

C O N T E N T S

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LOK SABHA DEBATES

LOK SABHA

Wednesday, December 16, 2015/Agrahayana 25, 1937 (Saka)

The Lok Sabha met at Eleven of the Clock

[HON. SPEAKER *in the Chair*]

HON. SPEAKER: Hon. Members, I have received notices of Adjournment Motion from Sarvashri Mallikarjun Kharge, Jyotiraditya M. Scindia, Ninong Ering, Gaurav Gogoi and Kumari Susmita Dev regarding alleged interference by the Governor of Arunachal Pradesh. The conduct of Governor can be discussed only on a substantive motion drawn in proper form. I have disallowed the notices of Adjournment Motion.

I have also received notices of Adjournment Motion from Prof. Saugata Roy, Sarvashri Bhagwant Mann, Prem Singh Chandumajra, N.K. Premachandran, Shrimati P.K. Sreemati Teacher and Shri P. Karunakaran on different issues.

The matters though important enough do not warrant interruption of business of the day. The matters can be raised through other opportunities.

I have, therefore, disallowed all the notices of Adjournment Motion.

... (*Interruptions*)

HON. SPEAKER: Now, Question Hour. Question No. 241 – Dr. Heena Vijaykumar Gavit.

... (*Interruptions*)

11.02 hours

(At this stage, Shri Bhagwant Mann, Shri K. Suresh and some other hon. Member came and stood on the floor near the Table.)

... (*Interruptions*)

11.02 ½ hours**ORAL ANSWERS TO QUESTIONS**

HON. SPEAKER : Q. No. 241, Dr. Heena Vijaykumar Gavit.

(Q. 241)

DR. HEENA VIJAYKUMAR GAVIT: Madam, in order to prevent the catastrophic damages, the Indian Railways has introduced the On Board Condition Monitoring System which is one of its kind and it is currently operational in UK and US.... (*Interruptions*) First of all, I would like to congratulate hon. Minister for introducing this advanced technology in the Indian Railways for the safety of the passengers and the trains. ... (*Interruptions*)

I would like to ask the hon. Minister through you the number of wagons, coaches and locomotives that will be deployed with the condition-based monitoring system during the current fiscal year; the estimated cost involving the installation of this system in coaches and wagons; the Railway Zones that will be considered for this system in the first phase; and the time by which the bid of this system will be finalized and the system will be put into operation.... (*Interruptions*)

शहरी विकास मंत्री, आवास और शहरी गरीबी उपशमन मंत्री तथा संसदीय कार्य मंत्री (श्री एम. वैकैय्या नायडू) : मैडम, वेल में आकर हंगामा करके उन लोगों को क्यों समर्थन कर रहे हैं।... (व्यवधान) आपने रूलिंग दे दी है।... (व्यवधान) उन्हें रूलिंग का पालन करना चाहिए।... (व्यवधान) मेरी प्रार्थना है कि वे अपने स्थान पर जाकर बैठें। ... (व्यवधान) जिस अधिकारी के ऊपर भ्रष्टाचार का आरोप है, उनकी मदद में हाउस को डिस्टर्ब करना अच्छा नहीं है।... (व्यवधान)

SHRI SURESH PRABHU: Madam, I am very happy that the hon. Member has raised a very interesting issue which concerns the safety of the Rail as well as the modernization programme that we have undertaken to bring the Indian Railways at par with the best in the world.... (*Interruptions*) So, I really thank the hon. Member for raising this issue.... (*Interruptions*)

Madam, as you are aware, there are two types of maintenance systems that take place – one is time-based and another is condition-based.... (*Interruptions*) In the time-based maintenance system, we normally try to find out each and every

component on an on-going basis irrespective of the fact that whether this component is good enough or not.... (*Interruptions*)

In the conditions based monitoring system, we are going to do a predictive maintenance to find out which are the areas in which it is required. ... (*Interruptions*) Probably a particular part is not functioning well. This will reduce the downtime; this will increase the on time as well as this will help us to reduce the cost of maintenance as well as remove the possibility of an accident. ... (*Interruptions*)

In the next four years we have already decided to complete a plan to improve LHB coaches; converting the production of present coaches to LHB coaches which are far more safer, far more better and far more efficient. That is why, we decided to undertake to do this programme in the next four years. ... (*Interruptions*)

HON. SPEAKER: Dr. Gavit, you put your second supplementary.

... (*Interruptions*)

DR. HEENA VIJAYKUMAR GAVIT : Madam, we hear about railway accidents mostly due to low level platforms. ... (*Interruptions*) Before the beginning of this winter Session, the General Manager of the Western Railways had arranged for a meeting with all the Members of Parliament of the Western Zone. ... (*Interruptions*) In this meeting, we were informed by the railway officials that that they would consider raising the height of 10 platforms this year; around 40 platforms each year for another three years. ... (*Interruptions*) Now, my parliamentary constituency, Nandurbar, which is an important station, is on the route of the Railways connecting the Eastern India and Western India. ... (*Interruptions*) We see a lot of people facing accidents because of low level platforms, and these includes mostly commuters who are old-age people, women and children. ... (*Interruptions*) So, I would like to know from the hon. Minister, through you, Madam, whether this target of raising 40 platforms next year can be increased. ... (*Interruptions*)

Secondly, will the Nandurbar platform also be considered for raising the height in the next year's plan in order to prevent accidents which mostly includes commuters who are old-age persons, women and children? ... (*Interruptions*)

HON. SPEAKER: Shri Bhagwant Mann, I am warning you. आपका बिहेवियर अच्छा नहीं है।

... (*Interruptions*)

SHRI SURESH PRABHU: Madam, this is an important issue and we will be raising the height of platforms as many as possible. ... (*Interruptions*) As you have said, this is the one Zone, the Western Railway Zone ... (*Interruptions*) We are doing it on an All India basis. ... (*Interruptions*) We will definitely like to look into this possibility because you have raised the issue of Nandurbar platform. ... (*Interruptions*) I will definitely like to find out whether we can also consider it on an expeditious as well as urgent basis. ... (*Interruptions*)

HON. SPEAKER: Shri Dhananjay Mahadik – not present.

Shri Anurag Singh Thakur.

श्री अनुराग सिंह ठाकुर : महोदया, आज 16 दिसम्बर है, पन्द्रहवीं लोक सभा में निर्भया कांड हुआ था, इसके लिए हमने पन्द्रहवीं लोक सभा में एक सख्त कानून बनाया था जिससे देश की महिलाओं के साथ इस प्रकार की घटना न घटे, लेकिन कानून बनाने से सब कुछ नहीं होता है ... (व्यवधान) जमीन पर भी बदलाव लाना होगा। माननीय मंत्री जी ने बजट भाषण के दौरान कहा था कि Indian Railways shall be moving from preventive to predictive maintenance, one of the best ways to achieve it through On Board Condition Monitoring of Rolling Stock.

Madam, I would like to know from the hon. Minister, through you, इस दिशा में क्या कदम उठाए गए ... (व्यवधान) क्या रेलवे विभाग ने दुनिया में जहां ऐसे मॉडल उपलब्ध हैं क्या उसके लिए अपनी ओर से कोई काम किया है या रेलवे विभाग ऐसी टेक्नोलॉजी को लेकर केवल अपनी रिसर्च एंड डेवलपमेंट टीम को भेजा देते हैं जो वर्षों तक पेंडिंग रहती है, रेलों में दुर्घटनाएं कम नहीं हो पा रही हैं। रेलवे विभाग ने डेढ़ वर्ष में क्या किया है, अगले साढ़े तीन वर्षों के दौरान क्या हम उसे लागू कर पाएंगे या केवल रिसर्च एंड डेवलपमेंट तक सीमित रहेगा? ... (व्यवधान)

श्री सुरेश प्रभु : मैडम, माननीय सदस्य ने अगर मेरा उत्तर पढ़ा होता या मैंने अभी सप्लीमेंटरी में कहा वह सुना होता तो शायद यह नहीं पूछा होता कि हमने मेन्टेस स्कीम को चेंज किया है ... (व्यवधान) जैसा हमने बजट में कहा था, ... (व्यवधान) हम प्रिडिक्टिव मेन्टेनेंस की तरफ बल दे रहे हैं, इसके लिए हमने नई प्रणाली को लागू करने का निर्णय किया है। ... (व्यवधान)

माननीय अध्यक्ष : आप माइक के सामने नहीं आएंगे।

... (व्यवधान)

श्री सुरेश प्रभु : उसके तहत सब जगह ऑनबोर्ड कन्डीशन मॉनिटरिंग सिस्टम को लाने की शुरुआत की, ... (व्यवधान) सिग्नल सिस्टम में भी पूरी तरह से बदलाव लाने के लिए शुरुआत हो चुकी है। ... (*Interruptions*) It is a path-breaking effort of Indian Railways, which has been made for development of 'On-Board Rolling Stock Condition Monitoring System' ... (*Interruptions*) उसमें जो भी चीज हम करेंगे वह केवल रिसर्च एंड डेवलपमेंट तक सीमित नहीं रहेगा। ... (व्यवधान) प्रधानमंत्री जी के मेक इन इंडिया कार्यक्रम के तहत सभी चीजों का निर्माण देश में करने के लिए हम एक एक्सप्रेसन ऑफ इन्ट्रेस्ट लाए है। ... (व्यवधान)

DR. SHRIKANT EKNATH SHINDE: Thank you Madam Speaker for giving me an opportunity to raise an important issue about the safety of railways. Firstly, I would like to congratulate the Railway Minister for taking an initiative to introduce the advance systems to prevent the accidents. But I would like to ask about an important issue which is related to gangmen. I have raised the same thing in the last session also. That is related to the safety of the gangmen and trackmen. The safety of railways so far is largely dependent on lakhs of gangmen who are guarding for more than a century.

Through you, Madam Speaker, I would like to know from the hon. Minister as to what impact the condition based monitoring system is going to have on the fate of these gangmen. What steps are being taken to improve the working conditions of these gangmen so that they can take better care of the track?

SHRI SURESH PRABHU: Madam, hon. Member has raised a very valid point. The gangmen or the trackmen or the people who are actually at the cutting edge of the safety provide round the clock monitoring of the track system. ...

(*Interruptions*) They do it. We have seen many times that as a result of this, many accidents have been prevented because the trackmen have been able to forecast the possibility of an accident. So, we will definitely take into consideration. What we are going to do today is that this monitoring will ensure that a load on the gangmen will go down considerably. There will be a remote sensing. There will be a sensor that will be attached, which will ensure the safety of whatever is happening. Now, the safety of the gangmen is an important issue. We are looking into that separately. ... (*Interruptions*)

माननीय अध्यक्ष : आप सब अपनी-अपनी सीटों पर जाइये।

... (व्यवधान)

माननीय अध्यक्ष : आप मिनिस्टर को जवाब देने में बाधित कर रहे हैं। यह अच्छी बात नहीं है।

... (व्यवधान)

HON. SPEAKER: I am again warning all of you. You should not come to this side.

... (*Interruptions*)

SHRIMATI KOTHAPALLI GEETHA: Thank you Madam Speaker for giving me an opportunity to speak on this Railway issue. I thank the hon. Minister for Railways for his initiative in actually providing more interest towards the customer service and the safety of the passengers. ... (*Interruptions*)

श्री एम. वैकैय्या नायडू : आप सब अपनी-अपनी सीटों पर जाइये। ... (व्यवधान)

SHRIMATI KOTHAPALLI GEETHA: There has been a lot of talk regarding the public private partnership for raising resources and the Railways, though a capital intensive sector, has not been very successful in raising substantial resources.

Dr. Debroy Committee has submitted his report regarding the mobilization of resources as well as restructuring of the Railway Ministry through private public partnership. Has any steps been taken by the Ministry in this regard for raising such resources and promoting private public partnership in the Railways?

SHRI SURESH PRABHU: Madam, modernizing the Railway infrastructure, upgrading its operation, making it more efficient, making it safe is a very important imperative of this Government and this is the Mission on which we are all working.

As a part of this, we have raised a very important budgetary resources Rs. 8,56,000 crores have been decided to be allotted in the next five years for the budget of the Railways to do all these things in which there are many components. This will be network decongestion, network expansion, national projects, safety which includes track renewal, bridge works, ROB, RUB, signaling and telecom including Information Technology, rolling stock, locomotives, coaches, wagons production, passenger amenities, high speed railway elevated corridor, station redevelopment and logistic park in which the part of the funding will be made from various sources. A part of the funding will also be made from private public partnership. I am happy to say that recently the Railways have awarded contracts for Rs. 40,000 crore for manufacturing of electric as well as diesel locomotives. We also made two main projects for port connectivity which will ensure that a port development also takes place at the State level and as you know, we have a very large coastline of 7600 kilometres in India. So, we can do port connectivity through PPP. We also want a programme for redevelopment of 400 Railway stations which will also be on a PPP basis. We are also working with various State Governments so that State Governments and the Railways will form a joint venture to develop an infrastructure. So, hon. Member has rightly pointed out. We need various kinds of resources to ensure that Railway is modernized and just not get confined only to the small budget which we are getting in the past.

... (*Interruptions*)

(Q. 242)

श्री कौशलेन्द्र कुमार : माननीय अध्यक्ष जी, हाउस आर्डर में नहीं है।

... (व्यवधान)

HON. SPEAKER: Do you not want to ask supplementary? I cannot help it.

... (*Interruptions*)

श्री कौशलेन्द्र कुमार (नालंदा) : हाउस आर्डर में नहीं है, मैं प्रश्न कैसे पूछूंगा।

SHRI B. SENGUTTUVAN: Madam, it is heartening to note from the reply of the hon. Minister of Railways, particularly with reference to part (d) and (e) of the Question that the Railways are going to invest a colossal sum of 130 billion US dollars over the next five years and of which, Rs.1,02,000 crore for the rolling stock and for high speed rail and elevated corridors Rs.65,000 crore is proposed to be spent.... (*Interruptions*)

My question is that the Integral Coach Factory in Perambur, Chennai is one of the premier railway coach production facilities in India that was set up in 1955 with Swiss technology. The ICF manufactures electrical multiple units, diesel electric multiple units and LBH coaches also.... (*Interruptions*) Of late, we have been hearing, rather disturbing reports that the ICF management is haunted by organizational inflexibility so much so that the layers of red tape prevent it from taking quick decisions.... (*Interruptions*) It is reported that though this facility has a capability to manufacture metro rail coaches, yet it is prevented from offering bids.... (*Interruptions*)

HON. SPEAKER: Question please.

SHRI B. SENGUTTUVAN: The private sector seems to be scoring at the expense of this Government-owned facility. The Debroy Committee also suggested granting of autonomy to the ICF so that it works at par with the private sector and gains a competitive edge.... (*Interruptions*)

Therefore, my question to the hon. Railway Minister is whether the Ministry, in order to improve the efficiency of the ICF, would allocate any

substantial portion of its investment over the next five years to modernize the infrastructural facilities in the ICF and would also grant autonomy to this Government-owned entity as well as the status of the Delhi-Chennai bullet train project.... *(Interruptions)*

SHRI SURESH PRABHU: Madam, as pointed out by the hon. Member, ICF is a very important manufacturing facility of Indian Railways. They have done some commendable jobs in the past and we are really conscious of their contribution and we are appreciative of what they have done.... *(Interruptions)*

Recently, we rolled out the 50,000th coach from this particular ICF factory and we are actually ensuring that this factory will also get modernized so that they can produce a far better quality product in the future. So, the ICF is one of the very important jewels in the crown of Indian Railways. So, we really value it very much. We would like to modernize it.... *(Interruptions)*

Right now, recently, I have asked Dr. Saraswat, who is a Member of the NITI Aayog, along with all our Members who deal with this subject to prepare a roadmap how we can make 'Make in India', our Prime Minister's programme, so that the ICF will also contribute not only making only for India but also we export globally.... *(Interruptions)* So, the idea is that ICF is a very important institution. We will do all that is necessary to make it more viable, more efficient and more vibrant.... *(Interruptions)*

माननीय अध्यक्ष : मंत्री जी, अगर आपको तकलीफ हो रही है तो आप अपनी जगह बदलकर भी उत्तर दे सकते हैं। अगर आप इस तरफ आकर उत्तर देंगे तो आपको सुविधा होगी क्योंकि मुझे 300 मैम्बर्स को प्रोटेक्ट करना है।

...*(व्यवधान)*

HON. SPEAKER: I have to protect more than 300 Members. So, you can do that.

SHRI DUSHYANT SINGH : Madam, I would like to ask a question to the hon. Minister. He has kept Rs.8.56 lakh crore for 2015-2019 to invest in the railways. The resources will come through IBR, PPP and other ways. The investment needs

to be made in what he mentioned about new train lines. Still, there are a lot of train lines pending completion. I come from the State of Rajasthan. Hon. Prime Minister has focussed on building infrastructure in the regions where there is no work done in regard to railways. ... (*Interruptions*)

There is a main line which connects hon. Speaker's State, Madhya Pradesh and Rajasthan through Kota. It is called Ramgunj Mandi-Jhalawar train line which goes to Bhopal. It was announced during the time of Shri Atal Bihari Vajpayee. This is 270 kilometres long main line, costing about Rs. 1,235 crore. Still the work has not been finished. By when will the Ramgunj Mandi-Bhopal train line, which goes through Jhalawar and Aklera, get consideration from the Government to get funding so that these regions, which are not well connected, can be connected to other regions? It can also give you another way of connecting these regions of India to Mumbai. ... (*Interruptions*)

SHRI SURESH PRABHU: Madam, it is a priority to ensure that we complete all such projects which are at very advanced stage of completion and have not been completed because of last mile connectivity problem. We are focusing on that. At the same time, our focus is on congested lines to construct the second line where there is one line and to construct the third line where there are two lines. Wherever there is a huge congestion, like on Mughal Sarai to Allahabad section which causes problem for trains going all over the country, we are trying to put our focus on that through modernization etc. ... (*Interruptions*)

In addition to this, I have already proposed to the hon. Chief Minister of Rajasthan to make a joint venture with the Railways so that we can undertake such projects in Rajasthan. The Government considers it as a priority. We are at a very advanced stage of taking a decision on this. Then, based on the consultations that we will have with Rajasthan Government, we will decide the priority of such projects which should also be put into this joint venture company. ... (*Interruptions*)

SHRI B. VINOD KUMAR : Madam, hon. Union Minister of Railways, Shri Suresh Prabhu, is a qualified chartered accountant. For the last one year, he is speaking of FDI investments, modernization, bonds, joint ventures and special purpose vehicles. I would like to know from the hon. Minister as to how many State Governments had come forward for these proposals, and how many multinationals and how many corporates had confirmed to invest in the Railways. ... (*Interruptions*)

Madam, my State Government, Telangana State Government, has come forward for joint ventures as well as for special purpose vehicle, but nothing is happening from the Railways' side. I would like to know from the hon. Minister what steps have been taken by the Railways in this regard. ... (*Interruptions*)

SHRI SURESH PRABHU: Madam, hon. Member is absolutely right. ... (*Interruptions*)

In fact, I went to Hyderabad and met the Chief Minister on my own. I requested him to make the joint ventures. They are really keen to do that. There are 17 State Governments which have agreed to do this because we wanted all the major States to do it. We are awaiting the final technicalities to be completed. But we are very keen to take it forward. I, recently, had a meeting also with all the Telangana Members of Parliament as well as two Deputy Chief Ministers who came to meet me. Again, I raised the issue with them. So, we are very keen to take it forward. ... (*Interruptions*)

As far as other programmes are concerned, as I just explained, recently the Railways has actually finalized tenders worth Rs. 40,000 crore under the 'Make in India' programme to make diesel and electric locomotives. We are already at a very advanced stage of negotiating tenders for train-sets, for making locomotives for dedicated freight corridor and other things. In my opinion, in the next few years, we will get another several thousand crores of rupees of investment coming into the Railways as a result of this. ... (*Interruptions*)

In addition to this, we have actually got a programme for modernization of railway stations, which also will get investment. All of these, as you can see, are big ticket investments and need a lot of preparation and a lot of consultation with State Governments, local bodies and others. We are completing all this. ... *(Interruptions)*

In fact, I am very happy and must thank the Chief Minister of Telangana for coming forward immediately when I met him and he has agreed to do this. So, it is completely a priority for us. We will take it forward. We are awaiting the Cabinet approval. As soon as it comes, we will get it done ... *(Interruptions)*.

श्री अरविंद सावंत : अध्यक्ष महोदया, मेरा प्रश्न बहुत महत्वपूर्ण है। आप जानते हैं कि माननीय मंत्री जी मुम्बई से हैं और मुम्बई की उपनगरीय रेल में रोज़ाना करीब 75 लाख यात्री यात्रा करते हैं। पिछले साल करीब 1000 लोगों की मृत्यु रेल दुर्घटना में हुई चाहे मध्य रेल हो या पश्चिम रेल हो। आज की स्थिति में दोनों जोन्स इसका समाधान नहीं कर सकती हैं क्योंकि विस्तार के लिए मुम्बई शहर में जगह नहीं है। मैंने पिछली बार भी माननीय मंत्री जी से कहा था कि क्या पीपीपी के जरिए उपनगरीय कोरीडोर परियोजनाएं ला रहे हैं, उसमें एलिवेटिड ट्रेन की कुछ परियोजनाओं के बारे में हमारी सरकार कुछ सोच रही है? क्या मंत्री महोदय एलिवेटिड ट्रेन के लिए कुछ प्रावधान कर रहे हैं या इस परियोजना को पूरा करने के लिए जल्द से जल्द कौन से क़दम उठाने जा रहे हैं?

श्री सुरेश प्रभु : महोदया, माननीय सदस्य ने यह बिलकुल सही बात कही है कि मुम्बई शहर के यातायात की स्थिति बहुत ही चिंताजनक है। हर रोज 75 लाख से ज्यादा लोग इससे यात्रा करने के कारण रेल पर बहुत प्रेशर है। इस प्रेशर को दूर करने के लिए अलग-अलग योजनाएं हम ला रहे हैं जिसमें एमयूटीपी-3 का भी संबंध है। नीति आयोग से प्रपोजल आ जाएगा, तो इसके ऊपर काम करेंगे। इसके अलावा, मंत्री बनने के बाद हमने उसकी शुरुआत की थी। हम मुम्बई में छत्रपति शिवाजी टर्मिनल से लेकर पनवेल तक और चर्च गेट से लेकर पूरे विंशर तक एक एलिवेटिड कोरिडोर पीपीपी बेसिस पर करेंगे। हम पीपीपी मॉडल के लिए जल्द ही एक्सप्रेसन आफ इंटरैस्ट भी निकालेंगे। मैंने कल ही महाराष्ट्र राज्य से बातचीत की है। हमें राज्य सरकार से स्पॉर्ट एग्रीमेंट चाहिए। यह एग्रीमेंट करने के लिए भी हमने एक खास डेलीगेशन मुम्बई में बुलाया है ताकि राज्य सरकार के साथ बैठ कर सभी चीजों का समाधान करेंगे। हमारे लिए यह प्राथमिकता है और हम यह भी जानते हैं कि मुम्बई शहर केवल महाराष्ट्र की राजधानी नहीं है बल्कि देश की कमर्शियल

केपिटल है। मुम्बई शहर की स्थिति हमारे लिए भी संतोषप्रद नहीं है और इसे ठीक करने के लिए जो भी क्रदम हमारी तरफ से उठाने की आवश्यकता होगी, हम पूरी तरह से उठाएंगे।

श्री प्रेम सिंह चन्दूमाजरा : मैडम स्पीकर, माननीय रेल मंत्री जी देश में सेफ्टी मेजर्स को मॉडर्नाइज़ करने के लिए मॉडर्न मैकेनिज्म लेकर आए है और रेलवे इंफ्रास्ट्रक्चर को मॉडर्नाइज़ किया है, उससे देश में माननीय मंत्री जी की पहचान एक प्रोग्रेसिव और इनर्जेटिक मंत्री के रूप में बनी है। इसके लिए मैं इनको बधाई देता हूँ। साथ ही, मंत्री जी से मैं यह जानना चाहता हूँ कि मॉडर्नाइज़ सिस्टम के साथ-साथ जो ट्रेडिशनल मेथड्स हैं, जो ट्रेडिशनल सिस्टम्स हैं, जैसे बहुत सारे रेलवे स्टेशनों के प्लेटफॉर्म हैं, आबादी बढ़ गयी है, इसी प्रकार से रेलवे स्टेशंस भी बढ़ गये हैं, जैसे श्री आनन्दपुर साहिब में एक साइड में प्लेटफॉर्म है, दूसरे साइड में प्लेटफॉर्म नहीं है। नैना देवी के दर्शनार्थ लगभग 20 लाख लोग जाते हैं, 10 लाख लोग होला-मौहल्ले के लिए जाते हैं, इससे कभी बहुत सारी कैंजुअल्टीज हो जाती हैं। स्वयं माननीय मंत्री जी भी वहाँ जाकर आये थे, इन्होंने स्वयं देखा है। इसलिए आपके माध्यम से माननीय मंत्री जी से जानना चाहता हूँ कि श्री आनन्दपुर साहिब में रोपड़ जैसे रेलवे स्टेशनों पर दूसरे साइड में भी प्लेटफॉर्म बनाने की जरूरत है, क्या इसकी व्यवस्था रेल मंत्री जी के प्रोग्राम में है?

श्री सुरेश प्रभु : महोदया, यह बिलकुल सही है कि जब हम आधुनिकीकरण की बात करते हैं, विस्तार की बात करते हैं तो हमारे पास आज जो भी व्यवस्था है, उसे भी ठीक करने की हमारी जिम्मेदारी है। उसके लिए आपने देखा होगा कि बजट में सबसे पहले हमने ज्यादा प्राथमिकता यदि किसी को दी है, तो हमारी आम जनता जिससे सफर करती है, उनकी दिक्कतें किस तरह से दूर की जाएं, इसी को ध्यान में रखते हुए हमारे जो आठ हजार स्टेशंस हैं, उनको सुधारने के काम कर रहे हैं। आपने देखा होगा कि बहुत-से स्टेशंस पर स्वचालित सीढ़ियाँ नहीं थे, कभी लिफ्ट नहीं थी। सेकेण्ड एंटी प्वायंट नहीं थे, बहुत सारे स्टेशंस पर टायलेट्स की व्यवस्था नहीं थी, पानी की लोगों को मुश्किल आती थी और साफ-सुथरी व्यवस्था करने में भी लोगों को काफी दिक्कत आती थी, इन सभी समस्याओं को दूर करने का हमने प्रयास किया है।

माननीय सदस्य ने जिस स्टेशन की बात कही है, मैं वहाँ आया था और मैं चाहता हूँ कि आप जैसे लाखों लोग जहाँ माथा टेकने के लिए जाते हैं, ऐसे स्थान की व्यवस्था को ठीक करना हमारी जिम्मेदारी है। हम ज्यादा से ज्यादा अच्छी व्यवस्था वहाँ किस तरह से कर सकें, इस बारे में पूरी कोशिश करेंगे।

(Q.243)

श्री भोला सिंह : अध्यक्ष महोदया, उपग्रहों के प्रक्षेपण में भारत ने जिस तरह से अभूतपूर्व सफलता प्राप्त की है, उसके लिए मैं माननीय प्रधानमंत्री जी और माननीय मंत्री जी को धन्यवाद देना चाहता हूँ।

अध्यक्ष महोदया, मैं आपके माध्यम से जानना चाहूंगा कि जिस तरह से सफलतापूर्वक उपग्रहों का प्रक्षेपण किया जा रहा है, इसका लाभ क्या अन्य छोटे देशों को भी मिलेगा, जिससे इन देशों के साथ भारत के अच्छे संबंध बन सके?

