-परचेज का जमाना था और हायर-परचेज इंडस्ट्री हमारी कंट्री में नहीं आ रही थी क्योंकि पीडीसी का सिस्टम नहीं था, 138 सैक्शन नहीं था। सैक्शन 138 लाया गया था कि हायर-परचेज आगे बढ़े। हायर-परचेज में सबसे ज्यादा ऑटो इंडस्ट्री आई। ऑटो रिकशा, स्कूटर, मोटर साइकिल, कार से लेकर ट्रक तक अभी हायर-परचेज में लेते हैं। सुप्रीम कोर्ट की जजमेंट से पहले केरल हाई कोर्ट ने एक जजमेंट दी। केरल हाई कोर्ट की जजमेंट को ही जस्टिफाई करते हुए सुप्रीम कोर्ट ने अपनी जजमेंट दी। जजमेंट की मेन चीज है कि क्रिमिनल जुरिसपुडेंस कहता है कि प्लेस ऑफ औकरेंस, क्राइम कहां हुआ। अगर किसी का चैक बाउंस हुआ है, जहां मर्डर हुआ है प्लेस ऑफ औकरेंस वहां हुआ है। उस औकरेंस को ही एविडेंस माना जाता है और उस पर कार्यवाही होती है। प्लेस ऑफ औकरेंस को सुप्रीम कोर्ट ने कहा कि जहां चैक बाउंस हुआ है, उसी को प्लेस ऑफ औकरेंस माना जाए और केसेज़ वहीं फाइल हों।

मैं आपके माध्यम से मंत्री महोदय से जानना चाहता हूँ कि जितनी ऑटो इंडस्ट्रीज हैं, सबकी फाइनेंस कम्पनियां हैं। किसी का चेन्नई में हैडक्वार्टर है, किसी का मुंबई में हैडक्वार्टर है, किसी का नासिक में है।...(व्यवधान)

HON. DEPUTY-SPEAKER: Shri Ahluwalia, you must ask a specific question.

SHRI S.S. AHLUWALIA: I am coming to the point. I need a clarification. This is the clarification which we need for the benefit of the common man.

HON. DEPUTY-SPEAKER: What is your point? You tell it.

SHRI S.S. AHLUWALIA: I need a clarification. My point is that tomorrow a person in the North-Eastern State purchases a particular brand of the vehicle whose head office is in Mumbai. 'Place of occurrence' means in the Branch of the North-Eastern State where the cheque bounced. In the present case, the Supreme Court will give the verdict that the case should be filed in that branch office where the cheque bounced. The finance company will say : "No, the case will be filed in Mumbai." So, the person from the North-Eastern State, from Mizoram will have to go and contest the case in Mumbai. Can he survive? Can he get justice? That is my

point. Here, I want assurance from the Government that the Government should come out and say that they will give justice to them. ... (*Interruptions*)

HON. DEPUTY SPEAKER: Hon. Member, you have already participated in the debate. Now, what do you want to ask?

SHRI B. VINOD KUMAR (KARIMNAGAR) : The hon. Minister has not made any comment on fast track court?

SHRI M.I. SHANAVAS: The hon. Minister has forgotten about the social impact. I can understand very well the mercantile issues and transactions. What is the social impact of the poor farmer taking loan from the money-lending sharks? What is the answer for that?

SHRI P.P. CHAUDHARY (PALI): So far as the cause of action and territorial jurisdiction are concerned, it has been well defined in the respective laws. We can say that it is a special law. It is a settled principle. On the basis of that definition of the Supreme Court and the High Court in various pronouncements, in case, we provide territorial jurisdiction or the cause of action which is something different than as has been stressed out very well, I think, it might create a lot of confusion for the poor people. They may not approach at a place where the suit is filed by the companies. My submission is as to how to reconcile all these things. When the territorial jurisdiction and cause of action has been decided by the Supreme Court and the High Court, will it withstand the tide of the Supreme Court and the High Court with the law legislated by this august House?

PROF. SUGATA BOSE (JADAVPUR): The hon. Minister has given a comprehensive reply but I would like to seek a clarification. Our Constitution provides division of powers. We enact laws, and amend laws in this Parliament but the Judiciary can interpret those laws. We have to be extra careful when we are amending the law in order to remove the difficulty that has arisen out of a Supreme Court judgement. I would like the Minister to assure this House that this law, small though it is, has been thoroughly scrutinized by the Law and Justice

Department, and that it will stand up to any judicial scrutiny to which it might be put.

HON. DEPUTY SPEAKER: Dr. Sampath, you have already given amendments.

DR. A. SAMPATH : In the Bill it is stated. All subsequent complaints arising out of Section 138 against the same drawer shall be filed before the same court irrespective of whether those cheques were presented for payment within the territorial jurisdiction of that court. Will this not amount to questioning the independence of the Judiciary, the territorial jurisdiction of a particular court? How can we define the territorial jurisdiction of a court, apart from the CrPC, and other penal laws that we have in the land?

श्री आर.के.सिंह (आरा) : सभापति महोदय, माननीय मंत्री महोदय ने कहा है कि इस कानून का कुप्रभाव आम आदमी पर नहीं पड़ेगा। चूंकि आम आदमी के पास बैंक अकाउंट नहीं है, इसलिए वह लोन पर कार या मोटरसाइकिल नहीं लेता है। मैं आपके माध्यम से मंत्री महोदय से जानना चाहता हूं कि अगर कोई लोअर मीडिल क्लास का आदमी लोन लेकर पटना में कार लेता है और उसका केस पूना में होता है तो क्या वह आम आदमी नहीं है? इससे आम आदमी को बहुत परेशानी होगी।

श्री दुष्यंत चौटाला : महोदय, मैं मंत्री जी से एक ही क्लेरिफिकेशन चाहता हूं, अभी मंत्री जी ने बताया कि मोबाइल कंपनी करोड़ों सब्सक्राइबर तक पहुंचती है। अगर हम मोबाइल कम्पनीज की बात करें, तो गरीब से गरीब आदमी के पास आज मोबाइल फोन है। आप कहते हैं कि जहां उसका हैडक्वार्टर है, वहां पर जाकर वह गरीब आदमी, सिरसा के एक छोटे से गांव से उठकर मुंबई में एक टेलीफोन कम्पनी के विरोध में कैसे लड़ेगा, इसकी आप मुझे क्लेरिफिकेशन दीजिए।

SHRI JAYANT SINHA : Mr. Deputy Speaker, Sir, I think hon. Members have again brought up several good points which can all be easily addressed and I shall do so in sequence.

I think the first point which a number of hon. Members have spoken about is the question of the common person and I will address that comprehensively. There is a very legitimate concern that hon. Members have expressed.

A case was made out that if there is a poor farmer who is in the grip of a money lender and that money lender will extort this farmer because he will file a case somewhere farther from his place. That was the case presented.

The second case that was presented by Shri Ahluwalia is the case of an auto rickshaw driver who has purchased his auto-rickshaw from a hire purchase company which is situated in Chennai and he is driving his auto-rickshaw in Delhi. What happens to that individual?

Then, the third case that the hon. Member Shri Dushyant Chautala presented was the case of a mobile subscriber who is having a mobile phone in Sirsa, Haryana. How is that person going to go to Mumbai and fight that case?

These were the three examples that were presented. Now let me explain why, in each of these cases, the fears that hon. Members have are unfounded.

Let me start with the mobile case first because that is the easiest one to talk about. In the case of mobile phones, most of the people, more than 90 per cent of mobile subscribers that we have in India, are pre-paid subscribers, that is, you pay in cash upfront and there is no cheque involved. Therefore, this case of somebody in Haryana being forced to go to Mumbai to fight the case will, probably never arise at all because most of the subscribers are pre-paid customers who pay by cash. So, really there is no question of a cheque being involved in that case. ...

(Interruptions)

SHRI DUSHYANT CHAUTALA: There are post-paid mobile customers also in this country. What happens to them? ... *(Interruptions)*

SHRI JAYANT SINHA: All right. There are post-paid customers also who typically either pay by cheque or by credit card. Most mobile companies have a policy of trying to ensure that the customers pay their dues. ... (*Interruptions*) If a customer has not paid his bill for two or three months continuously, then it will be absolutely within the right of the mobile company either to stop the service to the customer or ask him to pay his dues. If he is a pre-paid customer, then the customer will have the service for as long as he has paid for it. In the case of post-paid customers, if they have not paid their dues for two or three months, then it is the company's right to either cancel the subscription which is what they typically do after three months or if the number of defaulters is large, then they will try and collect the dues which is part of the reason why we have as many cases as we do now. I think that addresses the case of mobile phone customers. ... (*Interruptions*)

Now, let us come to second case. ... (*Interruptions*) Sir, I believe I have addressed that point. ... (*Interruptions*) I am not yielding. ... (*Interruptions*) Let us now talk about the case of the auto-rickshaw driver who has a loan. ... (*Interruptions*)

SHRI S.S. AHLUWALIA: Mr. Deputy Speaker, Sir, I have not mentioned auto-rickshaw. I said 'auto' which means even a truck. Let the hon. Minister not say that it is a case of poor people. Any citizen can be put to this difficulty which I have explained. We are here to make laws and we want to help all the citizens. ... (*Interruptions*)

SHRI JAYANT SINHA: Sir, I understand his concern. I will explain. What does the law say? Clause 3 (2) of this Bill says:

“The offence under section 138 shall be inquired into and tried only by a court within whose local jurisdiction the bank branch of the payee, where the payee presents the cheque for payment, is situated.”

For example, if somebody has taken a loan to buy an auto-rickshaw or automobile loan or any other loan from a consumer finance company or a bank in

Delhi, it is very rare that that cheque will be sent to Mumbai to be deposited there if that is where the company is. Most of the consumer finance companies will deposit that in the branch in Delhi which is where the offence will be committed.

... (*Interruptions*) It is very clear. So, I think, that answers that question. ...
(*Interruptions*)

Now, in the case of the farmer and the money lender, most of those are cash transactions. This is about negotiable instruments; it is not about those kinds of cash transactions at all. So, I think, that fear is unfounded as well. Then there was a question, there was clarification required about whether this has been thoroughly scrutinized. Like every other law that Government of India presents to this august House, that goes to the Department of Company Affairs and something like this; it goes to the Ministry of Law, the Ministry of Parliamentary Affairs. So it is scrutinized thoroughly. It is vetted very carefully before it is presented before the hon. Members in this august House. So, you should be quite assured about that matter.

Finally about the question of the consolidation before the courts, I have just pointed to you that we have a situation today where there are some 21 lakh cases pending. If we have to ensure judicial efficiency and streamlining, we have to consolidate these cases. The cheques are presented in many different places. This is to ensure judicial efficiency and judicial streamlining. I think it is a very well thought out provision, therefore, to consolidate all of these into one particular court. Thank you very much.

HON. DEPUTY SPEAKER: The question is:

“That the Bill further to amend the Negotiable Instruments Act, 1881, be taken into consideration.”

The motion was adopted.

HON. DEPUTY SPEAKER: The House will now take up clause-by-clause consideration of the Bill.

The question is:

Clause 2 Amendment of Section 6

“That clauses 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 Amendment of Section 142

HON. DEPUTY SPEAKER: Dr. A. Sampath, are you moving your Amendment No.1 to Clause 3?

DR. A. SAMPATH : Yes, Sir, I beg to move:

“Page 2, line 13,--

after “court within whose local jurisdiction”,

insert “the bank or”. ” (1)

Sir, with your permission and due respect to the Government of India, especially my learned friend, the Minister of State for Finance, the argument that he has made in this august House is self-defeating. ... (*Interruptions*) Here, without any data, without any statistics, he is saying about the poor man and the common man. What is the distinction between that? Regarding the Jan Dhan Yojana, the Government issued cards also. He is under the impression that the poor people will not issue cheques. The Government of India is also insisting that all the people should have bank accounts. Anyway, we cannot avail loan without

any bank account. At the same time, the hon. Member has cited various examples.
... (*Interruptions*)

HON. DEPUTY SPEAKER: I shall now put Amendment No. 1 to Clause 3 moved by Dr. A. Sampath to the vote of the House.

The amendment was put and negatived.

HON. DEPUTY SPEAKER: Adv. Joice George, are you moving your Amendment No.2 to Clause 3?

ADV. JOICE GEORGE (IDUKKI): Yes, Sir, I beg to move:

“Page 2, lines 13 and 14,--

for “payee, where the payee presents the cheque for payment”,

insert “drawer, where the cheque is dishonoured”.” (2)

From the reply given by the hon. Finance Minister, it is very evident that this Bill has been brought to the House without applying the mind. The Government is not understanding the ground realities also. There are instances of misusing the proceedings under Section 138 of the Negotiable Instruments Act. Cases are being filed in some far away places; so many cases are there. The hon. Minister has failed to address all these issues. Hence, I am moving the amendment.

HON. DEPUTY SPEAKER: I shall now put Amendment No. 2 to Clause 3 moved by Adv. Joice George to the vote of the House.

The amendment was put and negatived.

HON. DEPUTY SPEAKER: Dr. A. Sampath, are you moving your Amendment No.3 to Clause 3?

DR. A. SAMPATH: Yes, Sir, I beg to move:

“Page 2, line 14,--

after “is situated”,

insert “unless there is a specific agreement between the drawer and the payee regarding the place of jurisdiction”.” (3)

Anyway, I hope that this will not be a futile exercise. Do not play with the jurisdiction of the hon. courts, whether it is the lower court or the higher court. Sometimes, of course, by defeating their own conscience, the Treasury Benches may be able to defeat my amendment. But they cannot defeat their own conscience. There will be a day when the common man will point his finger towards you.

HON. DEPUTY SPEAKER: I shall now put Amendment No. 3 to Clause 3 moved by Dr. A. Sampath to the vote of the House.

The amendment was put and negatived.

HON. DEPUTY SPEAKER: Shri N.K. Premachandran – not present.

The question is:

“That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 Insertion of new Section 142A

HON. DEPUTY SPEAKER: Dr. A. Sampath, are you moving your Amendment No.4 to Clause 4?

DR. A. SAMPATH : Yes, Sir, I beg to move:

“Page 2, line 29,--

after “that court”,

insert “unless there is a specific agreement between the drawer and the payee regarding the territorial jurisdiction”. (4)”

This Amendment No. 4 is for Page 2, line 29. It is for Clause 4 subsection (2), line 29.

That is:

“...all subsequent complaints arising out of Section 138 against the same drawer shall be filed before the same court, irrespective of whether those cheques were presented for payment within the territorial jurisdiction of that court.”

What I would like to insert here is, after the words ‘that court’, ‘unless there is a specific agreement between the drawer and the payee...’ ... (*Interruptions*)

SHRI NISHIKANT DUBEY (GODDA): Sampathji, move your amendment or withdraw it.

DR. A. SAMPATH: Nishikantji, then you move the amendment. I will sit down. You can play the role at both places, at the Treasury Benches and here also.

HON. DEPUTY SPEAKER: Mr. Sampath, address the Chair.

DR. A. SAMPATH: So, I would like to insert here after the words “that court”, ‘unless there is a specific agreement between the drawer and the payee regarding the territorial jurisdiction.’ It is a very pertinent legal point. My friends in the Treasury Benches have some experience in law. I am not saying it to advocates only. They know it very well. We are entering into something which is a flaw. It is also unconstitutional if we are going to pass this Bill in this way. So, I may be permitted to move this amendment.

HON. DEPUTY SPEAKER: I shall now put Amendment No.4 to Clause 4 moved by Dr. A. Sampath to the vote of the House.

The amendment was put and negatived.

HON. DEPUTY SPEAKER: The question is:

“That clause 4 stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

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

SHRI JAYANT SINHA: I beg to move:

“That the Bill be passed.”

HON. DEPUTY SPEAKER: The question is:

“That the Bill be passed.”

The motion was adopted.

15.37 hrs

**MESSAGE FROM RAJYA SABHA
AND
BILL AS PASSED BY RAJYA SABHA***

HON. DEPUTY SPEAKER: Now, Secretary-General.

SECRETARY-GENERAL: Sir, I have to report the following message received from the Secretary General of Rajya Sabha:-

‘I am directed to inform the Lok Sabha that the Companies (Amendment) Bill, 2014, which was passed by the Lok Sabha at its sitting held on the 17th December, 2014, has been passed by the Rajya Sabha at its sitting held on the 13th May, 2015, with the following amendments:-

ENACTING FORMULA

1. That at page 1, line 1, ***for*** the word "Sixty-fifth", the word "Sixty-sixth" be ***substituted***.

CLAUSE 1

2. That at page 1, line 2, ***for*** the figure "2014", the figure "2015" be ***substituted***.

CLAUSE 4

3. That at page 1, ***for*** lines 15 to 17, the following be ***substituted***, namely:-

"4. Section 11 of the principal Act shall be omitted."

Omission
of section
11.

NEW CLAUSE 18A

4. That at page 4, ***after*** line 17, the following be ***inserted***, namely:-

Insertion
of new

* Laid on the Table.

| | |
|---|-------------------------------------|
| "18A. In section 248 of the principal Act, in sub-section (1),- | clause 18A. |
| (i) in clause (a), after the word 'incorporation', the word 'or' shall be inserted; | Amendm ent of section 248. |
| (ii) clause (b) shall be omitted." | |

NEW CLAUSE 22

5. That at page 4, *after* line 31, the following be *inserted*, namely:-
- "22. In section 462 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:-
- "(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in Session, for a total period of thirty days, and if, both Houses agree in disapproving the issue of notification or both Houses agree in making any modification in the notification, the notification shall not be issued, or as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.
- (3) In reckoning any such period of thirty days as is referred to in sub-section (2), no account shall be taken of any period during which the House referred to in sub-section (2) is prorogued or adjourned for more than four consecutive days.
- (4) The copies of every notification issued under this section shall, as soon as may be after it has been issued, be laid before each House of Parliament."."
- Insertion
of new
clause 22.

Amendm
ent of
section
462.

I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 128 of the Rules of Procedure and Conduct of Business in the Rajya Sabha with the request that the concurrence of the Lok Sabha to the said amendments be communicated to this House.'

Mr. Deputy Speaker, I lay on the Table the Companies (Amendment) Bill, 2014, as returned by Rajya Sabha with amendments.

15.38 hrs

WHISTLE BLOWERS PROTECTION (AMENDMENT) BILL, 2015

HON. DEPUTY SPEAKER: Now, we shall take up Item No. 14 – Shri Jitendra Singh.