डॉ. जितेन्द्र सिंह: अध्यक्ष महोदया, आदरणीय सदस्य ने एक बड़ा ही महत्वपूर्ण प्रश्न पूछा है और उनके प्रश्न के उत्तर में यह बात मैं सारे सदन समक्ष रखना चाहूंगा कि स्पेस टेक्नोलॉजी के लिए यह वर्ष बड़ा ही महत्वपूर्ण वर्ष रहा है। This year has been a year of glory for space technology not only because it has placed India as a frontline nation in space advancement, but also because under the leadership of hon. Prime Minister our space programme has emerged as the true personification and example of Make in India.

I will just give an instance. जैसा कि आदरणीय सदस्य ने कहा कि दूसरे देशों को क्या लाभ हो रहा है, तो इस मेक इन इंडिया की धारा और इसकी स्पिरिट के अंतर्गत चलते हुए आज when I am addressing this House, precisely after five or six hours later, at about 6 o'clock India will be launching six satellites made by Singapore and would be earning as much as Euro 26 million. Under the leadership of hon. Prime Minister, Madam Speaker, we can say proudly that India has entered into an era of space marketing. When I say this, I can qualify it by saying that in the last one and a half years India, through its space technology, through the launching of foreign satellites, has earned as much as USD 15 million and Euro 80 million. We have already in pipeline as much as USD 5 million and Euro 65 million.

इसके अतिरिक्त दूसरी उपलब्धि यह रही कि 26 मई, 2014 को इस सरकार का शपथ ग्रहण हुआ, उसके एक ही मास के बाद, 13 जून को प्रधानमंत्री जी स्वयं श्रीहरिकोटा में उपस्थित रहे और आईआरएनएस नेविगेशन सीरिज के सेटेलाइट की वहां से लॉन्चिंग हुई। आज हम इस स्थिति में हैं कि चार सेटेलाइट्स लॉन्च हो चुके हैं। And when we complete the seven satellites, we will be also providing inputs to the neighbouring countries. In other words, we are not only going to provide leadership to the SAARC countries but to the entire South Asian

region. तीसरी उपलब्धि यह रही कि सितम्बर मास में प्रधानमंत्री जी की उपस्थिति में मार्स ऑर्बिटर मिशन, ऑर्बिट में मंगलयान गया और आज उस मंगलयान के माध्यम से हमें जो चित्र उपलब्ध हो रहे हैं, उनका उपयोग न केवल भारत के वैज्ञानिक, बल्कि विश्व भर के प्रगतिशील देशों के वैज्ञानिक कर रहे हैं। इसके साथ ही, एक सुखद समाचार यह भी साझा करने का अवसर है कि दो ही वर्ष के बाद, वर्ष 2017 में चन्द्रयान-2, हमारा पहला सेटेलाइट चन्द्रमा की धरती पर लैण्ड करने वाला है।

The first ever satellite from India is to land on the surface of the moon in the year 2017. And we have already become leader as far as Moon Mission is concerned because the earlier satellite namely Chandrayan-1 was the first to discover the presence of water on the surface of the moon.

Madam Speaker, you will appreciate that the quest of every human being is to discover the possibility of life in another planet. बचपन से ही जब हमें दादी मां कहानियां सुनाती हैं चन्दा मामा की, तो यही होता है कि क्या दूसरे ग्रह पर रहना संभव हो सकेगा। कई बार व्यंग्य में कहा जाता है कि प्रॉपर्टी डीलर वहां पर जमीन भी खरीदने लग जाएंगे। So, India is the first country which has indicated to the world the possibility of life through the presence of water. इसके अतिरिक्त, वर्ष 2019 में भारत की ओर से सूरज की ओर जाने वाला सोलर मिशन, जिसका नाम आदित्य-1 रखा गया है, जाएगा। What I mean to say is that, the past one to one and half years, under the leadership of the hon. Prime Minister, has been a year of glory and a year of achievements for the space technology.

श्री भोला सिंह : अध्यक्ष महोदया, मैं मंत्री जी को उनके जवाब के लिए धन्यवाद देता हूं। मेरा दूसरा प्रश्न यह है कि हमारे विपक्ष के साथी इतना शोर कर रहे हैं, इन्हीं के शासन काल में यानि यू.पी.ए. के समय अंतरिक्ष देवांस के टाइम में कुछ घोटालों की बू आई थी, क्या उस सम्बन्ध में कोई जांच हुई है और क्या कोई कार्रवाई हुई है?

डॉ. जितेन्द्र सिंह: अध्यक्ष महोदया, इस विषय को लेकर जांच प्रक्रिया के अंतर्गत आगे बढ़ रही है। इस विषय में मैं नहीं जाना चाहूंगा, क्योंकि गृह मंत्रालय और सम्बन्धित विभाग के संज्ञान में यह मामला है। लेकिन मैं सदन को आश्वस्त करना चाहूंगा कि हमारा जो स्पेस का कार्यक्रम है, उसमें किसी प्रकार की बाधा नहीं आ रही और आदरणीय प्रधान मंत्री स्वयं व्यक्तिगत रुचि लेते हुए समय-समय पर हमें प्रेरणा दे रहे हैं।

डॉ. सुनील बलीराम गायकवाड़ : माननीय अध्यक्ष महोदया, मैं मंत्री जी से जानना चाहता हूँ कि अंतरिक्ष कारपोरेशन लिमिटेड नाम की भारतीय शाखा ने आज तक सफलतापूर्वक विभिन्न देशों के उपग्रहों को लांच किया है, उनसे कितनी विदेशी मुद्रा अर्जित की गई है और आने वाले वर्षों में कितने देशों के उपग्रहों को प्रक्षेपित करने का हमने लक्ष्य रखा है?

डॉ. जितेन्द्र सिंह: अध्यक्ष महोदया, जैसा कि मैंने विवरण दिया कि आने वाले समय में स्काई बॉक्स नाम की एक कम्पनी है यूनाइटेड स्टेट्स की, जिसके साथ एक संधि हो चुकी है, उसके अंतर्गत हम फॉरेन सेटेलाइट्स लांच करने वाले हैं। समय-समय पर भिन्न-भिन्न देशों की सेटेलाइट्स किस प्रकार की हैं, कितनी संख्या में हैं, उसके आधार पर राशि निश्चित की जाती है। उसी के उदाहरण के तौर पर मैंने सदन में यह बताया कि आज सायंकाल पांच या छः बजे के लगभग, आज सिंगापुर का स्वतंत्रता दिवस भी है और हम उसे इसकी बधाई भी देते हैं, उन्होंने अपने स्वतंत्रता दिवस के अवसर पर इस बात का निर्णय लिया है कि वह भारत की सेटेलाइट लॉन्चिंग स्टेशन के माध्यम से अपनी सेटेलाइट लांच करेंगे। इससे हमें 26 मिलियन यूरो डालर्स की राशि उपलब्ध होगी।

SHRIMATI R. VANAROJA: Hon. Speaker Madam, I am glad that ISRO is in a position to launch the satellites for the developed countries and the ISRO's marketing wing is flooded with agreements for launch of other nations' satellites. My question is, how the ISRO is intending to turn the technological development to predict the climate change in the country or how it intends to support the IMD in this regard.

DR. JITENDRA SINGH: Hon. Speaker Madam, the hon. Member has asked a very relevant question. I personally feel that no scientific mission is viable and sustainable unless (a) it has social applicability and (b) it has economic relevance. Therefore, the space technology is not only confined to sending satellites which, of course, is one of its important functions to gather inputs and information about other satellites. But more importantly, as has been pointed out by the hon. Member, in the region of climate, in the area of prediction of disasters, the ISRO and the satellite technology of India is playing a very important role.

The recent climate changes that happened in the form of unprecedented rainfall in Tamil Nadu were also predicted through the satellite imaging by the

ISRO with almost 100 per cent accuracy. Earlier, disasters including the floods in Kashmir and Hudhud cyclone have also been predicted by the satellite. Therefore, what I am trying to say is that the satellite technology is being used not only for predicting climate but also in the land surveys for defining roads. With each passing day, the applicability of ISRO and space technology is diversifying to fields other than purely satellites.

(Q.244)

SHRI KIRTI VARDHAN SINGH: Thank you, Madam.

The CSIR on which my question is based is a premier research body of our country. ... (*Interruptions*) There is no doubt that it has made very valuable contributions in the field of science and technology today. However, there are also very serious concerns regarding these institutions as to its performance, accountability, and productivity figures.... (*Interruptions*) It is a fact that the majority of the research work that is being carried out by the scientists in these institutions are lying only on paper. Crores of rupees of tax payers' money is being spent for these research works but they are not seeing the light of the day as products useful for our society or our country. ... (*Interruptions*) Since these projects are not commercially viable, the entire body in CSIR is facing a very severe financial problem today and the situation has been made worse by the Budget cuts this year.

The problem is further aggravated by the fact that the senior and established scientists are able to manage their grants and continue their research work but the young brains and junior scientists are facing a lot of problems. ... (*Interruptions*) In fact, the number of junior scientists has gone down in the figures for this year.

I would like to add that the CSIR has a very important role to play in the very important Government initiative of 'Make in India'. ... (*Interruptions*) Before we can make in India, we have to invent and innovate in India. It is a very important platform for harnessing the innovative spirit of our country. ... (*Interruptions*) Our *jugaad* spirit is very well known. The world knows of our *jugaad* technologies. ... (*Interruptions*) This is the platform where young brains can come forward and contribute to the society. So, I would like to know from the hon. Minister what exactly are the reform initiatives that the Government is contemplating on the organisational front regarding co-ordination with the industry

and taking up viable research projects that can be commercially viable later and also contribute to the funds of the CSIR. ... (*Interruptions*)

DR. HARSH VARDHAN: Thank you, Speaker Madam.

First of all, let me apprise the Member that the concerns that have been raised by the Member about CSIR's performance and its ability to deliver are probably not thoroughly true. ... (*Interruptions*) For the record purpose, I want to tell him that CSIR, as per the Scimago rating of 4,851 institutions all over the world, in terms of its performance and its ability is rated at 84th in the whole world. This is the only Indian institution among the 100 first institutions in the whole world which gets into that first 100 numbers; and in Aisa, it is the 17th best institution in terms of its ability to deliver.... (*Interruptions*)

We deliver the maximum number of research papers. We get the maximum number of patents. I have to inform the Member that when we compare worldwide, whatever patents we get whether at the national level or international level, the percentage of our conversion of our patents into technology and getting licence is 13.3 per cent as compared to three per cent in the rest of the world.... (*Interruptions*) So, he should not have any apprehensions about the ability of CSIR.

The second part of his question is regarding what we are actually doing to improve the things. ... (*Interruptions*) I took over as Science and Technology Minister one year ago. After that, I have been able to visit 80 per cent of the laboratories in the whole country.... (*Interruptions*) I have interacted with each and every scientist and each and every research scholar. What we are trying to do is this. ... (*Interruptions*) After that, in the month of June, we called all the Directors of all the 38 CSIR labs. We did a detailed brainstorming in Dehra Dun for two days and reviewed everything that was done in the last 67 years.... (*Interruptions*)

Now, after that brainstorming session we produced a Dehradun Declaration in which we said that all the research focus now has to be basically on ensuring that all the programmes that have been initiated by the Prime Minister of India for the welfare of people, like the Make in India programme, the Swachh Bharat, the Digital India, the Samarth Bharat, the Saksham Bharat – are strengthened by developing new inventions, new technologies and seeing that these programmes are put to the maximum benefit for the welfare of the people.

We have instructed our scientists to brainstorm and see that we are able to develop at least 12 dozen cutting edge technologies every year and also to ensure that we do something concrete for the strategic sectors. We have also made sure that whatever is being done in the labs now is monitored and everybody is made accountable. For that we have divided all these labs into five clusters; whether it is a chemical, biological, physical sciences or information cluster. In these five sectors we have made sure that these five sector scientists are made accountable to two Directors and all these ten Directors which are in charge of these five sectors meet the DG every two month and we review everything.

So, I assure the hon. Member that he should not have very serious concerns about the functioning of the CSIR. The whole focus of CSIR, after the new Government took over, has changed and it has been reoriented towards finding out what are the unresolved problems of the poor people of this country and see that the research is redirected and reoriented towards alleviation of the sufferings of the common man by developing those technologies.

माननीय अध्यक्ष : क्वेश्चन भी शॉर्ट रखो और आंसर भी शॉर्ट करो, ताकि सभी के प्रश्न हो जाएं।

SHRI KIRTI VARDHAN SINGH: I would like to thank the hon. Minister for his very detailed reply. It is heartening to know that such intense and such good work is being carried on as far as CSIR is concerned.

My other area of concern here, Madam, Speaker is the amount of foreign exchange and tax-payers money that is being spent on getting patents not only in India but also abroad. In 2012, Rs.72 crore was spent on getting patents, most of

which were in America. A lot of these patents which are obtained are for very frivolous products which actually have no commercial value but the reason that the scientists go ahead and get these patents is that increases their own career prospects. On the one hand while CSIR is facing a financial crunch and budget cuts, a lot of this money is spent on useless patents. So, I would like to ask the hon. Minister the details of the revenues and profits that have been earned by licensing of these patents; to what companies have these been licensed to and what are the specific inventions that have been licensed.

DR. HARSH VARDHAN: Madam, I wish to inform the Member that as far as patents are concerned, he has to appreciate that for the scientists after having done his research, if the subject is patentable or even if he has to produce a scientific paper he has to first apply for patent. Then, taking a patent whether at the national or international level is necessary to protect the research done by us otherwise it will be stolen by somebody else and it may be used by others. It may be a wasteful expenditure for us.

As far as patent taking is concerned, every year we get something like 250 national and 250 international patents. Right now our 3,500 patents are actually live and in fact they are still on. They can be used for converting technologies nationally and internationally.

The hon. Member has mentioned about the money being spent on taking patents.

So I have to tell him that this is something which is essential if you have to actually promote research, if you have to encourage your scientists, if you have to convert your research into technology and if you have to convert your technology into commercialisation and use it for the benefit of the people... (*Interruptions*).

Just for the sake of record, I may tell him that for a particular year, something like Rs.35 crore to Rs.40 crore were spent on taking patents whether nationally or internationally, whether it was a US patent and whether it was a patent through international collaboration where 80-90 countries collaborate...

(Interruptions). Within that year itself which is the last year, Rs.35 crore could get a return of something like Rs.100 crore for only those technologies. So, it is not something which is getting us a loss. But we are aware of the issues related to this and the actual gap is in terms of strengthening what we discover and then converting it into industrial commercialization... *(Interruptions)*.

We are trying to fill this gap by ensuring that monitoring is done by the highest people and at the highest level. We have a lot of plans to strengthen it by using our Skill Development Programme within the laboratories to produce people who will be skilled in a better manner for that particular laboratory work which could be used by the industry... *(Interruptions)*. There are other mechanisms also through which we are trying to incentivize the work of the scientists. A majority of the scientists are doing good work. Those who are not putting their heart and soul, we are trying to inspire them and motivate them to convert their work towards people oriented and the Prime Minister's programme oriented policies... *(Interruptions)*.

SHRI G. HARI: Madam, the amount we spend on research and development is merely one per cent of our GDP whereas other developing and smaller countries both in terms of economy and size, spend more than what we do. Our hon. Dr. Puratchi Thalaivi Amma Government has been providing all support for the research and development activities at all levels. So, I would like to know whether the Government is considering to enhance spending on R&D by at least 2 per cent of our GDP as also whether the Government is considering allowing private participation in R&D... *(Interruptions)*.

DR. HARSH VARDHAN: As far as the concern of the hon. Member is concerned, I wish to tell him that our Government and particularly our Prime Minister has great passion for the development of science and for the development of research in the country... *(Interruptions)*. We are trying to ensure that nothing is compromised in the field of science and technology and more particularly for

research, we are also trying to motivate the industry to promote and enhance their budget for research and development... (*Interruptions*).

I can assure you that we are also simultaneously ensuring that credible mechanisms are developed to optimally utilize whatever we have got in our budget for the research and development activities for the benefit of people and particularly for the benefit of people friendly programmes... (*Interruptions*).

(Q.245)

HON. SPEAKER: Q. 245 – Shri Adhir Ranjan Chowdhury ... (*Interruptions*)
Shri Dharam Vira... (*Interruptions*)

उत्तर पूर्वी क्षेत्र विकास मंत्रालय के राज्य मंत्री, प्रधान मंत्री कार्यालय में राज्य मंत्री, कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री, परमाणु ऊर्जा विभाग में राज्य मंत्री तथा अंतरिक्ष विभाग में राज्य मंत्री (डॉ. जितेन्द्र सिंह) : महोदया, एक विवरण सभा पटल पर रख दिया गया है।

HON. SPEAKER: Q. 246 – Shri Ganesh Singh.

(Q. 246)

श्री गणेश सिंह : महोदया, माननीय मंत्री जी ने जो इस प्रश्न का उत्तर दिया है, मैं उनका और भारत सरकार के प्रधानमंत्री जी का बहुत-बहुत धन्यवाद करता हूँ कि सरकार के निरंतर प्रयासों के परिणामस्वरूप हाफिज सईद जैसे आतंकवादी सहित लश्करे-तोइबा, जमात-उल-दावा, जो चिन्हित आतंकवादी संगठन हैं, को संयुक्त राष्ट्र सुरक्षा परिषद के संकल्प संख्या 1267 के तहत सूचीबद्ध किया गया है।... (व्यवधान) यही कारण है कि पाकिस्तान सरकार ने, 26.11.2008 में जो मुंबई में आतंकवादी हमला हुआ था, उसमें जो सूचीबद्ध आतंकवादी गिरफ्तार किए गए हैं, यह शायद उसी का परिणाम है।... (व्यवधान) लेकिन मैं मंत्री जी से पूछना चाहता हूँ कि पाक अधिकृत कश्मीर में जो आतंकवादी प्रशिक्षण केन्द्र चल रहे हैं, उनकी पहचान की गई या नहीं।... (व्यवधान) यदि हाँ तो वे कौन-कौन से संगठन हैं तथा किसकी मदद से वे चल रहे हैं तथा उन पर रोक लगाने हेतु पाकिस्तान सरकार से कोई बात हुई या नहीं?... (व्यवधान)

श्रीमती सुषमा स्वराज: अध्यक्ष जी, अभी परसों पाकिस्तान पर वक्तव्य देते हुए मैंने यह बात कही थी कि पहले ऊफा में और बाद में पेरिस में प्रधानमंत्री जी ने जब प्रधानमंत्री नवाज शरीफ के साथ बात की तो यह कहा कि बातचीत हम दोनों देशों के बीच में तब आगे बढ़ सकती है, जब हम पहले आतंकवाद को एड्रेस करें और इसीलिए उन्होंने कहा कि पहले हमारे एन.एस.ए. मिलें तो पेरिस के बाद जो बेंकाक में बातचीत हुई, उसमें इन सारे विषयों पर बात हो गई है। लेकिन एक ही मीटिंग में सारी बातें खत्म नहीं हो जाती, इसलिए उसमें यह भी तय किया गया कि हम आतंकवाद पर बातचीत जारी रखेंगे। मैं माननीय सांसद को यह विश्वास दिलाना चाहती हूँ कि पी.ओ.के., जो पाक अधिकृत कश्मीर है, उसके आतंकवादी ठिकानों के बारे में भी उन दोनों के बीच में बातचीत हो रही है।

श्री गणेश सिंह : अध्यक्ष महोदया, मेरा दूसरा प्रश्न वैश्विक स्तर पर आतंकवाद को खत्म करने के लिए जिस तरह से रूस अमेरिका ने संकल्प लेकर जो कार्य, जैसे बिन लादेन को अमेरिका की सेना ने पाकिस्तान से पकड़ा और रूस ने जिस तरह से अभी हाल ही में पेरिस में हुए हमले के बाद आतंकवादियों को मार गिराया, क्या इसी तरह की कार्रवाई करने के लिए हमारा देश भी सोच रहा है कि नहीं? क्या विश्व स्तर पर आतंकवाद को खत्म करने के लिए कोई साझा रणनीति बनी है कि नहीं?

श्रीमती सुषमा स्वराज: अध्यक्ष जी, मैं माननीय सांसद को यह बताना चाहूंगी कि युद्ध ही अकेला रास्ता नहीं है, जब हम लोगों ने बैठकर नई पहल की है कि हम बातचीत के रास्ते से इस मसले को सुलझाएंगे, एक नई बिगनिंग, एक नई शुरुआत हुई है और हम लोग चाहेंगे कि सदन इसमें हमें शुभकामनाएं दे कि बातचीत के रास्ते से ही रास्ता निकल आये और यह आतंकवाद का साया हम पर से उठ जाये।

योगी आदित्यनाथ : अध्यक्ष महोदया, भारत सरकार की पहल पर आज पाकिस्तान पूरी दुनिया के अन्दर एक आतंकी राष्ट्र के रूप में जाना जा रहा है। मैं माननीय मंत्री जी से जानना चाहूंगा कि पाकिस्तान लगातार आतंकी गतिविधियों को प्रश्रय दे रहा है। क्या यह विश्वास किया जा सकता है कि पाकिस्तान भारत के अन्दर चल रही आतंकवादी गतिविधियों को प्रश्रय देना बन्द करेगा या आतंकवाद और बातचीत क्या दोनों साथ-साथ चल पाएंगे?

श्रीमती सुषमा स्वराज: अध्यक्ष जी, हमने बहुत पहले से यह बात कह रखी है कि आतंकवाद और बातचीत साथ-साथ नहीं चल सकते। हमारे प्रधानमंत्री जी ने उसको बहुत अच्छे से आर्टीकुलेट करके यह कहा कि बम धमाकों की आवाज में बातचीत की आवाज दब जाती है और इसीलिए उन्होंने कहा कि **Terror and talks cannot go together. But then we should talk on terror.** अगर आतंकवाद और बातचीत एक साथ नहीं चल सकते तो आओ, आतंकवाद पर ही बात करें और इसीलिए जब बैंकाक में वार्ता हुई, वह आतंकवाद पर ही हुई। मैं योगी जी को यह कहना चाहूंगी कि जहां तक भरोसे की बात है, जब आदमी बातचीत शुरू करता है तो विश्वास करता ही करता है। भरोसा ही करके करता है और जब हमने यह तय कर लिया कि कोई तीसरा देश हमारी मध्यस्तता नहीं करेगा तो फिर बातचीत तो दोनों देशों ने ही करनी है तो नये भरोसे के साथ हमने बातचीत की नई पहल की है।

श्री रत्न लाल कटारिया : महोदया, मैं आपके माध्यम से माननीय मंत्री जी से यह जानना चाहूंगा कि क्या आतंकवाद की डैफीनिशन को लेकर आदरणीय प्रधानमंत्री जी ने संयुक्त राष्ट्र संघ में इस मुद्दे को उठाया है और अगर उठाया है तो संयुक्त राष्ट्र संघ ने हमारे प्रधानमंत्री जी की बात पर क्या संज्ञान लिया है?

श्रीमती सुषमा स्वराज: महोदया, पिछले 1996 में **Comprehensive Convention on International Terrorism (CCIT)** का प्रस्ताव रखा था। यह इतने वर्षों से पैडिंग पड़ा था, लम्बित पड़ा था, प्रधानमंत्री जी ने पिछली बार भी इस बात को उठाया और जिस-जिस देश के साथ आतंकवाद के बारे में वार्ता कर रहे हैं, उन उनसे भी यह कहा कि **CCIT** का समर्थन करके इसको पारित करवायें। मैं आपके माध्यम से इस सदन को बताना चाहूंगी कि हमें बहुत अच्छा रैस्पॉस उन देशों से भी मिल रहा है, जिनसे कभी आशा नहीं थी और इसलिए हम लोग आशान्वित हैं कि जरूर बहुत जल्दी **CCIT** कन्क्लूड होगी और संयुक्त राष्ट्र संघ से पारित होगी।

12.00 hours**PAPERS LAID ON THE TABLE**

HON. SPEAKER: Now Papers to be laid on the Table.

विदेश मंत्री तथा प्रवासी भारतीय कार्य मंत्री (श्रीमती सुषमा स्वराज) : महोदया, मैं निम्नलिखित पत्र सभा पटल पर रखती हूँ:

- (1) (एक) नालंदा विश्वविद्यालय, नालंदा के वर्ष 2012-2013 और 2013-14 के वार्षिक प्रतिवेदन की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।
(दो) नालंदा विश्वविद्यालय, नालंदा के वर्ष 2012-2013 और 2013-2014 के कार्यकरण की सरकार द्वारा समीक्षा की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।
- (2) उपर्युक्त (1) में उल्लिखित पत्रों को सभा पटल पर रखने में हुए विलम्ब के कारण दर्शाने वाला विवरण (हिन्दी तथा अंग्रेजी संस्करण)।

[Placed in Library, See No. LT 3577/16/15]

...(ब्यवधान)

संचार और सूचना प्रौद्योगिकी मंत्री (श्री रवि शंकर प्रसाद) : महोदया, मैं निम्नलिखित पत्र सभा पटल पर रखता हूँ:

(1) कंपनी अधिनियम, 1956 की धारा 619क की उप-धारा (1) के अंतर्गत निम्नलिखित पत्रों की एक-एक प्रति (हिन्दी तथा अंग्रेजी संस्करण):-

(क)(एक) आईटीआई लिमिटेड, बंगलोर के वर्ष 2014-2015 के कार्यकरण की सरकार द्वारा समीक्षा ।

(दो) आईटीआई लिमिटेड, बंगलोर का वर्ष 2014-2015 का वार्षिक प्रतिवेदन, लेखापरीक्षित लेखे तथा उन पर नियंत्रक-महालेखापरीक्षक की टिप्पणियां ।

[Placed in Library, See No. LT 3578/16/15]

(ख)(एक) भारत ब्रॉडबैंड नेटवर्क लिमिटेड, नई दिल्ली के वर्ष 2014-2015 के कार्यकरण की सरकार द्वारा समीक्षा ।

(दो) भारत ब्रॉडबैंड नेटवर्क लिमिटेड, नई दिल्ली का वर्ष 2014-2015 का वार्षिक प्रतिवेदन, लेखापरीक्षित लेखे तथा उन पर नियंत्रक-महालेखापरीक्षक की टिप्पणियां ।

[Placed in Library, See No. LT 3579/16/15]

(ग)(एक) टेलीकम्युनिकेशन्स कंसल्टेंट्स इंडिया लिमिटेड, नई दिल्ली के वर्ष 2014-2015 के कार्यकरण की सरकार द्वारा समीक्षा ।

(दो) टेलीकम्युनिकेशन्स कंसल्टेंट्स इंडिया लिमिटेड, नई दिल्ली का वर्ष 2014-2015 का वार्षिक प्रतिवेदन, लेखापरीक्षित लेखे तथा उन पर नियंत्रक-महालेखापरीक्षक की टिप्पणियां ।

[Placed in Library, See No. LT 3580/16/15]

(2) भारतीय बेतार तारयांत्रिकी अधिनियम, 1933 की धारा 10 की उपधारा (4) तथा भारतीय तार अधिनियम, 1885 की धारा 7 की उपधारा (5) के अंतर्गत निम्नलिखित अधिसूचनाओं की एक-एक प्रति (हिन्दी तथा अंग्रेजी संस्करण):-

- (एक) बेतार माइक्रोफोनों के लिए बहुत कम शक्तिशाली रेडियो आवृत्ति उपकरणों या उपस्करों का उपयोग (अनुज्ञप्तिकरण अपेक्षाओं से छूट) नियम, 2015 जो 16 सितम्बर, 2015 के भारत के राजपत्र में अधिसूचना संख्या सा.का.नि. 696(अ) में प्रकाशित हुए थे।
- (दो) प्रेरणिक अनुप्रयोगों के लिए बहुत कम शक्तिशाली रेडियो आवृत्ति उपकरणों या उपस्करों का उपयोग (अनुज्ञप्तिकरण अपेक्षाओं से छूट) नियम, 2015 जो 16 सितम्बर, 2015 के भारत के राजपत्र में अधिसूचना संख्या सा.का.नि. 697(अ) में प्रकाशित हुए थे।
- (तीन) रेडियो आवृत्ति अभिज्ञान उपकरणों सहित बहुत कम शक्तिशाली रेडियो आवृत्ति उपकरणों या उपस्करों का उपयोग (अनुज्ञप्तिकरण अपेक्षाओं से छूट) नियम, 2015 जो 16 सितम्बर, 2015 के भारत के राजपत्र में अधिसूचना संख्या सा.का.नि. 698(अ) में प्रकाशित हुए थे।
- (चार) अल्प दूरी रडार प्रणालियों के लिए बहुत कम शक्तिशाली रेडियो आवृत्ति उपकरणों या उपस्करों का उपयोग (अनुज्ञप्तिकरण अपेक्षाओं से छूट) नियम, 2015 जो 16 सितम्बर, 2015 के भारत के राजपत्र में अधिसूचना संख्या सा.का.नि. 699(अ) में प्रकाशित हुए थे।

[Placed in Library, See No. LT 3581/16/15]

THE MINISTER OF SCIENCE AND TECHNOLOGY AND MINISTER OF EARTH SCIENCES (DR. HARSH VARDHAN): I beg to lay on the Table:-

- (1) A copy of the Annual Report (Hindi and English versions) of the Institute for Stem Cell Science and Regenerative Medicine, Bangalore, for the year 2014-2015, alongwith Audited Accounts.
- (2) Statement regarding Review (Hindi and English versions) by the Government of the working of the Institute for Stem Cell Science and Regenerative Medicine, Bangalore, for the year 2014-2015.

[Placed in Library, See No. LT 3582/16/15]

... (*Interruptions*)

उत्तर पूर्वी क्षेत्र विकास मंत्रालय के राज्य मंत्री, प्रधान मंत्री कार्यालय में राज्य मंत्री, कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री, परमाणु ऊर्जा विभाग में राज्य मंत्री तथा अंतरिक्ष विभाग में राज्य मंत्री (डॉ. जितेन्द्र सिंह) : महोदया, मैं निम्नलिखित पत्र सभा पटल पर रखता हूँ:

- (1) (एक) नेशनल एटमॉस्फेरिक रिसर्च लेबोरेटरी, गडांकी के वर्ष 2014-2015 के वार्षिक प्रतिवेदन की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण) तथा लेखापरीक्षित लेखे।
- (दो) नेशनल एटमॉस्फेरिक रिसर्च लेबोरेटरी, गडांकी के वर्ष 2014-2015 के कार्यकरण की सरकार द्वारा समीक्षा की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।

[Placed in Library, See No. LT 3583/16/15]

- (2) अखिल भारतीय सेवा अधिनियम, 1951 की धारा 3 की उपधारा (2) के अंतर्गत भारतीय प्रशासनिक सेवा (परिवीक्षा) संशोधन नियम, 2015 जो 31 अगस्त, 2015 के भारत के राजपत्र में अधिसूचना संख्या सा.का.नि. 668(अ) में प्रकाशित हुए थे, की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।

[Placed in Library, See No. LT 3584/16/15]

- (3) संविधान के अनुच्छेद 323(1) के अंतर्गत निम्नलिखित पत्रों की एक-एक प्रति (हिन्दी तथा अंग्रेजी संस्करण):-

- (एक) संघ लोक सेवा आयोग, नई दिल्ली के वर्ष 2014-2015 का 65वां वार्षिक प्रतिवेदन।
- (दो) प्रतिवेदन के अध्याय 10 में उल्लिखित मामलों के संबंध में संघ लोक सेवा आयोग की सलाह स्वीकार नहीं किए जाने के कारणों को स्पष्ट करने वाला ज्ञापन।

[Placed in Library, See No. LT 3585/16/15]

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS
(SHRI MANOJ SINHA): I beg to lay on the Table:-

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

- (a) (i) Review by the Government of the working of the Braithwaite and Company Limited, Kolkata, for the year 2014-2015.
- (ii) Annual Report of the Braithwaite and Company Limited, Kolkata, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT 3587/16/15]

- (b) (i) Review by the Government of the working of the Indian Railway Finance Corporation Limited, New Delhi, for the year 2014-2015.
- (ii) Annual Report of the Indian Railway Finance Corporation Limited, New Delhi, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT 3588/16/15]

- (c) (i) Review by the Government of the working of the Railtel Corporation of India Limited, New Delhi, for the year 2014-2015.
- (ii) Annual Report of the Railtel Corporation of India Limited, New Delhi, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT 3589/16/15]

- (d) (i) Review by the Government of the working of the Mumbai Railway Vikas Corporation Limited, Mumbai, for the year 2014-2015.

- (ii) Annual Report of the Mumbai Railway Vikas Corporation Limited, Mumbai, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT 3590/16/15]

- (2) A copy of the Railway Claims Tribunal (Procedure) Amendment Rules, 2015 (Hindi and English versions) published in Notification No. G.S.R.711(E) in Gazette of India dated 17th September, 2015 under sub-section (3) of Section 30 of the Railway Claims Tribunal Act, 1987.

[Placed in Library, See No. LT 3591/16/15]

... (*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE MINISTRY OF EARTH SCIENCES (SHRI Y.S. CHOWDARY): I beg to lay on the Table:-

- (1) (i) A copy of the Annual Accounts (Hindi and English versions) of the ESSO-National Centre for Earth Science Studies, Thiruvananthapuram, New Delhi, for the year 2014-2015, together with Audit Report thereon.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the Audited Accounts of the ESSO-National Centre for Earth Science Studies, Thiruvananthapuram, New Delhi, for the year 2014-2015.

[Placed in Library, See No. LT 3592/16/15]

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the National Centre for Antarctic and Ocean Research, Goa, for the year 2014-2015, alongwith Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Centre for Antarctic and Ocean Research, Goa, for the year 2014-2015.

[Placed in Library, See No. LT 3593/16/15]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the ESSO-Indian National Centre for Ocean Information Services, Hyderabad, for the year 2014-2015, alongwith Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the ESSO-Indian National Centre for Ocean Information Services, Hyderabad, for the year 2014-2015.

[Placed in Library, See No. LT 3594/16/15]

- (4) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Ocean Technology, Chennai, for the year 2014-2015, alongwith Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Institute of Ocean Technology, Chennai, for the year 2014-2015.

[Placed in Library, See No. LT 3595/16/15]

- (5) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Plant Genome Research, New Delhi, for the year 2014-2015, alongwith Audited Accounts.

- (ii) Statement regarding Review (Hindi and English versions) by the Government of the working of the National Institute of Plant Genome Research, New Delhi, for the year 2014-2015.

[Placed in Library, See No. LT 3596/16/15]

- (6) (i) A copy of the Annual Report (Hindi and English versions) of the Institute of Bioresources and Sustainable Development, Imphal, for the year 2014-2015, alongwith Audited Accounts.
- (ii) Statement regarding Review (Hindi and English versions) by the Government of the working of the Institute of Bioresources and Sustainable Development, Imphal, for the year 2014-2015.

[Placed in Library, See No. LT 3597/16/15]

- (7) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Animal Biotechnology, Hyderabad, for the year 2014-2015, alongwith Audited Accounts.
- (ii) Statement regarding Review (Hindi and English versions) by the Government of the working of the National Institute of Animal Biotechnology, Hyderabad, for the year 2014-2015.

[Placed in Library, See No. LT 3598/16/15]

- (8) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Centre for Biotechnology, Faridabad, for the year 2014-2015, alongwith Audited Accounts.
- (ii) Statement regarding Review (Hindi and English versions) by the Government of the working of the Regional Centre for Biotechnology, Faridabad, for the year 2014-2015.

[Placed in Library, See No. LT 3599/16/15]

- (9) (i) A copy of the Annual Report (Hindi and English versions) of the National Centre for Cell Science, Pune, for the year 2014-2015, alongwith Audited Accounts.

- (ii) Statement regarding Review (Hindi and English versions) by the Government of the working of the National Centre for Cell Science, Pune, for the year 2014-2015.

[Placed in Library, See No. LT 3600/16/15]

- (10) (i) A copy of the Annual Report (Hindi and English versions) of Rajiv Gandhi Centre for Biotechnology, Thiruvananthapuram, for the year 2014-2015, alongwith Audited Accounts.
- (ii) Statement regarding Review (Hindi and English versions) by the Government of the working of the Rajiv Gandhi Centre for Biotechnology, Thiruvananthapuram, for the year 2014-2015.

[Placed in Library, See No. LT 3601/16/15]

- (11) (i) A copy of the Annual Report (Hindi and English versions) of National Agri-Food Biotechnology Institute, Mohali, for the year 2014-2015, alongwith Audited Accounts.
- (iii) Statement regarding Review (Hindi and English versions) by the Government of the working of the National Agri-Food Biotechnology Institute, Mohali, for the year 2014-2015.

[Placed in Library, See No. LT 3602/16/15]

- (12) (i) A copy of the Annual Report (Hindi and English versions) the Institute of Life Sciences, Bhubaneswar, for the year 2014-2015.
- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Institute of Life Sciences, Bhubaneswar, for the year 2014-2015, together with Audit Report thereon.

- (iii) Statement regarding Review (Hindi and English versions) by the Government of the working of the Institute of Life Sciences, Bhubaneswar, for the year 2014-2015.

[Placed in Library, See No. LT 3603/16/15]

- (13) (i) A copy of the Annual Report (Hindi and English versions) of Centre for DNA Fingerprinting and Diagnostics, Hyderabad, for the year 2014-2015, alongwith Audited Accounts.
- (ii) Statement regarding Review (Hindi and English versions) by the Government of the working of the Centre for DNA Fingerprinting and Diagnostics, Hyderabad, for the year 2014-2015.

[Placed in Library, See No. LT 3604/16/15]

- (14) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Immunology, New Delhi, for the year 2014-2015, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Institute of Immunology, New Delhi, for the year 2014-2015.

[Placed in Library, See No. LT 3605/16/15]

- (15) (i) A copy of the Annual Report (Hindi and English versions) of the National Brain Research Centre, Manesar, for the year 2014-2015, alongwith Audited Accounts.
- (ii) Statement regarding Review (Hindi and English versions) by the Government of the working of the National Brain Research Centre, Manesar, for the year 2014-2015.

[Placed in Library, See No. LT 3606/16/15]

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

- (a) (i) Review by the Government of the working of the Indian Vaccines Corporation Limited, Gurgaon, for the year 2014-2015.
- (ii) Annual Report of the Indian Vaccines Corporation Limited, Gurgaon, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT 3607/16/15]

- (b) (i) Review by the Government of the working of the Bharat Immunologicals and Biologicals Corporation Limited, Bulandshahr, for the year 2014-2015.
- (ii) Annual Report of the Bharat Immunologicals and Biologicals Corporation Limited, Bulandshahr, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT 3608/16/15]

- (17) (i) A copy of the Annual Report (Hindi and English versions) of the Center of Innovative and Applied Bioprocessing, Mohali, for the year 2014-2015, alongwith Audited Accounts.
- (ii) Statement regarding Review (Hindi and English versions) by the Government of the working of the Center of Innovative and Applied Bioprocessing, Mohali, for the year 2014-2015.

[Placed in Library, See No. LT 3609/16/15]

(18) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Tropical Meteorology, Pune, for the year 2014-2015, alongwith Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Indian Institute of Tropical Meteorology, Pune, for the year 2014-2015.

[Placed in Library, See No. LT 3610/16/15]

(19) (i) A copy of the Annual Report (Hindi and English versions) of the Translational Health Science and Technology Institute, Gurgaon, for the year 2014-2015, alongwith Audited Accounts.

(ii) Statement regarding Review (Hindi and English versions) by the Government of the working of the Translational Health Science and Technology Institute, Gurgaon, for the year 2014-2015.

[Placed in Library, See No. LT 3611/16/15]

... (*Interruptions*)

12.01 hours**COMMITTEE ON PRIVATE MEMBERS BILLS AND RESOLUTIONS
17th Report**

DR. M. THAMBIDURAI (KARUR): I beg to present the Seventeenth Report (Hindi and English versions) of the Committee on Private Members' Bills and Resolutions.

... (*Interruptions*)

12.01 ½ hours**PUBLIC ACCOUNTS COMMITTEE**
27th, 28th and 29th Reports

श्री भर्तृहरि महताब (कटक) : महोदया, मैं लोक लेखा समिति (2015-16) के निम्नलिखित प्रतिवेदन (हिन्दी तथा अंग्रेजी संस्करण) प्रस्तुत करता हूँ:

- (1) वित्त मंत्रालय (राजस्व विभाग) से संबंधित 'पूर्त न्यासों और संस्थाओं को छूट' विषय पर 27वां प्रतिवेदन ।
 - (2) विभिन्न मंत्रालयों/विभागों से संबंधित 'स्वीकृत अनुदानों और प्रभारित विनियोगों (2011-12) से अतिरिक्त धनराशियाँ' के बारे में 92वें प्रतिवेदन (15वीं लोक सभा) में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा की-गई-कार्रवाई संबंधी 28वां प्रतिवेदन।
 - (3) वित्त मंत्रालय (राजस्व विभाग, केन्द्रीय उत्पाद और सीमा शुल्क बोर्ड) से संबंधित 'शुल्क वापसी स्कीम' के बारे में 7वें प्रतिवेदन (16वीं लोक सभा) में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा की-गई-कार्रवाई संबंधी 29वां प्रतिवेदन।
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12.01 ¾ hours**STANDING COMMITTEE ON AGRICULTURE
17th to 21st Reports**

श्री हुक्मदेव नारायण यादव (मधुबनी) : महोदया, कृषि सम्बन्धी स्थायी समिति (16वीं लोक सभा) के निम्नलिखित प्रतिवेदन (हिन्दी तथा अंग्रेजी संस्करण) प्रस्तुत करता हूँ:

- (1) खाद्य प्रसंस्करण उद्योग मंत्रालय की 'अनुदानों की मांगों (2014-15)' के बारे में चौथे प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा की-गई-कार्यवाही संबंधी 17वां प्रतिवेदन।
 - (2) खाद्य प्रसंस्करण उद्योग मंत्रालय की 'अनुदानों की मांगों (2015-16)' के बारे में आठवें प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा की-गई-कार्यवाही संबंधी 18वां प्रतिवेदन।
 - (3) कृषि और कृषक कल्याण मंत्रालय (कृषि, सहकारिता और कृषक कल्याण विभाग) की 'अनुदानों की मांगों (2015-16)' के बारे में 9वें प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा की-गई-कार्यवाही संबंधी 19वां प्रतिवेदन।
 - (4) कृषि और कृषक कल्याण मंत्रालय (कृषि अनुसंधान और शिक्षा विभाग) की 'अनुदानों की मांगों (2015-16)' के बारे में 10वें प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा की-गई-कार्यवाही संबंधी 20वां प्रतिवेदन।
 - (5) कृषि और कृषक कल्याण मंत्रालय (पशुपालन, डेयरी और मत्स्य पालन विभाग) की 'अनुदानों की मांगों (2015-16)' के बारे में 11वें प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा की-गई-कार्यवाही संबंधी 21वां प्रतिवेदन।
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12.02 hours**STANDING COMMITTEE ON DEFENCE**
12th and 13th Reports

मेजर जनरल (सेवानिवृत्त) भुवन चन्द्र खंडूड़ी एवीएसएम (गढ़वाल): महोदया, मैं रक्षा सम्बन्धी स्थायी समिति के निम्नलिखित प्रतिवेदन (हिन्दी तथा अंग्रेजी संस्करण) प्रस्तुत करता हूँ:

- (1) नौसेना और वायु सेना (मांग संख्या 23 और 24) के बारे में रक्षा मंत्रालय की अनुदानों की मांगों (2014-2015) से संबंधित रक्षा संबंधी स्थायी समिति (16वीं लोक सभा) के चौथे प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा की-गई-कार्रवाई के बारे में रक्षा संबंधी स्थायी समिति का 12वां प्रतिवेदन।
 - (2) आयुध निर्माणियां और रक्षा अनुसंधान और विकास संगठन (मांग संख्या 25 और 26) के बारे में रक्षा मंत्रालय की अनुदानों की मांगों (2014-2015) से संबंधित रक्षा संबंधी स्थायी समिति (16वीं लोक सभा) के 5वें प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा की-गई-कार्रवाई के बारे में रक्षा संबंधी स्थायी समिति का 13वां प्रतिवेदन।
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12.02 ½ hours**STANDING COMMITTEE ON PETROLEUM AND
NATURAL GAS
8th and 9th Reports**

श्री प्रहलाद जोशी (धारवाड़) : महोदया, मैं पेट्रोलियम और प्राकृतिक गैस सम्बन्धी स्थायी समिति के निम्नलिखित प्रतिवेदन (हिन्दी तथा अंग्रेजी संस्करण) प्रस्तुत करता हूँ:

- (1) 'अनुदानों की मांगों (2015-2016)' के बारे में पेट्रोलियम और प्राकृतिक गैस संबंधी स्थायी समिति (2014-15) के चौथे प्रतिवेदन (16वीं लोक सभा) में अंतर्विष्ट सिफारिशों पर सरकार द्वारा की-गई-कार्रवाई संबंधी 8वां प्रतिवेदन।
 - (2) 'राष्ट्रीय ऑटो ईंधन नीति' के बारे में पेट्रोलियम और प्राकृतिक गैस संबंधी स्थायी समिति के 5वें प्रतिवेदन (16वीं लोक सभा) में अंतर्विष्ट सिफारिशों पर सरकार द्वारा की-गई-कार्रवाई संबंधी 9वां प्रतिवेदन।
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12.02 ¾ hours**STANDING COMMITTEE ON COAL AND STEEL
15th and 16th Reports**

श्री राकेश सिंह (जबलपुर) : महोदया, मैं कोयला और इस्पात सम्बन्धी स्थायी समिति के निम्नलिखित प्रतिवेदन (हिन्दी तथा अंग्रेजी संस्करण) प्रस्तुत करता हूँ:

- (1) कोयला मंत्रालय से संबंधित 'अनुदानों की मांगों (2015-16)' पर समिति के सातवें प्रतिवेदन (16वीं लोक सभा) में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा की-गई-कार्रवाई संबंधी 15वां प्रतिवेदन।
 - (2) खान मंत्रालय से संबंधित 'अनुदानों की मांगों (2015-16)' पर समिति के 8वें प्रतिवेदन (16वीं लोक सभा) में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा की-गई-कार्रवाई संबंधी 16वां प्रतिवेदन।
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12.03 hours**STANDING COMMITTEE ON SOCIAL JUSTICE
AND EMPOWERMENT****Statements**

श्री रमेश बैस (रायपुर): महोदया, मैं सामाजिक न्याय और अधिकारिता सम्बन्धी स्थायी समिति के निम्नलिखित प्रतिवेदन (हिन्दी तथा अंग्रेजी संस्करण) प्रस्तुत करता हूँ:

- (1) सामाजिक न्याय और अधिकारिता मंत्रालय (निःशक्त व्यक्ति अधिकारिता विभाग) से संबंधित 'निःशक्तता के क्षेत्र में कार्य कर रही राष्ट्रीय संस्थानों के कार्यकरण की समीक्षा' (15वीं लोक सभा) विषय के बारे में 45वें प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सामाजिक न्याय और अधिकारिता संबंधी स्थायी समिति-2014-15 (16वीं लोक सभा) के आठवें की-गई-कार्रवाई संबंधी प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा अंतिम की-गई-कार्रवाई दर्शाने वाला विवरण।
 - (2) सामाजिक न्याय और अधिकारिता मंत्रालय (सामाजिक न्याय और अधिकारिता विभाग) की अनुदानों की मांगों (2014-15) के बारे में पहले प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सामाजिक न्याय और अधिकारिता संबंधी स्थायी समिति-2014-15 (16वीं लोक सभा) के 16वें की-गई-कार्रवाई संबंधी प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा अंतिम की-गई-कार्रवाई दर्शाने वाला विवरण।
 - (3) अल्पसंख्यक कार्य मंत्रालय की अनुदानों की मांगों (2014-15) के बारे में चौथे प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सामाजिक न्याय और अधिकारिता संबंधी स्थायी समिति-2014-15 (16वीं लोक सभा) के 18वें की-गई-कार्रवाई संबंधी प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा अंतिम की-गई-कार्रवाई दर्शाने वाला विवरण।
 - (4) जनजातीय कार्य मंत्रालय की अनुदानों की मांगों (2014-15) के बारे में तीसरे प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सामाजिक न्याय और अधिकारिता संबंधी स्थायी समिति-2014-15 (16वीं लोक सभा) के 19वें की-गई-कार्रवाई संबंधी प्रतिवेदन में अंतर्विष्ट टिप्पणियों/सिफारिशों पर सरकार द्वारा अंतिम की-गई-कार्रवाई दर्शाने वाला विवरण।
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12.03 ½ hours**PAPERS LAID ON THE TABLE...Contd.**

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 Shri Mukhtar Abbas Naqvi, I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of Section 619A of the Companies Act, 1956:-

- (1) Review by the Government of the working of the National Minorities Development and Finance Corporation, Delhi, for the year 2014-2015.
- (2) Annual Report of the National Minorities Development and Finance Corporation, Delhi, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT 3586/16/15]

... (*Interruptions*)

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 Shri Babul Supriyo, I beg to lay on the Table:-

- (1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of Section 619A of the Companies Act, 1956:-
 - (a) (i) Review by the Government of the working of the Delhi Metro Rail Corporation Limited, New Delhi, for the year 2014-2015.
 - (ii) Annual Report of the Delhi Metro Rail Corporation Limited, New Delhi, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT 3612/16/15]

- (b) (i) Review by the Government of the working of the Kochi Metro Rail Corporation Limited, Kochi, for the year 2014-2015.
- (ii) Annual Report of the Kochi Metro Rail Corporation Limited, Kochi, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.
[Placed in Library, See No. LT 3613/16/15]
- (c) (i) Review by the Government of the working of the Bangalore Metro Rail Corporation Limited, Bengaluru, for the year 2014-2015.
- (ii) Annual Report of the Bangalore Metro Rail Corporation Limited, Bengaluru, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.
[Placed in Library, See No. LT 3614/16/15]
- (d) (i) Review by the Government of the working of the Chennai Metro Rail Limited, Chennai, for the year 2014-2015.
- (ii) Annual Report of the Chennai Metro Rail Limited, Chennai, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.
[Placed in Library, See No. LT 3615/16/15]
- (2) (i) A copy of the Annual Report (Hindi and English versions) of the National Capital Region Planning Board, New Delhi, for the year 2014-2015, alongwith Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Capital Region Planning Board, New Delhi, for the year 2014-2015.

[Placed in Library, See No. LT 3616/16/15]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Delhi Development Authority, New Delhi, for the year 2014-2015.

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Delhi Development Authority, New Delhi, for the year 2014-2015, together with Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government on the Audited Accounts of the Delhi Development Authority, New Delhi, for the year 2014-2015.

[Placed in Library, See No. LT 3617/16/15]

- (4) (i) A copy of the Annual Report (Hindi and English versions) of the Delhi Urban Art Commission, New Delhi, for the year 2014-2015.

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Delhi Urban Art Commission, New Delhi, for the year 2014-2015, together with Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government of the working of the Delhi Urban Art Commission, New Delhi, for the year 2014-2015.

[Placed in Library, See No. LT 3618/16/15]

- (5) A copy of the Allotment of Government Residences (General Pool in Delhi)(Amendment) Rules, 2015 (Hindi and English versions) published in Notification No. G.S.R.112 in weekly Gazette of India dated 13th June, 2015

together with a corrigendum thereto published in Notification No. G.S.R.136 (Hindi version only) dated 1st August, 2015.

[Placed in Library, See No. LT 3619/16/15]

(6) A copy each of the following Notifications (Hindi and English versions) under Section 58 of the Delhi Development Act, 1957:-

- (i) G.S.R.382(E) published in Gazette of India dated 14th May, 2015, regarding Recruitment Regulations for the post of Mali, Senior Mali, Garden Supervisor, Sectional Officer (Horticulture), Assistant Director (Horticulture), Deputy Director (Horticulture) and Director (Horticulture).
- (ii) G.S.R.324(E) published in Gazette of India dated 22nd April, 2015, regarding Recruitment Regulations for the post of Chief Legal Advisor, Deputy Chief Legal Advisor, Senior Law Officer, Junior Law Officer and Legal Assistant.
- (iii) G.S.R.108(E) published in Gazette of India dated 12th February, 2015, regarding Recruitment Regulations for the post of Junior Translator (Official Language), Senior Translator (Official Language), Assistant Director (Official Language) and Deputy Director (Official Language).
- (iv) G.S.R.505(E) published in Gazette of India dated 19th May, 2015, regarding Recruitment Regulations for the post of Commissioner (Planning), Additional Commissioner (Planning), Director (Planning), Deputy Director (Planning), Assistant Director (Planning) and Planning Assistant.
- (v) The DDA (Conduct, Disciplinary and Appeal Amendment Regulations, 2014 published in Notification No. G.S.R.181(E) dated 12th March, 2015.

- (7) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (6) above.