THE MINISTER OF STATE OF THE MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION, MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE, MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, MINISTER OF STATE IN THE DEPARTMENT OF ATOMIC ENERGY AND MINISTER OF STATE IN THE DEPARTMENT OF SPACE (DR. JITENDRA SINGH): I beg to move:

“That the Bill further to amend the Whistle Blowers Protection Act, 2011, be taken into consideration.”

माननीय उपाध्यक्ष महोदय, व्हिसल ब्लोअर प्रोटेक्शन अमेंडमेंट बिल 2015. 11 मई, 2015 को इस सदन में इंट्रोड्यूस किया गया था। यह बड़ा ही महत्वपूर्ण बिल है और इसकी विशेषता यह है कि सदन के प्रत्येक वर्ग की चिन्ताएं इससे जुड़ी हैं एवं समय समय पर प्रत्येक वर्ग ने इसका समर्थन भी किया है। संक्षेप में इस बिल के तीन पहलू हैं। एक- प्रशासन में पारदर्शिता बढ़ाई जाए; an effort to increase transparency in governance. दूसरे, भ्रष्टाचार के विरुद्ध जो व्यक्ति शिकायत करे, उसकी पूरी सुरक्षा सुनिश्चित की जाए and to ensure protection of the complainant. तीसरा यह कि while ensuring absolute transparency, adequate precaution may also be exercised to ensure that the disclosures do not jeopardise the essential safeguards of the Indian Republic namely the Security, Sovereignty and Integrity. इस बिल को लाने की आवश्यकता इसलिए पड़ी कि व्हिसल ब्लोअर बिल 2011 जब राज्य सभा से वर्ष, 2014 में पारित किया गया था तो कुछेक संशोधन उसमें सुझाये गये थे जो सदन के प्रत्येक वर्ग को लगभग स्वीकार भी थे परंतु

सत्र का समापन होने जा रहा था और पन्द्रहवीं लोक सभा का भी वह आखिरी सत्र था, इसलिए राज्य सभा में जब उसे पारित किया गया तो किन्हीं कारणों से वे संशोधन, वे अमेंडमेंट उसमें सम्मिलित नहीं किये गये। उसी खामी की भरपाई और पूर्ति करने के लिए इस बिल को पुनः इस सदन में लाने की आवश्यकता महसूस हुई है।

HON. DEPUTY SPEAKER: Motion moved:

“That the Bill further to amend the Whistle Blowers Protection Act, 2011, be taken into consideration.”

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Mr. Deputy-Speaker, Sir, the Whistle Blowers Protection (Amendment) Bill is a very significant legislation that was first brought in this House by the UPA Government. This piece of legislation can act as a crusade against the corruption, which has infected the bureaucracy; and over which, many often, various allegations are cropped up.

15.41 hrs

(Shri K.H. Muniyappa *in the Chair*)

Sir, while I am participating in the discussion on this legislation, it is regrettable to note that the tone and tenor of the principle Act has been diluted. That is why the honest intention of this Government is now being questioned.

Sir, history is witness to it that there have always been informers, who used to reveal the inside information to others. Even Ancient Greeks talked about whistle blowing centuries before. Lykourgos, the Athenian orator, in his speech against Leokratis said:

“Neither laws nor judges can bring any results, unless someone denounces the wrongdoers.”

Sir, even Martin Luther King says:

“Silence of good men is more dangerous than the brutality of bad men.”

That is why I put a serious consideration of this Bill.

Sir, even in Ancient India, the concept of ‘whistleblower’ was in existence. Kautilya proposed:

“Any informant (*súchaka*) who supplies information about embezzlement just under perpetration shall, if he succeeds in proving it, get as reward one-sixth of the amount in question; if he happens to be a government servant (*bhritaka*), he shall get for the same act one-twelfth of the amount. ”

Sir, the term ‘whistle-blowing’ probably arises by analogy with the referee or umpire who draws public attention to a foul in a game by blowing of the whistle which would alert both the law enforcement officers and the general public of danger. That is why a whistle blower tries to make us more sensitive to the pervading corruption that has infected various administrative bodies of our country. That should be the purpose of framing this law.

Sir, very succinctly I can say this. One noted whistleblower said:

“My chief told me that I was not loyal to him, and I asked him, ‘what am I supposed to be: loyal to you or loyal to your organization?’”

So, the Government must create a stronger whistleblower protection so as to ensure that those who are loyal to the Administration or office, must be protected and secured so that they can speak out without fear, without intimidation. This is the basic objective of this legislation that I perceive.

Sir, there are various categories of whistleblowers existing in various parts of the world. They are internal whistle blowing, external whistle blowing, alumni whistle blowing, open whistle blowing, personal whistle blowing, impersonal whistle blowing and corporate whistle blowing. The Whistle Blowers Protection Act, 2011 was an Act of Parliament of India. It provides a mechanism to investigate alleged corruption, wilful misuse of power or discretion by any public servant and also it protects anyone who exposes alleged wrongdoing in Government bodies, projects and offices. The wrongdoing might take the form of fraud, corruption and mismanagement.

The genesis of Whistle Blowers Protection Act lies in the fact that in the year 2003, from what can I remember, that Mr. Satyendra Dubey was brutally

killed because he exposed some corruption which took place in the National Highways Authority of India. He was an eminent engineer and he was brutally killed for exposing corruption. Thereafter, Mr. Manjunath also exposed corruption in regard to a petrol pump which was selling adulterated fuel, and a film was also made on this incident titled, 'Manjunath'. It has been reported that a number of whistleblowers have been killed. Since April this year three whistleblowers have been brutally killed because they have not been provided with the requisite security cover due to the absence of legislation. So, the legislation for protecting the whistleblower is the need of the hour.

The Act was approved by the Cabinet of India as part of a drive to eliminate corruption in the country's bureaucracy and passed by the Lok Sabha on 27th December, 2011. The Bill became an Act when it was passed by the Rajya Sabha on 21st February, 2014 and received the President's Assent on 9th May, 2014. It was decided to enact a separate legislation to provide adequate protection to the persons reporting corruption or wilful misuse of power or discretion which causes loss to the Government or who disclose the commission of a criminal offence by a public servant.

Sir, you know that in this House on 6th May, our leader, beloved Madam Sonia Gandhi Ji raised the issue. I would like to quote her speech.

“This Government has shown extraordinary urgency in introducing many legislation, yet the Whistle Blowers Protection Act, 2011 has not yet been put in effect even though it received Presidential Assent in May, 2014. This Act is essential to safeguard whistleblowers who are extensive users of the RTI Act. All these are instruments to combat corruption and blunting them cast serious aspersions on this Government's real intention.”

Sir, she also mentioned in this House that still the post of CIC has been lying vacant. Since the post of CIC is lying vacant, the Government is totally indifferent to the institutional mechanism that has been created to wage a crusade against corruption in our country. What is intriguing to note is that in the aftermath

of the issue raised by hon. Madam Sonia Gandhi Ji, the Government got prompted to introduce the legislation. The fact is that it is due to the pressure exerted by Madam Sonia Gandhi that this Government has buckled under. However, the political shenanigan is very much evident in the formulation of this Bill.

HON. CHAIRPERSON: Please conclude.

SHRI ADHIR RANJAN CHOWDHURY: I have just started my speech. Sir, the National Democratic Alliance Government has proposed to substantially reduce the kind of information whistle-blowers will be able to disclose under the Whistleblowers Protection Act, 2011. If the amendment is passed, a whistle-blower would no longer be able to provide documents and information that are protected under the Official Secrets Act, 1923, putting all classified and secret documents of the Government out of reach. The whistle-blower would also not be allowed to disclose any information that the Government and its agencies are exempted from providing under the Right to Information Act, 2005.

Consequently, a potential whistle-blower would not be able to give any information that could not only impact the sovereignty and integrity as well as the security of India, but also the strategic, scientific and economic interests of the State. We are all concerned for the sovereignty and integrity of our country. But under the garb of national security and integrity, we should not let the dilution of the tone and tenor of the objectives of the principal Act.

Information relating to commercial confidence, trade secrets or intellectual property would also be out of bounds unless accessed through the Right To Information Act (RTI). This would considerably reduce the space for those blowing the lid off any alleged corporate wrongdoings.

Leaking of information held under a fiduciary capacity, say, by a broker or a lawyer or agent, would also not be protected by the law unless the information has been accessed through the Right to Information Act. Similarly, information that could impede investigations or apprehensions or prosecutions of offenders would also be out of the ambit of the law. Additionally, information that could be

termed as 'unwarranted invasion of privacy' of an individual, too, would not be covered by the law unless accessed originally through the RTI.

Sir, I would like to give only two-three suggestions in this regard. The Whistleblowers Protection Act, 2011 has neither provisions to encourage whistleblowing with financial incentives, nor deals with corporate whistleblowers. It does not extend its jurisdiction to the private sector and it does not include the definition of victimization. Further, competent authorities under the Act are very limited and right of appeal is not provided to the complainant in case he/she is not satisfied by any order of the competent authority. Appeal provisions have been provided only relating to imposition of penalty.

Therefore, I would like to give a few suggestions. First of all, there should be dissemination of Information about the meaning and concept of Whistleblowers Protection Act.

The Whistleblowers Protection Act, 2011 should be amended so as to include protection to private enterprises. A model whistleblowers policy could be framed by a special committee constituted under the Whistleblower Protection Rules.

The Whistleblowers Protection Act, 2011 should be amended so as to include the giving of incentives to Whistleblowers whose disclosures are proved to be correct after the hearing and have substance.

The Whistleblowers Protection Act, 2011 should also be amended to include the definition of 'victimization'. The amendment is very necessary as the entire Act deals with protection to whistleblowers from their victimization and if the term itself is not clear than the entire Act loses all meaning. The Competent Authority formed under the Act does not talk about complete anonymous disclosure. The Act makes provision for revealing the identity of the Whistleblower.

Sir, we know that CVC is a very important institution to look after the corruption issues. But the CVC has become a very weak institution because it has

now become a headless body, a headless chicken. The Supreme Court is trying to provide more power and strength to the CVC. But the Government has failed to make it an efficient and competent authority.

Sir, I would quote Swami Vivekananda ji who said that three things are necessary to make every nation great: 1) conviction of the power of goodness; 2) absence of jealousy and suspicion; 3) helping all, who are trying to be good and do good. I would urge upon this Government that who are trying to be good, let them extend the cooperation through the legislation so that they can turn their goodness into the growth and development of this society. That is why, I cannot but oppose this legislation because it is a diversionary tactic being played by this Government. So, I am suggesting to the Government that this Bill should be referred to the Standing Committee for a thorough perusal.

With these words, I conclude my speech.

डॉ. संजय जायसवाल (पश्चिम चम्पारण) : सभापति महोदय, आपने मुझे इस महत्वपूर्ण बिल पर अपनी बात रखने का मौका दिया है, इसके लिए मैं आपका धन्यवाद करता हूँ। महोदय, मैं इस बिल के समर्थन में खड़ा हुआ हूँ। अधीर रंजन जी बहुत पैशनेट भाषण दे रहे थे कि क्यों यह बिल लाया गया, कैसे लाया गया। यह सच है कि यूपीए सरकार के तीन बिल थे, जिनके लिए इनको बहुत पैशन था। एक लैण्ड एक्विजिशन बिल था, दूसरा फूड सिक्योरिटी बिल था और तीसरा विसल ब्लोअर बिल था। ... (व्यवधान) लैण्ड एक्विजिशन बिल में कितनी कमियां थी, ये आज उजागर हो चुकी हैं और ये लोग कल इतना एग्रेसिव थे, हमको खूब अच्छे से समझ में आता है क्योंकि इनकी मजबूरी है। हम चाहते हैं कि यह बिल पास हो और गांवों में सिंचाई की सुविधा हो, गांवों में बिजली की सुविधा हो, गांवों में सड़क बनें, उद्योग-धंधे बनें, जिससे किसानों को विकास मिले। ... (व्यवधान) यह इनके लिए भी सर्ववाइवल का सवाल है कि अगर यह सब हो गया तो सन् 2019 में ये 44 से 4 हो जाएंगे, इसीलिए इसका विरोध करने की इनकी मजबूरी है। दूसरा, इनका बहुत फेवरेट बिल, फूड सिक्योरिटी बिल है। उस समय मैं विरोधी दल का सांसद था, हम लोग गुजरात गए थे, तब भी हम लोगों को माननीय प्रधान मंत्री जो आज के हैं, उन्होंने उस समय मुख्य मंत्री के रूप कहा था कि यह बिल गलत है, आप लोगों को इसका विरोध करना चाहिए। यह भी बिल कमाल का है। आपके परिवार में तीन बच्चे हैं तो आपको 35 किलों के बदले 15 किलो अनाज मिलेगा, लेकिन अगर आपके परिवार में 8 बेटे, 6 बेटियां मिला कर 16 सदस्य हैं, तो आपको 80 किलो अनाज मिलेगा, मतलब कि 4 बच्चे और पैदा कर लो और एक क्विंटल अनाज खाओ, फूड सिक्योरिटी बिल यही है। तीसरा इनका विसल ब्लोर बिल है। जिसके लिए मैडम श्रीमती सोनिया गांधी जी ने 6 मई को बहुत ही पैशनेट भाषण दिया था। ... (व्यवधान) अभी मैं उस पर आ रहा हूँ आप क्यों घबरा रहे हो? उसमें भी सुधार करने की जरूरत है। ... (व्यवधान) वही तो कह रहे हैं कि हम लोगों ने साथ इसलिए दिया, क्योंकि उसकी आत्मा ठीक थी, पर पूरा का पूरा स्ट्रक्चर गलत था। अब मैं विसल ब्लोअर बिल पर आता हूँ। ... (व्यवधान) अगर वाकई सोनिया जी को इंटेस्ट था कि यह विसल ब्लोअर बिल पास हो और यह कानून बने, तब ये कंस्टिट्यूशनल पोस्ट पर थीं, यूपीए की चेयरपर्सन थी और उस समय उनके मंत्री ने हाऊस में असत्य बोला था। उस समय उनको ठीक करना चाहिए था। मैं उसके लिए कोट करना चाहूंगा। नारायण सामी जी, जो उस समय मंत्री थे, उनकी बात को कोट करना चाहूंगा। ... (व्यवधान) ठीक है, मैं यह कह देता हूँ कि उस समय के मंत्री ने असत्य बोला था। ... (व्यवधान) यूपीए के मंत्री नारायण सामी जी ने असत्य बोला था। ... (व्यवधान) सर, मैं वह पढ़ना चाहूंगा। ... (व्यवधान)

HON. CHAIRPERSON: If there is any unparliamentary word, it should be deleted.

डॉ. संजय जायसवाल: सभापति महोदय, नारायण सामी जी ने 21 फरवरी को राज्य सभा में बोला कि -

“Now, Sir, because this is going to be the last day of the Session in Rajya Sabha, the Government wants that the Bill, as it has been passed by the Lok Sabha, be taken up; we wanted to take up the Bill. As for the amendments which I propose, which have been given by the hon. Leader of the Opposition”

... (*Interruptions*) Sir, Minister’s speech can be quoted anywhere. ...

(*Interruptions*) I am reading the Minister’s speech word by word. ...

(*Interruptions*)

HON. CHAIRPERSON: What is your point of order?

... (*Interruptions*)

DR. SANJAY JAISWAL: Sir, it further reads:

“..... As for the amendments which I propose, which have been given by the hon. Leader of the Opposition, which the Government has accepted, I would like to withdraw them; otherwise, the Bill will lapse. Therefore, Sir, I give an”

... (*Interruptions*)

SHRI DEEPENDER SINGH HOODA (ROHTAK): Sir, I have a point of order. ...

(*Interruptions*)

HON. CHAIRPERSON: What is your point of order and under which rule?

SHRI DEEPENDER SINGH HOODA: He has allowed me to raise a point of order. ... (*Interruptions*) Sir, it is under Rule 354. ... (*Interruptions*)

16.00 hrs

Sir, Rule 354 states:

“No speech made in the Council shall be quoted in the House unless it is a definite statement of policy by a Minister...”

It is not a definite statement of a Minister. ... (*Interruptions*) The Constitution has imposed a restriction to quote speeches made in the Council, and that is the reason why this Point of Order is there in the statute. ... (*Interruptions*)

The Constitution has imposed a restriction on the Lok Sabha for any Member to quote a speech, which is made in the Council, which is the Rajya Sabha, because

the relevant Member from the Council is not here to give the reason. ...
(Interruptions) This is why this Point of Order is there. ... *(Interruptions)* It is
 because the relevant Member is not here to give the context in which he has said
 it, and the context is that we had full conviction to implement food security, but
 we wanted to address your concern. ... *(Interruptions)*

KUMARI SUSHMITA DEV (SILCHAR): Yes, it was their request. ...
(Interruptions)

HON. CHAIRPERSON: Okay, you can proceed.

... *(Interruptions)*

DR. JITENDRA SINGH : Sir, Rule 354, as has been rightly read out, states that :

“No speech made in the Council shall be quoted in the House unless
 it is a definite statement of policy by a Minister...”

This is one part. So, that has to be read as it is separately. Other than that, if
 there is anything besides that to be quoted by any other Member, then only this
 second paragraph would apply. He is quoting from a Minister’s statement, and I
 think, it can be allowed.

DR. SANJAY JAISWAL: The Chairman has been a Minister himself. ...
(Interruptions)

माननीय सभापति : दुबे जी, आप बैठिए।

...(व्यवधान)

श्री निशिकान्त दुबे (गोड्डा) : महोदय, प्वाइंट ऑफ आर्डर 355 कह रहा है कि :

“When, for the purposes of explanation during discussion or for any
 other sufficient reason, any member has occasion to ask a question
 of another member on any matter then under the consideration of the
 House ...”

महोदय, 355 पढ़ लीजिए और दीपेन्द्र हुड्डा साहब को बता दीजिए, व्हिसल ब्लोअर बिल में मंत्री
 जी ने जो कहा है, कोई भी मॅबर किसी मॅबर के बारे में क्वेश्चन पूछ सकता है, यह 355 कह रहा है।

माननीय सभापति : दुबे जी, प्लीज आप बैठिए।

... (व्यवधान)

DR. SANJAY JAISWAL: Now, it is your decision as you were also a Minister. ...
(Interruptions)

SHRI DEEPENDER SINGH HOODA: Sir, Rule 355 applies if the Member also belongs to this House. ... (Interruptions)

माननीय सभापति : दीपेन्द्र जी, प्लीज आप बैठिए।

... (व्यवधान)

KUMARI SUSHMITA DEV: Yes, he is not a Member of this House. ...
(Interruptions)

HON. CHAIRPERSON: Now, I will give a Ruling on this issue.