[Placed in Library, See No. LT 3620/16/15]

12.05 hours**STATEMENTS BY MINISTERS**

(i) Status of implementation of the recommendations contained in the 7th Report of the Standing Committee on Information Technology on Demands for Grants (2015-16), pertaining to the Department of Telecommunications, Ministry of Communications and Information Technology.*

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): I beg to lay a Statement regarding the status of implementation of the recommendations contained in the 7th Report of the Standing Committee on Information Technology on Demands for Grants (2015-16), pertaining to the Department of Telecommunications, Ministry of Communications and Information Technology.

12.05 ½ hours

(ii) Status of implementation of the recommendations contained in the 44th Report of the Standing Committee on Social Justice and Empowerment on 'Working of Ashram Schools in Tribal Areas', pertaining to the Ministry of Tribal Affairs*

जनजातीय कार्य मंत्रालय में राज्य मंत्री (श्री मनसुखभाई धनजीभाई वसावा) : माननीय अध्यक्ष महोदया, मैं श्री जुएल ओरम की ओर से जनजातीय कार्य मंत्रालय से संबंधित 'जनजातीय क्षेत्रों में आश्रम स्कूलों का कार्यकरण' के बारे में सामाजिक न्याय और अधिकारिता संबंधी स्थायी समिति के 44वें प्रतिवेदन में अंतर्विष्ट सिफारिशों के कार्यान्वयन की स्थिति के बारे में एक वक्तव्य सभा पटल पर रखता हूँ।

* Laid on the Table also placed in Library, See No. LT 3623/16/15 and 3624/16/15 respectively.

12.06 hours

(iii) 21st Conference of Parties held from 30th November, 2015 to 12th December, 2015 at Paris (France) under the United Nations Framework Conventions on climate change.*

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE (SHRI PRAKASH JAVADEKAR): I beg to lay a Statement on the 21st Conference of Parties held from 30th November to 12th December, 2015 at Paris (France) under the United Nations Framework Convention on climate change.

12.07 hours

(iv) Status of implementation of the recommendations contained in the 259th Report of the Standing Committee on Science and Technology, Environment and Forests on Demands for Grants (2015-16), pertaining to the Department of Biotechnology, Ministry of Science and Technology.*

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE MINISTRY OF EARTH SCIENCES (SHRI Y.S. CHOWDARY): I beg to lay a Statement regarding the status of implementation of the recommendations contained in the 259th Report of the Standing Committee on Science and Technology, Environment and Forests on Demands for Grants (2015-16), pertaining to the Department of Biotechnology, Ministry of Science and Technology.

* Laid on the Table also placed in Library, See No. LT 3625/16/15 and 3626/16/15 respectively.

12.08 hours

PAPERS LAID ON THE TABLE....Contd..

HON. SPEAKER: Now, the House will take up Item No. 2 A, Supplementary List of Business.

Shri Arun Jaitley.

THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY): I beg to lay on the Table a copy of the Notification No. 46/2015 – Central Excise (Hindi and English versions) published in Gazette of India dated the 16th December, 2015, together with an explanatory memorandum seeking to increase the basic Excise Duty on (i) Unbranded petrol from Rs. 7.06 per litre to Rs. 7.36 per litre; (ii) Branded petrol from Rs. 8.24 per litre to Rs. 8.54 per litre; (iii) Unbranded diesel from Rs. 4.66 per litre to Rs. 5.83 per litre; and (iv) Branded diesel from Rs. 7.02 per litre to Rs. 8.19 per litre under sub-section (2) of Section 38 of the Central Excise Act, 1944.

[Placed in Library, See No. LT 3621/16/15]

श्री सुशील कुमार सिंह (औरंगाबाद) : स्पीकर मैडम, आपने शून्य काल में मुझे एक महत्वपूर्ण विषय पर बोलने का मौका दिया है, इसके लिए मैं आपको धन्यवाद देता हूँ।...(व्यवधान)

महोदया, मैं आपके माध्यम से कहना चाहूंगा कि देश में अपने-अपने क्षेत्रों में विकास के लिए एक महत्वपूर्ण योजना चलाई जाती है, जिसका नाम 'सांसद स्थानीय विकास योजना' है।...(व्यवधान) इस योजना में एक वर्ष में मात्र पांच करोड़ रुपए की राशि निर्धारित है, जिसे हम सांसद अनुशंसित करते हैं।...(व्यवधान) यह योजना विकास के परिप्रेक्ष्य में त्वरित और ऑन-द-स्पॉट निर्णय के हिसाब से बहुत उपयोगी है और इसी उद्देश्य से इस योजना को सरकार ने लाया भी था।...(व्यवधान) इसी उद्देश्य से इस योजना को सरकार लायी भी थी। ...(व्यवधान) हम सांसद अपने क्षेत्रों में जहाँ जाते हैं, वहीं कुछ माँग और आवश्यकता के आधार पर अपनी अनुशंसा देते हैं और वहाँ विकास का कार्य होता है। ...(व्यवधान) लेकिन वर्तमान में इसकी राशि इतनी कम है, मैं आपके माध्यम से कहना चाहूंगा कि निर्माण कार्यों में लागत में वृद्धि, जनता की विकास के प्रति बढ़ती हुई आकांक्षाएं और हम सांसदों की उनकी आकांक्षाओं को पूरा करने की जो मंशा है, हम चाहते हैं कि हम उनकी माँगों को, उनकी आवश्यकताओं को शत-प्रतिशत पूरा करें। ...(व्यवधान) इसके मद्देनजर मैं आपसे कहना चाहूंगा कि यह राशि कई वर्षों पहले निर्धारित हुई थी। ...(व्यवधान) इस राशि को बढ़ाकर कम से कम 25 करोड़ रुपए प्रतिवर्ष किया जाए। ...(व्यवधान)

महोदया, निगरानी चाहे जितनी हो, गुणवत्ता के निर्धारण में कड़ी से कड़ी निगरानी हो, हम लोग उसका समर्थन करते हैं, उसका स्वागत करेंगे, लेकिन इस राशि को कम से कम, माननीय वित्त मंत्री जी यहाँ मौजूद हैं, पिछले सत्र में कार्यान्वयन मंत्रालय ने भी इसके लिए आश्वस्त किया था कि यह मैटर अंडर कंसीडरेशन है। ...(व्यवधान) मैं कहना चाहूंगा आपके माध्यम से कि इसे बढ़ाया जाए। ...(व्यवधान) जब देश में आपदा आती है, सुनामी आती है, बाढ़ आती है, तो हम सांसद एम.पी.लैड से वहाँ भी मदद करते हैं और करने को तैयार रहते हैं।...(व्यवधान) इसलिए मेरा आपके माध्यम से भारत सरकार से आग्रह है कि या तो इस राशि को बढ़ाकर 25 करोड़ रुपए प्रतिवर्ष किया जाए या हम लोगों को आलोचनाओं और परेशानियों से बचाने के लिए इसको खत्म ही कर दिया जाए। ...(व्यवधान) या तो इसको बंद कर दिया जाये या फिर कम से कम इसे 25 करोड़ रुपए प्रतिवर्ष किया जाए। ...(व्यवधान) आपने मुझे बोलने का मौका दिया, इसके लिए मैं आपको धन्यवाद देता हूँ।...(व्यवधान)

माननीय अध्यक्ष : श्रीमती ज्योति धुर्वे, श्री चिन्तामन नावाशा वांगा, श्री गजेन्द्र सिंह शेखावत, कुँवर पुष्पेन्द्र सिंह चन्देल, श्री रामचरण बोहरा, श्री चन्द्र प्रकाश जोशी, श्री पशुपति नाथ सिंह, डॉ. किरिट पी. सोलंकी,

श्रीमती मीनाक्षी लेखी, श्रीमती पूनमबेन माडम, श्रीमती जयश्रीबेन पटेल, श्रीमती दर्शना विक्रम जरदोश, श्री कामाख्या प्रसाद तासा, श्री कीर्ति वर्धन सिंह, श्री भैरों प्रसाद मिश्र, श्री रवीन्द्र कुमार जेना, श्री केशव प्रसाद मोर्य, श्री नाना पटोले, श्री पी.पी.चौधरी, श्री प्रहलाद सिंह पटेल, श्री भानु प्रताप सिंह वर्मा, कुँवर पुष्पेन्द्र सिंह चन्देल को श्री सुशील कुमार सिंह द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्री राहुल शेवाले (मुम्बई दक्षिण मध्य) : महोदया, मुझे शून्यकाल में अपने संसदीय क्षेत्र का एक महत्वपूर्ण विषय उठाने का आपने अवसर दिया, इसके लिए मैं आपको धन्यवाद देता हूँ। ... (व्यवधान) मैं यह विषय अपनी मातृभाषा मराठी में बोलना चाहता हूँ। ... (व्यवधान)

*Hon. Madam Speaker, the residential land of the villagers of New Mandala village which was around 4 acre 18 Guntha was acquired in the year 1942 for the Naval Armament Depot. Then the residents were transferred and rehabilitated on the land which was around 3 acre 33 guntha and 12 ane in the same year. Since then it has been there on survey No. 37,38 and Suburbun Scheme No. 2. After that, in the year 1958 and 1961, through a Special Land Acquisition Officer, these survey Nos. 38 and 37 was acquired for Government's Atomic Energy Department. But these lands are in possession of the rehabilited residents of New Mandala residential area. The residents found their names in the record with the City Survey Office, Chembur when they got the information under RTI Act. But they also found that they do not have valid occupancy and the State Government is shown as the occupant.

The names of these residents were recorded by Talathi by the amendment No.201 and they were also issued the photopasses by the encroachment office.

The residential colonies of Atomic Energy Department, TIFR and Navy are situated there, around this residential area of New Mandale village. These villagers have never created any problem or harmed anybody. But, I think this is the only case in entire Mumbai region where justice has not been done to the villagers even after 70 years of independence. As per information, lands at

** English translation of this part of the Speech originally delivered in Marathi.

Deonar Survey No.77, 78/1, 78/2, 79/1, 79/2, 79/3, 80, 81/1, 81/2 Nazul Land No.443/2 to 443/53 were acquired in the year 1958 for the Atomic Energy Department. But later, these lands were sold to Saras Co-operative Housing Society Ltd. Now, the society is developing this land and building Sky scrapers there. Those who were living there since 1942 still do not have legal ownership rights of that land. Now, they are pursuing this matter with the State Government of Maharashtra but the Atomic Energy Department is demanding No Objection Certificate.

Hence, I would like to urge upon the Government to take serious note of it and help those people to get the legal ownership rights of this land. Thank you.*

HON. SPEAKER: S/Shri Arvind Sawant, Vinayak Bhaurao Raut, Rajan Vichare, and Shrirang Appa Barne are permitted to associate with the issue raised by Shri Rahul Shewale.

श्री ओम प्रकाश यादव (सीवान) : अध्यक्ष महोदया, 'स्वास्थ्य मिशन', स्वास्थ्य की देखभाल का मनोविकास से गहरा संबंध है। ... (व्यवधान) किसी भी स्वास्थ्य कार्यक्रम की सफलता के लिए स्वास्थ्य की देखभाल कार्यक्रमों और सुविधाओं के संबंध में जानकारी होना जरूरी है। ... (व्यवधान) गांवों के लोगों को उनकी पहुंच के अंदर सस्ती और बढ़िया स्वास्थ्य सेवा उपलब्ध कराने के लिए सरकार ने वर्ष 2005 में 'राष्ट्रीय ग्रामीण स्वास्थ्य मिशन' की शुरुआत की। ... (व्यवधान) इस मिशन की एक प्रमुख बात थी कि प्रत्येक गांव के लिए एक प्रशिक्षित महिला समुदाय स्वास्थ्य कार्यकर्ता यानी "आशा" मान्यता प्राप्त सामाजिक स्वास्थ्य कार्यकर्ता उपलब्ध करायी गयी है। ... (व्यवधान) "आशा" कार्यकर्ता गांव की सहायक नर्स, दाई के बीच कड़ी का काम करती है। ... (व्यवधान) यह समुदाय सार्वजनिक स्वास्थ्य प्रणाली के बीच काम करने वाली स्वयं सेविका है। ... (व्यवधान)

ग्रामीण क्षेत्रों में समाज के वंचित वर्गों विशेष रूप से महिलाओं और बच्चों के स्वास्थ्य संबंधी आवश्यकताओं के लिए जिन्हें स्वास्थ्य सेवा पहुंचाने में कठिनाई होती है, "आशा" पहला आवलंबन है, जिनकी वे सहायता लेते हैं और कार्यकर्ता के टीकाकरण कार्यक्रम को बढ़ावा देने, 'जननी' संबंधी स्वास्थ्य कार्यक्रम के बारे में आवश्यक सहायता प्रदान करने, घरों में शौचालय के निर्माण और स्वास्थ्य की देखभाल से संबंधित अन्य कार्यक्रमों में सहायता देती हैं। ... (व्यवधान) स्वास्थ्य सेवाओं को घर-घर तक पहुंचाने वाली

"आशा" कार्यकर्ता बहुत उपेक्षित, स्वास्थ्य संबंधित संसदीय समिति ने अपनी वार्षिक रिपोर्ट में उन्हें मासिक मानदेय देने की सिफारिश की थी।...(व्यवधान) कुछ राज्यों ने मानदेय देने की शुरुआत कर दी है।...(व्यवधान) परन्तु बिहार समेत कुछ जगहों पर उन्हें एक निश्चित मानदेय देने के बदले, कार्य के हिसाब से प्रोत्साहन राशि दी जाती है।...(व्यवधान) किसी माह उनको एक भी पैसा नहीं मिलता है।...(व्यवधान) मौजूदा समय में उनकी कठिनाई, मेहनत और सामाजिक दायित्व को देखते हुए उन्हें एक निश्चित मानदेय देने की जरूरत है।...(व्यवधान) जिससे वे अपना काम मेहनत और ईमानदारी से करने के लिए प्रेरित होंगी।

अध्यक्ष महोदया, मैं आपके माध्यम से मंत्री जी से मांग करता हूँ कि "आशा" कार्यकर्ताओं को कम से कम 10,000 रुपया प्रतिमाह मानदेय दिया जाये।...(व्यवधान)

माननीय अध्यक्ष: श्री भैरों प्रसाद मिश्र, श्री केशव प्रसाद मौर्य, डॉ. किरिट पी. सोलंकी और डॉ. मनोज राजोरिया को श्री ओम प्रकाश यादव द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है। नाना पटोले जी।

...(व्यवधान)

श्री नाना पटोले (भंडारा-गोंदिया) : अध्यक्ष महोदया, देश में भारी उद्योग मंत्रालय के अंतर्गत कार्यरत 'भेल' देश हित में अपनी उपयोगिता सिद्ध कर चुका है।...(व्यवधान) भेल का नेटवर्क लगभग देश के सभी राज्यों में फैला हुआ है।...(व्यवधान) केन्द्र सरकार के पास महाराष्ट्र राज्य भंडारा जिले के तहसील साकोली के निकट 'भेल' के एक प्रकल्प निर्माण के वास्ते प्रस्ताव काफी समय से विचाराधीन है।...(व्यवधान) इस प्रकल्प के वास्ते जिला प्रशासन ने अपनी सहमति दे रखी है।...(व्यवधान) यहां तक, प्रकल्प को जमीन उपलब्ध करायी जा चुकी है, तथा प्रकल्प का स्ट्रक्चर भी तैयार किया जा चुका है।...(व्यवधान) प्रकल्प के वास्ते जनप्रतिनिधियों से लगातार आवेदन प्राप्त हुये हैं।...(व्यवधान) यदि इस प्रकल्प का निर्माण होता है तो इस पिछड़े क्षेत्र का एक मात्र प्रकल्प होगा, जिससे क्षेत्र के युवकों को रोजगार मिलेगा।...(व्यवधान)

अध्यक्ष महोदया, मैं आपके माध्यम से सरकार से आग्रह करता हूँ कि इस प्रकल्प के निर्माण हेतु अपनी सहमति दें ताकि भंडारा, गोंदिया के युवकों को रोजगार का अवसर प्राप्त हो सके।...(व्यवधान)

माननीय अध्यक्ष : श्री सुदीप बन्दोपाध्याय जी, आपके पूरे दल की ओर से सौगत राय जी ने नोटिस दिया है, आप उस संदर्भ में कुछ कहना चाहते हैं।

...(व्यवधान)

12.18 hours**SUBMISSION BY MEMBERS**

Re : Reported CBI raid at Delhi Chief Minister's Office and resultant infringement on the federal polity.

SHRI SUDIP BANDYOPADHYAY (KOLKATA UTTAR): Hon. Speaker, today the Congress Party is opposing the Governor's action in Arunachal Pradesh. We are opposing on the floor of the House not for their Arunachal issue but we are here for the raid of CBI conducted in the Delhi Chief Minister's Office. It was discussed yesterday a little bit. What I mean is that Parliament is in Session. What is making us very much perturbed is that in a parliamentary democratic system, in a federal structure of the system, why the Chief Minister's Office or the Principal Secretary could be raided in such a manner if the Chief Minister is not communicated on such an issue. What we are telling is that public mandate has made the State Government of Delhi. Public mandate has made him the Chief Minister of Delhi and public mandate had made the Central Government also headed by Shri Narendra Modi ji. So, each State Government is in its position with the public mandate, opinion and support, according to the constitutional system and procedure. But it gives us much pain when we hear that the Chief Minister's Office was being raided, his Principal Secretary, in any way, was being taken up without intimating the Chief Minister, taking up the files.

The Ruling Party of Delhi is alleging that those files are relating to cricket and relating to DDCA. Let CBI raid at CMO be investigated. Let there be a Joint Parliamentary Committee, if necessary and they should investigate all these issues. Then, this issue should be discussed on the floor of the House in detail. Earlier people were saying that CBI means, Congress Bureau of Investigation; now it has been changed to GBI, Gujarat Bureau of Investigation. What I want to say is, the Joint Director and Additional Director of CBI belong to Gujarat Cadre. It may kindly be investigated whether they have been very recently appointed from

Gujarat Cadre IPS or not. I would also like to know whether there is any official with the name Mr. Modi. This signifies how CBI is being misused. Shri Venkaiah Naidu asked yesterday as to how the Prime Minister can be condemned for this because CBI is an independent body. No, CBI is totally under the Prime Minister's control. It cannot ever happen that the CBI is operating and doing all these things without the knowledge of the Prime Minister. In a federal structure of governance, we firmly believe that the role of CBI should be investigated properly and the incident which happened in Arunachal Pradesh also has to be taken care of. Now Shri Mallikarjun Kharge may be allowed to speak.

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Madam Speaker, he has not only taken my name but also named the Government of India. It is better if they would have given a proper notice for this and there is a proper atmosphere in the House. ... (*Interruptions*) क्या वेल में आकर हंगामा करना प्रॉपर है? आप बैठिए।... (व्यवधान) सरकार को छिपाने की कोई जरूरत नहीं है।... (व्यवधान) भगवंत जी, बैठिए प्लीज़।... (व्यवधान)

First of all, our friend Sudipji might be speaking out of his own experience because he was a Minister in the earlier regime where the CBI used to take instructions from the Government. That is not the case now. This is point number one.

Secondly, we are an independent country. अटक से लेकर कटक तक, कन्याकुमारी से लेकर कश्मीर तक India is one. You cannot exclude one State. Gujarat is a part of India. That is the second point and it is a land belonging to great people like Mahatma Gandhi to Narendra Modi. ... (*Interruptions*) Madam, see the intolerance. They are not ready to tolerate even the name of Mahatma Gandhi.

Madam, I want to read from the declaration of the Aam Aadmi Party. It says:

“The Aam Aadmi Party welcomes the long awaited judgement of the Supreme Court striking down the ‘Single Directive’ introduced by Section 6A of the CBI Act and also introduced in the CVC Act, which required the CBI to take the consent of the Government even for beginning corruption investigations against Government officials of the level of Joint Secretary and above. This provision was introduced in 2003 in the CBI and CVC Acts by the NDA Government. Both the NDA and the UPA Governments had taken advantage of this absurd provision to protect senior Babus who were involved in corruption along with the Ministers themselves who, in brazen conflict of interest, then denied permission for even investigating their Babus.”

This is the statement of the Aam Aadmi Party saying that there is no need to take permission of the Government and this is the Supreme Court judgement. ...
(Interruptions)

Madam, coming to the issue, Shri Bhagwant Mann may not be aware and my friends from the TMC may also not be aware that this is not a case of this Government. This is not a case of even the Aam Aadmi Party Government. This is a case relating to 2013 and 2007. The inquiry is going on. It was referred to the ACB. The ACB was inquiring into that. But the Public Prosecutor appointed by the Delhi Government, who had scrutinized the charge sheet in the Rs. 100 crore transport scam, has accused - I do not want to name him – Principal Secretary of Delhi Government of pressurizing him not to finalise the report or face suspension.

The Prosecutor, Shri Vinod Kumar Sharma said he was called by some senior officials of Delhi Secretariat, including the accused, and pressurised by them to bring before them the file of the charge sheet before finalising it.

It is pertinent to mention that recently the particular officer and other top officials in Transport Department were summoned by Delhi Government’s ACB in connection with the scam. As per PTI story of 4th September, I quote 'The ACB had yesterday filed its charge sheet in a Delhi Court naming nine persons, including two IAS officers, as accused in the case. Special Judge Poonam Chaudhry has fixed September 26 for consideration of the charge sheet.'

Now I come to the important thing. Seeking his withdrawal from the case, the Prosecutor said he was unable to bear the pressure put on him and do justice with the case, and alleged that Delhi Government was trying to delay the matter further. Shri Sharma, the Prosecutor, in his letter to the ACB Chief says, "It is respectfully submitted that scrutiny of challan (charge sheet) of the case was done by me on September 1st. Today, September 2, I was called by some senior officials of Delhi Government wherein I was pressurised by them, who are alleged suspect in the case, including the person – I do not want to take his name because he is not here.

The Prosecutor said, "They directed me to produce the file before them before finalisation." Prosecutor was claiming that he was threatened to be suspended if he did not obey the orders of the officials. Finally, Public Prosecutor said, "I am a sick person of high blood pressure. I am unable to bear pressure and do justice in the case. I may be allowed to withdraw myself from the case." The Prosecutor said in the letter. His prayer is yet to be accepted. ... (*Interruptions*) Prof. Saugata Roy, you are such a senior and seasoned person also.

After this, the ACB has referred the matter to the CBI. And the CBI started investigating. The CBI yesterday raided 14 places. One of the places happened to be the Delhi Secretariat where this particular officer is sitting. They went, searched it and whatever they want to do, they have done it as per the law.

Some people and friends from outside are asking informally, Venkaiah ji, there should be some common sense as Parliament Session is on; they should have seen the timing also. I put the question to myself. To my knowledge, the CBI do not see the *muhurtha* – whether *rahukalam* or proper *kalam* is there; and Parliament Session is on or not. They have to do their duty. It is a continuous activity. ... (*Interruptions*) You may be speaking of your experience where you have misused the CBI.

This Government is very clear. We do not interfere at all. I can tell the House that none in the Government is aware of any raid. There is no raid on Delhi

Chief Minister. Let me assure this. The Finance Minister has also stated it yesterday. Moreover, somebody is trying to pressurize and the Public Prosecutor goes on record. I am really surprised. My friends from Congress should ask their Delhi counterpart as to what is happening here instead of sympathizing. For criticizing my Government, you can do whatever you want. I am not going to quarrel with you on that count. But please understand, the agencies must be allowed to function independently. ... (*Interruptions*) A person was caught while violating the one way traffic rule by police. The person told the police as to why he is catching him. Somebody in Karkardooma has also violated. So, you go there first, and then come to me. What you are saying is like that. I am unable to understand. The point is very simple. The Delhi Chief Minister said, the CBI should have informed him; they should have talked to me. This is really a wonderful argument. (*Interruptions*)

SHRI SUDIP BANDYOPADHYAY : After Independence, has it ever happened in India? ... (*Interruptions*)

SHRI M. VENKAIAH NAIDU: Sudip *da*, you are arguing a wrong case. I have the examples also. My point is, the Chief Minister is asking the CBI to inform him beforehand. I must tell you that I have some respect for that Party. A new Party, new ideas; they have generated new hopes; they are talking of high level ethics and principles, etc. The same Party, during the Lokpal agitation of Anna Hazare movement which had shook the nation for some time, has advocated that the CBI need not take the permission of the Government. The Supreme Court gave the judgement. They jumped over that. There are tweets. There is a twitter competition going on -what he said then, and what he said now.? What is the difference? ... (*Interruptions*)

SHRI TATHAGATA SATPATHY (DHENKANAL): You should not bring Twitter messages in the House. ... (*Interruptions*)

SHRI M. VENKAIAH NAIDU: Yes, we should not. ... (*Interruptions*) I have no problem with what Tathagata ji said. Too much twitting will lead to quitting. ...

(Interruptions) That is what is happening in the case of one of our colleagues here. My point is that you were in Opposition at that time. You wanted CBI to be free and need not take permission or instruction... *(Interruptions)* You have welcomed the direction of the hon. Supreme Court. Now, you are in a position and because one of the officers is connected with your Government is now being sacked, you have been making hue and cry across the country. ... *(Interruptions)* All these matters can be taken into court. We can discuss them in the court. We cannot have a running commentary on the functioning of CBI in the House. ... *(Interruptions)* That is what I want to say. Please do not come to the rescue of the corrupt people. ... *(Interruptions)*

HON. SPEAKER: Saugata Roy ji, you should not do this every now and then.

... *(Interruptions)*

SHRI M. VENKAI AH NAIDU: Please do not come to the rescue of the people who are facing criminal charges... *(Interruptions)* Let the law take its own course. Let the CBI complete its investigation. ... *(Interruptions)* Let the matter go to the court. Let the court in its collective wisdom take a decision... *(Interruptions)* Let the court do it. It is not that we sit in the Parliament and say: "How can you raid? How should you raid? How can you do it on a particular and all?" This is not the duty of the Parliament. ... *(Interruptions)* Parliament is there to strengthen the agencies. Parliament is there to strengthen the fight against corruption... *(Interruptions)* Parliament is not there to obstruct fight against corruption. My friends from other side should please understand this. Our friends in Delhi particularly Congress friends know better as to what is happening in Delhi. What I am saying is, let us be fair to one and all including Delhi Chief Minister... *(Interruptions)* Let him have his say. Let him say whatever he wants to say. Let him also have the patience to hear the counter. ... *(Interruptions)* Without hearing the counter or without waiting for the other side, you call the Prime Minister as 'cowardice'. On the one hand you are saying that the Prime Minister is very bold, प्राइम मिनिस्टर होश में आओ। प्राइम मिनिस्टर जोश में हैं, होश में आना है। On the other hand, you

are saying that the Prime Minister is 'cowardice'. It is personal. ... (*Interruptions*)
 Can any Chief Minister make such a comment or such a loose comment? I am really sorry. I have a very good equation with the Delhi Chief Minister. ... (*Interruptions*) He is a youngster and a newcomer. I wanted him, first of all, to focus on the administration rather than joining these unnecessary controversies and all. ... (*Interruptions*) Madam, I would have been happy if my friend Bhagwant Mann has given a notice and met you.... (*Interruptions*) If you have allowed him, we would have no problem at all. But he came here.... (*Interruptions*) He was standing in front of the Prime Minister. In spite of my personal request to him also, he did not have the courtesy to go back to his seat. ... (*Interruptions*) Now, what is happening here? ... (*Interruptions*) मान साहब, कृपया थोड़ा सम्मान कीजिए। ... (व्यवधान) Do you expect Prime Minister to take note of all this and react? Does it happen? That is not our Prime Minister's way of working. ... (*Interruptions*) रिप्लेट किया तो पानी भी पिलाया। ... (व्यवधान) ठीक है, अच्छा है। ... (व्यवधान) भगवंत मान जी भी मेरे दोस्त हैं, इसलिए मैंने फ्रेंडली सलाह दी। ... (व्यवधान) उसे स्वीकार किया या नहीं, यह उनकी च्वाइस है। ... (व्यवधान) मैं चाहता था कि वे अपने स्थान पर खड़े हो कर बोलें। ... (व्यवधान)

माननीय अध्यक्ष : मंत्री जी, आप क्यों जवाब दे रहे हैं?

... (व्यवधान)

श्री एम. वैकैय्या नायडू : अध्यक्ष महोदया, मेरा यह कहना है कि अगर कोई गंभीर विषय उठाना चाहता है, तो वह स्पीकर से मिलकर, अनुमति लेकर बोले। केवल सिम्पल नोटिस देकर कुछ भी बोल दें, तो ऐसा नहीं है। ... (व्यवधान) यह स्वीकार नहीं होगा। Nothing wrong has been done.... (*Interruptions*) Delhi CM's Office is not raided. With regard to the issue related to old case, which was of 2007 and 2013, law is taking its own course. ... (*Interruptions*) Let us not obstruct the procedure of law particularly in corruption cases. ... (*Interruptions*)

माननीय अध्यक्ष : मैं इस इश्यू पर किसी को भी बोलने के लिए नहीं बुलाऊंगी।

... (व्यवधान)

माननीय अध्यक्ष : आप सजैस्ट मत कीजिए।

...(व्यवधान)

माननीय अध्यक्ष : हर कोई नहीं बोलेगा।

...(व्यवधान)

DR.K. KAMARAJ (KALLAKURICHI): Thank you Speaker Madam. Arulmigu Arunachaleswarar Temple is located in Thiruvannamalai. It is the largest temple in the world dedicated to Lord Shiva which was built thousand years back. ... (Interruptions) Annamalaiyar Temple is one of the *pancha bhoota stalam* or *pancha bhoota stala*. The temple represents the manifestation of fire out of the five prime elements of nature, land, water, air, sky and fire.

At the Thiruvannamalai temple, the Lord Shiva is said to have manifested Himself in the form of massive column of fire, whose crown and feet could not be found by the Hindu God of creation, Brahma and Hindi God of preservation (or maintainer) Vishnu. ... (Interruptions)

12.35 hours

(At this stage, Shri Bhagwant Mann came and stood on the floor near the Table.)

DR. K. KAMARAJ : A celebration of this manifestation is seen even today in the age-old traditions observed during the festivals of Shivaratri and Karthigai Deepam. Lakhs of people come to Thiruvannamalai to worship Lord Shiva in the month of Karthikai (November). Every month, during the auspicious full moon day, more than one lakh devotees take part in Girivalam (circumambulation). The devotees circumambulate the Arunachala Mountain and pray Lord Annamalaiyar that their wish comes true.

Fully acknowledging the importance of the temple and to provide railway connectivity to Thiruvannamalai, the then Railway Minister, Shri Lal Bahadur Shastri announced the survey between Chinnasalem to Chengalpattu via

Kallakurichi, Thiruvannamalai and Vandavasi in the year 1956-57 in his Railway Budget Speech, that is, 58 years back.

In the year 2005 only, the Railway Board had sanctioned a Reconnaissance Engineering-cum-traffic Survey for a new Broad-gauge line between Chennai Egmore and Thanjavur *via* Chengalpattu, Vandavasi, Thiruvannamalai, Vanapuram, Mungilduraipattu, Vadponparappi, Sankarapuram, Alathur Road, Kallakurichi, Pennakaram, Ariyalur and Thirumanur. The project survey details were submitted to the Railway Board in the year 2007 and the project cost was estimated to be about Rs.968 crore with Rate of Return of 5.27 per cent which is better than most of the railway projects under planning and executed.

Hence, I would request the Railway Minister to execute the project announced 58 years back and allocate necessary funds for laying the new railway track between Chinnasalem to Thanjavur in the forthcoming Railway Budget 2016-2017 so that lakhs of devotees can be benefited by having railway connectivity to Thiruvannamalai to worship the Lord Siva. Thank you.

HON. SPEAKER: Shri Bhairon Prasad Mishra and Kunwar Pushpendra Singh Chandel are permitted to associate with the issue raised by Dr. K. Kamaraj.

श्री नव कुमार सरनीया (कोकराझार): माननीय अध्यक्ष जी, आपने मुझे जीरो आवर में बोलने का मौका दिया, इसके लिए मैं आपका आभारी हूँ। मैं अपनी बात असमीज में कहना चाहता हूँ।

*Hon. Madam Speaker, I would like to draw your kind attention to a very sensitive issue. Six ethnic communities of Assam namely, Koch Rajbangshi, Adivasi Tea Tribes, Tai Ahom, Moran, Motok and Chutia have been demanding Scheduled Tribes status for a very long time which is under active consideration of Government of India. Earlier, Koch Rajbangshis, were given ST status for a period of six months through an ordinance in 1996. The Adivasis and the Tea labourers are already enjoying ST Status in other parts of our country. For unity, peace and all round development of these communities I urge upon the

** English translation of this part of the speech originally delivered in Assamese.

Government to grant them Scheduled Tribe Status before the ensuing Assam assembly election. It may be mentioned in this connection that the granting of ST status to these six communities will not only contribute to their economic development but at the same time it will also enrich their socio-cultural identity.

माननीय अध्यक्ष : आप जाइए।

...(व्यवधान)

12.38 hours

(At this stage, Shri Bhagwant Mann went back to his seat.)

माननीय अध्यक्ष : खड़गे जी, अगर किसी एक भी व्यक्ति का नाम नहीं आना है तो आप बोलिए, नहीं तो फिर हंगामा होगा। मैंने आपका नोटिस डिसअलाऊ किसी कारण से किया है। आप इसे ध्यान में रखकर बोलेंगे मैं मौका दूंगी। नहीं तो फिर से आपका माइक बंद हो जाएगा, फिर आप गुस्सा मत करना।

...(व्यवधान)

श्री मल्लिकार्जुन खड़गे (गुलबर्गा) : माननीय अध्यक्ष जी, आपका बहुत धन्यवाद। इस देश में संविधान का हरण हो रहा है। अरुणाचल प्रदेश को पूर्ण राज्य का दर्जा मिला हुआ है। इस राज्य में 2/3 से ज्यादा बहुमत कांग्रेस पार्टी का है। वहां लोकप्रिय नेता नबम तुकी के नेतृत्व में सरकार काम कर रही है। ... (व्यवधान) लेकिन दुर्भाग्य की बात है कि अरुणाचल प्रदेश में असंवैधानिक तरीके से दुरुपयोग हो रहा है और वहां सत्ता पार्टी को हटाने के लिए, 2/3 मेजोरिटी वाली कांग्रेस पार्टी को हटाने के लिए, नॉन कांग्रेस पार्टी को अधिकार दिलाने के लिए कोशिश चल रही है जिसमें आर्टिकल 165 के तहत एक नोटिस दिया गया है। जिस नोटिस में कहा गया है, जो संविधान के खिलाफ भी है और खास करके वहां जो सेशन 18 जनवरी के लिए बुलाया गया था।... (व्यवधान)

माननीय अध्यक्ष : उसकी चर्चा यहां मत कीजिए।

...(व्यवधान)

श्री मल्लिकार्जुन खड़गे : फिर 16 दिसम्बर के लिए सम्मन किया। इससे मालूम हो रहा है कि इलेक्ट्रिक गवर्नमेंट को किस ढंग से डिस्टेब्लाइज किया जा रहा है। उन्होंने यह भी कहा है कि उसका एजेंडा भी फिक्स हुआ है, उसमें चीफ मिनिस्टर की कंसल्टेशन नहीं है, चीफ मिनिस्टर को इस बात के बारे में कुछ मालूम नहीं है।... (व्यवधान)

माननीय अध्यक्ष : यह बात यहां नहीं उठानी चाहिए।

...(व्यवधान)

श्री मल्लिकार्जुन खड़गे : उन्होंने पांच चीजें रखी हैं। पहली बात यह है कि ... (*Interruptions*)... *

माननीय अध्यक्ष : यहां की बात आप यहां कैसे कह सकते हैं?

...(व्यवधान)

श्री मल्लिकार्जुन खड़गे : महोदया, यही तरीका डिस्टेब्लाइज करने का है और संविधान को वायलेट करके यहां नोटिस इश्यू किया गया है। यह जो नोटिस इश्यू किया गया है, यह अनकांस्टीट्यूशनल है। अगर देश में ऐसा हुआ तो हर जगह, हर पार्टी के लिए यही नौबत आएगी। अगर इस ढंग से यहां के ... *

माननीय अध्यक्ष : खड़गे जी की बात यही समाप्त की जाती है और आगे का भाषण रिकार्ड में नहीं जाएगा।

... (*Interruptions*)... *

SHRIMATI P.K. SHREEMATHI TEACHER (KANNUR): Respected Madam Speaker, today 16th December is Nirbhaya's day. At the outset, I express my sorrow and condolences to the family of the girl.

माननीय अध्यक्ष : आप बैठ जाएं। आपकी बात आगे रिकार्ड में नहीं जाएगी।

... (*Interruptions*)... *

श्री एम. वैकेंय्या नायडू : आपने खड़गे जी को मौका दिया है।...(व्यवधान)

माननीय अध्यक्ष : आप रिस्पोंड करना चाहते हैं।

...(व्यवधान)

SHRI M. VENKAIAH NAIDU: Madam, I am quoting from the manual on business and procedure of the House. You just please go through the Rule. Number one, we cannot discuss the conduct of the Governor in the House.

Secondly, I am ready. The Government is ready for a discussion on this provided the other side is ready to hear the Government's version.

Madam, there is a ruling by the Speaker. During the first session of the Lok Sabha, some Members tabled a notice of Motion disapproving the action of Governor of Andhra Pradesh of not accepting the recommendations of Council of

* Not recorded.

Ministers to promulgate ordinance and abolish the post of part time villagers in the Andhra Pradesh and the notice was disallowed in the provisions of the Act.

Madam, if any question arises, whether the matter rests with the Governor under the Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final and validity of anything done by the Governor shall not be called in question in general that ought to have not acted in his discretion. That is the ruling of the Chair. You should understand it. It is their internal matter. It is the internal matter of the Congress Party. That has been the habit of the Congress Party also. They are fighting among themselves. Today, the Speaker has disqualified 14 MLAs. Kharge Ji is talking of the Constitution. He is facing No-Confidence Motion. He disqualified MLAs. That is the emergency stage.

SHRIMATI P.K. SHREEMATHI TEACHER: Madam, the House is not in order. ... (*Interruptions*)

HON. SPEAKER: If you do not want to speak, then Meenakshi Lekhi will speak.

... (*Interruptions*)

SHRIMATI P.K. SHREEMATHI TEACHER : Madam, today, 16th December, is Nirbhaya's day.

माननीय अध्यक्ष : श्रीमती टीचर के भाषण के अलावा कुछ भी रिकार्ड में नहीं जाएगा।

... (*Interruptions*)... *

SHRIMATI P.K. SHREEMATHI TEACHER: At the outset, I express my sorrow and condolences to the family of the girl.

Madam, three years have passed. I would like to draw the attention of the Government of India and the House through you about the most alarming situation in our country. It is about the the increasing crime and atrocities against the women.

* Not recorded.

माननीय अध्यक्ष : श्री भूरिया जी आप बैठ जाइए, वह बोल रही हैं। आप उनके सामने खड़े होकर माननीय सदस्या को डिस्टर्ब नहीं कीजिए या आप अलग हटकर खड़े हो जाइए।

...(व्यवधान)

12.46 hours

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

SHRIMATI P.K. SHREEMATHI TEACHER: Madam, incidents of gang rape, sexual harassment, human trafficking and missing of children are increasing day by day in our country.... *(Interruptions)*

Madam, it is a very important matter. Even though this august House had passed the Criminal Law Amendment Act, 2013, I would like to pose a question in this House that keeping our hands on the chest and ask ourselves whether the Act which we all have passed in this House is rightly implemented or not.... *(Interruptions)*

Madam, I am sure that the House will agree with me that we have miserably failed to implement this Act. Everyday morning when we flip through the newspapers and put a glance on the visual media, the toll numbers of atrocities against women and children are horrifyingly increasing.

Madam, if I say that our democratic country is not a safe place for women and children, will anyone in the House dare to say that it is not so? I do not think so.

माननीय अध्यक्ष : इतना प्रश्न मत उठाइए, इसका सॉल्यूशन के लिए सुझाव दीजिए।

...(व्यवधान)

SHRIMATI P.K. SHREEMATHI TEACHER: Can we agree with somebody's saying Delhi is known as the rape Capital of India? No, we cannot. But the reality compels us to keep silent with that statement.

According to the NCRB, 20 major cities are unsafe for women and children in our country. According to the NCRB, as many as 93 women are being raped everyday and there is a gradual increase in the number of rapes reported.

In 2014, India recorded 36,735 rape cases, almost 3000 of which were in Delhi.

माननीय अध्यक्ष : इतना लम्बा भाषण नहीं दिया जाता है। आज 16 दिसम्बर है, इसलिए मैंने आपको अलार्क किया है। अब आप अपनी बात समाप्त कीजिए।

...(व्यवधान)

SHRIMATI P.K. SHREEMATHI TEACHER: There is one rape in every 30 minutes. This is all official statistics. But majority of the rape cases in India are never reported especially from the rural and tribal areas. In my State, two Dalit minor girls were brutally gang-raped and one Dy.SP has tried to protect the culprits. The mother has complained that her girls are being harassed by the police. This is the situation of police in our State, Kerala.

HON. SPEAKER: Yes, now Smt. Hemamalini.

SHRIMATI P.K. SHREEMATHI TEACHER: Madam, please give me one minute time.

We all should put together our wisdom to find out the ways to get rid of or to make our country free off all these social evils. In my view, one of the reasons for these types of brutal atrocities is that the minds of such people are highly influenced by the porn sites which have no restrictions in accessing them. The record speaks how far our country is witnessing crimes committed on cyber influence.

माननीय अध्यक्ष : बाकी महिला सदस्य भी इस पर बोलेंगी। इसलिए आप समाप्त कीजिए। आप पूरा भाषण तैयार करके आयी हैं।

...(व्यवधान)

SHRIMATI P.K. SHREEMATHI TEACHER : Madam, these are not only women's issues. These are the issues of the whole society. It is our country's issue. We have a very good Constitution.

HON. SPEAKER: No, I am sorry.

SHRIMATI P.K. SHREEMATHI TEACHER: Madam, please give me one minute. We have enough laws.

HON. SPEAKER: Now it is enough.

... (*Interruptions*)

HON. SPEAKER: Shri Bhairon Prasad Mishra, Shri P. Karunakaran, Dr. A. Sampath, Shri Jitendra Chaudhury, Adv. Joice George, Shri P.K. Biju, Shri Sankar Prasad Datta, Shri Md. Badaruddoza Khan and Shri M.B. Rajesh are permitted to associate with the issue raised by Shrimati P.K. Shreemathi Teacher.

SHRIMATI HEMAMALINI (MATHURA): Madam, thank you so much for giving me the opportunity to express my feelings on Nirbhaya case. 16th December, 2012 was a day which was unheard.... (*Interruptions*)

HON. SPEAKER: Only the speech of Shrimati Hemamalini will go on record.

... (*Interruptions*)... *

SHRIMATI HEMAMALINI (MATHURA): The whole country was shocked and shameful on this incident that happened in Delhi.

How can these men do such a heinous crime on a helpless girl? It is good that others are punished, but why should this juvenile be left? He should also be treated as an adult and punished as an adult. By sending him to a rehabilitation centre, it is not going to happen that he will become all right because he has a devilish mind. Even if he comes out after 30 or 40 years, he is going to do the same act because the upbringing of that boy is not right. Many boys in our country are facing this problem.

I and also many other women in our society feel that he should be punished so that soul of the girl, and also her parents, will be relieved of the pain and sorrow. Also, such boys who are young and having such a devilish and criminal mind, will learn a lesson and be scared of the law of the country.

Thank you so much.

* Not recorded.

PROF. SAUGATA ROY (DUM DUM): Madam, we totally support what Shrimati Hemamalini has said.

माननीय अध्यक्ष: कुँवर पुष्पेन्द्र सिंह चन्देल, श्री गजेन्द्र सिंह शेखावत, श्री रामचरण बोहरा, श्री सी.आर.चौधरी, श्री सुखबीर सिंह जौनापुरिया, श्री चन्द्र प्रकाश जोशी, श्री भैरों प्रसाद मिश्र, श्री रवीन्द्र कुमार जेना, डॉ. मनोज राजोरिया, श्री पी.पी.चौधरी एवं श्री केशव प्रसाद मौर्य को श्रीमती हेमामालिनी द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

SHRIMATI MEENAKASHI LEKHI (NEW DELHI): Hon. Speaker, Madam, I stand before this august House to commemorate and pay homage to the sacrifices made by the brave soldiers on 16th December, 1971.

On the other hand, I am also reminded of the Nirbhaya incident which the whole country had witnessed with shock and awe. This shock is because of the fact that the number of juveniles who are involved in conflict with crime is increasing. जो बच्चे 16 वर्ष से 18 वर्ष की उम्र के हैं, उनकी संख्या मोलेस्टेशन के केसेज में 136 प्रतिशत बढ़ी है और 60 प्रतिशत रेप केसेज में बढ़ी है। इस देश का कानून, जिसे सन् 2000 में बदला गया था, सन् 2000 तक जुवेनाइल की उम्र 16 वर्ष मानी जाती थी। सन् 2000 में इस कानून को बदला गया और इस उम्र को बढ़ाकर 18 वर्ष किया गया। मेरा यह मानना है कि सन् 2000 से 2015 के बीच इस देश में बहुत कुछ बदला है और सेक्सुअल मेच्योरिटी की उम्र घटी है, बढ़ी नहीं है। ऐसे में देश के इस कानून में यह अमेंडमेंट वापस लाई जानी चाहिए और उम्र को घटाकर 16 वर्ष किया जाना चाहिए। एक पेंडिंग अमेंडमेंट है, उसे इस सदन में पारित करना चाहिए। 16 से 18 वर्ष आयु वर्ग के जो युवा हैं, वे लोग इस तरीके से कानून के उल्लंघन और अपराध में बहुत अधिक लिप्त हैं, इसको कंट्रोल करने के लिए इस सदन को उसी अमेंडमेंट को वापस लाना चाहिए।

माननीय अध्यक्ष: डॉ. सत्यपाल सिंह, श्री भैरों प्रसाद मिश्र, कुँवर पुष्पेन्द्र सिंह चन्देल, श्रीमती दर्शना विक्रम जरदोश, श्रीमती जयश्रीबेन पटेल, डॉ. किरिट पी. सोलंकी, श्री गजेन्द्र सिंह शेखावत, श्री रामचरण बोहरा, श्री पी.पी.चौधरी, श्री अजय मिश्रा टेनी एवं श्री केशव प्रसाद मौर्य को श्रीमती मीनाक्षी लेखी द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्री एस.पी. मुद्दाहनुमे - उपस्थित नहीं।

डॉ. रत्ना डे (नाग) ।

DR. RATNA DE (NAG) (HOOGHLY): Madam, today there was an Adjournment Motion about the raid on the office of the.....

माननीय अध्यक्ष : उसका कुछ नहीं बोलना है आपको।

...(व्यवधान)

DR. RATNA DE (NAG): Madam, I am coming.

माननीय अध्यक्ष : ऐसा कर्मिंग करके दो-चार विषय नहीं बोलने होते। I am sorry.

...(व्यवधान)

DR. RATNA DE (NAG): That is why, our leader, Shri Sudip Bandyopadhyay, spoke on this matter.

HON. SPEAKER: I know that. Now, nothing will go on record about this.

... (Interruptions)... *

PROF. SAUGATA ROY (DUM DUM): Madam, you see how humble we are! As per your direction, we are not mentioning it and walk out politely.

12.54 hours

(At this stage, Prof. Saugata Roy and some other hon. Members left the House.)

DR. RATNA DE (NAG) (HOOGHLY): Madam, since we are walking out, I will not speak.

HON. SPEAKER: Thank you.

Shri Tathagata Satpathy.

... (Interruptions)

HON. SPEAKER: I know that. बात रखी गई, आप सभी लोग एसोसिएट करिए। यह महिलाओं का ईश्यू है, सभी का ईश्यू है।

...(व्यवधान)

SHRI TATHAGATA SATPATHY (DHENKANAL): Madam, while we are all concerned about the December 16 issue and join every other Member, male and

* Not recorded.

female ...* of this august House in condemning this incident. We agree that there should be severe punishment, no matter what age group the offender belongs to, because the crime was severe.

Madam, I would like to draw your attention to another incident which occurred exactly 20 years ago. This is the incident which happened in West Bengal and is now famous as the Purulia Arms Drop case. It is an important internal security issue that still haunts the collective conscience of India.

On December 17, that is, tomorrow, it will be 20 years since the incident took place and yet we have not taken any concrete action against the ones involved in this case. What rained from the skies on that day was deadly. The arms and ammunition cargo weighed around 4,375 kgs. This could have created havoc to India's internal peace at that time had it reached the hands of the alleged organizations and people.

Besides, what happened to the extradition of Niels Christian Nielsen also known as Kim Davy? It is unknown to all of us. Almost mocking India and its judicial system, Kim Davy admits, as much himself, in his book called 'They Call me A Terrorist', claiming that he made the weapon drop from an aero plane purchased in Latvia. Despite this, the Danish Government and the Danes have stonewalled the likelihood of criminal proceedings against Kim Davy along with creating a maze of bureaucratic red tape to prevent the man's extradition to India.

Despite the passage of years, many details of the incident are wrapped in mystery and there has been considerable speculation as to the purpose and modality of the operation. The Government should revive the case; pursue every available means to bring Kim Davy to justice in India; and hunt down the men wanted in the case, but who are still on the run. The previous Government has not done any good things, but this is one of those few rare things that we can credit them with. They had taken some unusually strong steps against Denmark, but clearly I would request the Government of the day to be stronger and to put

* Not recorded.

diplomatic pressure on Denmark and ensure that Kim Davy is brought to India and brought to justice. Thank you, Madam.

HON. SPEAKER : Shri Mohammad Salim, Shri Bhagwant Mann, Shri Sankar Prasad Datta, Shri Md. Badaruddoza Khan, Shrimati P.K. Shreemathi Teacher, Shri Bhairon Prasad Mishra, Shri Gajendra Singh Shekhawat, and Shri Keshav Prasad Maurya are permitted to associate with the issue raised by Shri Tathagata Satpathy.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam, I would like to draw the attention of the Government, through you, to the huge potential of Buddhist tourism in the State of Odisha.

Archaeological exploration and excavations have established more than 200 Buddhist sites across the State. The Buddhist Triangle -- popularly known as the Diamond Triangle of Odisha comprising of Ratnagiri, Lalitgiri and Udayagiri, which is about 100 kms. from the State Capital Bhubaneswar -- is now a major tourist attraction. Buddhism flourished in these places from 3rd Century BC till 15th Century AD. The Buddhist remains in the form of Chaityas, Stupas, Monasteries and the Tooth Relic in Golden Casket found here aptly established this circuit at par with other major sites in the country.

The socio-cultural life of early medieval Odisha is reflected in the cultural art of these Buddhist monuments. It is a well-established fact that Buddhism spread to the rest of the world after the great Kalinga War from these places of present day Odisha by Emperor Ashoka. Thus, the Dhauli-Ratnagiri-Lalitgiri-Udayagiri-Langudi Buddhist Circuit of Odisha deserves to be included in the list of Buddhist Circuits under the *Swadesh Darshan Scheme* so that these Buddhist destinations are improved with adequate tourism infrastructures and facilities.

Recently, the Civil Aviation Ministry has also started a flight from Varanasi to Bhubaneswar, but these sites have not been included in the International Buddhist Circuit map. I would also like to apprise the House through you, Madam, that it was in 1958 when the then Prime Minister of Burma - today's Myanmar, Mr.

U Nu; the Prime Minister of India, Pandit Jawahar Lal Nehru; and the then Chief Minister of Odisha had planted a sapling of *Peepal*, which was brought from Anuradhapura, Candy. It is there in Bhubaneswar and these are unique things that Bhubaneswar still has and that still Odisha has. Bhubaneswar has become an international airport today. I would request the Central Government to include these sites of Buddhist importance in the Buddhist Circuit of the country.

HON. SPEAKER : Shri Keshav Prasad Maurya is permitted to associate with the issue raised by Shri Bhartruhari Mahtab.

13.00 hours

माननीय अध्यक्ष : आप थोड़े में बोलिए। इससे ज्यादा लोगों को बोलने का मौका मिलेगा।

DR. KULMANI SAMAL (JAGATSINGHPUR): Madam Speaker, thank you very much for giving me this opportunity to raise an important issue of my Parliamentary Constituency Jagatsinghpur, Odisha.

Madam, many times I have raised in this august House the issue regarding employment of local people in various industrial setups in Paradip region of Odisha. But the Ministers concerned are not taking the issue into consideration.

As per the Memorandum of Understanding, the industrial setups agreed to provide employment in skilled as well as unskilled categories preferably to local people who lost their agricultural land or who were displaced because of the industrial setups. Accordingly, very few youths were employed initially on ad-hoc basis in IOCL.

However, recently IOCL, vide its advertisement published on 23rd November, 2015, has proposed to recruit people in various posts including the Junior Officer Assistant from outside without regularizing the services of ad-hoc employees recruited on the ground of displacement. It has not been mentioned as to what the quota reserved for displaced families is, those who are already in Assistant jobs on ad-hoc basis, thereby creating insecurity among them.

So, I urge upon the Minister of Petroleum and Natural Gas to direct the IOCL authorities to regularize first the ad-hoc employees recruited on the basis of

the displacement because of the IOCL establishment, and then recruit as per the advertisement. Thank you.