... (Interruptions)

HON. CHAIRPERSON: Please take your seat.

... (Interruptions)

HON. CHAIRPERSON: Mr. Meghwal, I am giving my Ruling on this issue.

... (Interruptions)

HON. CHAIRPERSON: I am giving a Ruling on this matter. No more comments on this issue. Let the Member continue to speak on this issue. Yes, kindly proceed. Now, you have to speak on the Bill only.

... (Interruptions)

DR. SANJAY JAISWAL: Thank you, Sir.

It further states that :

“...Now, Sir, because this is going to be the last day of the Session in Rajya Sabha, the Government wants that the Bill, as it has been passed by the Lok Sabha, be taken up; we wanted to take up the Bill. As for the amendments which I propose, which have been given by the hon. Leader of the Opposition, which the Government has accepted, I would like to withdraw them; otherwise, the Bill will lapse. Therefore, Sir, I give an assurance on the floor of the House that we will fulfil the appropriate constitutional requirement within a period of ten days, not 15 days, in complying with whatever commitments we have given to the Leader of the Opposition, and also to this House...”

So, he has given a categorical statement that he would fulfil his commitment within 10 days.

Now, Mr. Narayanaswamy was the Madam's Minister and Shrimati Sonia ji was the UPA's Chairperson. If she was so sincere about it ... (*Interruptions*)

HON. CHAIRPERSON: It is not required. You speak on the Bill.

... (*Interruptions*)

KUMARI SUSHMITA DEV: Why are you going on and on about the UPA Chairperson? ... (*Interruptions*)

DR. SANJAY JAISWAL: Why are you saying this? When Mr. Adhir Ranjan Chowdhury was quoting, how is that you were not having any problem? You should have stopped your own Party man as to why he was quoting the UPA Chairperson. ... (*Interruptions*)

HON. CHAIRPERSON: Mr. Jaiswal, please address the Chair.

... (*Interruptions*)

DR. SANJAY JAISWAL: Thank you, Sir. ... (*Interruptions*)

KUMARI SUSHMITA DEV: Kindly focus on the Bill. ... (*Interruptions*)

डॉ. संजय जायसवाल : सभापति जी, माननीय मंत्री जी का स्टेटमेंट मैंने बताया कि कितना एश्योरेंस देकर क्या किया। उसको भी जाने दीजिए जैसे ये लोग कह रहे हैं। इन्होंने 179th Report of Law Commission की भी कोई बात नहीं मानी। पिछली सरकार ने सैकेंड एडमिनिस्ट्रेटिव रिफार्म्स कमीशन की भी कोई बात नहीं मानी। यहाँ तक कि पार्लियामेंट्री स्टैंडिंग कमेटी के सात प्रमुख सुझाव थे इसको करैक्ट करने के। उनको भी नहीं माना गया। उससे भी इंटरस्टिंग फैक्ट है कि जो पब्लिक ओपीनियन बिल में लिया जाता है, मिनिस्ट्री ऑफ पर्सनल, पब्लिक ग्रीवांसेज़ एंड पेंशन की वैबसाइट पर यह तब अपलोड किया गया जब यह लोक सभा में इंट्रोड्यूस हो चुका था। अब जो लोक सभा की प्रापर्टी हो गई, उसको आप वैबसाइट पर इंट्रोड्यूस करके क्या कराना चाह रहे हैं, यह हमारी समझ से परे है। उसी तरह से अधीर रंजन जी भी बहुत डाँट रहे थे कि मई में राष्ट्रपति जी ने कर दिया और आप आठ-दस महीने से बैठे हुए हैं। आप क्यों नहीं इसको लाए? हम कैसे लाते? क्या हम इस देश की नेशनल इंटिग्रिटी से समझौता करते? अपने देश की सोवर्निटी के सीक्रेट्स के लिए हमें किन्हीं विदेशियों को जासूसी पर भेजने की ज़रूरत नहीं

थी। एक एनजीओ हिन्दुस्तान में खोल लेना था। आरटीआई से जानकारी लेना था कि क्या हम परमाणु संपन्न देश हैं या नहीं, या हमारे टैंक हैं - आरटीआई से ही मिल जाता। कैसे हम इस बिल को ला सकते थे। इस बिल के बारे में एक बात मैं और कहना चाहता हूँ और अधीर रंजन जी ने फिर उसको उठाया था कि मैडम ने बोला इसलिए यह बिल गवर्नमेंट लाई है। ऐसी बात अभी अधीर रंजन जी ने क्वोट की। सभापति महोदय, मैं बचपन से सिनेमा का बहुत शौकीन रहा हूँ। उसमें एक से एक जोड़ियाँ हमने देखी हैं - लक्ष्मीकांत-प्यारेलाल, कल्याणजी-आनन्दजी, धर्मन्द्र और माननीय हेमामालिनी जी, सलीम-जावेद जी की जोड़ी हमने देखी है। ... (व्यवधान) यहाँ भी एक जोड़ी है सीनियर नेता और जूनियर नेता की। वह जोड़ी जब भी कुछ बोलने को उठती है तो न जाने हमारे मंत्रियों को ज़ीरो आवर में क्यों इतनी जल्दी हो जाती है जवाब देने की, यह बात हमें समझ में नहीं आती है। हम लोग पोलिटिकली बीपीएल लोग हैं। हमें बोलने का मौका कम मिलता है। पीछे के जितने लोग हैं, हम लोग ज़ीरो आवर में कुछ नहीं बोल पाते हैं और पोलिटिकली इन्हीं लोगों की बात क्यों होती है, यह हमारी समझ से परे की बात है। ... (व्यवधान)

मैं माननीय मंत्री जी से कहना चाहूँगा कि इन्होंने गलती से यह समझ लिया कि यूपीए का बिल है, इसमें अगर हम नेशनल सोवर्निटी ठीक कर दें तो यह ठीक हो जाएगा। उनको यह अहसास होना चाहिए कि यह यूपीए का बिल है, इसमें कुछ ठीक होता ही नहीं है। इनका हर बिल गलत से गलत होता है। मैं भी कुछ प्रश्न अपने मंत्री जी से पूछूँगा, वे जवाब दें।

बहुत देर से व्हिसल ब्लोअर प्रोटैक्शन एक्ट की बात हो रही है। इस पूरे बिल में व्हिसल ब्लोअर की डेफिनिशन कहाँ है, वह हमें बताएँ। उसके बाद व्हिसल ब्लोअर प्रोटैक्शन एक्ट इसको बोला गया, बहुत पैशनेट स्पीच चार सालों से दी गई यूपीए सरकार में। हम भी वहाँ मौजूद थे। व्हिसल ब्लोअर को इसमें क्या प्रोटैक्शन है? इसमें कोई प्रोटैक्शन नहीं है। आप चाहे तो व्हिसल ब्लोअर का पता लग जाए तो बढ़िया से उसको पीट दीजिए, केवल आईपीसी की धाराएँ लगेंगी। सिवाय इसके कि उसका नाम गुप्त रखना है, इसके अलावा उसमें कोई भी अलग से उसको या उसकी फैमिली को प्रोटैक्शन नहीं है। अगर उसकी हत्या हो जाती है तो भी कोई कंपनसेशन नहीं है।

तीसरा, विक्टिमाइजेशन की डेफिनिशन कहाँ है? विक्टिमाइजेशन एक बहुत इंपार्टेन्ट पाइंट है। उसकी डेफिनिशन कहाँ है? महोदय, यह यूपीए का बिल है, इसमें बहुत चीजें अजीबोगरीब होती हैं। फिर उसमें *फ्रिवलस एंड वैक्सेशियस* शब्दों का यूज़ किया गया है। ... (व्यवधान) इसको परिभाषित करना इतना मुश्किल है कि ये शब्द अथॉरिटी को इतना पावरफुल कर देंगे कि इसके आगे किसी भी कंप्लेन्ट को ये सीधे रिजैक्ट कर सकते हैं। इसलिए मेरा कहना होगा कि इस पर मंत्री जी थोड़ा ध्यान देंगे और इन सबको

पार कर गए तो There should be fast-track courts to deal with whistle blower cases. जिस तरह से हम पिछले पाँच दिनों में देख रहे हैं कि किसी भी जूनियर कोर्ट का डिसेजन होता है, तो सीनियर कोर्ट से बड़े-बड़े लोग छूट जाते हैं। अगर इस बिल में भी किसी कारण से सफीशियेंट प्रूफ देने के बाद भी व्हिसल ब्लोअर का कर्लप्रिट छूट जाता है तो व्हिसल ब्लोअर को दो साल की जेल हो जाए, यह भी पूरी तरह से उचित नहीं है, इस पर विचार करना चाहिए कि रीज़नेबल सुबूत हो।

सभापति जी, हम चाहेंगे कि नरेन्द्र दाभोलकर, प्रेमनाथ झा, रामदास गावडेकर, विट्ठल गीते, अरुण सावंत, शशिधर मिश्रा जैसे कितने लोगों ने इसके चलते अपनी शहादत दी, उनकी हत्या की गई, इसलिए व्हिसल ब्लोअर्स के बारे में और अच्छे से सोचा जाए और यूपीए के बिल के चक्कर में नहीं पड़ा जाए।

महोदय, मैं यू.पी.ए. सरकार के बारे में सिर्फ एक शेर कहकर अपनी बात समाप्त करना चाहूंगा -

चमन को सींच देने में, अगर कुछ पत्तियां टूटीं,
यही इल्ज़ाम है हम पर, चमन से बेवफ़ाई का,
जिन्होंने हर घड़ी सौदा किया, गुलशन के अस्मत का,
वो दावेदार बनना चाहते हैं, रहनुमाई का।

PROF. SAUGATA ROY (DUM DUM): Sir, I rise to speak on the Whistle Blowers Protection (Amendment) Bill, 2015. I am opposed to the Bill.

This is an effort to dilute the basic concept of whistle blowers. This is the way Governments work these days. Now what is the hurry of bringing the Whistle Blowers Protection (Amendment) Bill on the last day? The reason is that the Congress President had attacked the Government on its false promises of transparency. The same day, the Cabinet met and passed the amendment which effectively dilutes the scope of the Whistle Blowers Protection Act. So, the reactions of the Government are generally knee-jerk. They act immediately. If somebody mentions about a food park, one Minister will make five interventions. So, they are reacting in a knee-jerk fashion. This is not the way the Government should function.

Let me go back a little to the background of the original Bill on Whistle Blowers. Now in the West, whistle blower protection has been there throughout. In the United States, it was through the constitutional provision as well as other statutes. In the UK, there is the Public Interest Disclosure Act, 1998 and the Employment Rights' Act, 1996. The UK Whistle Blower law providing protection to employees reporting on their employers underwent a change due to the June 2013 amendment. The main change to the law is that any disclosure must be in the reasonable belief of the workers be of public interest.

Now in India, why did the question of protection whistle blowers arise? When Shri A.B. Vajpayee was the Prime Minister, one Shri Satyendra Dubey, an employee of the NHAI was killed after he wrote a letter to the Office of the Prime Minister about corruption in the construction of National Highways. His letter to the Prime Minister was circulated routinely. It reached the hands of those criminals and he was killed. Two years later, an Indian Oil Corporation officer Shri Shanmughan Manjunath was murdered for sealing a petrol pump which was selling adulterated fuel. In May, 2012, Shri S.P. Mahantesh was murdered for reporting irregularities in land allotment by the society.

16.14 hrs

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

As a result, after especially the Satyendra Dubey incident, our Supreme Court pressed the Government for issuing an Office Order about the Public Interest Disclosures and Protection of Informers Resolution, 2004 designating the Central Vigilance Commission as the nodal agency to handle any complaints of corruption. The RTI Act, 2005 was the legislation for holding the Government accountable. The the Whistle Blowers' Protection Bill, 2011 was passed in the Lok Sabha. Later it was passed in the Rajya Sabha. The Bill aimed to protect honest officials or persons from harassment but did not provide for any penalty for harassing a public servant. The CVC was the competent authority under the original law.

The Whistle Blowers Protection Act 2011 sought to establish a mechanism to receive complaints relating to disclosure on any allegation of corruption and wilful misuse of power against a public servant only. What the present Bill moved by hon. Minister Dr. Jitendra Singh does is to take out almost 11 items out of the purview of the Whistle Blowers Protection Act, all in the name of national security.

Major cases of corruption in defence sector were exposed by whistle blowers. Scams relating to Scorpene submarine, Tatra truck, Augusta Westland helicopter all have been exposed by whistle blowers. It has been seen that corruption takes place mainly in defence deals. Is the Government worried that there is something wrong with the Rafale deal now and that is why they are quickly putting a lid on any disclosure? This is what I am worried about.

The basic idea that we should have a clean and transparent administration, and that the people who expose corruption at official levels should be protected by the Government is being given up. If you do not do it in the case of defence sector, then where do you protect the whistle blowers is the question I pose to Dr. Jitendra Singh. Basically this law is bad in word as well as in practice.

I will mention the comments made by some people. “However, in the garb of protection it tends to limit that and the purpose for which the law is being introduced stands defeated. The solution for the apprehension would be to build a mechanism in the Act which protects or keeps classified any disclosure that could be against national interest”. The Government could have done that. Instead it is saying that all this is out of the purview of the Bill. One has to realise that the Act has come into place to disclose acts related to corruption and misuse of power which are against the national interest. Now corruption is also against the national interest.

How many clauses have been introduced in the Bill to so-called protect national interests? Eleven items have been taken out of the Bill. Information and disclosure affecting sovereignty and integrity of India, information which is forbidden to be published, information which will cause a breach of privilege, information relating to commercial confidence - that is transactions between companies, trade secrets or intellectual property - information which is available to a person in his fiduciary capacity, information received in confidence from a foreign government, etc., are totally excluded from the Whistle Blowers Protection Act. What remains, Dr. Singh? Do you want to do away with the Whistle Blowers Protection Act? Do you want to do away with the Right to Information Act? What else? You wanted to do away with the Land Acquisition, Resettlement and Rehabilitation Act by introducing amendment after amendment. What is the hurry in introducing these amendments? I would like to understand that.

Sir, the democracies of the West which are supposed to be models of democracy are also afraid of whistleblowers. We all know of Julian Assange who started the Wikileaks. I have been told by some journalist friends that all cables including the cables between the Indian Embassy, US Embassy in India and State Department etc., were leaked by Assange.

Assange had to go through severe prosecution. He had to take shelter in a hotel near the Moscow airport. Even the American Government was after him.

Then, we have the case of Snowden. For more than one year, the man who exposed corruption in high places in the US Defence Department was held up in Ecuador Embassy in London. Why? He exposed certain dealings in American Defence establishment. We do not want to go into that.

We are a free society. That is why I request that we should not press for passing this Bill on the last day. In any case, it will not be passed by the other House. Please withdraw it and prove that you are committed to transparency in Government transaction. In the name of national interest, do not take away the right of the whistle blowers who want to expose corruption in high places. Please do not put their lives at risk.

With these words, I oppose the Bill. I wish I had given many amendments, and then I would have taken vote on every amendment.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Hon. Deputy Speaker Sir, it has always become my predicament that I have to speak after Prof. Saugata Roy has spoken. He covers most of the points that I am supposed to speak.

HON. DEPUTY SPEAKER: Then you should take very little time.

SHRI BHARTRUHARI MAHTAB: The first question is: why is it that the Whistle Blowers Protection Bill always comes on the last day of the session? The Minister had explained that in 2011 also and the Bill was rushed through. I would like to quote from the Statement of Objects and Reasons. It says: "While the While Blowers Protection Bill 2011 was taken up for consideration and passing in Parliament, the amendments agreed with a view to strengthening the safeguards against disclosures which may prejudicially affect the sovereignty and integrity of the country, security of the State etc. and to remove certain drafting errors and errors in cross-references of clauses were formulated." The Minister of course while introducing the Bill has also explained this. I was expecting my friend Shri Adhir Ranjan Chowdhury would explain what had actually happened during that time because this is found in the Objects and Reasons. I was expecting the previous Members of the Congress Party to explain what had actually happened. Had it actually happened that it was agreed upon but it could not be acted upon? But there was no answer. I think some more Members will be speaking on this aspect and they can explain that.

I would just like to remind this House that repeatedly from our side I have been asking during the previous Lok Sabha also that there is a need to have the Whistle Blowers Protection Act. There is no doubt that the Right to Information Act was formulated in 2005 and I had the benefit of attending a number of Workshops outside this country representing this Parliament in Commonwealth sponsored programmes on how to make our Right to Information Act more effective. Although the Right to Information Act came into existence, there is still a need to enhance the Right to Protection Act. Today when we compare our Right to Information Act with the Act of other countries like Canada, Australia or New

Zealand, I would say our Act is still deficient. But through Right to Information Act, the Whistle Blower mechanism has come into force.

A large number of people have lost their lives. It is said that over 30 whistle blowers have been killed since 2010 and this is within four years time. More than 30 whistle blowers fighting against corruption have been killed between 2010 and 2014 according to statistics provided by NCPRI. In 2004, the Supreme Court had directed that a mechanism to protect the whistle blowers should be put in place. That is how the initiation had started. When this Bill was in public domain during last two three days, some legal experts gave the opinion that this is a dilution of the current law as has been propounded by Prof. Saugata Roy and also by some other friends. Others also say that the Government is trying to protect issues of national importance. Here, what is national importance needs to be defined. Who is going to determine that an issue concerns national importance or does not concern national importance?

While dealing with RTI, we also have to deal with the SEBI Act. Protection of investment and protection of companies and their secrecy also needs to be looked into. However, in the garb of protection, is there a tendency to limit the Act? That is the major question being discussed in the public domain. It has to be realised that this Act has come into place and the basic structure of this Act is to disclose acts related to corruption and misuse of power which are against the national interest. So, until and unless the definition of 'national interest' and who that body or that person would be who would define national interest is clear how can one say that an issue is of national interest or it goes against national interest.

There can be no two opinions on the need to commend or even reward whistleblowers who expose scams in public offices. They are essential elements to any vibrant democracy. This Government would be the last I would say to protect the persons who are indulging in corruption. But here I would say before we talk of commending or rewarding them let us at least ensure their physical safety.

Who is a whistleblower and why is there a need to protect a whistleblower? Why does he need protection and from whom? That is the basic question. It is usually an employee who has been in a position to uncover a financial or any other form of corruption or crime which entitles the employee for specific protection under the law arising out of various issues and organisational violations in the workplace such as misuse of funds. Whistleblower protection in our country has been abysmally poor. Basically such a legislation is required to protect any person whether an employee or otherwise who seeks to expose any form of corruption, fraud or other violations in the workplace.

I am of the opinion that the existing laws in India are inadequate, outdated, and require to be overhauled. Therefore, I would request the Government to please go into the essence of this Bill and also take measures to see that the whistleblowers are protected; and wherever corruption takes place that also comes to light. That is where the whistleblowers protection gains importance.

Many countries have enacted laws for whistleblowers' protection, as has been said just now. The Parliament of the Republic of Malta, on July 16, 2013, provided for identity change of the whistleblowers in exceptional cases. In the United States, whistleblowers' protection is offered through constitutional provisions as well as through other statutes. In the United Kingdom, two key pieces of legislation for whistleblowers' protection are the Public Interest Disclosure Act, 1998 and the Employment Rights Act, 1996. The UK whistleblowers law providing protection to employees reporting on their employers underwent a change due to the June, 2013 Amendment.

In India, in our country, the issue of protection for whistleblowers caught the attention of the nation when Satyendranath Dubey, an employee of NHAI was killed during Shri Vajpayee's tenure as Prime Minister when he reported about corruption in the construction of highways. Two years later, an Indian Oil Corporation officer Shanmugham Manjunath was murdered for sealing a petrol pump that was selling adulterated fuel. In May, 2012, S.P. Mahantesh was

murdered for reporting irregularities in land allotment by societies. In April, 2004, the Supreme Court pressed the Government into issuing an office order, 'The Public Interest Disclosure (Protection of Informers) Resolution, 2014', designating the Central Vigilance Commission as the nodal agency to handle any complaints of corruption.

I would say, Sir, with a need for greater foreign direct investment today the entry of trans-nationals and multi-nationals to the country, a need for greater accountability and investor protection has arisen and the outcome is to strengthen the guidelines on corporate governance and promote a code for corporate governance to be adopted and followed by Indian companies; whether in private sector, public sector, banks or financial institutions, and later needs to be adopted by SEBI through the Listing Agreements.

Sir, I am of the opinion that there is a need to give protection to the whistle blowers. The amendment that is being moved today by the Government defining national interest is the major issue. While defining the national interest lest us not dilute the basic structure of the intention as to how we are going to protect the whistle blowers. Thank you.

DR. RAVINDRA BABU (AMALAPURAM): Thank you very much, Sir, for giving me this opportunity. After the introduction of historic RTI Act I thought the scope of whistle blowers would have reduced very drastically down but Right to Information Act imposes a lot of restrictions like what is the information which can be leaked or shared whereas in the whistle blowers anything regarding corruption can be shared excepting those dealing with the sovereignty and security of the country. So, whistle blowers while discharging their duty of exposing corruption at higher places are also risking their lives. We have got a number of live examples. Two-three people were killed. How to protect their lives or their families? Whenever they indulge in exposing of corruption at higher places, naturally the people would be very influential and they may take vengeful revenge on these whistle blowers. So, they need to be protected.

In such a situation officers working and exposing a lot of corrupt practices at higher places in risky organizations, for example Directorate of revenue Intelligence, CBI or Enforcement Directorate, which deal with highly influential people, not only need to be protected but there has to be a system of reward. Whenever any whistle blower blows a whistle which leads to the recovery of wealth or recovery of vital information – either proportionate to the wealth recovered or information divulged – some mechanism should be introduced so that the reward system will not only protect them at least protect their families in future in case they are eliminated by the rival gangs.

At the same time, there is a need to observe a lot of caution. There are pseudo whistle blowers. To settle their personal scores, political vendetta, political vengeance, many people blackmail others by exposing their so-called misdeeds. This leads to a lot of blackmailing and corruption. This has come to our notice in so many Papers and at so many places. Of late, we have seen people using hidden video cameras or recording audio conversations and then blackmailing and settling their scores. I do not know whether we call them as

pseudo whistle blowers. We need to put deterrence on those pseudo whistle blowers also so that the honest man who is discharging his duty....

प्रो. सौगत राय: क्या व्हिसल ब्लोअर ब्लैकमेलर होते हैं?

DR. RAVINDRA BABU: In the name of exposing certain people they say that if you do this I will definitely expose your other personal data. For example, if you are drinking in a bar and seen dancing with a girl, they will expose that. These people then become cold feet. Therefore, those type of deterrence need to be in-built. While protecting the whistle blowers, we have to deter the pseudo whistle blowers. A lot of blackmail cases have come to our notice. Celebrities like cine stars, cricketers, bureaucrats, big politicians are all subjected to blackmailing.

There are so many press reports. So many press people also try to do it. So in this type of situation, the whistle blowers are definitely need to be protected. There should also be a reward system. But at the same time, we should also protect those innocent people who are discharging their duties honestly by not subjecting them to harassment by the pseudo whistle blowers.

DR.K. KAMARAJ (KALLAKURICHI): Mr. Deputy-Speaker, Sir, I stand here to participate in the discussion on the Whistle Blowers Protection (Amendment) Bill, 2015.

The aim of the Whistle Blowers Protection Act is to provide a comprehensive mechanism to investigate alleged corruption, misuse of power, criminal offences by public servants and also to protect and secure the identity of the people who expose corruption or wrong-doing in the Government bodies or in the Government projects. The Act was intended to provide protection to the persons making disclosures of willful misuse of power or discretion by any public servant from harassment. This Act also provides for ensuring punishment for false and frivolous complaints.

The original Bill passed by the Parliament does not have certain provisions which were found to be necessary from the point of view of security of the country. Hence, there was a need for the present amendments and I appreciate the intention of the Government in this regard.

The Government states that the passage of this Bill, at this stage, was necessitated in order to incorporate necessary safeguards against disclosures that may prejudicially affect the sovereignty, integrity and security of the country, among others.

Here I would like to point out a few things for the consideration of the hon. Minister.

In our country, we have seen that persons making complaints against corruption or wrong-doing in the Government are victimized. There have been many instances of threats, harassment or even murder of many whistle blowers in India. This needs to be put an end to and they are to be protected, if the Government really wants to uncover corruption in the Government set up. So, the civil society in India felt that there has to be sufficient safeguards to protect them and to prevent victimization and harassment.

The objectives of the Act in providing such safeguards are laudable and if the Act is implemented in right earnest, everyone would be happy and we could see a corruption-free India in the days to come.

The people would not be able to measure the effectiveness of the Act, unless the Government comes forward to implement efficiently the provisions of this Act so that the whistle blowers are not harassed, intimidated and murdered.

Last but not least, some amendments to the Act, by way of this Bill, are intended to correct the drafting errors that crept in while drafting this Bill. During the last week, a very important Constitutional (Amendment) Bill had to go to the other House twice due to such errors. The Government cannot afford to allow such obvious or patent errors to creep in and I would urge the Government to take care of this aspect in future.

With these words, I appreciate the efforts of the Government in protecting the whistle blowers from harassment and I also thank you for the opportunity given to me to participate in this Bill.

SHRI RAHUL SHEWALE (MUMBAI SOUTH CENTRAL): Thank you, Mr. Deputy Speaker, Sir, for allowing me to speak on the very important Bill, that is, The Whistle Blowers Protection (Amendment) Bill, 2015.

The Government has not implemented this law which aims to create a statutory mechanism for whistle blowing about corruption, abuse or misuse of power or authority or discretion to cause undue loss to the public exchequer or undue gain to a third party or any offence recognized under any law.

While debating the Bill in the Rajya Sabha in February 2014, the UPA Government had promised to introduce tighter restrictions on whistle blowing if it relates to matters of national security. But UPA Government failed to achieve the objective of the Bill. The NDA Government has now proposed to make amendments which will ensure that the law will continue to remain stillborn as it has for a year now.

I fully support this Bill but I would like to submit my views for the attention of the august House as well as the Government to the proposed amendments.

Section 4(1) is to be amended to place unreasonable restrictions on whistle blowing: The substantive provision that permits whistle blowing about wrongdoing in a public authority is diluted in the way that unless the whistle blower is able to prove that the person obtained his evidence of wrongdoing under the RTI Act, he or she can be punished for attaching such records to his whistleblower complaint. No officer or RTI user will come forward to blow the whistle on wrongdoing unless he obtains the information after the concerned Information Commission orders its disclosure in public interest under Section 8(2) of the RTI Act.

In some States like Madhya Pradesh, this process could take a few decades due to the huge pendency of appeals and complaints before the State Information Commission. Even before other Information Commissions, there is no certainty that such information will be disclosed under Section 8(2) of the RTI Act. As the

proposed amendments do not contain any other mechanism for inquiring into complaints belonging to this category, it appears that the Government is willing to throw them all into the dustbin. This is a blatant negation of the twin principles of rule of law and accountable governance that underpin our constitutional democracy.

Section 5 is to be amended to prevent the Competent Authority from inquiring into whistle blower complaints relating to matters specified in the newly proposed Section 4(1). Once a Competent Authority such as the Central Vigilance Commission receives a whistle blower complaint from any person relating to any category mentioned in the new Section 4(1), it is required to refer the matter to a designated authority in the concerned public authority to obtain a clearance to inquire into the matter. If the designated authority certifies that such matter falls under any category in the new Section 4(1), the CVC will not inquire further into that matter and such certificate will be the final decision in that case. Further, the proposed amendment does not stipulate a time limit within which clearance should be given by the designated authority.

So, such whistle blower complaints may simply gather dust if the designated officers want to stall the inquiry process endlessly.

For example, the Prime Minister is the competent authority to launch an inquiry into a whistle blower complaint against his or her Ministers. Similarly, the Chief Ministers in the States are the competent authorities to inquire into whistle blower complaints against their Ministers. If the new amendments are approved by Parliament, then the PM and the CMs will have to seek clearance from the designated authority of the Department or organisation before inquiring into whistle blower complaints relating to matters falling under the new Section 4(1).

So, even an Under Secretary grade officer, if appointed as the designated authority, can in theory, prevent the PM or the CM from ordering an inquiry into a whistle blower complaint if he or she certifies that the matter relates to national

security. This is the ridiculous implication of the amendment that the Government has proposed to the Whistle Blowers Protection Act.

I would like to draw the attention of the House to other major lapses in the proposed amendments.

Last year, the Government provided for a mechanism for inquiring into whistle blower complaints internally through the mechanism of the Chief Vigilance Officers. This system is not provided for in the Whistle Blowers Protection (Amendment) Bill.

So, with the repeal of the Whistle Blower Policy Resolution, that internal mechanism will be lost.

Honourable Supreme Court of India also recognised whistle blowing to the media as a legitimate exercise if all other available options provide to be useless or uninterested. The proposed amendments do not legitimise whistle blowing to the media. In fact, journalists will continue to be prosecuted under Official Secrets Act for blowing the whistle on wrong doing with no protection under the Whistle Blowers Protection Act.

In November, 2014, hon. Supreme Court recognised anonymous whistle blowing. The proposed amendments do not permit anonymous whistle blowing. The original provision requiring the whistle blower to disclose his or her identity to the competent authority remains. The only saving grace is that the whistle blower's identity will not be revealed to anybody without his or her written consent.

I would like to suggest some minor amendments.

Under Section 2, the words "armed forces of the Union" are to be omitted – no substantial dilution of the original Act. But in the original Act, the Special Protection Group which guards the present and past incumbents of the office of the Prime Minister and their families was excluded from the Act for the purpose of whistle blowing about any wrongdoing. The amendment makes no change in this insulation of the SPG. If the SPG witnesses a PM or his or her family member

accepting a bribe or committing any offence or abusing or misusing power or discretion, they will have to follow a revised version of Gandhiji's three monkeys – hear not, speak not and forget that you saw anything wrong.

In Section 3, the name of the old law – Companies Act, 1956 is to be replaced by its successor – Companies Act, 2013 – no dilution of the original Act.

In Section 3 (ii) (d), the word 'complaint' in the original Act is to be replaced with the word 'disclosure' – no dilution of the original Act.

In Section 14, the language of this provision in the original Act is being tightened to ensure that the competent authority issues specific orders to stop any corrupt practice while inquiring into a whistleblower's complaint.

In Section 18 (2), the language of this in the original Act is being tightened to differentiate it from Section 14 (1) which relates to punishing the Head of the Department for conniving or consenting to the corrupt practice. Section 14 (2) is for punishing other officers in the Department for conniving with or consenting to corrupt practices about which a whistleblower's complaint has been found to be true. ... (*Interruptions*)

This is the last point. In Section 20, the language is being tightened to apply only to such orders of penalty as may be imposed by the competent authorities under Section 16. In the original Act, the provision included a reference to Sections 14 and 16, under which the competent authorities had no power to impose any penalty.

In Section 31, a minor correction relating to the syntax is being made.

I am sure that the Government will consider all my views. Thank you.

DR. A. SAMPATH (ATTINGAL): Mr. Deputy-Speaker, Sir, thank you.

16.47 hrs

(Hon. Speaker *in the Chair*)

Thank you Madam Speaker. I am one of the most luckiest Members because I got opportunity to address both the Deputy-Speaker and the Speaker.

The Whistleblowers Protection (Amendment) Bill, 2015 has come before the House in the same route as the other Bills have come, that is without going to the Standing Committee. So, I pity this. I am also a Member in one of the Standing Committees.

Madam Speaker, I know you are in a hurry.

HON. SPEAKER: No.

DR. A. SAMPATH : Then I am happy, very happy. ... (*Interruptions*) The Government is in a hurry to blow the whistle.

During the past 12 months, 44 Bills out of 51 Bills, have been passed by this House without any consultation, without taking any evidence, and without any discussion in the Standing Committees. Under you, Madam Speaker, we have 16 Standing Committees. The other House also has Standing Committees. Of course, we can say that we have more number of Committees. We cannot accuse somebody if somebody expresses any apprehension saying, 'What is the use of Parliamentary Standing Committees?' They ask such questions. What is the use of Parliamentary Standing Committees? The Standing Committees should be fully utilized.

The Statement of Objects and Reasons in 2 (a) states: "to ensure that the said Act incorporates necessary provisions aimed at strengthening the safeguards against disclosures which may prejudicially affect the sovereignty and integrity of the country, security of the State, etc."

I was a witness to an incident at the age of three. My father was arrested at midnight on the Christmas eve in the year 1965. Those who came to arrest him, told him that he was a threat to the national integrity and national sovereignty. So,

you are under preventive detention. I am the child of that man. Yesterday Comrade Karunakaran cited that example of Comrade A.K. Gopalan who was the Leader of the Opposition of this House. ... (*Interruptions*) He was his father-in-law also. We are proud of that.

The sole intention of the Government in bringing forward this Bill is to water down the rights of the whistleblowers.

Madam, some of the hon. Members who have spoken on this Bill have cited certain “unfortunate” incidents that happened in Madhya Pradesh, Haryana and in some other places also where witnesses had been attacked. Some of them were killed. No law is there to protect them. We are in a nation where speedy justice will be provided to persons who are owning the Rolls Royce cars much faster than an ambulance reaches the spot of an accident.

Today, there is a news item that has appeared in an English Newspaper under the caption “A woman’s cry goes unheard in Parliament.” I am not citing the name of the newspaper. Everybody knows of it. We all read newspapers. Charity should begin at home. If the Government is interested in protecting the whistle blowers, is it able to protect even a single woman, a contract employee who is working under this roof, in the Parliament? It is the Government’s duty.

HON. SPEAKER: No. You do not know what actions are taken.

DR. A. SAMPATH: I do not know. I may be ignorant I am not accusing anybody. But, anyway, the Government is bound to issue a Press Release on what happened. If the Press Statement, Press Release, Press news item that has appeared in one of the largest circulated dailies in this nation is something true – I am not saying that the whole episode is true – it is unfortunate. It is not good for the reputation of Parliament.

In the so-called protection of whistle blowers, I cite an example of what happened. A Public Interest Litigation being heard in the Supreme Court involving the head of the country’s premier investigation agency has put the spotlight on protection to whistle blowers. Certain defence matters, certain matters of national

interest, intelligence matters. etc. are there. In our nation, in the Defence Sector, now even FDI is allowed. In the intelligence mechanism also, some of the intelligence agencies of foreign nations are cooperating with us. Private enterprises are also a part and parcel of our defence deals. So, nobody will be willing to spill the beans. We are closing the windows. We are closing the doors. It is said: "You can come, knock at the door but we will be sleeping just like Rip Van Winkle; we will not wake up." If the Government has any intention to strengthen the whistle blowers' right, offer protection, it should do one thing. Who is going to protect them? We all know the said plight of a PSO who gave evidence in a criminal case. I am not mentioning anybody's name because everybody knows what happened. That is the sad plight of that policeman. What happened during his last days? He was also a human being. He had a family. He should also have been provided the same protection that the law provides. If it is going to continue in this nation, with all due respect, my humble submission to the Government is this. We may be forced to enact new laws for the top brass, bureaucrats, affluent people, five-star cultured people, the crony capitalists. There will be two types of law. In the High Court also there are certain benches. Just like the Green Tribunal, there are certain Benches like that. They want to get speedy justice. So, we can have certain types of differentiations like this also.

I would like to make another point. During this Session itself, there have been attacks on *dalits*. In a marriage procession, if a *dalit* groom is sitting on a white horse, then he will be attacked. Who is going to give evidence against the culprits, against the accused? Nobody will come forward to do that. ...
(Interruptions)

HON. SPEAKER: You continue. I will listen to you.

DR. A. SAMPATH: I am speaking about the caste discrimination, not any political discrimination. It is happening in this nation. In this nation, caste discrimination is there; sexual discrimination is there; regional discrimination is there; and economic discrimination is also there. If somebody is coming forward to give evidence or to report something which has to be reported or if somebody is coming to give some information which has to be given, he is duty bound as per the Directive Principles of State Policy and the Fundamental Duties of a citizen. We have gone through that. If somebody is coming forward, it is true that he is going to either commit suicide or to become a martyr. This is happening. The Government is not at all able to protect the whistle blowers.

You were also a Member at that time. I remember, while I was sitting there; you were sitting here. At that time, we remember your smiling face. During that time, the Standing Committee gave certain recommendations on the clauses of the Whistle Blowers Bill. At that time, the present Opposition Members sitting towards my right, were sitting there. They were not in a position to accept the recommendations of the Standing Committee, whose chairperson was their own Party Member. As you were a Member at that time, together, we fought for the inclusion of those clauses also. Unfortunately, that did not happen. That was a water down enactment. It had its own inherent weaknesses. Now, it was weak; now it is becoming weaker, more feeble. It will not be a strong enactment. It will be like a whistle without any air. Without any air, if you are whistling, what is the use of it?