माननीय अध्यक्ष : श्री अरविन्द सावंत, डॉ. श्रीकांत एकनाथ शिंदे, श्री राहुल रमेश शेवाले, श्री श्रीरंग आप्पा बारणे और श्री राजन विचारे को श्री डॉ. कुलमणि सामल द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

योगी आदित्यनाथ (गोरखपुर): अध्यक्ष महोदया, जीवन के श्रेष्ठ और वरेण्य जीवन मूल्यों को स्थापित करने की प्रेरणा हमें जिस धारणात्मक व्यवस्था से प्राप्त होती है, उसे हम धर्म कहते हैं। जिसे आविष्कृत और प्रसारित तथा प्रतिष्ठित करने में हमारे प्राचीन ऋषि, मुनियों और महापुरुषों तथा उनके द्वारा प्रतिस्थापित मठों और मंदिरों की महत्वपूर्ण भूमिका रही है। इस संदर्भ में यदि हम कहें तो भारत की आत्मा धर्म में निवास करती है तथा धर्म के प्रतिस्थापक हमारे ऋषि-मुनि और मठ, मंदिर हैं तो कोई अतिशयोक्ति नहीं होगी। धर्म की इस परम्परागत स्नातन महत्व को देखते हुए भारत के वर्तमान संविधान ने भारत के प्रत्येक नागरिक के लिए कुछ अन्य मौलिक अधिकारों के साथ-साथ धर्म की स्वतंत्रता के अधिकार के अंतर्गत अनुच्छेद 25 एवं 26 में अंतःकरण की और धर्म को निर्बाध रूप से मानने, आचरण और प्रसार की स्वतंत्रता तथा धार्मिक कार्यों के लिए प्रबंधन की स्वतंत्रता भी दी है। इसका उपयोग करते हुए हम न केवल धार्मिक स्वतंत्रता का वैधानिक उपयोग कर रहे हैं बल्कि अपने मठ-मंदिरों आदि को भी स्वतंत्रतापूर्वक स्थापित और संचालित कर रहे हैं। यद्यपि तुष्टीकरण और सैकुलरिज्म के शिकार कुछ सरकारों ने समय-समय पर हिंदुओं के मठ-मंदिरों की स्वतंत्रता के प्रति कुदृष्टि डालने का प्रयास किया है, जिसका व्यापक विरोध हुआ है।

महोदया, इस संदर्भ में उत्तर प्रदेश की सरकार द्वारा उत्तर प्रदेश के अंदर मथुरा में श्री बांके बिहारी मंदिर और मिर्जापुर जनपद में श्री विंध्यांचल शक्तिपीठ के अधिग्रहण की कार्यवाही चल रही है जिसकी व्यापक प्रतिक्रिया वहां के स्थानीय संतों द्वारा, स्थानीय व्यापारियों के द्वारा और नागरिकों के द्वारा व्यापक स्तर पर हो रही है। मैं आपके माध्यम से सरकार से अनुरोध करना चाहूंगा कि संविधान द्वारा प्रदत्त धार्मिक स्वतंत्रता के इस अधिकार के अंतर्गत हिंदू धर्म स्थलों को भी संरक्षण प्रदान किया जाए और अपने राजनीतिक स्वार्थों के लिए इस तरीके से जब कोई सरकार आती है, तो वह अपने तरीके से मठ-मंदिरों की स्वतंत्रता में बाधक बनती है। आज जिस तरीके से उत्तर प्रदेश की सरकार श्री विंध्यांचल शक्तिपीठ जो 51 शक्तिपीठों में एक शक्तिपीठ है, उस पीठ के धार्मिक कार्यों में हस्तक्षेप करके वहां पूरी तरह से हिंदू धार्मिक भावनाओं पर आघात कर रही है। इसी प्रकार से मथुरा में भी श्री बांके बिहारी मंदिर के अधिग्रहण की कार्यवाही उत्तर प्रदेश सरकार द्वारा की जाना सीधे-सीधे धार्मिक आस्था पर प्रहार है।

मैं आपके माध्यम से अनुरोध करना चाहूंगा कि उत्तर प्रदेश सरकार को हिंदुओं को प्रदत्त धार्मिक मौलिक स्वतंत्रता के अधिकार पर प्रहार होने से रोका जाए।

माननीय अध्यक्ष : शैलेश कुमार जी, मैं आपको बताना चाहूंगी कि शून्य काल में किस प्रकार के मैटर डाले जाते हैं, यह सीख लीजिए। आप दो-दो विषय नहीं उठा सकते हैं, केवल एक ही पर बोल सकते हैं और वह भी जल्दी समाप्त कीजिए।

श्री केशव प्रसाद मौर्य, श्री भैरों प्रसाद मिश्र, डॉ. सत्यपाल सिंह, श्री गजेन्द्र सिंह शेखावत, श्री कुंवर पुष्पेन्द्र सिंह चंदेल और श्री रामचरण बोहरा को श्री योगी आदित्यनाथ द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्री शैलेश कुमार (भागलपुर): महोदया, आपने मुझे ज़ीरो ऑवर पर बोलने का मौका दिया है, जिसके लिए आपका धन्यवाद करता हूँ। मेरा संसदीय क्षेत्र भागलपुर, जो कि पूरे देश के मानचित्र पर है। गंगा नदी के ऊपर विक्रमशिला सेतु है जो कि दक्षिणी और उत्तरी भारत को जोड़ने का काम करता है। लेकिन आज जो उसकी स्थिति बहुत खराब है, क्योंकि वह दो लेन की बनी हुई है, भारी यातायात के चलते, वहां पर इतना दबाव है कि लगातार 24 घंटों में से 18-20 घंटे तक वह पुल जाम रहता है, जिसके चलते एन.एच. 31 और एन.एच. 80 पूरा दोनों तरफ से जाम हो जाता है। शहर की यातायात व्यवस्था भी जाम रहती है। माननीय गडकरी साहब बैठे हुए हैं, मैं आपके माध्यम से कहना चाहूंगा कि विक्रमशिला सेतु के समानांतर एक और पुल बनाने की वहां अत्यंत आवश्यकता है ताकि वहां पर जो मरीज़ फंसते हैं, मरीज़ों की जान जाती है, उससे निदान हो सके। इसलिए आपके माध्यम से मंत्री जी से कहना चाहूंगा कि विक्रमशिला सेतु के पैरेलल एक और पुल की व्यवस्था करें।

माननीय अध्यक्ष : अगर वह नेशनल हाइवे को है तो वे देख लेंगे।

श्री प्रेम सिंह चन्द्रमाजरा (आनंदपुर साहिब) : माननीय अध्यक्ष जी, आज 16 दिसंबर श्री गुरु तेग बहादुर साहब का बलिदान दिवस है। श्री गुरु तेग बहादुर साहब भले ही सिखों के नौवें गुरु थे, मगर उन्होंने जो बलिदान दिया, देश में धर्म की आज़ादी के लिए दिया। मानवीय अधिकारों की रक्षा के दिया। मैं आपके माध्यम से सरकार से निवेदन करना चाहता हूँ कि इतने बड़े बलिदान को रिस्पेक्ट पे करने के लिए देश भर में बलिदान दिवस और धर्म की आज़ादी का दिवस, मानवीय अधिकारों के दिवस के तौर पर मनाना चाहिए। पंजाब सरकार तो इस अवसर पर छुट्टी करती है। इस वर्ष दिल्ली सरकार ने भी छुट्टी की है। उससे पहले श्री मदन लाल खुराना जी दिल्ली के मुख्य मंत्री थे, उन्होंने भी छुट्टी की थी। किंतु सेंटर की सरकार, कम से कम जो दिल्ली के कार्यालय हैं, उनकी तो छुट्टी कर दिया करे। मैंने आपको एडजर्नमेंट मोशन दिया था। मुझे इस बात का दुख है कि और कुछ नहीं तो दो मिनट के लिए उसको रिस्पैक्ट देने के लिए जिस बलिदान ने, जो हम गौरव से कहते हैं कि हमारा देश अनेकता में एकता है। हम गौरव से कहते हैं कि हमारे देश का जो चरित्र है, बड़े गौरव से कहते हैं कि धर्म अलग-अलग हैं, परंतु देश एक है। इन सबको बचाने के लिए, किसी ने बलिदान दिया था तो गुरु तेग बहादुर साहब ने दिया था। उस शहादत को रिस्पैक्ट देने

के लिए कम से कम दो मिनट के लिए यहां हाऊस को बोलना चाहिए। मैं सभी सांसद मित्रों को कहना चाहूंगा कि ऐसा बलिदान जो देश के धर्म की आजादी के लिए हुआ हो।

भय कहु को देतन है,
न भय मान-टान।

जियो और जीने दो का संदेश दिया हो तो इससे बड़ा संदेश क्या मिल सकता है। ऐसे गुरु को प्रेरणा स्त्रोत के रूप में जिनको सब पार्टियां सहमति से एक रेज़ोल्यूशन आए और इसको बलिदान दिवस के तौर पर मनाएं तो अच्छा होगा।

माननीय अध्यक्ष : श्री केशव प्रसाद मौर्य, श्री सत्यपाल सिंह, श्री अर्जुन राम मेघवाल, श्री भैरों प्रसाद मिश्र, श्री सी.आर.चौधरी, श्री सुखबीर सिंह जौनापुरिया, श्री हरिओम सिंह राठौड़, कुँवर पुष्पेन्द्र सिंह चन्देल एवं डॉ. वीरेन्द्र कुमार को श्री प्रेम सिंह चन्दूमाजरा द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

कुँवर पुष्पेन्द्र सिंह चन्देल (हमीरपुर): अध्यक्ष महोदया, पूरी दुनिया में ग्लोबल वॉर्मिंग का जो दौर चल रहा है, उसमें पूरी दुनिया अब एक साथ बैठ कर पूरी पृथ्वी पर विचार कर रही है। हमारी भारतीय संस्कृति वसुधैव कुटुंबकम की विचारधारा वाली संस्कृति है। पूरी दुनिया हमारी संस्कृति को श्रेष्ठ मान चुकी है। भारत देश में जीवन को संपूर्णता में देखने की प्रवृत्ति एक उच्च संस्कार के रूप में प्राप्त हुई है जो कि भगवत गीता में उल्लिखित योग की शिक्षा और पाणिनी के शिष्य पतंजलि के द्वारा संहिताबद्ध किए गए योगसूत्र एवं अभी विगत समय में 21 जून 2015 को मनाए गए योग दिवस के रूप में दृष्टिगत हुई है। भारतीय खड्गदर्शन से योग का अर्थ मन, शरीर एवं ईश्वर की एकात्मता से है। इस संस्कार का प्रभाव पंडित दीन दयान उपाध्याय जी के एकात्म मानववाद में भी परिलिखित होता है। जहां दीन दयाल जी राज्य और व्यक्ति के सहअस्तित्व योग एवं एकात्मता पर बल देते हैं। यह आश्चर्य ही प्रतीत होता है कि इस मूल्य को अपना आदर्श मानने वाली केन्द्रीय सरकार के प्रति पिछले दिनों लोगों ने असहनशीलता के आरोप लगाए, जो कि भ्रामक सिद्ध हुए। विगत वर्षों में योग एवं आसन के प्रति जनजागरूकता में वृद्धि हुई है एवं इसके लाभ विशेषकर रोगमुक्त होने के साथ-साथ मानसिक क्षमताओं में वृद्धि के रूप में सहनशीलता विकसित हुई है।

अतः आपके माध्यम से मैं भारत सरकार से निवेदन करता हूँ कि देशवासियों को अधिकतम लाभ हेतु योग अनिवार्यता कानून बनाया जाए एवं सभी सरकारी, शैक्षणिक एवं रक्षा संस्थानों के साथ-साथ निजी क्षेत्र में भी इसे लागू किया जाए। योग के प्रति जनजागरूकता कार्यक्रम और अंतर्राष्ट्रीय स्तर की योग पुरुष एवं महिला प्रतियोगिता का भी आयोजन किया जाए ताकि सर्वे भवन्तु सुखिनः सर्वे सन्तु निरामया का लक्ष्य

प्राप्त किया जा सके और पूरी वसुधा स्वस्थ व सहनशील होकर वसुधैव कुटुंबकम के हमारे विचार का अमल कर खुशहाल बनकर मानवता का सही अर्थ सिद्ध कर सकें। बहुत-बहुत धन्यवाद।

माननीय अध्यक्ष : श्री केशव प्रसाद मौर्य, श्री गजेन्द्र सिंह शेखावत, श्री रामचरण बोहरा, श्री चन्द्र प्रकाश जोशी, श्री भैरों प्रसाद मिश्र, श्रीमती ज्योति धुर्वे और डॉ. मनोज राजोरिया को कुँवर पुष्पेन्द्र सिंह चन्देल द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्री धर्मेन्द्र यादव (बदायूँ) : महोदया, आपने मुझे एक महत्वपूर्ण मुद्दे पर बोलने का मौका दिया, इसके लिए मैं आपको धन्यवाद देता हूँ। समाजवादी विचारधारा के लोग डॉ. राममनोहर लोहिया जी के समय से एक नारा देते थे, सनसोपा ने बांधी गाँठ, पिछड़े पावें सौ में साठ, इसी भावना के साथ, इसी संघर्ष के साथ जब जनता सरकार बनी तो बी.पी.मंडल जी के नेतृत्व में एक आयोग बनाया गया, जिसे देश में मंडल आयोग के नाम से जाना गया। जब दोबारा समाजवादियों को वर्ष 1989-90 में मौका मिला तो उस मंडल आयोग की सिफारिशें लागू हुईं। उस मंडल आयोग की सिफारिश के माध्यम से पिछड़ों को 27 फीसदी आरक्षण की व्यवस्था की गई, यद्यपि वह भी कम है। भले ही जाति जनगणना न आई हो, पिछड़ों की तादाद आज की तारीख में 60 फीसदी से कम नहीं है। देश के अन्दर 60 फीसदी पिछड़े हैं। जो मंडल आयोग की सिफारिश लागू हुई, उस मंडल आयोग की सिफारिश के बाद यह तय हुआ कि पिछड़ों को 27 फीसदी रिजर्वेशन मिलना चाहिए। लेकिन अफसोस इस बात का है कि वर्ष 1990 से वर्ष 2015, 25 साल से मंडल आयोग की सिफारिशें लागू हैं, लेकिन इतने सालों के बाद भी आज की तारीख में हिन्दुस्तान की जो सरकारी सेवाएं हैं, तमाम जो सरकारी नौकरियाँ हैं, उन नौकरियों में पिछड़ों की तादाद केवल 12 फीसदी ही है। ये जो सिर्फ 12 फीसदी हैं, इसका कारण भी है, यह जो पिछड़ों को आरक्षण दिया गया, वहीं इस आरक्षण के साथ-साथ क्रीमीलेयर का एक बैरियर लगा दिया गया। वह बैरियर ऐसा है, आज की तारीख में इस महंगाई के दौर में, महंगाई की हम रोज चर्चा करते हैं, आज की तारीख में केवल 6 लाख रूपए वार्षिक आय से ज्यादा वाले क्रीमीलेयर के नाम पर पिछड़ों के रिजर्वेशन से बाहर हो रहे हैं।...(व्यवधान) देश के पिछड़े वर्ग आयोग ने संस्तुति की है, सिफारिश की है कि यह आय सीमा 15 लाख रूपए वार्षिक होनी चाहिए।...(व्यवधान)

महोदय, आपके नेतृत्व में जो संसदीय समिति गठित है, उस समिति ने रिकमंडेशन की है कि क्रीमीलेयर की जो सीमा है, वह 20 लाख रूपए वार्षिक होनी चाहिए।...(व्यवधान) इसलिए मैं आपके माध्यम से रिक्वेस्ट करता हूँ, सरकार से माँग करता हूँ कि मोदी जी लोहिया जी की कई मौकों पर बात कोट करते हैं।...(व्यवधान)

माननीय अध्यक्ष : जीरो ऑवर में भाषण नहीं देना है।

श्रीमती विजया चक्रवर्ती।

...(व्यवधान)

श्री धर्मेन्द्र यादव (बदायूँ) : हम कहते हैं कि लोहिया जी ने पिछड़ों के लिए जो संघर्ष किया था, उस संघर्ष को पूरी तरह से लागू करें और जो क्रीमीलेयर की सीमा है, उसे बढ़ाकर 15 लाख या 20 लाख करें।...(व्यवधान)

माननीय अध्यक्ष : आपकी बात हो गई है।

...(व्यवधान)

श्री धर्मेन्द्र यादव: महोदया, यह मैं ही नहीं कह रहा हूँ। सुप्रीम कोर्ट ने भी इन्द्रा साहनी केस में इस बात को कहा है कि 27 फीसदी आरक्षण जब तक पूरा न हो जाए, तब तक पिछड़ों को अतिरिक्त मौका दिया जाए।...(व्यवधान)

माननीय अध्यक्ष : श्रीमती विजया चक्रवर्ती।

...(व्यवधान)

श्री धर्मेन्द्र यादव: उनकी अतिरिक्त भर्तियाँ की जाएं।...(व्यवधान) यह आपके माध्यम से हमारी सरकार से अपील है कि सरकार पहले पुनः भर्तियाँ करे।...(व्यवधान)

SHRIMATI BIJOYA CHAKRAVARTY (GUWAHATI): Our country is facing extreme climatic condition for the last few years. Fluctuating temperatures and uncertain rainfall heavily tell upon human life and nature.... (*Interruptions*)

The greed for real estate, property, easy money, and unplanned development have created havoc. Moreover, unplanned cities have created all types of problems for the people.... (*Interruptions*)

Already, 630 square kilometres of forest cover is lost in the country and 50 square kilometres of forest cover in Assam have declined because of these greedy people.... (*Interruptions*)

As reported, smugglers in connivance with Ministers and forest officials cut off all the trees in the forests, level the lands and send huge truckloads of logs to Bangladesh. Frequently, almost every day, we see such big trucks going with huge loads of logs.... (*Interruptions*)

Moreover, the water bodies in my State are filled up and the hills are levelled to get more land. This has created a lot of problems, especially in my constituency of Guwahati, where the people of the city die when landslides take place.... (*Interruptions*)

Hon. Minister of Urban Development at the instance of the Prime Minister want to develop a few smart cities in the country and Guwahati is one among them. Madam, you know that in an hour of rainfall Guwahati completely gets submerged. So, my plea is that the entire responsibility should not be left with the State Government. The Union Urban Development Ministry should take the responsibility of planning as also the repair work so that Guwahati becomes a good planned city in future in the entire Northeastern region.

HON. SPEAKER: Shri Bhairon Prasad Mishra is permitted to associate with the issue raised by Shrimati Bijoya Chakravarty.

SHRI ADHALRAO PATIL SHIVAJIRAO (SHIRUR): I wish to draw your kind attention to the important issue of ban of age-old tradition of Bailgada Sharyat and Jallikattu in Tamil Nadu.

As per the notification of Government of India, the Ministry of Environment, dated 11th June, 2011, bulls are included in the list of banned animals for the purpose of training and exhibition as performance animals along with bears, monkey, tigers, panthers and lions. In response to the Special Leave Petition 11686 of 2007 the hon. Supreme Court in its judgement of 7th May, 2014 has also held the same view with regard to bullock cart race and Jallikattu event in Tamil Nadu.

Madam, I may say that bulls are not wild animals and in the age-old tradition like Bailgada Sharyat and Jallikattu in Tamil Nadu no atrocities are perpetrated on them, particularly in the case of Bailgada Sharyat we worship bulls and care them in the best ways possible throughout the year. However, with the publication of the said notification in the Gazette of India the local administration of concerned States and region has put restrictions on such celebrations. I shall,

therefore, be grateful to you Madam if you could direct the hon. Minister for Forest and Environment to table a Bill in this regard in this ongoing Session.

HON. SPEAKER: S/Shri Shrirang Appa Barne, Arvind Sawant, Shrirang Barne, Rajan Vichare, Rahul Shewale, Sadashiv Lokhande, Dr. K. Kamaraj, Shrimati V. Satyabama and Dr. Shrikant Shinde are permitted to associate with the issue raised by Shri Adhalrao Patil Shivajirao.

... (Interruptions)

HON. SPEAKER: All Tamil Nadu Members will associate with him.

श्री बिष्णु पद राय (अंडमान और निकोबार द्वीपसमूह) : अध्यक्ष महोदया, अंडमान और निकोबार द्वीपसमूह में इलेक्थ प्लान में वर्ष 2008-09 में स्किल मिशन के माध्यम से जिस जिले में पॉलीटेक्नीक नहीं हैं, ऐसे 300 स्थानों के लिए पॉलीटेक्नीक सैंक्शन हुआ था। इसमें निकोबार में निकोबारी ट्राइबल्स के लिए और नॉर्थ मिडिल में डिग्लीपुर द्वीप में पॉलीटेक्नीक खोलने के लिए सैंक्शन हुआ था। आज वर्ष 2015 हो गया, पर वह आज तक नहीं खोला गया।

मैडम, यह एक बहुत सीरियस मामला है और भारत सरकार के खिलाफ एडमिनिस्ट्रेशन काम कर रहा है। उसके बाद आज देश में जिस डिस्ट्रिक्ट में पॉलीटेक्नीक नहीं हैं, उनमें अंडमान और निकोबार द्वीपसमूह के दो नाम - डिग्लीपुर और निकोबार - थे। उसके लिए सरकार की तरफ से 12.30 करोड़ रुपए देने का प्रावधान था। हमारे प्रशासन ने उस पर कोई कार्रवाई नहीं किया। उसके पश्चात् यहां से बराबर पत्र जा रहा था। ज्वायंट सेक्रेटरी ने यहां से दिनांक 07 मई, 2015 को अंडमान और निकोबार द्वीपसमूह के सी.एस. को पत्र लिखा कि इन 300 पॉलीटेक्नीक से 291 पॉलीटेक्नीक बन चुके हैं और केवल अंडमान और निकोबार के दो पॉलीटेक्नीक बाकी रह गए। उसमें यह कहा गया कि आप हमें लैंड दे दीजिए और आपको 12.30 करोड़ रुपए मिलेंगे और आपको पॉलीटेक्नीक चलाना है। लेकिन, वहां के प्रशासन ने उस पर कार्रवाई नहीं की।

मैडम, मैंने पार्लियामेंट में प्रश्न संख्या 2355 के माध्यम से सवाल किया। उसका जवाब दिनांक 14.12.2015 को आया। हमारे शिक्षा मंत्री जी ने वहां के एडमिनिस्ट्रेशन का हवाला देते हुए यह जवाब दिया कि अंडमान और निकोबार द्वीपसमूह में डिग्लीपुर और निकोबार में पॉलीटेक्नीक नहीं खोला जाएगा, क्योंकि इसकी जरूरत नहीं है, जबकि केवल पोर्ट ब्लेयर शहर में एकमात्र पॉलीटेक्नीक है। वहां पर कम से कम दो हजार बच्चे हैं, जो वहां पॉलीटेक्नीक में एडमिशन के लिए आवेदन कर रहे हैं, लेकिन उस एकमात्र पॉलीटेक्नीक में केवल 280 बच्चों के लिए सीटें हैं।

मैडम, मुझे बस एक मिनट का समय दीजिए। वहां के सरकारी कर्मचारी जान-बूझकर सरकार के खिलाफ काम कर रहे हैं। वे नेगलीजेंस कर रहे हैं। उनके खिलाफ रूल 3 ऑफ सी.सी.ए. रूल्स, 1965 के मुताबिक कार्रवाई की जाए और डिग्लीपुर तथा निकोबार द्वीपों में सरकार दस एकड़ जमीन दे और कंसर्न्ड लेटर भेजे, ताकि भारत सरकार से एक महीने के अंदर में 12.30 करोड़ रुपए का सैंक्शन ऑर्डर आ जाए।... (व्यवधान)

DR. P. VENUGOPAL (TIRUVALLUR): Thank you, hon. Speaker, Madam. On behalf of my Party, AIADMK, I rise to oppose the Notification that the hon. Minister Shri Arun Jaitley has laid on the floor of the House.

Through this notification, the Government is increasing the basic excise duty on unbranded petrol, branded petrol, unbranded diesel... (*Interruptions*)

माननीय अध्यक्ष : नहीं, नहीं। यह मैटर आज नहीं उठाना है।

... (व्यवधान)

DR. P. VENUGOPAL: This will seriously affect the already burdened common men of this country.

This increase in the Excise Duty on petrol and diesel will lead to increase in transportation cost, which will increase the food inflation; and this will further increase the prices of essential commodities, which are already skyrocketing.

Hence, we oppose this move of the Government to increase the Excise Duty on petrol and diesel. The hon. Chief Minister of Tamil Nadu had already written a letter to the hon. Prime Minister of the country in this regard.

We oppose this move and request the Government to roll back the rise in the prices of petrol and diesel and restore it to the normal level.

HON. SPEAKER: Dr. K. Kamaraj, Shrimati V. Satyabama and Shri Sankar Prasad Datta are permitted to associate with the issued by Dr. P. Venugopal.

DR. SHRIKANT EKNATH SHINDE (KALYAN): Madam, I thank you for giving an opportunity to raise an important issue concerning Delhi-Mumbai Industrial Corridor compensation.

Dedicated Railway freight corridor of approximately 1500 kilometres, two power plants, 24 smart cities, 23 industrial hubs, 6 airports, 2 ports and a six lane expressway are some of the features of the Central Government's most ambitious project – Delhi-Mumbai Industrial Corridor. It encompasses the 6 states which include Uttar Pradesh, Haryana, Rajasthan Gujarat, Madhya Pradesh and Maharashtra and when completed, it is expected to contribute to at least 25 per cent of India's GDP.

Nobody in his right senses would oppose such an important project. However, the project is facing rough weather in many states, including honorable Prime Minister's own State, Gujarat, largely owing to question mark over land acquisition and compensation package.

Land acquisition process is stalled in many states because of litigations and subsequent stay orders from various courts. Since, the land acquisition is left with the respective State Governments which are stakeholders in this project, there is utter confusion over the compensation package. In many cases, the land or properties are being acquired under 'The National Rehabilitation and Resettlement Policy 2001'. The general complaint is that the compensation offered is too meager and neither the State Government nor the Central Government is paying any heed to the grievances of the project affected people. I would like to mention a specific case here from my constituency Kalyan where around 150 buildings are affected where one legal housing complex having deemed conveyance in his name – 16 flats and 8 shops is offered less than Rs. 1 crore as compensation for the entire premises. Each flat owner is getting less than Rs. 5 lakh whereas the present market value is not less than Rs.60 lakh for a flat admeasuring 900 sq. ft. So there is also a confusion over compensation to chawls and tenements.

I would therefore request the Central Government and the concerned Ministries to provide a thought to the poor people losing roof above their head and clear the confusion once and for all. I also urge the Central Government to take

necessary steps to bring uniformity in compensation package by applying Land Acquisition Act of 2013.

HON. SPEAKER:S/Shri Arvind Sawant, Shrirang Appa Barne, Rajan Vichare, Rahul Ramesh Shewale, and Sadashiv Lokhande, and Dr. Manoj Rajoria are permitted to associate with the issue raised by Dr. Shrikant Eknath Shinde.

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Madam Speaker, I have a small submission to make. I do not know the position of record but in the morning some comments were made against the Governor. Madam, they are not allowed to do that. I do not know whether that has been expunged.

HON. SPEAKER: I have ruled that it will not go record. गवर्नर्स का नाम ही नहीं लेना है, यहां तक मैंने बात कही थी।

SHRI M. VENKAIAH NAIDU: In the hungama, I could not hear. Moreover, he is doing his constitutional duty. There the Speaker has disqualified 14 MLAs who had moved a No Confidence Motion. All these things are clumsy now. So, let us not unnecessarily misuse the forum here to malign a Governor who is performing his constitutional responsibility.

माननीय अध्यक्ष : शुरूआत में ही मैंने कहा था कि जहां भी नाम आएगा, and I have already given a ruling in this regard.

श्री एम. वैकैया नायडू : मैंने आपसे सुबह रिक्वेस्ट किया कि आप सीट पर जाइए। स्पीकर से बात करके आपको मौका देंगे, आपने सुना नहीं। प्रधानमंत्री के सामने आकर आप हंगामा कर रहे थे। ... (व्यवधान)

13.24 hours**STATEMENTS BY MINISTERS...Contd.****(v) Initiatives of the Government for regional connectivity with focus on North-Eastern States of the Country.**

सड़क परिवहन और राजमार्ग मंत्री तथा पोत परिवहन मंत्री (श्री नितिन गडकरी) : अध्यक्ष महोदय, मैं देश के पूर्वोत्तर राज्यों पर ध्यान केन्द्रित करते हुए क्षेत्रीय सड़क संपर्क के लिए सरकार की पहलों के संबंध में स्वतःप्रेरित सुओमोटो विवरण देना चाहता हूँ।

सरकार ने जिस दिन से कार्यभार संभाला है, उसी दिन से क्षेत्रीय सहयोग को बढ़ाने पर बल दिया गया है। माननीय प्रधानमंत्री महोदय की 'एक्ट ईस्ट पालिसी' की घोषणा के बाद भारत संवर्धित क्षेत्रीय संपर्क के माध्यम से, दक्षिण एशिया और दक्षिण पूर्व एशिया के बीच सक्रिय रूप से प्रभावी और विश्वसनीय संबंध बनाने में लग गया है। चारों परिवहन मंत्रियों द्वारा थिंपू, भूटान में जून, 2015 में बांग्लादेश, भूटान, भारत, नेपाल (बीबीआईएन) मोटर वाहन समझौते (एमवीए) पर हस्ताक्षर किया जाना इस क्षेत्र में एक मुख्य मील का पत्थर बना है।

बीबीआईएन एमवीए इस क्षेत्र में पंजीकृत सभी श्रेणी के माल वाहक वाहनों और यात्रियों की सुचारु रूप से आवाजाही को सुकर बनाएगा। समझौते के कार्यान्वयन के लिए इस समय यात्री और मालवाहक वाहनों के आवागमन हेतु प्रोटोकॉल और प्रक्रियाओं पर चारों देशों के बीच बातचीत चल रही है। बीबीआईएन एमवीए के अंतर्गत नवम्बर, 2015 में कोलकाता-ढाका-अगरतला रूट पर 640 किमी दूरी का एक कार्गो ट्रायल रन सफलतापूर्वक किया गया। सिलीगुड़ी-गुवाहाटी-सिल्वर होते हुए कोलकाता से अगरतल जाने के लिए 1550 किमी की दूरी वाले परंपरागत ट्रांजिट रूट से यह काफी कम दूर है। यात्री और मालवाहन वाहनों दोनों की अंतर्राष्ट्रीय यात्रा के लिए ट्रायल के दौरान 2 प्रौद्योगिकी हस्तक्षेपों पर सफलतापूर्वक परीक्षण किए गए, अंतर्राष्ट्रीय वाहन परमिटों को ऑनलाइन जारी करना और विनियमन करना तथा कार्गो के लिए डिजिटल लॉक के साथ वाहनों की इलेक्ट्रॉनिक रूप से ट्रैकिंग किया जाना। बीबीआईएन एमवीए के अंतर्गत चारों देशों ने यात्री सेवाओं के लिए 14 रूट तथा कार्गो आवागमन के लिए 7 रूट भी अभिनिर्धारित किये हैं।

जबकि बीबीआईएन एमवीए चारों देशों के बीच आवागमन और व्यापार के लिए विधिक फ्रेमवर्क उपलब्ध कराता है, इसका ध्यान उप-क्षेत्र में वास्तविक अवसंरचना के सुधार पर भी केंद्रित है। भारत में विशेषतः पूर्वोत्तर क्षेत्र में 4.6 बिलियन अमेरिकी डॉलर के अनुमानित निवेश पर लगभग 2400 किमी लंबाई की कई प्रमुख सड़क परिवहन कोरीडोर परियोजनायें अभिनिर्धारित की गयी हैं जिन्हें एशियाई विकास बैंक

(एडीबी) की सहायता से शुरू किया जाना प्रस्तावित है। एनएचआईडीसीएल द्वारा इंफाल-मोरेह, एनएच-39 पर लगभग 110 किमी लंबाई में उन्नयन कार्य को एशियाई विकास बैंक द्वारा उपलब्ध कराये जाने वाले ऋण से किया जायेगा। मंत्रालय ने जेआईसीए ऋण सहायता से हमारे पड़ोसी देशों को पूर्वोत्तर क्षेत्र के माध्यम से जोड़ने के लिए, पूर्वोत्तर में सड़क अवसंरचना विकसित करने हेतु भी परियोजनायें निर्धारित की हैं। पूर्वोत्तर आर-पार सीमा सड़क संपर्क सुधार परियोजना के अंतर्गत जेआईसीए रोलिंग प्लान में कुल 10 उप-परियोजनायें शामिल की गयी हैं जिनमें अनुमानित 1.8 बिलियन अमेरिकी डॉलर के निवेश से लगभग 1153 किमी लंबाई कवर होगी। इनमें से मिजोरम और मेघालय में 435 किमी के राष्ट्रीय राजमार्गों पर वर्ष 2016-17 में निर्माण प्रारंभ किये जाने की संभावना है।

बीबीआईएन एमवीए के फ्रेमवर्क के अंतर्गत सड़क संपर्क के महत्व पर प्रकाश डालने के लिए 14 नवम्बर से 2 दिसम्बर, 2015 के दौरान एक बीबीआईएन एमवीए फ्रेंडशिप मोटर रैली आयोजित की गयी जो लगभग 4400 किमी की कूल दूरी तय करते हुये, भुवनेश्वर से आरंभ होकर झारखंड, बिहार, पश्चिम बंगाल, सिक्किम, थिंपू (भूटान), असम मेघालय, त्रिपुरा से होते हुए ढाका (बांग्लादेश) तथा कोलकाता में 20 दिन में समाप्त हुयी। 72 भागीदारों की सक्रिय भागीदारी से यह रैली करना एक सफल प्रयास रहा, जिसमें बांग्लादेश, भूटान, नेपाल और भारत की टीमों ने हिस्सा लिया। जिन देशों से होकर यह रैल गुजरी वहां बेहतर सद्भावना और प्रभाव का सृजन हुआ।

माननीय स्पीकर महोदया, हमारे देश की दृष्टि से विशेषे रूप से घनिष्ठ क्षेत्रीय आर्थिक सहयोग के लिए निर्बाध सड़क आवागमन और सामाजिक एवं तकनीकी सहयोग को बढ़ावा दिये जाने संबंधी आवश्यकताओं को पूरा करने के लिए सड़क परिवहन और राजमार्ग मंत्रालय ने सीमा आर-पार यात्री आवागमन के लिए पहल की है और इस प्रकार भारत और नेपाल के साथ-साथ, भारत और बांग्लादेश के बीच कई बस रूटों पर अनेक नई बस सेवायें शुरू हो गयी हैं। इन रूटों में ढाका और गुवाहाटी, शिलांग, ढाका से होकर दिल्ली-काठमांडू, वाराणसी-काठमांडू, कोलकाता-अगरतला जैसे रूटों पर बस परिचालन शामिल हैं। जिन नये रूटों पर बस सेवायें प्रस्तावित हैं, उनमें दिल्ली-पोखरा, लुंबिनी-पटना-गया, सिलीगुड़ी-काठमांडू, कोलकाता-खुलना और इम्फाल-मंडले शामिल हैं।

स्पीकर महोदया, भारत, म्यांमार और थाईलैंड के बीच त्रिपक्षीय एमवीए के लिए मंत्रालय द्वारा समानांतर और महत्वपूर्ण पहल की गयी है तथा इस करार पर मार्च, 2016 तक हस्ताक्षर किये जाने की आशा है। इनमें दक्षिण से दक्षिण-पूर्व एशिया से लेकर थाईलैंड तक कार्गो और यात्रियों, निजी वाहनों सहित, के आवागमन का मार्ग खुलेगा। एक बार बीबीआईएन और आईएमटी करारों पर अमल शुरू हो जाये तो

दक्षिण-पूर्व एशिया अर्थात् सार्क देशों और एशियाई देशों के बीच सभी प्रकार के वाहनों के निर्बाध आवागमन का सपना सच हो जायेगा और मैं आशा करता हूँ कि ऐसा शीघ्र ही होगा।

इसके साथ-साथ झारखंड में साहिबगंज में हम लोग गंगा पर वाटर पॉड बना रहे हैं। वहां से डायरेक्ट कोलकाता सागर और वहां से ब्रह्मपुत्र के द्वारा बंगलादेश और भारत के बीच में भी जलवाहन हेतु अब ट्रांसपोर्ट शुरू करने के लिए करार पर हस्ताक्षर किये गये हैं। इससे हमारा एक्सपोर्ट-इम्पोर्ट बंगलादेश के लिए हो, भूटान के लिए हो, नेपाल के लिए हो, भारत के बीच पानी और रोड के ऊपर थ्रू ट्रैफिक होने के कारण चारों देशों की इकोनॉमी में इसका फायदा होगा। श्रीलंका को भी भारत से जोड़ने के लिए रामेश्वरम के बाद 24 हजार करोड़ रुपये खर्च करके एक ब्रिज बनाने का प्रस्ताव हमारे विचाराधीन है। इस बारे में श्रीलंका के प्रधान मंत्री के साथ चर्चा हुई है। एडीबी ने हमें कहा है कि इसके लिए हम पूरी तरह फाइनेंस करने के लिए तैयार हैं। आदरणीय प्रधान मंत्री नरेन्द्र मोदी जी के नेतृत्व में श्रीलंका के साथ-साथ बंगलादेश, भूटान, नेपाल, म्यामांर, इसके बाद म्यामांर का रास्ता बनाकर थाइलैंड, बैंकाक तक रोड पर जा सकेंगे। यह आने वाला सपना निश्चित रूप से पूरा होगा। प्रधान मंत्री जी की इस नीति के आधार पर हम कार्य करने की कोशिश कर रहे हैं। यही जानकारी मैंने आपके आदेश के अनुसार सभागृह को दी है। बहुत-बहुत धन्यवाद।

[Placed in Library, See No. LT 3622/16/15]

HON. SPEAKER: The House stands adjourned to meet again at 2.30 p.m.

13.31 hours

*The Lok Sabha then adjourned till thirty minutes
past Fourteen of the Clock.*

14.30 hours

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

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

MATTERS UNDER RULE 377 *

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

* Treated as laid on the Table.

(i) Need to formulate a scheme for proper education of differently-abled children in the country.

श्री अजय मिश्रा टेनी (खीरी) : कुछ विशेष प्रकार के बच्चे जो निःशक्त व मूकबाधिर होते हैं, उनका जीवन बहुत कठिन होता है। शिक्षा के महत्व को हम सब जानते हैं। यदि ऐसे बच्चों के लिए समुचित शिक्षा की व्यवस्था हो जाए तो उनको जीवन में कुछ सुविधाएं प्राप्त हो सकेंगी तथा उनका जीवन भी अच्छे तरीके से व्यतीत हो सकेगा परंतु यह भी सत्य है कि हमारे देश में अभी सामान्य बच्चों की शिक्षा व्यवस्था के लिए हम संघर्ष कर रहे हैं। ऐसे में ऐसे निःशक्त बच्चों की शिक्षा हेतु विशेष योजनाओं तथा विशेष फण्ड की आवश्यकता है।

अतः मेरा केंद्र सरकार से अनुरोध है कि मूकबाधिर बच्चों के लिए विशेष पाठ्यक्रम बनाने के लिए परीक्षा हेतु पृथक बोर्ड बनाया जाए तथा विकलांग बच्चों की सुविधा के लिए दिल्ली की तरह प्रत्येक प्राथमिक विद्यालय में विशेष शिक्षक की नियुक्ति के साथ सभी ग्राम पंचायत स्तर के विद्यालयों में विशेष कक्ष निर्माण कराए जाएं तथा सभी सरकारी व गैर सरकारी संस्थानों में कम से कम एक विशेष अध्यापक की नियुक्ति की जाए।

(ii) Regarding proposed demarcation of eco-sensitive zone around Sanjay Gandhi Rashtriya Udyan, Mumbai

DR. KIRIT SOMAIYA (MUMBAI NORTH EAST): After Supreme Court order and National Green Tribunal (NGT)'s recent directives to implement 10 km radius around Sanjay Gandhi Rashtriya Udyan, Mumbai as Economic Sensitive Zone, the Government of Maharashtra submitted a proposal of having 100 metres to 500 metres Eco Sensitive Zone around Sanjay Gandhi Rashtriya Udyan. But till the procedure is complete consequent upon NGT orders, the development in Mumbai and Thane districts covering Mulund, Thane, Mira Bhyandar, Dahisar, Borivali, Malad, Goregaon, Jogeshwar, Andlieri, Oshiwara, New Airport, Vikbroli, Bhandup, Nahur etc. shall be put on hold. This will create tremendous problem. Hence, I urge upon the Government to allow/include the following paragraph while releasing draft notification for Eco Sensitive Zone for Sanjay Gandhi Rashtriya Udyan Mumbai.

“that pending the publication and approval of notifications of the proposed eco sensitive zone for Sanjay Gandhi Rashtriya Udyan Mumbai, Maharashtra, Government to consider the boundary of proposed ESZ for construction and development with an undertaking that developer will abide by all the conditions of the final notification.”

(iii) Need to spread awareness programme for donation of organs

SHRI RATTAN LAL KATARIA (AMBALA): I would like to bring to the kind notice of Hon'ble Health Minister and Family Welfare the fact that as the organ donation hits new low in India, there is an urgent need to spread awareness for donation of organs and tissues. Donation of body parts like lungs, pancreas, small intestines, blood vessels, bones marrow, cartilage, connective tissues, eyes, heart valves and skin is very low in the country. It is due to donor deficit that as against a requirement of two lakh kidneys only five thousand transplantations are being done annually. Similarly for 30,000 liver transplants, at present, only 1000 are being carried out. In the same way, requirement of eyes is 2.50 lakh but only 50,000 people donate their eyes. Due to lack of preservation of donated eyes for a long time, 50% of the donated eyes go waste although Union Health Ministry has launched a nationwide registration of National Organ and Tissue Transplant Campaign. In view of the above, there is an urgent need to spread awareness programme on the pattern of foreign countries.

(iv) Need to take welfare measures to mitigate the suffering of widows in the country.

डॉ. नेपाल सिंह (रामपुर) : मैं सरकार को अवगत कराना चाहता हूँ कि आज पूरे देश में करीब 4 करोड़ विधवाएं हैं और यह संख्या दिन-प्रतिदिन बढ़ती जा रही है। इन विधवाओं में युवा से लेकर बुजुर्ग तक हैं। युवा विधवाओं के लिए लम्बा जीवन तंगी में काटना पड़ता है और इनके बच्चे आजीविका की समस्या के चलते पढ़ाई के अभाव में मजदूर बन जाते हैं। बुजुर्ग विधवाओं को पेंशन समय पर नहीं मिल पाती। जीवन का आखिरी समय कष्टपूर्ण व्यतीत होता है और इन विधवाओं के परिवार के विकास के लिए यह आवश्यक है कि देश के सरकारी स्कूलों में केंद्रीय विद्यालय व नवोदय विद्यालय में प्राथमिकता देकर उन्हें निःशुल्क शिक्षा व रहना, खाना आवश्यक रूप से उपलब्ध कराना चाहिए। अभी तक इन विधवाओं के हित में पिछली सरकारों द्वारा कोई ठोस कदम नहीं उठाए गए हैं। अगर मौजूदा केंद्र सरकार इनके लिए कोई नीति बनाती है तो इन विधवाओं के बच्चे भी पढ़कर देश का गौरव बढ़ा सकते हैं और ऐसी महिलाएं जो बहुत ही गरीब हैं, उनको केंद्र सरकार व राज्य सरकारों के अंतर्गत चल रही स्कीम मनरेगा व आंगनबाड़ी में प्राथमिकता देकर रोजगार उपलब्ध कराया जाए जिससे ये अपने परिवार का पालन कर सकें और समाज में इज्जत पा सकें।

अतः मेरा केंद्र सरकार से अनुरोध है कि सरकार इस पर गहराई से विचार कर इन विधवाओं के हित में कोई ठोस रणनीति बनाए ताकि दर-दर पर ठोकर खाने वाली ये विधवाएं भी समाज में सम्मान से अपना जीवन-यापन कर सकें।

(v) Need to provide adequate compensation to farmers distressed due to loss of crops caused by heavy rains and hailstroms in Eastern Uttar Pradesh particularly in Salempur Parliamentary Constituency in the State.

श्री रविन्दर कुशवाहा (सलेमपुर) : गत रबी सीजन के दौरान उत्तर प्रदेश के अधिकांश जनपदों में हुई अतिवृष्टि एवं ओलावृष्टि के कारण व्यापक स्तर पर गेहूं सहित दलहनी और तिलहनी फसलों की बर्बादी हुई। केंद्र सरकार ने क्षति का आकलन कराने के बाद प्रभावित किसानों को मुआवजा देने की घोषणा कि जिसमें राज्य सरकार को भी अंशदान करना था। उत्तर प्रदेश के अधिकांश जनपदों में प्रभावित किसानों को आपदा सहायता राशि उपलब्ध करा दी गई, लेकिन मेरे संसदीय क्षेत्र सलेमपुर सहित पूर्वी उत्तर प्रदेश के अधिकांश किसानों को प्रशासनिक अक्षमता के कारण अभी तक आपदा सहायता राशि नहीं मिल सकी है। इस बीच खरीफ सीजन के दौरान पूर्वी उत्तर प्रदेश में पड़े भयंकर सूखे के कारण धान सहित दूसरी खरीफ फसलों की व्यापक क्षति हुई। जिसके चलते इस क्षेत्र के लघु एवं सीमान्त किसान परिवार भुखमरी के कगार पर हैं। हालत यह है कि आर्थिक अभाव के कारण छोटे किसान गेहूं की बुवाई के लिए खाद-बीज आदि की व्यवस्था करने में अक्षम हैं।

अतः मेरा केंद्र सरकार से अनुरोध है वह गत रबी फसल की हुई क्षति से प्रभावित सहायता राशि से वंचित किसानों को तत्काल सहायता राशि उपलब्ध कराने के साथ खरीफ फसल की हुई क्षति का भी आकलन करवाकर प्रभावित किसानों की क्षतिपूर्ति की व्यवस्था करायी जाए।

(vi) Need to run branch of Union Bank of India from village Duari situated in Raipur Karchuliyan block in Rewa district, Madhya Pradesh.

श्री जनार्दन मिश्र (रीवा) : मध्य प्रदेश में रीवा जिले के विकास खण्ड रायपुर कर्चुलियान के ग्राम दुआरी में 35 वर्ष पूर्व यूनियन बैंक ऑफ इण्डिया की शाखा कोड क्रमांक 543748 संचालित की गई थी जिसे दिनांक 10 फरवरी, 2008 को 15 किलोमीटर दूर गुढ़ नामक स्थान पर स्थानान्तरित कर दिया गया। गुढ़ में कई बैंकों की शाखाएं पूर्व से ही संचालित हैं।

अतः मेरा माननीय वित्त मंत्री जी से अनुरोध है कि उक्त शाखा को दुआरी से संचालित कराये जाने का आदेश पारित किया जाये।

(vii) Need to provide post-retirement benefits to retired employees and dependent family members of deceased employees of Ganesh Sugar Mills, Anandnagar, Maharajganj, Uttar Pradesh under National Textile Corporation Limited.

श्री पंकज चौधरी (महाराजगंज) : एन.टी.सी. के अधीन गणेश शुगर मिल्स आनन्दनगर, जनपद महाराजगंज (उत्तर प्रदेश) के कर्मचारियों को वर्ष 2008 तक का भुगतान एन.टी.सी. के द्वारा किया गया है परंतु मिल के कर्मचारियों व श्रमिकों को वर्ष 1999 के वेतन के आधार पर एन.टी.सी. ने भुगतान किया किंतु कर्मचारियों के वेतन बढ़ोत्तरी, वार्षिक वृद्धि व महंगाई भत्ते इत्यादि का कोई भुगतान नहीं कर रहे हैं। जो किसी प्रकार से न्यायपूर्ण नहीं है। सेवा के दौरान अथवा मृत कर्मचारियों के आश्रितों व सेवानिवृत्त कर्मचारियों को एन.टी.सी. द्वारा ग्रेच्युटी, भविष्य निधि अंशदान के रूप में उनका अन्तिम भुगतान नहीं किया जा रहा है जिससे ऐसे कर्मचारियों को पेंशन इत्यादि का लाभ नहीं मिल पा रहा है। इसके अभाव में न तो कर्मचारी अपना भरण-पोषण एवं इलाज करवा पा रहे हैं और न ही उनके आश्रितों को कोई लाभ ही मिल पा रहा है।

अतः मेरा केंद्र सरकार से अनुरोध है कि एन.टी.सी. के अधिकारियों को गणेश शुगर मिल के मृत कर्मचारियों के आश्रितों व सेवानिवृत्त कर्मचारियों को उनके अन्तिम भुगतान का निर्देश जारी करने की कृपा की जाए।

(viii) Need to impress upon Government of Rajasthan to withdraw circulars issued by the State Government relating to issuance of castes certificates having 'Meena' surname.

श्री हरीश मीना (दौसा) : मैं मीना (रख्रए) जनजाति के व्यक्तियों को जनजाति प्रमाण-पत्र बनवाने में हो रही असुविधाओं की ओर सरकार का ध्यान आकर्षित करना चाहता हूँ। भारत के संविधान द्वारा राजस्थान में रहने वाली सम्पूर्ण मीना (MINA) जाति को अनुसूचित जाति/अनुसूचित जनजाति आदेश (संशोधन) अधिनियम, 1956 के तहत जनजाति की सूची में शामिल किया गया था लेकिन राजस्थान में "न" को "ण" के रूप में उच्चारित करने के कारण वर्ष 1976 के बाद से ही राजस्थान सरकार के राजस्व अधिकारी इस जाति के लोगों को मीना (MINA) / मीणा (MEENA) दोनों दोनों ही शब्दों में जनजाति प्रमाण-पत्र बनाते रहे हैं। लेकिन किन्हीं कारणों से "न" और "ण" में विभेद को मुद्दा बनाकर कुछ लोगों ने यह मामला न्यायालय में प्रस्तुत कर दिया जिसके फलस्वरूप राजस्थान सरकार ने सामाजिक अधिकारिता विभाग के आदेश दिनांक 30.09.2014 एवं 23.12.2014 के माध्यम से पूर्व मीणा (रुःए) के नाम से जो त्रुटिपूर्ण जनजाति प्रमाण-पत्र राजस्व अधिकारियों ने बना दिये थे, उनको संशोधित करने पर रोक लगा दी है।

उपरोक्त दोनों आदेशों के चलते मीना (MINA) जनजाति के विद्यार्थियों, बेरोज़गारों, किसानों को अनावश्यक रूप से परेशानी उठानी पड़ रही है जबकि मीना (MINA) /मीणा (MEENA) एक ही जाति है जो सम्पूर्ण राजस्थान में निवास करती है।

अतः मेरा केंद्र सरकार से अनुरोध है कि वह राजस्थान सरकार को उपरोक्त दोनों आदेशों को निरस्त करने के आदेश जारी करने की कृपा करे और जिनको भी जनजाति प्रमाण-पत्र पूर्व में मीणा (MEENA) नाम से राजस्व अधिकारियों ने बना दिये हैं, उन्हें यथाशीघ्र संशोधित किया जाए और भविष्य में अनुसूचित जनजाति सूची के अनुसार "मीना" (MINA) शब्दों से ही जाति प्रमाण-पत्र जारी किए जाएं।

(ix) Need to set up adequate number of procurement centres in Shrawasti Parliamentary Constituency in Uttar Pradesh for purchase of paddy from farmers.

श्री ददन मिश्रा (श्रावस्ती) : उत्तर प्रदेश के बलरामपुर जिले में किसानों से धान की खरीद के लिए संचालित दस धान क्रय केंद्रों पर धान की खरीद महज कागजों में ही हो रही है। किसानों के अनुसार बलरामपुर मण्डी समिति में तौल के लिए एक ही कांटा होने के चलते किसानों को धान की बिक्री के लिए घण्टों परेशान होना पड़ता है। इन्हीं परेशानियों के कारण अब तक महज 732.64 मीट्रिक टन धान की ही खरीद की जा सकी है। धान खरीद के लिए बनाए गए धान क्रय केंद्र लोगों के लिए परेशानी का सबब बन गए हैं। केंद्र पर अनाज बेचने के लिए सबसे पहले किसानों को क्रय केंद्र पहुँचकर टोकन लाना पड़ता है। इसके बाद केंद्र के कर्मचारियों द्वारा बताए गए दिन पर किसान धान लेकर क्रय केंद्र पर पहुँचता है। यहाँ भी अपनी बारी के आने का इंतजार करना पड़ता है। एक दिन में सिर्फ 150 क्विंटल धान ही तौला जा सकता है। ऐसे में केंद्र पर अधिक धान लाने वाले किसान को कई दिन तक रूकना पड़ता है जिससे लाइन में लगे अन्य किसानों पर किराए के वाहन से लाए गए वाहन का भाड़ा आदि भी अतिरिक्त देना पड़ता है। इन परेशानियों के चलते किसान धान क्रय केंद्रों पर आने से कतराने लगे हैं और बिचौलियों के हाथों धान बेचने को मजबूर हैं।

अतः मेरा केन्द्र सरकार से अनुरोध है कि श्रावस्ती लोक सभा क्षेत्र में किसानों के लिए धान खरीद के पर्याप्त क्रय केंद्र स्थापित किए जाएं तथा क्रय केंद्रों पर धान खरीद प्रक्रिया को चुस्त-दुरूस्त बनाया जाए।

(x) Need to take steps for early completion of North Koel Reservoir Project and other irrigation projects in Jharkhand.