SHRI BHARTRUHARI MAHTAB (CUTTACK): It is like a whistle without any brittle inside.

HON. SPEAKER: Please conclude. We have three more Members to speak.

DR. A. SAMPATH : As the Government has decided, we are sitting for extra three days extra to discuss all these things. My humble suggestion is this. With trust in you I *bona fide* believe that this Government will be able to send this Amendment Bill for further elaborate discussion to the concerned Standing Committee. Let us honour the concerned Standing Committee first. Let us fulfil that parliamentary procedure; then, we come here and discussion. Taking up a Bill is like taking something straight from the woven and putting it on the dining table. If the Government things so, it is quite unfortunate.

I am not accusing anybody. I am not pointing my figures at the Government. If I point the figures at them, I very well know that three other figures are pointed at me.

HON. SPEAKER: It is a very good understanding.

DR. A. SAMPATH: We are taught about self-criticism in my Party. My leaders teach us about self-criticism also. Not only to criticize others but also criticize self. Our nation is in an era where the corruption breeds where the greed has become the creed. Here, if the whistle blowers are not protected, then what will happen to their lives, their liberty, their property and their freedom? We can understand.

No institution should be spared. If there is an urgent necessity or something like that, the most important functions of our intelligence services or something regarding our defence, our national security, that I can understand. But the higher Judiciary should not be left outside the purview of this Bill.

17.00 hrs

It should also be brought under the purview of this Bill. Anyway, the Judges of the High Courts and the Supreme Court are also human beings, just like the Magistrates and other judges at lower courts. Why are we putting all those judges outside the purview of this Bill? Let us put everybody under the purview of this Bill because, as per the Constitution, everybody is equal before the law and everybody is under the law.

HON. SPEAKER: Please conclude now.

DR. A. SAMPATH: I am concluding.

Madam, before concluding, I would like to make an appeal to the Government through you. Let the conscience of the Government work, at least, for some time because every moment is precious and let us jointly decide to send this Bill to the Standing Committee. There is nothing to be ashamed of. Our hon. Minister Shri Sadananda Gowda is sitting here. He has piloted a Bill on Railway Safety here in this House. After the discussion, it was decided unanimously by this House - and the Minister also wholeheartedly agreed – that it can be sent to the Standing Committee. Then, the hon. Minister of Parliamentary Affairs Shri Venkaiah Naidu also told this House that the Government is also willing to send it to the Standing Committee. So, why can we not send this Bill to the Standing Committee for a proper scrutiny? That is my humble submission. Thank you.

SHRIMATI KAVITHA KALVAKUNTLA (NIZAMABAD): Madam Speaker, I thank you for the opportunity given to me to speak on this Bill.

This Whistle Blowers Protection (Amendment) Bill, 2015 is supposed to consummate the unfinished business of the 2011 Bill and also the 2014 Bill. But as the name suggests, this is to protect the whistle blowers. लेकिन कभी-कभी ऐसा होता है कि नाम में राम होता है, लेकिन असली में कुछ और होता है। नाम सीता होता है और बर्ताव गीता जैसा होता है। इसी तरह से इस बिल का नाम भी व्हिस्ल प्रोटेक्शन बिल है, लेकिन आप बिल में देखेंगे there are eight chapters, but only one chapter speaks about the protection of whistle blowers and that too not at all complete. To protect the whistle blowers, first we need to understand what kind of victimization they go through and this Bill does not even define victimization. जो अभी आईटी मिनिस्टर हैं, उन्होंने 15वीं लोक सभा के अपने लास्ट के राज्यसभा भाषण में कहा था-this Bill has to define victimization. Victimization should be defined in a broader sense. अपने ही दल के लोगों ने जब बोला है, इतने सीनियर मिनिस्टर ने जब बोला है और जितेन्द्र सिंह जी जो यह बिल लेकर आ रहे हैं, I am very sorry you have not taken your own people into confidence. This is what the entire nation would feel today. When the UPA Government brought the Bill in 2011, they ignored the Law Commission Report and also the Report of the Administrative Reforms Committee, particularly about the anonymity of the whistle blowers which is the most core issue of whistle blowers.

Then, coming to victimization, this is usually done by the officials and nobody talks about penalizing these officials. Everybody talks as to how we can protect certain departments and how we can give more strength to the Government to hide certain facts, but nobody speaks about curtailing or cutting down the voice of the whistle blowers and nobody speaks about how we can help them out. I would like to suggest that penalizing the officials who victimize the whistle blowers should also be a part of this Bill. जैसे लैण्ड एक्वीजिशन बिल में आपने किसान का अधिकार छीन लिया था कि वह कोर्ट में नहीं जा सकता है if you take away his land.

Similarly, in this Bill also, if a whistle blower is not happy with the action taken by the Vigilance Commissioner, he has no right to go to the High Court and I believe that this has to be incorporated in this Bill. Not only that; अगर कोई व्हिस्ल ब्लो करता है, कोई करप्शन का इश्यू उठाता है, the burden of proof is on the whistle blower today. I believe that the Vigilance Commissioner should be more proactive and he should *suo motu* take up the issue and pursue the matter.

अपने सत्ता पक्ष को तो मालूम है, राम राज्य से और रामायण से इनको काफी लगाव भी है। मैडम, विभीषण भी अपने ज़माने के व्हिसल ब्लोअर थे। उन्होंने पूरे लंका राज के सीक्रेट्स श्री राम जी को बताए थे, तब जा कर राम राज्य की स्थापना हुई थी। मैडम, उस ज़माने में विभीषण को बाद में गद्दी भी मिल गई। लेकिन आज के ज़माने के जो व्हिसल ब्लोअर होते हैं, उनको तो हमेशा मौत ही मिलती है। We have seen, it is a very sad state of affairs. Almost 30 whistle blowers were killed which is very unfortunate. इतने सारे व्हिसल ब्लोअर्स की मौत के बाद भी आज तक there is no logical conclusion on any of these cases. So, I would kindly request the hon. Minister to consider adding this clause. What would happen after an attack happens on the whistle blower? How do we track these cases? Can we have fast track courts?

Particularly there are two-three issues. This Bill's jurisdiction only covers the Government sector. गवर्मेंट सेक्टर में भी क्लासिफाइड कर के कवर करते हैं, काफी सारी चीज़ें हटाते हैं। This Bill says, if corruption is brought to the notice after seven years, no charges can happen. How is this possible? आज भी हम इस सदन में बैठ कर जवाहर लाल नेहरू जी के बारे में बोलते हैं, अटल जी के बारे में बोलते हैं, उनको हम आज की पॉलिटिक्स में घसीट कर लाते हैं, लेकिन कभी कोई व्हिसल ब्लोअर बात करता है और सात साल के बाद भी बता सकता है तो I believe he should be given a chance. That clause should be incorporated. पार्टिक्युलरली जब ह्युमन राइट्स का वॉयलेशन होता है, तो इस एक्ट में कोई भी जगह नहीं होती है।

Another important issue is this. This Government particular says that the Armed Forces and the intelligence services will be kept away from the ambit of this Bill. I do not understand why. There could be some sensitive information, sensitive issues. But, apart from that, the issues like promotions, the issues like

procurement to stores, all of them have to be made public. मोदी जी ने गुड गवर्नेस का प्रॉमिस किया था। Transparent Government is good Government. He should kindly understand this.

Particularly this Bill only talks about Government sector. This Bill does not talk about any private companies, any big companies which deal with the Government in terms of providing utilities. दिल्ली की सरकार में आप देख लीजिए मैडम। Reliance is a big company – I do not want to take the name – which provides power to the Delhi people. But, when CAG goes and asks for the report, they simply reject it. How do we take care of these issues? क्योंकि ये बड़ी कंपनियां हैं, जो हमारे लिए पॉवर देती हैं, वॉटर देती हैं, इंफ्रास्ट्रक्चर और बड़ी-बड़ी चीजें बनाती हैं। If we let them loose, how do we control these companies? It is a serious issue and the Government has to seriously think about this.

Above all, the spirit of good Governance is only transparent governance. So, I hope and believe that this Government will seriously come forward and protect our RTI activists. Thank you so much.

KUMARI SUSHMITA DEV : Madam, I always get an opportunity at the end. आपने कहा है कि मेरी तैयारी बहुत अच्छी है, परंतु समय इतना कम मिलता है कि मुझे अपनी बात छोटी करनी पड़ती है। I will keep myself very brief.

मैडम, जेटली जी ने अपनी बजट स्पीच में कहा था कि पिछले एक साल में क्रप्शन वर्ड का कहीं इस्तेमाल नहीं हुआ है, इतने लोगों ने इस सदन में भाषण रखा है।

मैडम, आप सुनते हैं, इधर भी सुनते हैं, अंदर टेलिविजन में भी सुनते हैं कि पिछले 10 महीनों में आपने यह कितनी बार सुना कि फलां बिल को स्टैंडिंग कमेटी में भेज दीजिए, स्टैंडिंग कमेटी में भेज दीजिए, स्टैंडिंग कमेटी में भेज दीजिए। अब सवाल यह उठता है कि यह जो हम बोल रहे हैं, वह क्यों बाल रहे हैं, क्योंकि बाहर जो मीडिया कवरेज करती है they tell us that the Congress is pursuing or the Opposition is pursuing obstructionist policy paralysis tactics inside the Government. But we are not, Madam Speaker.

Today, Dr. Singh has brought a very crucial Bill. It was a part of the major six major legislations that the UPA Government wanted to bring as far as anti-graft laws were concerned. This was one of them. It is a history which Saugata *ji* said, which Mahtab *ji* said. This Bill was introduced in the Lok Sabha on 26th of August, 2010. It was passed by the Lok Sabha on 27th of December, 2011. Subsequently, the Bill was passed by both the Houses in February, 2014. There seems to be a little bit of confusion here which the Government has said, which Mahtab *ji* also asked for an explanation. It seems that the impression has gone that the Government had agreed that since elections were close by, the Session was ending, कि यह अमेंडमेंट आप प्रेस मत करिए, नेक्स्ट सेशन में हम इसको लाएंगे।

I think that is what Dr. Singh will say eventually. But, Madam, I would like to ask a simple question आज जो अमेंडमेंट, जो बिल इस सदन में आया है, can this Government or the hon. Minister clarify one thing in his speech? Have you or have you not gone beyond those amendments that were proposed? A new Clause 4(1)(a) has come. In this Clause, the amendments that have been brought go beyond the amendments that were discussed in 2013. पहले सॉवरेन इंस्ट्रुमेंट पर था, नेशनल इंस्ट्रुमेंट पर था, कैबिनेट की मीटिंग्स पर था, पर जो अभी अमेंडमेंट्स लाए गए हैं, that goes beyond

that. सोनिया जी ने 6 मई को सदन में कहा था, “What is the fate of the Bill? It received Presidential assent in May, 2004. Why has it not been given effect to?” As a reaction to that, the Cabinet cleared it and brought it before this House. We thank the Government. But the sad part is something else. Why are we asking for referring it to the Standing Committee? I will not repeat any of the points that Kavithaji and Trinamool Congress has already stated. The fact is that today the Right to Information Act is the strongest weapon in the hands of a common man. What is the right that it gives you? It gives you the right to access information. But this Act is giving you the right to disclose information. मुझे पता है मंत्री जी यही कहेंगे, जो नया सेक्शन 4(1)(a) आया है, उन्होंने राइट टू इन्फार्मेशन एक्ट का सैक्शन 8 उठाकर इस एक्ट में डाल दिया है और सदन में यही कहेंगे कि यह राइट टू इन्फार्मेशन एक्ट आपने पास किया था तो सैक्शन 8 जब हम आरटीआई से इस एक्ट में ले आए हैं, तो आप इसके विरोध में क्यों बोल रहे हो, वह यही बोलेंगे। But please understand that राइट टू इन्फार्मेशन में जो एग्जेंप्शंस हैं, that are saying that an officer need not disclose this information to the person who is seeking the information in the greater interest of the nation. But this Act, that we are debating today the Whistle Blowers Protection Act, it is about someone finding or getting hold of information not within the system. It may well be a leak. We are well aware of the Pentagon Papers. We are well aware of the Spycatcher case. This Act covers those cases. मंत्री जी से मैं स्पेसिफिकली यह जवाब मांगूगी कि आप आरटीआई एक्ट का सैक्शन 8 (1) तो इस अमेंडमेंट में ले आए हैं, पर आपने सैक्शन 8 (2) को क्यों छोड़ दिया। सैक्शन 8 (2) में है, I may just read one line and end my speech. It says:

“Notwithstanding anything in the Official Secrets Act, 1923, nor any of the exemptions permissible in accordance with sub-section 8(1) of RTI Act, a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.”

जो सरकार कह रही है कि आप सुभाष चंद्र बोस की फाइल भी डिसक्लोज करेंगे। Should this Government now be curbing the rights of disclosing due information in the investigation of a corruption case? Today, activists are going towards legislation in

this nation कि आरटीआई में भी जो एप्लीकेशन होगा, उसमें किसी का नाम नहीं होगा। In those circumstances, I request the Government not to represent to the nation कि ये वही अमेंडमेंट्स हैं जो यूपीए की सरकार ने वर्ष 2013 में स्वीकार किये थे। They have gone much beyond that. Under the democratic system, we have the right to scrutinise it and give our opinion in the Standing Committee.

श्री ओम बिरला (कोटा) : महोदया, आज हम सूचना प्रदाता संरक्षण अधिनियम के बारे में संशोधन विधेयक पर चर्चा कर रहे हैं। इस देश के अंदर आरटीआई का बहुत अच्छा अनुभव भी रहा, बुरा अनुभव भी रहा। आरटीआई कानून और आरटीआई कार्यकर्ता ने इस देश के अंदर आज़ादी के साठ सालों में जो करप्शन चल रहा था, उस भ्रष्टाचार की रोकथाम करने का प्रयास किया। कांग्रेस कहती है कि हमने आरटीआई कानून बनाया, हम व्हिसल ब्लोअर प्रोटेक्शन के लिए विधेयक लाए। महोदया, कानून तो बहुत लाए लेकिन देश के अंदर जब जब भी भ्रष्टाचार के खिलाफ आवाज़ उठाई, इस देश में लड़ाई लड़ी, कांग्रेस ने कभी पहल नहीं की कि भ्रष्टाचार को रोका जाए और भ्रष्टाचार को रोकने के लिए जो लड़ाई लड़ने वाले आरटीआई कार्यकर्ता हैं, उनको कानून की परिधि के अंदर पूरा ठीक से संरक्षण दिया जाए। माननीय अध्यक्ष महोदया, यह बात सही है कि हम कुछ संशोधन लाए हैं लेकिन वे संशोधन भी देश के हित में हैं। आज देश के अंदर जिस तरीके से आसपास के पड़ोस के देशों के गुप्तचर पकड़े जाते हैं, जिस तरीके से हमारे देश के आंतरिक मसले के अंदर, क्योंकि भारत में प्रजातंत्र है, लोकतंत्र है, सीमाएँ खुली हुई हैं, कोई भी व्यक्ति गुप्त सूचनाएँ प्राप्त करके पड़ोसी देश को देता रहता है। उस समय हमें यह भी ध्यान में रखना पड़ेगा कि इस देश की सुरक्षा और सुरक्षा के मापदंडों पर ज्यादा पारदर्शिता के कारण कहीं हमारे देश की सुरक्षा खतरे में न पड़ जाए।

माननीय अध्यक्ष महोदया, इस देश में जब से माननीय नरेन्द्र मोदी जी की सरकार बनी है, हमारी जवाबदेही भी है और पारदर्शिता भी है। इसी कारण दस महीने बाद जब हम सदन में खड़े होते हैं तो सदन में इस बात की चर्चा करने के लिए तैयार हैं कि हमारी सरकार के पारदर्शिता और जवाबदेही के किसी भी मुद्दे को आप सदन में ला सकते हैं। दस महीने तक कांग्रेस किसी मुद्दे को लेकर इस सदन में नहीं आई। हम देश की जनता के प्रति जवाबदेह हैं और इस संशोधन बिल को लाने के लिए भी क्योंकि देश के अंदर यह बात आई कि कानूनों में व्यापक संशोधन की आवश्यकता है।

माननीय अध्यक्ष महोदया, हमने सौ बार संविधान में संशोधन किए, हमने कई बिल जल्दबाजी में सरकार ने बनाए, उनमें भी संशोधन किए, लेकिन संशोधनों को हमेशा देश के हित में रखा, आम जनता के हित में रखा। जिस तरीके से ये कह रहे हैं कि इसको भी स्टैंडिंग कमेटी में भेजा जाए, तो करप्शन की सूचना देने वाला आरटीआई कार्यकर्ता देख रहा है कि उसे संरक्षण मिलना चाहिए। क्या आवश्यकता है स्टैंडिंग कमेटी को भेजने की। आज चर्चा हो रही है, डिबेट हो रही है। अगर आपको लगता है कि आरटीआई कार्यकर्ता को संपूर्ण सुरक्षा नहीं मिल रही है तो और सुझाव दें। सरकार इस देश के हर आरटीआई कार्यकर्ता की और जो भी भ्रष्टाचार के खिलाफ लड़ने वाला नौजवान है, नीचे से नीचे तबके की

सुरक्षा करने के लिए सरकार कटिबद्ध है और यह कानून इस बात को कहेगा कि इस कानून के माध्यम से कहीं न कहीं उनको सुरक्षा भी मिलेगी, कानून के दायरे का कवच भी मिलेगा। लेकिन उससे हटकर भी हमारी सरकार ने भ्रष्टाचार और भ्रष्टाचार को संरक्षण देने वालों के खिलाफ हमेशा प्रयास किया है, कानून से बाहर भी और कानून के दायरे में भी। इसीलिए जो बिल लाया जा रहा है, वह देश की सुरक्षा को ध्यान में रखकर, देश की उन वैज्ञानिक पद्धतियों को ध्यान में रखकर, जिनके लीकेज होने से हमारे देश के अंदर कई सारे खतरे हो सकते हैं, उनको संशोधित करके विधेयक लाया जा रहा है। वह देश के हित में भी है और आरटीआई कार्यकर्ता के हित में भी है।

डॉ. जितेन्द्र सिंह : माननीय अध्यक्ष महोदया, सबसे पहले तो मुझे सभी आदरणीय सदस्यों का आभार प्रकट करना है। By and large, everybody from both the Benches –this side and that side -- has endorsed the spirit of the Bill and also spoken in support of the cause of the whistle blowers' protection... (*Interruptions*) Let me complete my speech.

श्री मल्लिकार्जुन खड़गे (गुलबर्गा) : इस बिल को तो स्टैंडिंग कमेटी में जाना चाहिए था।... (व्यवधान) वहां सब लोग इस पर सुझाव देते। फिर उसके बाद इसे पास करना चाहिए था।... (व्यवधान)

डॉ. जितेन्द्र सिंह : महोदया, मुझे संतोष इस बात का है कि there might be differences in the perception of how each one of us sees it or the threshold of how much should be the safeguard and what should be the parameters or the extent of safeguard without intruding into what is actually the essence of this Bill.

Before I come to the concluding part, just a word each of what has been said. Mr. Adhir Ranjan Chowdhury has expressed concern about giving adequate protection to the whistleblower. I may just like to assure him that the protection of the whistleblower has been adequately ensured in this Bill.... (*Interruptions*) If you wish me to read, I can read the entire procedure which is right from the beginning. ... (*Interruptions*) I am speaking. You cannot make the procedure so camouflaged that it does not happen at all. If you want me to read out, then it is all right.... (*Interruptions*)

SHRI ADHIR RANJAN CHOWDHURY :The Minister has failed to understand my point. I am sorry for that.... (*Interruptions*)

माननीय अध्यक्ष : माननीय मंत्री जी, आप अपनी बात बोलते रहें।

... (व्यवधान)

DR. JITENDRA SINGH: If we can pass it without sending it... (*Interruptions*) I will come to that also.

SHRI ADHIR RANJAN CHOWDHURY: You should not propagate any kind of misconception.... (*Interruptions*)

माननीय अध्यक्ष : अधीर रंजन जी, बैठिए।

... (व्यवधान)

HON. SPEAKER: You do not listen to him.

DR. JITENDRA SINGH: I am not yielding. I am just answering. The complaint will be put under an envelope. His name would not be disclosed and the secrecy of the complaint's identity to provide protection to the complainant from any physical threat, harassment or victimization is to be ensured, and, therefore, the matter would be taken up in the form of a sealed envelope and the envelope would be opened only in the presence of two authorized officers. And, thereafter, it would be given a surrogate number and then sent forward. There is an elaborate procedure which, I think is as good as being followed in any other part of the world.

Now, coming to the next point-- shall I say accusation or compliment?— as Mr. Adhir Ranjan Chowdhury said that it is because of our respected leader Madam Sonia Gandhi Ji's intervention that prompted this.

SHRI ADHIR RANJAN CHOWDHURY: I rightly pointed out that.

DR. JITENDRA SINGH: Yes, that is what I am saying. I am complimenting you. I am appreciating it. You are not ready to receive my compliment also. ... (*Interruptions*) Venugopal Ji, what is this? I am glad. I am so flattered, in fact, that a person as revered and as senior as Madam Sonia Gandhi has given us impetus but we were already in the pipeline.

SHRI ADHIR RANJAN CHOWDHURY: You got buckled under.

DR. JITENDRA SINGH: I did not say buckled. No, do not put words in my mouth. I am only appreciating... (*Interruptions*)

HON. SPEAKER: Jitendra Ji, you please go on. Mr. Minister, you need not answer.

DR. JITENDRA SINGH: I am only saying that it only reflects the concern and the urgency of the issue being reflected on both these sides of the House, which is very admirable. In fact, it reinforces our desire and will to go ahead with it.

Now, as far as the issue of not having enough safeguards or having safeguards to the extent that it might jeopardize the very spirit of the disclosure as has been pointed out, Section 8(1) of the RTI has been the guiding spirit. Nothing has been sought to be added by and large to what already existed. So, I think that should not be an apprehension.

There have been certain questions, of course, of which I do not know whether I am competent to answer. For example, what is the definition of 'whistleblower'? I do not know if it is mentioned in any book. Somebody would say, 'somebody who blows the whistle'. Even if we go to the Oxford Dictionary, it would rather give a literal meaning. But, when we use the term 'whistleblower' in the present day jargon, we usually refer to it in a different context and I think all the hon. Members are learned enough to understand and realize what we mean by 'whistleblower'.

Prof. Saugata Roy made certain very literate observations. He, in his wisdom, described it as 'knee jerk'. But it is not a knee jerk. Even in Medicines, Saugata *da*, we have something called Pendular Jerk. When you put the knee – somebody medicos here would understand – the knee keeps hanging and does not come back. So, this was a pendular jerk hanging for the last two years. Sometimes, in a normal case, you hammer and it comes back; it stays back. What I am trying to say is that it was not a knee jerk, it was carrying on; it was smouldering and I am glad that all the Members have contributed to make it faster and to bring it to the normal action.

There has been a reference to a number of whistleblowers, who sacrificed their lives. The nation owes to them; all of us owe to them, whether we sit this side or that side. I have no hesitation or embarrassment to confess that maybe the series of names which were mentioned in this House on both the sides have actually promoted us to go ahead with the urgency, as was being said that some 'xyz' got killed during Prime Minister, Mr. Vajpayee's time. Yes, in the journey of a nation and the working of the Parliament issues arise every day; sometimes it is onion

price, sometimes it is somebody's unwarranted death, and we are entitled to get inspired and promoted to act on that.

Mr. Mahtab is not here but he made a very interesting remark, 'why last day'? That is, of course, a question – why each time does the Bill come last day? But, in one way we can make it different from the last time's last day is that last time it passed without amendments and this time we could pass it in amended form. So, that could be the difference between last day and this day.

What our very bright, eloquent and young colleague Shrimati Sushmita ji said, and I was very amused because she assumed what I would say and accused me of saying which I had not said. She said: 'now the Minister would say that this Bill was brought in because the Congress wanted to pass it the last day'. I never said that. But if it is being believed by you like that, that means that something must have happened that way. But, at least, I did not say that. A number of *slokas* and other verses have been quoted. What Sushmita said reminds me of a Faiz Abdul Faiz verse', 'कि वह बात सारे फसाने में जिसका जिक्र न था, वह बात पर उन पर बड़ी नागवार गुजरी है।' ... (*Interruptions*) Anyway, that was in a lighter vein. But, I did not say that you did it just for the sake of doing.

She has also mentioned that every day in media and public domain we ask the Government to send certain Bills to Standing Committees, which are not sent. Therefore, the natural conclusion, according to her is that there is some amount of element of corruption involved. But, I would just like to bring to your notice, if you look at it rather dispassionately, sending or not sending a Bill to a Standing Committee may not be necessarily attached motives and if the motives exist, they will be other than motives that possibly you are trying to look into this. It could be for motives other than corruption or corruptibility; it could be technical or it could be based on principles or difference of ideologies or difference of opinions which we should rather welcome in a parliamentary practice.

You have also mentioned about going beyond the amendments which were brought in by the then Congress-led Government. I do not grudge that and I do not

feel bad about that. I would rather like you to appreciate that. We were given an opportunity to revisit the Bill. We were given an opportunity to study the Bill. It is just like where you are my Headmistress and you leave a chapter half and then, you ask me 'you read the chapter and come back tomorrow'. When I come back, I say 'Madam, these are three or four extra points also which I have learnt.' So, like a good student, I revisited that Bill and tried to incorporate what we thought could be more useful. So, you should rather appreciate me for that effort. If it has been done, it has been done in a healthy spirit.

Dr. Ravindra Babu referred to pseudo-whistleblower. That is a very interesting reference. We have false complainants and we have frivolous complainants, but I think, he has, for the first time, used an original word, which was unfortunately or fortunately in the political parlance being used in some other context, which I would not like to bring in here. Some of us refer to pseudo things in some other way, but anyway, you conjured up the memories of all those issues where word pseudo is used. But making a serious point, we definitely have safeguards. We have safeguards in the form of imprisonment. We also have safeguards in the form of fine with a minimum of at least Rs. 30,000. Then, there is provision for imprisonment which may carry on from period to period. If you want, I can even read it. That is a sensitive issue and you are right that in the terrain of time that we live in, it is sometimes possible that we may be exposed to this kind of mischief also. But let me assure you that we have a provision where fine beginning from Rs. 30,000 onwards and imprisonment beginning from three months onwards, depending upon the kind of mischief or frivolousness is there. That has already been taken care of.

Dr. Hari referred to Prime Minister's authority and asked : If the Prime Minister refers a complaint and our Bill then envisages that in case it is seen to be involving disclosures of unacceptable nature or affecting the sovereignty and integrity, then would it not compromise the authority of the Prime Minister? Yes, you have read it right. We have incorporated that. I think, for that, we deserve to

be appreciated. We have made it mandatory even for the Prime Minister to get clearance from the competent authority, in case a complaint is seen to be affecting the safeguards. I think, that is a step towards further transparency which has been discussed about in this House.

Dr. Sampath referred to the defence deals, FDI part and said what if this part also gets included because there is also economic angle. Yes, in economic angle also and in the auction of so many ... (*Interruptions*) I do not want to go into all those arms scandals as they are notorious scandals of the last 30 years because that will open up a separate debate. But certain disclosures can sometimes jeopardize certain important deals related to the defence of the country and therefore, rightly so, it is done as this was also a part of the RTI Act.

Kavithaji has put, what shall I say, an unanswerable question. She said, : “Tell me who is the victim?” It is true because it is very difficult to say. Sometimes, a victim may say that I am not a victim. If we go by subjective thing, then I may say that I am a victim, but somebody else may say that I am not a victim. But, yes, we have more objective parameters in place, and there are certain competent authorities, which would decide whether it is a victim, genuine victim or it is a frivolous victim.

As far as your concern for the Armed Forces Special Powers Act is concerned, I would not go into that because that is not directly related to the spirit of these disclosures. Of course, if a whistleblower blows the whistle and tries to make news by asking where are the Indian forces deployed across the borders, then certainly it makes a difference. So, the Armed Forces Act, considering the sensitivity of it, has been excluded from it.

Mr. Mahtab made a question, and he is always very regional and very educative also. He asked : “What is the definition of national interest?” I wish sooner than later sometime Mr. Mehtab himself would give us the definition because the matter of fact is that, at least, I can assure you on behalf of all of us sitting over here in the Government that national interest is not the interest of any

person or family as far as we are concerned. National interest for us is national interest. Please do not try to interpret it from your past experience.

Therefore, through Speaker Madam, I would request all the Members of the august House that I think that the Bill is in right spirit. It is not at conflict with what is being felt and desired by all the sections of the House, and it will be in the fitness of things and I think that it will be a tribute to all the martyrs who laid down their lives for this whistle-blow crusade that we pass it unanimously. Thank you, Madam.

श्री मल्लिकार्जुन खडगे: डा. साहब, मेरा सुझाव है कि आप इसे स्टैंडिंग कमेटी में भेज दीजिए।... (व्यवधान) मैं स्टैंडिंग कमेटी में भेजने के लिए इसलिए कह रहा हूँ क्योंकि आज यह बिल राज्य सभा में भी पास नहीं होता। पहले भी जब कभी हमने यहां इनसिस्ट किया, चाहे वह लैंड ऐक्विजिशन बिल हो चाहे जीएसटी हो, बहुत बार बोलने के बावजूद भी आपने उसे स्टैंडिंग कमेटी, सलैक्ट कमेटी में नहीं भेजा। आखिर में जब बिल राज्य सभा में अटक जाता है, उस समय फिर वापिस आते हैं। इसीलिए मेरी अपील है, through you, that you should send it to the Standing Committee so that naturally it will be smoothly passed in the Monsoon Session in July along with Land Acquisition and GST. Instead of that, if you are going ahead with it in a hurry, then ultimately this Act will be buried. That is why I want it to be referred to the Standing Committee.

... (Interruptions)

HON. SPEAKER: Now, ...

... (Interruptions)

HON. SPEAKER: Yes, what is it?

... (Interruptions)

SHRI P. KARUNAKARAN (KASARGOD): Madam, the Standing Committee is there for allowing us to study and also make the Bill more perfect. So, my Party also would like to submit that it would be better if it is sent to the Standing Committee. Otherwise, when it goes to the Rajya Sabha, we know that it will come back. At the same time, the Parliament has the priority. So, we respectfully submit that it has to be sent to the Standing Committee.

श्री निशिकान्त दुबे (गोड्डा) : अध्यक्ष महोदया, मैं आपके माध्यम से मंत्री जी से एक प्रश्न करना चाहता हूँ। इन्होंने बिल में कहा है कि यह सब सेक्शन(1) का मॉडल है। राइट टू इन्फोर्मेशन एक्ट आने के बाद यूपीए सरकार के समय आईबी की एक रिपोर्ट आई थी, उस रिपोर्ट में बताया गया था कि देश में जहां भी डेवलपमेंट हो रहा है उस डेवलपमेंट की एक्टिविटी को रोकने के लिए विदेशी ताकतें आंदोलन करा रही हैं। दिल्ली में जिस पार्टी की सरकार है, यह उसी आंदोलन का दुष्परिणाम है, चाहे परमाणु पॉवर प्लांट लगाने की बात हो या औद्योगिक कॉरीडोर बनने की बात हो, सभी जगह राइट टू इन्फॉर्मेशन एक्ट से इन्फॉर्मेशन बाहर चला जाता है। मैं यूपीए सरकार के समय की रिपोर्ट को क्वोट कर रहा हूँ। व्हिसल ब्लोअर की आड़ में देश के डेवलपमेंट को रोका जा रहा है। माननीय सदस्य श्री अधीर रंजन चौधरी जी का सुझाव है कि उसके लिए एक कमेटी बनाई जाए और उस कमेटी में नेशनल इंटरैस्ट के आधार पर इकोनॉमिक एक्टिविटी को रोका जा रहा है, उसके लिए इस बिल में क्या प्रोविजन है?

HON. SPEAKER: Dr. Venugopal, do you want to say something?

DR. P. VENUGOPAL (TIRUVALLUR): Madam, most of the Members have differences of opinion. So, it is better to send this Bill to the Standing Committee for a thorough study.

श्री जगदम्बिका पाल (डुमरियागंज): महोदया, माननीय मंत्री जी बिल में नेशनल सिक्यूरिटी और राइट टू इन्फॉर्मेशन के संबंध में कुछ अमेंडमेंट लेकर आए हैं। मैं माननीय मंत्री जी से जानना चाहता हूँ 4(डी) में अमेंडमेंट किया गया है 'information relating to commercial confidence, trade secrets or intellectual property' अगर कोई इन्टलेक्चुअल रिसर्च से प्रोपर्टी बनाता है, यह बात समझ में आती है। कोई ट्रेड के लिए कोई फार्मूला निकाला हो, अगर किसी स्टेट से पीपीपी मॉडल पर कर्मशियल कन्फिडेंस पर एग्रीमेंट होता है और कोई व्हिसल ब्लोअर उसे डिस्कलोज करना चाहे तो उसे कैसे डिफाइन करेंगे? अगर गवर्नमेंट किसी स्टेट के साथ पीपीपी के आधार पर एग्रीमेंट करती है तो उसको व्हिसल ब्लोअर कैसे डिस्कलोज कर सकता है? कर्मशियल कन्फिडेंस को माननीय मंत्री जी कैसे डिफाइन करेंगे?

श्री ए.पी. जितेन्द्र रेड्डी (महबूबनगर): अध्यक्ष महोदय, हमारी पार्टी की सदस्य कविता जी ने इस बिल को अच्छे से पढ़ा है। उन्होंने जो भाषण दिया है she also feels that the Bill is not proper and there is no 'satta' in that. We have got a lot of time. Everybody including the elders said that it would not be passed in Rajya Sabha. We have got sufficient time. So, let the Bill go to the Standing Committee and let them discuss it for two

months and then come up with fool-proof amendments in that. Then, the Bill can be passed.

SHRI P.P. CHAUDHARY (PALI): Madam, I want to ask a clarificatory question with respect to 'retrospective operation'. I would like to know whether steps are being taken to protect those who had blown the whistle on corruption prior to the passage of the Bill, whether it will allow even anonymous complaints and whether those complaints will be looked into. The Bill provides that it will come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. I would like to know whether it can be made a 'retrospective operation' with respect to those who have blown the whistle prior to coming into force of this Act.

DR. JITENDRA SINGH: All the more reason that you should pass it at the earliest, possibly today itself so that it comes into effect and everybody gets the benefit.

श्री तारिक अनवर (कटिहार): अध्यक्ष महोदय, हाऊस की भावना का आदर करते हुए मंत्री जी को इस बिल को स्टैंडिंग कमेटी में भेजना चाहिए ताकि इस पर विस्तार से विचार हो सके।

SHRI ADHIR RANJAN CHOWDHURY: Madam, please allow me to speak one line. Hon. Minister, I am thankful to you that you have appreciated the endeavour made by our hon. Leader, Madam Sonia Gandhi. But what she stressed was to notify the Bill as was assented by the President of India. Rather, what have they done? They have diluted the basic structure of the Whistle Blowers Protection Act. They have contravened all the basic objectives of the principal Act for which she had pleaded for.

DR. JITENDRA SINGH: I think, seeing the concern of the hon. Members of the House to have the whistle blower protection intact and at the earliest because certainly it will not have a retrospective effect, I think it is important and it will help also. In reverence to the feeling of the House, we go ahead with it. ...
(Interruptions)

SHRI K.C. VENUGOPAL (ALAPPUZHA): It has been diluted. ... (Interruptions)

DR. JITENDRA SINGH: It has already been to the Standing Committee once. It has come back after that. It has not been diluted. It has been rather saturated. I will tell you how. Shri Chowdhury was saying that Madam Sonia Gandhi ji also referred to the Bill. Rightly so. ... (*Interruptions*)

SHRIMATI SONIA GANDHI (RAIBAREILLY): It was for a strong Bill. ... (*Interruptions*)

DR. JITENDRA SINGH: I did not say 'strong' or 'weak'. I said that she referred to the Bill. ... (*Interruptions*) Yes, for a strong Bill. Madam Sonia Gandhi was in favour of a strong Bill and rightly so. ... (*Interruptions*) You have spoken and now I am answering. ... (*Interruptions*)

HON. SPEAKER: You please answer. I am not allowing him.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: Madam, this Bill is already diluted. That is why, we are requesting you to send it to the Standing Committee. They are not agreeing. They are bulldozing. We disagree with that. We protest and walk out.

17.47 hrs

(At this stage, Shri Mallikarjun Kharge, Shrimati Sonia Gandhi and some other hon. Members left the House.)

HON. SPEAKER: The question is:

“That the Bill further to amend the Whistle Blowers Protection Act, 2011, be taken into consideration.”

The motion was adopted.

HON. SPEAKER: The House shall now take up clause by clause consideration of the Bill.

Clause 2 Amendment of Section 2

The question is:

“That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 Amendment of Section 3

HON. SPEAKER: Shri N.K. Premachandran to move Amendment No. 1 to Clause 3. He is not present.

The question is:

“That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 Amendment of Section 4

HON. SPEAKER: Shri Adhir Ranjan Chowdhury to move Amendment No. 2 to Clause 4. He is not present.

Shri N.K. Premachandran to move Amendment No. 3 to Clause 4. He is not present.

The question is:

“That clause 4 stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

HON. SPEAKER: As Shri N.K. Premachandran is not present to move his Amendments to Clauses 5, 6 and 8, I shall put Clauses 5 to 11 together to the vote of the House.

The question is:

“That Clauses 5 to 11 stand part of the Bill.”

The motion was adopted.

Clauses 5 to 11 were added to the Bill.

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

HON. SPEAKER: The Minister may now move that the Bill be passed.

DR. JITENDRA SINGH: I beg to move:

“That the Bill be passed.”

HON. SPEAKER: The question is:

“That the Bill be passed.”

The motion was adopted.

HON. SPEAKER: The House shall now take up the Supplementary List of Business.

Hon. Members, before I call Shri D.V. Sadananda Gowda, Minister of Law and Justice to seek leave of the House to introduce the Repealing and Amending (Third) Bill, 2015, I have to inform that hon. Minister *vide* communication dated 13th May, 2015 has intimated that the President, having been informed of the subject matter of the proposed Bill to repeal certain enactments and to amend certain other enactments, recommends under clause (1) of article 117 of the Constitution, the introduction of the Bill in Lok Sabha.

17.51 hrs

GOVERNMENT BILLS - Introduced

(i) Repealing and Amending (Third) Bill, 2015*

HON. SPEAKER: Shri D.V. Sadananda Gowda.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): I beg to move for leave to introduce a Bill to repeal certain enactments and to amend certain other enactments.

HON. SPEAKER: The question is:

“That leave be granted to introduce a Bill to repeal certain enactments and to amend certain other enactments.”

The motion was adopted.

SHRI SADANANDA GOWDA: I introduce** the Bill.

* Published in the Gazette of India, Extraordinary, Part -II, Section 2 dated 13.05.2015.

** Introduced with the recommendation of the President.

17.52 hrs**(ii) Benami Transactions (Prohibition) Amendment Bill, 2015***

HON. SPEAKER: Shri Jayant Sinha.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE
(SHRI JAYANT SINHA): Madam Speaker, on behalf of Shri Arun Jaitley, I beg to move for leave to introduce a Bill to further amend the Benami Transactions (Prohibition) Act, 1988.

HON. SPEAKER: The question is:

“That leave be granted to introduce a Bill to further amend the Benami Transactions (Prohibition) Act, 1988.”

The motion was adopted.

SHRI JAYANT SINHA: I introduce the Bill.

* Published in the Gazette of India, Extraordinary, Part -II, Section 2 dated 13.05.2015.

17.53 hrs

GOVERNMENT BILLS -Referred

(i) Benami Transactions (Prohibition) Amendment Bill, 2015

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam, it is a fit case to send the Bill to the Standing Committee.

माननीय अध्यक्ष : यह तो आटोमेटिकली जाना है।

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): Madam Speaker, in view of the Opposition walking out and their wanting the Standing Committee to examine most of the things, we will be more than happy to send the Benami Transactions (Prohibition) Amendment Bill to the Standing Committee. I hope it makes the Opposition happy. ... (*Interruptions*) It has been introduced. ... (*Interruptions*) The Whistle Blowers Protection (Amendment) Bill has been passed when you went out. ... (*Interruptions*) We are very generous. We are considerate. You need not walk out of the House. ... (*Interruptions*)

SHRI BHARTRUHARI MAHTAB (CUTTACK): What about the Compensatory Afforestation Fund Bill?

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): Discussion on Millennium Development Goals is important. The hon. Member will just start his speech and then we can go to Compensatory Afforestation Fund Bill. We will do this so that it goes into the next Session. That is my request.

17.54 hrs

DISCUSSION UNDER RULE 193
Millenium Development Goals

HON. SPEAKER: The House shall now take up Discussion under Rule 193. Dr. Ramesh Pokhriyal Nishank to raise a discussion on the Millennium Development Goals.

डॉ. रमेश पोखरियाल निशंक (हरिद्वार): माननीय अध्यक्ष जी, आपने मुझे नियम 193 के अंतर्गत सहस्राब्दि विकास लक्ष्य पर चर्चा शुरू करने का सौभाग्य दिया, इसके लिए मैं आपका आभारी हूँ। 6 से 8 सितंबर, 2000 न्यूयार्क में दुनिया के 179 देशों के प्रतिनिधियों ने मिलकर संकल्प लिया कि 2015 तक दुनिया से गरीबी मिटाएंगे, भुखमरी दूर करेंगे, कुपोषण खत्म करेंगे, अशिक्षा दूर करेंगे, स्वच्छता और शुद्ध पेयजल प्रदान करेंगे, बेरोजगारी जो देश, दुनिया और मानवता के लिए अभिशाप है, उसे दूर करेंगे, स्त्री और पुरुष में समानता का भाव पैदा करेंगे, शिशु और मातृ मृत्यु दर में कमी लाएंगे, स्वास्थ्य सहित सतत पर्यावरण की चुनौतियों का सामना करते हुए समान वृद्धि और सतत विकास को अर्जित करेंगे। इन लक्ष्यों की प्राप्ति के लिए सहस्राब्दि विकास लक्ष्य की संकल्पना की गई और सदस्य देशों के द्वारा यह भी संकल्प लिया गया कि दुनिया के सभी देश अपनी नीतियों को बनाकर इस दिशा में तेजी से काम करते हुए निर्धारित लक्ष्य प्राप्त करेंगे।

माननीय अध्यक्ष जी, भारत ने भी इसी दिशा में बहुत तेजी से काम किया है और वर्ष 2000 से लगातार इस दिशा में प्रगति के पथ पर अग्रसर हैं तथा स्वतः काफी सक्रिय भूमिका भी निभा रहा है। भारत के सामने मुख्यतः आठ ऐसे लक्ष्य थे जिन पर भारत को युद्ध स्तर पर काम करना था। इसमें प्रमुख रूप से गरीबी हटाना, भुखमरी मिटाना जैसे महत्वपूर्ण कार्य थे।

अत्यधिक गरीबी और भुखमरी के उन्मूलन की दिशा में यह कहा गया था कि जितनी भी गरीबी है, गरीबों का उस तिथि में जो प्रतिशत था, उसको वर्ष 2015 तक आधा करना था। वर्ष 1990 में गरीबी की रेखा से नीचे रहने वालों का प्रतिशत 47.8 था और उसको 18.6 प्रतिशत करने का निर्धारित लक्ष्य था। अभी हम 21.92 प्रतिशत पर हैं और अभी इस दिशा में हमें काफी कार्य करने हैं। हालांकि गरीबी को दूर करने तथा भुखमरी को मिटाने की दिशा में बहुत सारे काम किये गये हैं लेकिन मैं समझता हूँ कि जैसे 1990 में भुखमरी से ग्रस्त जो तीन वर्ष से कम उम्र के बच्चे थे, उनकी स्थिति 1990 में 52 प्रतिशत थी और इसको 26 प्रतिशत तक करने का लक्ष्य था जो अभी 40 प्रतिशत है।

माननीय अध्यक्ष जी, इस दिशा में बहुत सारे काम करने की आवश्यकता है। हालांकि देश ने वर्ष 2000 से बहुत सारे क्षेत्रों में इन लक्ष्यों को प्राप्त करने के लिए चाहे वह मनरेगा की स्कीम हो, राष्ट्रीय ग्रामीण आजीविका मिशन हो, चाहे राष्ट्रीय शहरी आजीविका मिशन हो, चाहे जवाहर लाल नेहरू शहरी नवीनीकरण मिशन हो, चाहे इंदिरा आवास हो, नेशनल हेल्थ मिशन हो, चाहे सर्व शिक्षा अभियान हो, मिड-डे मील हो, एकीकृत शिशु विकास योजना हो, ऐसे बहुत सारे विषयों पर आगे काम किया लेकिन जिस गति से वह काम होना चाहिए था, वह आज भी अपेक्षित है और इसीलिए हमारी सरकार ने इस दिशा में इस आपूर्ति के लिए चाहे आदरणीय प्रधान मंत्री जी के नेतृत्व में जन धन योजना की शुरुआत हुई हो, चाहे प्रधान मंत्री जीवन ज्योति बीमा योजना की शुरुआत हुई हो, प्रधान मंत्री सुरक्षा बीमा योजना की बात हो, मेक-इन-इंडिया, स्किल्ड इंडिया, डिजिटल इंडिया सहित तमाम ऐसे अनेकानेक कार्यक्रमों को आगे बढ़ाने की कोशिश की गई है जो गरीबी और भुखमरी के उन्मूलन की दिशा में एक मील का पत्थर साबित होगा। मैं यह समझता हूँ कि इस दिशा में चाहे वह मनरेगा ... (व्यवधान)

माननीय अध्यक्ष : निशंक जी, क्योंकि बहुत सारे सदस्य इस पर बोलना चाहेंगे, हम नियम 193 के इस विषय को बाद में ले लेंगे। आप बाद में इसको कंटिन्यू करें। अगले सत्र में इसे लिया जाएगा।

डॉ. रमेश पोखरियाल निशंक: मैडम, ठीक है। यह अगले सत्र में होगा।

17.58 hrs**COMPENSATORY AFFORESTATION
FUND BILL, 2015**

HON. SPEAKER: Now we take up Item no. 15- Compensatory Afforestation Fund Bill, 2015.

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के राज्य मंत्री (श्री प्रकाश जावड़ेकर): माननीय अध्यक्ष जी, मुझे पहले दो मिनट बोलने दीजिए। ... (व्यवधान)

HON. SPEAKER: Shri Prakash Javadekar, please continue to say whatever you want to say.

.... (*Interruptions*)

श्री प्रकाश जावड़ेकर : माननीय अध्यक्ष जी, यह एक ऐसी विचित्र व्यवस्था देश में पैदा हुई है क्योंकि एक मसला सुप्रीम कोर्ट में गया कि वनीकरण के लिए, एफॉरेस्टेशन के लिए जो कंपनसेट्री एफॉरेस्टेशन फंड होता है और नैट प्रेजेंट वैल्यू का भी पैसा मिलता है, 2001 में सुप्रीम कोर्ट के सामने एक मसला आया तो उनको ऐसा लगा कि कुल मिलाकर 2001 में कोर्ट ने ऑबजर्व किया कि इसका केवल 83 प्रतिशत ही यूज हो रहा है। 17 प्रतिशत यूज नहीं हो रहा है।

18.00 hrs

इसलिए एक व्यवस्था एडहॉक सीएएमपीए की बनी और सुप्रीम कोर्ट ने उसमें यह कहा :

“funds generated for protecting ecology and providing regeneration should not be treated as a fund under article 266, article 283 or article 284 of the Constitution.”

इस फैसले के कारण वनीकरण का सारा पैसा राज्यों को जाना बंद हो गया और सबका पैसा बैंक में पड़ा रहा। यह किसी पब्लिक एकाउंट में नहीं है।

माननीय अध्यक्ष : छह बज गए हैं। हम इस विषय को कम्प्लीट करने तक सदन का समय बढ़ाते हैं।

श्री प्रकाश जावड़ेकर : महोदया, वर्ष 2001 के बाद 35 हजार करोड़ रुपए बैंकों में पड़े हैं और जिस काम के लिए रखे हैं, उसके लिए उपयोग नहीं हो रहे हैं। उसका केवल 10 परसेंट हिस्सा ही यूज हो रहा है। इसका परिणाम यह हुआ।... (व्यवधान) That is what I am saying. So, what happens is this. It

is an unfortunate story. The money, such a large amount which is meant for afforestation is not being used for afforestation. It is in banks and more importantly States cannot spend; neither can anybody. Therefore, we have brought this Bill which gives powers to the States. The funds which are locked for the last 12 years will be released to the States for more afforestation and more ecological services. ... *(Interruptions)* That is what I am saying today. It has been locked for the last 12 years. ... *(Interruptions)*

The amount which was just Rs. 2,000 crore in 2001 has now grown to Rs. 35,000 and next year when this will be passed it would be Rs. 38,000 crore. ... *(Interruptions)* Should this not be used for greening? Should this not be used for generation of employment? Should this not be given to the States? ... *(Interruptions)* यह राज्यों का पैसा है और राज्यों को मिलना चाहिए। इसमें सबसे बड़ी बात यह है कि हमने यह स्कीम सुप्रीम कोर्ट को दी है लेकिन सुप्रीम कोर्ट में ग्रीन बैल्ट से संबंधित जज एक दिन ही सिर्फ दो घंटे के लिए बैठता है इस कारण सुनवाई नहीं हुई। हमने चाहा है कि यह बिल जल्दी पास होना चाहिए, क्योंकि यह राज्यों के हित में है। हम सबके सुझाव लेना चाहते हैं। आप कहते हैं कि हम विचार नहीं करते हैं। हम स्वयं स्टैंडिंग कमेटी को देने के लिए तैयार हैं। आप स्टैंडिंग कमेटी में इसे दो महीने में कीजिए। हम राज्यों को पैसा देने के लिए तैयार हैं। आप कितनी जल्दी रिएक्शन देते हैं, यह हम देखना चाहते हैं।

HON. SPEAKER: You have given the suggestion. It will go to the Standing Committee.

... *(Interruptions)*

18.03 hrs**GOVERNMENT BILLS -ReferredContd.****(ii) Compensatory Afforestation Fund Bill, 2015****(iii) National Waterways Bill, 2015****(iv) Micro, Small and Medium Enterprises
Development (Amendment) Bill, 2015**

कौशल विकास और उद्यमिता मंत्रालय के राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री राजीव प्रताप रूडी): महोदय, खड़गे साहब और प्रतिपक्ष लगातार इस बात को हमेशा उठाते रहते हैं कि पूरे विमर्श के लिए आवश्यक है कि कई विधेयकों को स्टैंडिंग कमेटी के पास भेजा जाए।... (व्यवधान)

HON. SPEAKER: No cross-talks please, Shri Javadekar.

... (व्यवधान)

श्री राजीव प्रताप रूडी : महोदय, सभी सदस्यों ने, विपक्ष ने और खड़गे साहब ने इस बात को कहा है कि हम " कम्पन्सेटरी आफ एफोरस्ट्रेशन फंड बिल " को तो स्टैंडिंग कमेटी को भेज रहे हैं। " नेशनल वॉटरवेस बिल, 2015 " को भी स्टैंडिंग कमेटी को भेजा जाए, ऐसा हमारा सदन से आग्रह है। इसके साथ " माइक्रो स्माल एंड मिडियम एंटरप्राइजेज डेवलपमेंट अमेंडमेंट बिल, 2015 " को भी स्टैंडिंग कमेटी को भेजा जाए। मुझे लगता है कि खड़गे साहब जरूर खुश हुए होंगे कि इतनी बड़ी संख्या में बिलों को स्टैंडिंग कमेटी में भेजा जा रहा है।

श्री मल्लिकार्जुन खड़गे (गुलबर्गा) : महोदय, ये जो-जो बिल चाहते हैं, उन्हें स्टैंडिंग कमेटी को भेज देते हैं। जेटली साहब नहीं आए थे, समय को बढ़ाना था इसलिए कई सदस्य स्टेटमेंट दे रहे थे। यह आपका विचार है कि कौन-सा बिल भेजना है और किस बिल को नहीं भेजना है। हम सभी के लिए इनसिस्ट कर रहे हैं लेकिन आपने दो-तीन बिलों को ही स्टैंडिंग कमेटी में भेजने के लिए चूज़ किया है।

श्री भर्तृहरि महताब (कटक) : मैडम, मैं एक चीज बताना चाहता हूं।... (व्यवधान) वर्ष 1980 तक 150 सेलेक्ट कमेटीज बनी हैं, जब हमारे यहां स्टैंडिंग कमेटीज नहीं बनी थीं। वर्ष 1991 तक राज्य सभा में इतनी ही संख्या में सेलेक्ट कमेटीज बनी हैं। वर्ष 1993 से 2003 तक, इन 20 वर्षों में, इन दो दशकों में हार्डली सिंगल डिजिट में सेलेक्ट कमेटीज बनी हैं और अब इस अवधि में, एक ही साल में सात से अधिक सेलेक्ट कमेटीज और एक ज्वाइंट पार्लियामेंटरी बनी है। मेजॉरिटेरियन व्यू-प्वाइंट लोक सभा में है, but you also have to take the Opposition into confidence. Standing Committee is the only place where the Members also become a participant in the law making. It is

not the prerogative of only the Executive. So, in Standing Committees as elected Members we also participate in law making. आपने 51 बिल्स में से अभी तीन ही बिल आपने स्टैंडिंग कमेटी को भेजा है। Out of 51 Bills three Bills have been sent to the Standing Committee and we welcome it. I think in future more Bills will be referred to the Standing Committees. Let us go back home with this view that better sense is now being prevailed.

18.06 hrs

MESSAGE FROM RAJYA SABHA ...Contd.

SECRETARY GENERAL: Madam, I have to report that Rajya Sabha has no recommendations to make to Lok Sabha in regard to the Black Money Undisclosed Foreign Income and Assets (Imposition of Tax) Bill, 2015.

18.07 hrs

COMPANIES (AMENDMENT) BILL, 2014
(Amendments made by Rajya Sabha)

HON. SPEAKER: Now, the hon. Minister to move that the amendments made by Rajya Sabha in the Companies (Amendment) Bill, 2014, as passed by Lok Sabha be taken into consideration.

THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY): Madam, I beg to move:

“That the following amendments made by Rajya Sabha in the Bill to amend the Companies Act be taken into consideration.”

ENACTING FORMULA

1. That at page 1, line 1, *for* the word "Sixty-fifth", the word "Sixty-sixth" be *substituted*.

CLAUSE 1

2. That at page 1, line 2, *for* the figure "2014", the figure "2015" be *substituted*.

CLAUSE 4

3. That at page 1, *for* lines 15 to 17, the following be *substituted*, namely:-

"4. Section 11 of the principal Act shall be omitted."

Omission
of section
11.

NEW CLAUSE 18A

4. That at page 4, *after* line 17, the following be *inserted*, namely:-

Insertion
of new
clause

- "18A. In section 248 of the principal Act, in sub-section (1),-
- (i) in clause (a), after the word 'incorporation', the word 'or' shall be inserted;
- (ii) clause (b) shall be omitted."
- 18A.
Amendm
ent of
section
248.

NEW CLAUSE 22

5. That at page 4, after line 31, the following be inserted, namely:-
- "22. In section 462 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:-
- "(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in Session, for a total period of thirty days, and if, both Houses agree in disapproving the issue of notification or both Houses agree in making any modification in the notification, the notification shall not be issued, or as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.
- (3) In reckoning any such period of thirty days as is referred to in sub-section (2), no account shall be taken of any period during which the House referred to in sub-section (2) is prorogued or adjourned for more than four consecutive days.
- (4) The copies of every notification issued under this section shall, as soon as may be after it has been issued, be laid before each House of Parliament."."
- Insertion
of new
clause 22.

Amendm
ent of
section
462.

HON. SPEAKER: The question is:

“That the following amendments made by Rajya Sabha in the Bill to amend the Companies Act be taken into consideration.”

ENACTING FORMULA

1. That at page 1, line 1, ***for*** the word "Sixty-fifth", the word "Sixty-sixth" be ***substituted***.

CLAUSE 1

2. That at page 1, line 2, ***for*** the figure "2014", the figure "2015" be ***substituted***.

CLAUSE 4

3. That at page 1, ***for*** lines 15 to 17, the following be ***substituted***, namely:-

"4. Section 11 of the principal Act shall be omitted."

Omission
of section
11.

NEW CLAUSE 18A

4. That at page 4, ***after*** line 17, the following be ***inserted***, namely:-

Insertion
of new
clause
18A.

"18A. In section 248 of the principal Act, in sub-section (1),-

(i) in clause (a), after the word 'incorporation', the word 'or' shall be inserted;

Amendm
ent of
section
248.

(ii) clause (b) shall be omitted."

NEW CLAUSE 22

5. That at page 4, **after** line 31, the following be **inserted**, namely:- Insertion of new clause 22.
- "22. In section 462 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:- Amendm ent of section 462.
- "(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in Session, for a total period of thirty days, and if, both Houses agree in disapproving the issue of notification or both Houses agree in making any modification in the notification, the notification shall not be issued, or as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.
- (3) In reckoning any such period of thirty days as is referred to in sub-section (2), no account shall be taken of any period during which the House referred to in sub-section (2) is prorogued or adjourned for more than four consecutive days.
- (4) The copies of every notification issued under this section shall, as soon as may be after it has been issued, be laid before each House of Parliament."."

The motion was adopted.

HON. SPEAKER: Hon. Members, before we take up the amendments into consideration, I may inform the House that Rajya Sabha *vide* amendment Nos.4 and 5 have added new clauses 18A and 22 respectively to the Companies (Amendment) Bill, 2014, as passed by Lok Sabha.

In this regard, I would invite your attention to Direction 31, which provides that "when an amendment for insertion of a new clause in a Bill is adopted by the

House, the Speaker shall put the question that the new clause be added to the Bill.”

I, therefore, propose to put Amendment Nos. 4 and 5 to the vote of the House separately. If the House adopts these amendments, I shall also propose the new clauses sought to be inserted by these amendments to the vote of the House.

We shall now take up the amendments made by Rajya Sabha. I shall now put Amendment Nos. 1 to 3 made by Rajya Sabha together to the vote of the House:

The question is:

ENACTING FORMULA

1. That at page 1, line 1, ***for*** the word "Sixty-fifth", the word "Sixty-sixth" be ***substituted***.

CLAUSE 1

2. That at page 1, line 2, ***for*** the figure "2014", the figure "2015" be ***substituted***.

CLAUSE 4

3. That at page 1, ***for*** lines 15 to 17, the following be ***substituted***, namely:-

"4. Section 11 of the principal Act shall be omitted."

Omission of section 11

The motion was adopted.

NEW CLAUSE 18A

HON. SPEAKER: I shall now put Amendment No.4 made by Rajya Sabha to the vote of the House. The question is:

NEW CLAUSE 18A

4. That at page 4, **after** line 17, the following be **inserted**, namely:-
- Insertion of
new clause
18A.
- "18A. In section 248 of the principal Act, in sub-section (1),-
- Amendment
of section
248.
- (i) in clause (a), after the word 'incorporation', the word 'or' shall be inserted;
- (ii) clause (b) shall be omitted."

The motion was adopted.

HON. SPEAKER: I shall now put the New Clause 18A to the vote of the House.

The question is:

"That new clause 18A stand part of the Bill."

The motion was adopted.

New Clause 18A was added to the Bill.

HON. SPEAKER: I shall now put Amendment No.5 made by Rajya Sabha to the vote of the House. The question is:

NEW CLAUSE 22

5. That at page 4, **after** line 31, the following be **inserted**, namely:-
- Insertion
of new
clause 22.
- "22. In section 462 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:-
- Amendm
ent of
section
462.
- "(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in Session, for a total period of thirty days, and if,

both Houses agree in disapproving the issue of notification or both Houses agree in making any modification in the notification, the notification shall not be issued, or as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.

(3) In reckoning any such period of thirty days as is referred to in sub-section (2), no account shall be taken of any period during which the House referred to in sub-section (2) is prorogued or adjourned for more than four consecutive days.

(4) The copies of every notification issued under this section shall, as soon as may be after it has been issued, be laid before each House of Parliament."."

The motion was adopted.

HON. SPEAKER: I shall now put the New Clause 22 to the vote of the House.

The question is:

“That New Clause 22 stand part of the Bill.”

The motion was adopted.

New Clause 22 was added to the Bill.

HON. SPEAKER: The Minister may now move that the amendments made by Rajya Sabha in the Companies (Amendment) Bill, 2014, as passed by Lok Sabha, be agreed to.

SHRI ARUN JAITLEY: Madam, I beg to move:

“That the amendments made by Rajya Sabha in the Bill be agreed to.”

HON. SPEAKER: The question is:

“That the amendments made by Rajya Sabha in the Bill be agreed to.”

The motion was adopted.

HON. SPEAKER: The amendments made by Rajya Sabha in the Companies (Amendment) Bill, 2014, as passed by Lok Sabha, are agreed to by the House.

Hon. Members, as two new clauses have been added to the Bill, I, therefore, direct that wherever required, the subsequent clauses may be re-numbered, accordingly.

18.12 hrs**VALEDICTORY REFERENCE**

माननीय अध्यक्ष : माननीय सदस्यों, सोलहवीं लोक सभा का चौथा सत्र आज समाप्त हो रहा है। इस बजट सत्र के प्रथम भाग का प्रारंभ 23 फरवरी, 2015 को केन्द्रीय कक्ष में दोनों सदनों के संयुक्त अधिवेशन में माननीय राष्ट्रपति जी के अभिभाषण के साथ हुआ। सभा की बैठक 20 मार्च, 2015 को स्थगित हो गयी ताकि स्थायी समितियां, विभिन्न मंत्रालयों और विभागों की अनुदानों की मांगों की जांच कर उन पर अपने प्रतिवेदन प्रस्तुत कर सकें। बजट सत्र का दूसरा भाग, मध्यावकाश के पश्चात् 20 अप्रैल, 2015 को प्रारंभ हुआ। सत्र के दौरान 35 बैठकें हुईं, जो 242 घंटे 54 मिनट चलीं। इनमें से 19 बैठकें सत्र के प्रथम चरण में और 16 बैठकें द्वितीय चरण में आयोजित की गईं।

सदन ने राष्ट्रपति के अभिभाषण पर धन्यवाद प्रस्ताव पर चर्चा की जिसकी एक प्रति 23 फरवरी, 2015 को सभा पटल पर रखी गयी। इसे 14 घंटे और 05 मिनट की चर्चा के पश्चात् 27 फरवरी, 2015 को पारित किया गया।

वर्ष 2015-16 के लिए रेल बजट और सामान्य बजट क्रमशः 26 और 28 फरवरी, 2015 को प्रस्तुत किए गए। वर्ष 2015-16 के सरकारी संकल्प एवं रेल बजट पर संयुक्त रूप से चर्चा हुई। वर्ष 2015-16 की लेखानुदानों की मांगों (रेल) और वर्ष 2014-15 की अनुदानों की अनुपूरक मांगों (रेल) पर 13 घंटे से अधिक समय तक चर्चा चली। मांगें स्वीकृत हुईं और संबंधित विनियोग विधेयक पारित किया गया। वर्ष 2015-16 के लिए अनुदानों की मांगों (रेल) पर सत्र के दूसरे भाग में 21 अप्रैल, 2015 को चर्चा की गयी। यह चर्चा 4 घंटे 15 मिनट तक चली। प्रस्तुत किए गए कटौती प्रस्ताव अस्वीकृत हुए तथा मांगें स्वीकृत हुईं और संबंधित विनियोग विधेयक पारित किया गया।

सभा में वर्ष 2015-16 के बजट (सामान्य) पर भी संयुक्त चर्चा की गयी। वर्ष 2015-16 के लिए लेखानुदानों की मांगों (सामान्य) तथा वर्ष 2014-15 की अनुदानों की अनुपूरक मांगों (सामान्य) पर 13 घंटे से अधिक समय तक चर्चा चली। मांगें स्वीकृत हुईं और विनियोग विधेयक पारित किया गया।

सत्र के दूसरे भाग में, पेयजल एवं स्वच्छता मंत्रालय, रसायन और उर्वरक मंत्रालय, मानव संसाधन विकास मंत्रालय, गृह मंत्रालय, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय तथा स्वास्थ्य और परिवार कल्याण मंत्रालय की वर्ष 2015-16 के लिए अनुदानों की मांगों को पूर्ण रूप से स्वीकृत किए जाने से पूर्व उन पर 25 घंटे से अधिक समय चर्चा की गई। बाकी मंत्रालयों के संबंध में वर्ष 2015-16 के बजट (सामान्य) से संबंधित सभी अन्य शेष अनुदानों की मांगों को 29 अप्रैल 2015 को सभा में मतदान के लिए

प्रस्तुत किया गया और उन्हें पूर्ण रूप से स्वीकृत किया गया तथा संबंधित विनियोग विधेयक पारित किया गया।

सभा ने 30 अप्रैल, 2015 को वित्त विधेयक, 2015 पर भी चर्चा की। वित्त वर्ष 2015-16 के लिए संघ सरकार के वित्तीय प्रस्तावों को लागू करने के लिए इसे पारित करने से पूर्व इस पर लगभग 5 घंटे और 23 मिनट चर्चा हुई।

वर्तमान सत्र के दौरान 25 सरकारी विधेयक पुरःस्थापित किए गए। कुल 24 विधेयक पारित किए गए। पारित किए गए कुछ महत्वपूर्ण विधेयक हैं - नागरिकता (संशोधन) विधेयक, 2015, खान और खनिज (विकास और विनियमन) संशोधन विधेयक, 2015, मोटरयान (संशोधन) विधेयक, 2015, कोयला खनन (विशेष उपबंध) विधेयक, 2015, बीमा विधि (संशोधन) विधेयक 2015, माल और सेवा कर प्रारंभ करने से संबंधित संविधान (एक सौ बाइसवां संशोधन) विधेयक, 2014, किशोर न्याय (बालकों की देखरेख और संरक्षण) विधेयक, 2015, भारत और बांग्लादेश के बीच कतिपय राज्य क्षेत्रों के अर्जन और अंतरण को प्रभावी करने के लिए संविधान (एक सौ उन्नीसवां संशोधन) विधेयक, 2013, काला धन (अप्रकटित विदेशी आय और आस्ति) कर अधिरोपण विधेयक, 2015, परक्राम्य लिखत (संशोधन) विधेयक, 2015 और सूचना प्रदाता संरक्षण (संशोधन) विधेयक, 2015।

भूमि अर्जन, पुनर्वासन और पुनर्व्यस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार (संशोधन) दूसरा विधेयक, 2015 को संसद के दोनों सदनों की संयुक्त समिति को सौंपे जाने से संबंधित एक प्रस्ताव को स्वीकृत किया गया।

सत्र के दौरान 620 तारांकित प्रश्नों को सूचीबद्ध किया गया, जिसमें से 135 प्रश्नों के मौखिक उत्तर दिए जा सके। इस प्रकार औसतन प्रतिदिन 4.21 प्रश्नों के उत्तर दिए गए। 7118 अतारांकित प्रश्नों के साथ शेष तारांकित प्रश्नों के लिखित उत्तर सभा पटल पर रखे गए।

प्रश्न काल के पश्चात् और सभा के औपचारिक कार्य के समापन के पश्चात् शाम को देर तक बैठक कर अविलंबनीय लोक महत्व के लगभग 1036 मामले माननीय सदस्यों द्वारा उठाए गए। माननीय सदस्यों ने नियम 377 के अंतर्गत 412 मामले भी उठाए।

सत्र के दौरान विभागों से सम्बद्ध स्थायी समितियों ने 68 प्रतिवेदन प्रस्तुत किए।

सत्र के दौरान ध्यानाकर्षण के माध्यम से दो महत्वपूर्ण विषयों को उठाया गया अर्थात् (एक) देश में हानिकारक कीटनाशकों विशेष रूप से इन्डोसल्फान के उपयोग और मानव जीवन पर उनके प्रतिकूल प्रभाव से उत्पन्न स्थिति और (दो) ज्योतिसर, कुरूक्षेत्र, हरियाणा में स्थित सांस्कृतिक और ऐतिहासिक रूप से

महत्वपूर्ण प्राचीन बरगद के पेड़ को राष्ट्रीय धरोहर घोषित करने की आवश्यकता। ध्यानाकर्षण के उत्तर में संबंधित मंत्रियों ने वक्तव्य दिए और सदस्यों द्वारा मांगे गए स्पष्टीकरणों के भी उत्तर दिए।

सभा में नियम 193 के अधीन देश में कृषि की स्थिति से संबंधित लोक महत्व के मामले पर 13 घंटे से अधिक समय चर्चा चली। संबंधित मंत्री ने चर्चा का उत्तर दिया।

सरकारी कार्य के बारे में माननीय संसदीय कार्य मंत्री द्वारा दिए गए पांच वक्तव्यों सहित मंत्रियों द्वारा विभिन्न अन्य महत्वपूर्ण विषयों के बारे में 55 वक्तव्य दिए गए।

सत्र के दौरान संबंधित मंत्रियों द्वारा 2345 पत्र सभा पटल पर रखे गए।

जहाँ तक गैर-सरकारी सदस्यों के कार्य का सम्बन्ध है, सत्र के दौरान गैर-सरकारी सदस्यों के 129 विधेयक पुरःस्थापित किए गए। वरिष्ठ नागरिक (जरारोग और डिमेंशिया देख-रेख का उपबंध) विधेयक, 2014 जिसका उद्देश्य डिमेंशिया रोग से ग्रस्त वरिष्ठ नागरिकों की देख-रेख और जरारोग देख-रेख सुविधाओं का उपबंध करना था, जिस पर विचार किए जाने का प्रस्ताव श्री भर्तृहरि महताब जी ने 12 दिसंबर, 2014 को प्रस्तुत किया था, को 13 मार्च, 2015 को चर्चा पूरी होने के पश्चात सभा की अनुमति से प्रभारी सदस्य द्वारा प्रस्ताव वापस लिया गया। एक अन्य विधेयक, जिसका उद्देश्य प्रत्येक नागरिक द्वारा अनिवार्य मतदान का प्रावधान करना है, उस पर विचार किए जाने का प्रस्ताव श्री जनार्दन सिंह सीग्रीवाल द्वारा 13 मार्च, 2015 को प्रस्तुत किया गया। इस विधेयक पर आगे 24 अप्रैल, 2015 को चर्चा की गई, उस दिन चर्चा पूरी नहीं हो पाई।

जहाँ तक गैर सरकारी सदस्यों के संकल्पों का संबंध है, युवाओं में तकनीकी कौशल विकास और "मेक इन इंडिया" का लक्ष्य हासिल करने संबंधी योजना के संबंध में श्री सी.आर. पाटिल द्वारा 19 दिसम्बर, 2014 को प्रस्तुत किए गए संकल्प पर 20 मार्च, 2015 को आगे चर्चा हुई और उसी दिन सभा की अनुमति से यह संकल्प वापस लिया गया। श्री निशिकान्त दुबे जी द्वारा 20 मार्च, 2015 और 8 मई, 2015 को कश्मीर से विस्थापित व्यक्तियों के पुनर्वास और कल्याण के लिए तुरन्त कदम उठाने संबंधी प्रस्तुत किए गए एक अन्य संकल्प पर चर्चा अधूरी रही है।

इस सत्र में जबकि व्यवधानों और बाध्य स्थगनों के कारण हमने 7 घंटे और 04 मिनट से अधिक का समय गंवाया, लेकिन सभा 55 घंटे और 43 मिनट के लिए देर तक बैठी और अविलम्बनीय सरकारी कार्य को निपटाया गया। इसके लिए आप सभी का धन्यवाद है।

मैं उपाध्यक्ष और सभापति तालिका में शामिल अपने साथियों का सभा के सुचारू कार्य संचालन में सहयोग देने के लिए धन्यवाद करती हूँ।

मैं माननीय प्रधानमंत्री जी, संसदीय कार्य मंत्री, विभिन्न दलों और समूहों के नेताओं, मुख्य सचेतकों, माननीय सदस्यों के प्रति भी उनके सहयोग के लिए कृतज्ञता व्यक्त करती हूँ। मैं आप सभी की ओर से प्रेस और मीडिया के हमारे मित्रों का भी धन्यवाद करना चाहूंगी। मैं इस अवसर पर महासचिव, लोक सभा सचिवालय के अधिकारियों, कर्मचारियों और उनके द्वारा सभा को दी गई समर्पित और तत्काल सेवा के लिए भी धन्यवाद देती हूँ। सभा की कार्रवाई के संचालन से संबद्ध एजेंसियों द्वारा प्रदान की गई सहायता के लिए मैं उन सभी का मैं धन्यवाद देती हूँ। माननीय सदस्यगण आप सभी का सहयोग के लिए फिर से एक बार धन्यवाद। मंत्रिमंडल का भी धन्यवाद।

अब माननीय सदस्यगण कृपया अपने स्थान पर खड़े हो जाएंगे, क्योंकि अब "वंदेमातरम" की धुन बजाई जाएगी।

अनेक माननीय सदस्य : महोदया, आपका भी हम लोगों की तरफ से बहुत-बहुत धन्यवाद।

18.23 hrs

NATIONAL SONG

(The National Song was played.)

HON. SPEAKER: The House stands adjourned *sine die*.

18.24 hrs

The Lok Sabha then adjourned sine die.