श्री सुनील कुमार सिंह (चतरा) : केन्द्रीय जल आयोग के अनुसार बड़े बांधों के राष्ट्रीय रजिस्टर में वर्तमान में देश में 4857 निर्मित बड़े बाँध हैं और 314 निर्माणाधीन बड़े बाँध हैं लेकिन केंद्र एवं राज्य सरकारों में समन्वय के अभाव के कारण इन बाँधों का सही रख-रखाव एवं समय पर मरम्मत नहीं होने के कारण कई बाँधों का पूर्ण उपयोग नहीं हो रहा है। केंद्र सरकार का कहना है कि जल, राज्य का विषय होने के कारण जल संसाधन परियोजनाओं की आयोजना, निष्पादन, प्रचालन एवं रख-रखाव संबंधित राज्य सरकारों द्वारा उनकी आवश्यकताओं एवं प्राथमिकताओं के अनुसार किया जाता है। इसलिए केंद्र व राज्यों में समन्वय के अभाव के कारण योजनाएं लम्बित पड़ी रहती है।

झारखण्ड राज्य के लातेहार जिला के बरवाडीह प्रखण्ड स्थित उत्तर कोयल जलाशय परियोजना राज्य की एक महत्वपूर्ण बहुउद्देश्यीय सिंचाई परियोजना है। इस परियोजना का लाभ बिहार और झारखण्ड राज्य के विस्तृत असिंचित क्षेत्र को मिलेगा। वर्षा जल के अभाव से ग्रसित झारखण्ड के पलामू, लातेहार, गढ़वा जिलों एवं बिहार के औरंगाबाद और गया जिलों को इससे लाभ मिलेगा। साथ ही सौ साल से भी पुरानी सोन नहर सिंचाई प्रणाली जो जल अभाव के संकट से जूझ रही है, उसे भी पुनर्जीवन प्राप्त होगा। इस परियोजना के पूरा होने पर झारखण्ड और बिहार दोनों राज्यों के 1 लाख 24 हजार हैक्टेयर भूमि को सिंचाई हेतु जल उपलब्ध होगा। लातेहार, पलामू और गढ़वा जिलों में भूजल स्तर के निरन्तर ह्रास का भी प्रभावी निषेध होगा जिससे पेयजल समस्या का भी समाधान संभव हो सकेगा। साथ ही, 25 मेगावाट हाईड्रिल बिजली का उत्पादन होगा जो पर्यावरण की दृष्टि से सर्वाधिक उपयुक्त ऊर्जा का माध्यम है। उत्तर कोयल जलाशय परियोजना के पूर्ण होने से द्वितीय हरित क्रांति के स्वप्न को एक ठोस आकार मिल पायेगा। परंतु पिछले 40 वर्षों से अधिक समय बीत जाने के बाद भी आज तक यह परियोजना पूर्ण नहीं हो पाई है।

अतः मेरा केंद्र सरकार से अनुरोध है कि उत्तर कोयल जलाशय, अमानत, औरंगा, कनहर, टहले, गरही, मुहाने, सोनरेखा, मलय तथा अजय सहित राज्य की सभी लम्बित परियोजनाओं को भी पूरा करने की दिशा में केंद्र सरकार एवं राज्य सरकार द्वारा समन्वय स्थापित कर शीघ्र सकारात्मक कदम उठाए जाएं और इन योजनाओं को पूरा किया जाए।

(xi) Need to provide funds under Additional Central Assistance for Left Wing Extremism Affected Districts in Bihar particularly in Aurangabad Parliamentary Constituency, Bihar

श्री सुशील कुमार सिंह (औरंगाबाद) : देश के वामपंथी उग्रवाद प्रभावित विभिन्न प्रांतों के करीब 82 जिलों में भारत सरकार के द्वारा विकास की योजना समेकित कार्य योजना (आई.ए.पी.) चलायी गयी थी जिसका नाम बदलकर अतिरिक्त केन्द्रीय सहायता (ए.सी.ए.) किया गया है। इन योजना के माध्यम से बिहार के 11 जिले, जिसमें हमारे संसदीय क्षेत्र के औरंगाबाद और गया जिले भी शामिल हैं, पूर्व में इस प्रयोजन हेतु विकास कार्य के लिए प्रति वर्ष 30 करोड़ रूपए आवंटित होते थे।

यद्यपि समेकित कार्य योजना/अतिरिक्त केन्द्रीय सहायता योजना के तहत विकास की योजनाओं के चयन हेतु गठित समिति में किसी भी जनप्रतिनिधि सांसद/विधायक को शामिल नहीं किया गया है अर्थात् उनके सुझाव पर पूर्व में कुछ कार्य होते थे जिसके कारण विकास के कार्य होते थे जिससे पिछड़े और नक्सल प्रभावित क्षेत्र में विकास की किरणें पहुँचाकर नक्सल समस्या का नियंत्रण अथवा समाधान में बड़ी भूमिका निभायी जा सकती है। वर्तमान में समेकित कार्य योजना/अतिरिक्त केन्द्रीय सहायता योजना में विकास हेतु राशि का आवंटन बंद है जिससे विकास की नई योजनाएं कार्यान्वित नहीं हो रही हैं।

अतः मेरा केंद्र सरकार से अनुरोध है कि समेकित काय योजना/अतिरिक्त केन्द्रीय सहायता योजना को पुनः प्रारम्भ किया जाए ताकि नक्सली क्षेत्रों के विकास के लिए संबंधित जिलों को धन भेजा जा सके।

(xii) Need to set up institutes of technical education in Bhind and Datia districts of Madhya Pradesh.

डॉ. भागीरथ प्रसाद (भिंड) : कौशल विकास (क्वैलिटी इम्प्रूवमेंट) भारत सरकार की सर्वोच्च प्राथमिकता में है। भारत की आबादी का 50 प्रतिशत से अधिक हिस्सा 25 साल से कम उम्र का है। अतः युवा वर्ग की गुणात्मक शिक्षा के साथ कौशल विकास आवश्यक है। उनके कौशल के माध्यम से ही युवा शक्ति का रचनात्मक उपयोग तथा भारत का उत्थान हो सकता है।

मध्य प्रदेश के भिण्ड लोकसभा क्षेत्र के अन्तर्गत भिण्ड एवं दतिया जिले शिक्षा एवं कौशल विकास की दृष्टि से पीछे हैं। पूर्व में यह क्षेत्र डकैती समस्या से ग्रसित रहा है और अब बेरोज़गारी की मार झेल रहा है। इस क्षेत्र में शिक्षा और प्रशिक्षण की दृष्टि से निजी सेक्टर की उपस्थिति नगण्य है। इस क्षेत्र में प्रचुर मात्रा में शासकीय भूमि उपलब्ध है। अतः भारत सरकार के बड़े प्रशिक्षण संस्थान इस क्षेत्र में स्थापित किये जा सकते हैं।

अतः मेरा केंद्र सरकार से अनुरोध है कि दोनों जिलों में बड़े स्तर पर आधुनिक एवं तकनीकी शिक्षा पर आधारित भारत सरकार की ओर से बड़े संस्थान खोले जाएं।

(xiii) Need to undertake financial revival of units of Bharat Wagon and Engineering Company Limited at Muzaffarpur and Mokama in Bihar.

श्री अजय निषाद (मुजफ्फरपुर) : बिहार के मुजफ्फरपुर एवं मोकामा स्थित भारत वैगन एवं इंजीनियरिंग कंपनी लिमिटेड की दोनों इकायों का हस्तांतरण अप्रैल 2008 में रेल मंत्रालय में किया गया था जिसकी एक मात्र शर्त आर्थिक पुनर्गठन करना था। लेकिन आज तक इनका आर्थिक पुनर्गठन नहीं किया गया जबकि समान शर्त एवं परिस्थिति में बंगाल की दो कंपनियों वर्न स्टैण्डर्स एवं ब्रेथवेट एण्ड कंपनी का भी अधिग्रहण 2010 में किया गया था जिसका छः महीने के अंदर ही आर्थिक पुनर्गठन पूरा कर दिया गया। इससे प्रतीत होता है कि रेल मंत्रालय बिहार स्थित उपरोक्त इकाइयों के प्रति उदासीन है। वर्ष 2011 में रिवाइवल प्लान लाने की अनुशंसा करने के लिए रेलवे बोर्ड द्वारा नोमिनेट ईडी कमेटी की अनुशंसा का भी कुछ नहीं हुआ। यहाँ एक बात और भी काबिलेगौर है कि जुलाई 2015 से कंपनी में गतिरोध के कारण उत्पादन बाधित है लेकिन कामगारों की यूनियन की पहल के बावजूद भी प्रबंध निदेशक द्वारा समुचित पहल न करना चिंताजनक है।

अतः मेरा माननीय रेलमंत्री जी से अनुरोध है कि भारत वैगन के हज़ारों कामगारों एवं आश्रितों के हितों एवं पूरे बिहार की अपेक्षा एवं आकांक्षाओं को पूरा करने के लिए इन दोनों इकाइयों का आर्थिक पुनर्गठन अतिशीघ्र कराया जाए। साथ ही, स्थानीय गतिरोध को दूर कराकर शीघ्र कारखाने में बेहतर कामकाजी माहौल बनाया जाए और इस दिशा में माननीय रेल मंत्री जी से एक स्थल निरीक्षण हेतु एक सशक्त टीम जिसमें प्रबंध निदेशक और स्थानीय दोनों सांसद भी सदस्य हों, को गठित करने की मांग करता हूँ।

(xiv) Need for electrification of rural areas of Dibrugarh in Assam

SHRI RAMESHWAR TELI (DIBRUGARH): I would like to draw the attention of the Hon'ble minister to the non availability of electricity in the rural area of my constituency Dibrugarh in Assam. Reliable electricity supply is key to economic development. Unfortunately since Independence, most of the rural areas in my constituency have been plagued by the problem of inadequate supply of electricity. There are many areas which are yet to be electrified. The problem is very serious particularly in the bordering Arunachal Pradesh and Nagaland. The people in these areas are still waiting for electricity even after 67 years of independence. It is a blot on our self respect and dignity that thousands of rural households in my constituency are still using kerosene. I, therefore, request Central Government to take appropriate steps under various centrally sponsored schemes for electrification of the rural areas of my constituency.

(xv) Need to open branches of nationalised banks at every gram panchayat level particularly in Bangalore Rural parliamentary constituency, Karnataka

SHRI D.K. SURESH (BANGALORE RURAL): The Union Government has introduced Direct Benefit Transfer to provide easy banking services to people of the country. Lakhs of people have recently opened bank accounts hoping for financial security and to benefit from DBT. However people are facing hardships as they have to travel distances of about 10 to 15 kms to make basic bank transactions. In my Bangalore Rural parliamentary constituency, UCO bank serves Kodihalli and Doddalahalli comprising of 60,000 people. This is the only bank in the entire service area. Account holders face language problems as most bank employees do not know the local language and allegedly don't treat them well. The service provided by such banks is inadequate. This is the situation in most rural areas. The Government has widened the scope of Direct Benefit Transfer (DBT) to LPG Subsidy, Scholarships, Old Age Pensions and other services. It is a matter of great concern that beneficiaries including Old Age Pensioners have to spend a day or two for a bank transaction of just Rs. 500 or Rs. 1000. It is waste of time. The spirit of DBT and Jan Dhan schemes thereby get defeated if adequate banking services do not reach rural people directly. Despite having written to the Finance Minister and to several Nationalised banks, no new banks have been set up in this area. Unless banks come to the people, the DBT and the Jan Dhan schemes will not become a true reality. Therefore, I would like to impress upon the Union Government to take immediate steps to open more branches of Nationalized banks at every gram panchayat level to give the rural people true financial access.

(xvi) Regarding issue of No Objection Certificate (NoC) for construction of fly-over bridge on National Highway No. 7 in Salem, Tamil Nadu

SHRI V. PANNEERSELVAM (SALEM): Salem City is an important commercial city of Tamil Nadu. NH-7 which connects Bengaluru and Kanyakumari passes through the city. The connecting point between NH-7 and by-pass road in Salem City poses a big traffic hurdle and the traffic problem has aggravated after four laning of NH-7 in 2002. The intensity of traffic is more than one lakh passenger car units (PCU) per day. Heavy rush of vehicles especially at peak hours create traffic congestions and immense inconveniences. Absence of a fly-over at this intersection causes fatal accidents and create panic among the people.

The traffic snarls at this intersection can be tackled only by constructing a fly-over bridge. But the NHAI is not willing to construct or share the cost of construction of fly-over bridge. The Tamil Nadu Government has come forward to construct the said fly-over bridge and allotted Rs. 150 crores. A detailed proposal along with sketch-drawings were submitted to NHAI and is pending for long time.

Therefore, I urge the Government to issue the required NoC for the construction of fly-over bridge on NH-7 in Salem on priority basis.

**(xvii) Need to set up an Information Technology (IT) Park in Thanjavur,
Tamil Nadu**

SHRI K. PARASURAMAN (THANJAVUR): Thanjavur is one of the 32 Districts in the state of Tamil Nadu and there are 8 Universities, 15 Engineering Colleges, 32 Arts & Sciences Colleges, 12 Polytechnic and 12 Management colleges in the district. Approximately 50 thousand engineering graduates pass out every year. Most of the IT graduates could not gain employment and finally join the call centres making their future uncertain. Even though a number of IT professionals are coming out from professional colleges every year, there is no IT related company situated in the district. Therefore, I urge the government to take steps for setting up of an IT park in Thanjavur and I am sure that adequate land is available for this purpose. Establishment of IT park will increase employment opportunity in the district of Thanjavur as well as in other districts like Trichirappalli, Pudukkottai, Nagapattinam and Thiruvarur.

(xviii) Need to take necessary steps for promotion of Joynagar Moya, a traditional Bengali sweet

SHRIMATI PRATIMA MONDAL (JAYANAGAR): Joynagar moya, which ranks very high on the sweet charts of West Bengal, makes a seasonal appearance in December and vanishes by the end of winter in West Bengal.

In 1929 when pioneers like Purnachandra Ghosh and Nitiya Gopal Sarkar established moya manufacturing units and shops for selling the sweet delicacy at Bahuru near Joynagar, it was named after its market place Joynagar and not by its birth place Bahuru. Subsequently, most of the units migrated to Joynagar, procuring the ingredients from Bahuru.

While the cutting of date palm trees for urbanisation is a reason for dwindling joynagar moya trade, fake joyanagar moya poses a serious threat to the original variety with such malpractices as the use of cheaper ingredients and attractive packaging. Very recently Jonagarer moya received geographical indication patent.

I would like to request the concerned ministry to take necessary steps and allot more fund to save Bengali traditional sweet- Joynagar Moya. Joynagar Moya Marketing Society needs fund to preserve this sweet for marketing purpose throughout the year and also for export.

(xix) Need for Central assistance to address the problems being faced by the Tea Garden workers in West Bengal

SHRI BIJOY CHANDRA BARMAN (JALPAIGURI): I would like to draw the attention of the Government towards the alleged starvation deaths of tea garden workers in Jalpaigudi, West Bengal. In view of media report about 'starvation deaths' of tea garden workers in west Bengal, the ground realities have been verified. The workers of the tea gardens are the worst sufferers of the system and are impoverished in spite of being engaged in the organized tea sector which is one of the most profit-making industries in our country. They have been deprived of basic working and living condition due to the unconcerned attitude of the garden owners. Rampant violations of PLA (Plantation Labour Act), which envisages mandatory protection of rights of the workers are very common. Their wages are abysmally low and stagnated over almost 50 years and never linked to the Consumer Price Index (CPI) causing distress, poverty sometimes even unrest. Sudden closure of tea gardens by the owners on the pretext of loss have been common. However, all the required measures have been taken, including the offer to provide support to 30 stressed or closed tea gardens/industry owners and a revision was done in wages of the workers through tripartite agreement. But, whatever steps have been taken so far are not enough to mitigate their sufferings. Hence, the Central Government should bear some responsibility in this regard. The erratic weather condition with scanty and excessive rainfall have been affecting the quantity & quality of production. Proper re-plantation of old tea bushes also could not be carried out due to paucity of funds. As a whole, the future of tea sector in Himalayan footsteps including the world famous Darjeeling tea is in the dark. In this situation, I urge upon the Hon'ble Minister of Commerce & Industry and Hon'ble Finance Minister to take the issue seriously and extend help to the State Government for revival of tea gardens in West Bengal.

(xx) Regarding drought situation prevailing in Kalahandi and Nuapada districts of Odisha

SHRI ARKA KESHARI DEO (KALAHANDI): Kalahandi my parliamentary constituency has been severely affected by drought this year. Hundreds of hectares of paddy fields dried up due to low rainfall. Poor farmers are unable to repay their farm loan due to loss of crop. Hence, I request the Central government to send a Central team to assess the loss of paddy in Kalahandi and Nuapada districts of my constituency. I also request the Government to take steps to waive the farm loan taken by the farmers.

(xxi) Need to grant pension to those employees of LIC and Nationalised Insurances companies who resigned as well as sought voluntary retirement

SHRI GAJANAN KIRTIKAR (MUMBAI NORTH WEST): I raise a matter concerning pension of those employees of LIC and nationalised insurance companies who resigned as well as sought voluntary retirement. These employees approached the LIC and nationalised insurance companies to grant them pension and other benefits declared under the Pension Scheme, 1995; but it was turned down. Then, they filed a case in the hon. Supreme Court of India through All India Retired Insurance Employees Federation and the hon. Supreme Court had passed the payment of pension order in April, 2000. Then LIC and nationalised insurance companies made an appeal to the Supreme Court on the interpretation of certain definitions of “retirement”, “eligibility”, etc. Ultimately, the Apex Court had passed the final order of granting pension to those who resigned as well as took voluntary retirement. Although ten years have passed but the implementation of the Supreme Court order granting pension to the retired employees is yet to be implemented.

In view of the stand of the LIC and other nationalised insurance companies, I would urge upon the Finance Minister to prevail upon the managements of these insurance companies to implement the Supreme Court order immediately as such employees are in the twilight of their life.

**(xxii) Need for creation of a new Railway zone in Andhra Pradesh with
Vishakhapatnam as its headquarters**

SHRI MUTHAMSETTI SRINIVASA RAO (AVANTHI) (ANAKAPALLI): The Government of India had, in the Andhra Pradesh Reorganization Act, 2014 assured that a new Railway Zone will be set up in Andhra Pradesh, comprising of three Divisions, namely, Vijayawada, Guntur and Guntakal and the Waltair Division of the East Coast Railway. For almost a decade, there has been a demand for a new Railway Zone with Visakhapatnam as its Headquarters, as the present Waltair Division is the highest revenue earner in the East Coast Railway Zone, with about 50% of the total annual revenue of the East Coast Railway Zone. Visakhapatnam has natural advantage of having two Major Ports and abundant Land Bank is readily available near the Visakhapatnam Railway Station. Waltair Division has the biggest Loco Shed and an excellent Coach Maintenance Depot. Visakhapatnam is the fastest growing city in Asia having several reputed organizations like Eastern Naval Command, NSTL, SHEL, BARC, HPCL Refinery, Hinduja Power Project etc., and the present Waltair Railway Division has all Medical, Educational, Sports, Infrastructure facilities to meet the requirements of the New Railway Zone.

After the bifurcation of Andhra Pradesh, the formation of a new Railway Zone in Andhra Pradesh has become imperative as the Headquarters of the South Central Railway is located at Secunderabad of Telangana State. It is obvious to integrate the three Divisions of South Central Railway with Waltair Division of the East Coast Railway and give Andhra Pradesh a New Railway Zone to give a fillip to its economy and Visakhapatnam is the ideal choice for locating the Headquarters of the proposed New Railway Zone.

In view of the natural advantages, I urge upon the Government to announce the creation of a New Railway Zone with Headquarters at Visakhapatnam without any further delay.

(xxiii) Need to include Sangareddy Municipality of Telangana in the list of AMRUT Scheme

SHRI KOTHA PRABHAKAR REDDY (MEDAK): I draw the attention of the Hon'ble Minister for Urban Development to my request letter dated 24.7.2015 regarding inclusion of Sangareddy District Headquarters Municipality under AMRUT Scheme.

Sangareddy Municipality is the district headquarters with a population of 80,061 spread over the area of 4.25 sq. kms as per 2011 census. Over a period of time, the Sangareddy Municipality has expanded towards the surrounding semi-urban villages namely Kandi, Pothireddypalli, Kalabguru, Kulabguru, Chintalpally, Malkapur and IITR Corridor. With this the population has gone up to 1,04,549. Sangareddy Municipality is a fast growing town with small scale industries, educational institutions (Agriculture, Engineering College, Agriculture Polytechnic College, Social Welfare, Tribal Welfare Hostels and IIT Institution etc.) and also as a business centre for 300 surrounded villages. Due to lack of infrastructure facilities, this Municipality is facing a lot of difficulties to cater to the needs of the people. So, the existing infrastructure should be improved or new infrastructure should be provided in order to manage water supply, sewerage and mobility etc. which requires a lot of capital. In view of expansion of the Municipality towards the surrounding villages and having population of more than 1 lakh, Sangareddy Municipality should be included in the list of 500 class-I towns, as per the new scheme of Government of India.

In view of the above, I urge upon Hon'ble Minister for Urban Development to consider for inclusion of Sangareddy Municipality in the list of AMRUT Scheme for all round development.

(xxiv)Need to ensure implementation of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act in letter and spirit in Andhra Pradesh

SHRIMATI KOTHAPALLI GEETHA (ARAKU): I would like to state that The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 has been passed by Parliament to address the injustice done to tribal and Adivasi communities. It confers legal entitlements on the lands they were cultivating. In Andhra Pradesh 10.67 million people lived within forested landscapes; 5 million were indigenous or tribal people. Andhra Pradesh contains extensive forest landscapes, and has the third largest forest cover among the states in India as per Forest Survey of India 2009.

The low level of local people's understanding, due to poor training, resulted in serious problems at this stage. Many eligible claimants lacked adequate knowledge about the Act and the rules and could not assess their eligibility and process their claims. Many eligible claimants also did not claim due to a perception that they had not adequate evidence.

The implementation of this act has remained a question mark with thousands of claims pending at the government level awaiting orders. Further the government is reluctant to go ahead with implementation of FRA in the Polavaram project submergence areas and areas allocated for other development projects to avoid future legal entitlement conflicts and payment of compensation to forest land occupants, though this is a blatant violation of the Act. Section 4(5) of the Act bars the eviction of any forest land occupant till the process of recognition of their rights has been completed. Similarly, in violation of the Act, claimants from protected areas are being pressurized to relocate without recognition of their rights. Hence, I request the Honourable Minister for Environment, Forest and Climate Change to kindly intervene in the above situation and do justice to the tribals as well as implement the act in true spirit.

**(xxv) Need to construct a new railway line from Behrampore to
Krishnanagar in West Bengal**

SHRI MD. BADARUDDOZA KHAN (MURSHIDABAD): Hon'ble Speaker Madam, So far the question of new railway line in my district Murshidabad is concerned there is an old demand of New Railway Line from Behrampore to Krishnanagar via Domkal & Karimpur under Eastern Railway, Sealdah Division. Behrampore to Krishnanagar via Domkal & Karimpore is an important proposal because lakhs of people of two districts are living there without rail connectivity between the two towns (Behrampore & Krishnanagar) and also with the capital city Kolkata. People are totally dependent on road transport which is also not adequate and hence, people of these areas are facing lots of problem in their daily life.

Hence, I request the concerned minister through you to to include this proposal in the coming Rail Budget so that the people of the area may get some relief.

(xxvi) Need to set up AIIMS like institute in Purnia district, Bihar.

श्री संतोष कुमार (पूर्णिया) : पिछले आम बजट में केंद्र सरकार ने बिहार के लिए एक और एम्स का बजट में प्रावधान किया था। बिहार विधान सभा आम चुनाव 2015 के पहले कैबिनेट द्वारा इसकी स्वीकृति की प्रक्रिया पूरी कर ली गई है किंतु बिहार की आम जनता को इस नये एम्स के बारे में कोई विशेष जानकारी नहीं है। बिहार एक अति पिछड़ा प्रदेश है। राज्य की आबादी लगभग 19 करोड़ से भी अधिक है। स्वास्थ्य की दृष्टि से भी वहाँ इतनी बड़ी आबादी को सरकारी स्वास्थ्य जाँच की सुविधा प्रदान करने में काफी कमी है। केंद्र सरकार का यह कदम स्वागतयोग्य है किंतु आम जनता को घोषणा नहीं काम चाहिए। बिहार की जनता को एम्स चाहिए।

अतः मेरा केंद्र सरकार से अनुरोध है कि केंद्र द्वारा घोषित एम्स को जल्द से जल्द कार्य रूप में लाया जाए और इसकी स्थापना के लिए प्राथमिकता सीमांचल और खासकर पूर्णिया का दी जाए, क्योंकि पूर्णिया सीमांचल का मुख्य केंद्र बिंदु है। यदि यहाँ पर एम्स स्थापित होता है तो पूरे सीमांचल क्षेत्र के साथ-साथ सीमावर्ती राज्य पश्चिम बंगाल के कई जिले भी इससे लाभान्वित होंगे।

(xxvii) Need to review the Bodoland Territorial Council (BTC) accord

SHRI NABA KUMAR SARNIA (KOKRAJHAR): After signing of Bodoland Territorial Council (BTC) accord between Bodo Liberation Tigers (BLT) Government of India and Assam Government in 2003, many villages were included in BTC with less than 1% Bodo and ST population which led non-Bodos to think that their democratic rights were curtailed. To exclude these villages from Bodoland Territorial Area Districts (BTAD) they approached Governor of Assam, Government of Assam and Government of India. They also appealed to High Court and Supreme Court. I demand the exclusion of these villages urgently from BTAD.

During this period countless people were murdered, kidnapped and extortion occurred. Ethnic clashes took place several times. Above all, there seems to be an attempt to include more than 100 villages from Sonitpur, Danang, Kamrup, Nalbari, Barpeta, Bongaigoan and Dhubri districts to create Bodoland. Such attempt by the Government of India is going to be suicidal. I urge the Government to stop this undemocratic practice and review the BTC accord, the long democratic demand of more than 70% people of BTAD.

14.33 hours**COMMERCIAL COURTS, COMMERCIAL DIVISION
AND COMMERCIAL APPELLATE DIVISION OF
HIGH COURTS BILL, 2015 – Contd.**

HON. DEPUTY-SPEAKER: Now, the House will take up Item No. 23, further consideration of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Bill, 2015.

Shri B. Senguttuvan.

SHRI B. SENGUTTUVAN (VELLORE): Hon. Deputy-Speaker, Sir, please permit me to speak from this seat.

HON. DEPUTY-SPEAKER: All right.

SHRI B. SENGUTTUVAN : Sir, I am greatly obliged to you for having afforded me this opportunity to participate in the debate on this important Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Bill, 2015.

The intent and the purport of the Bill under debate is to constitute commercial divisions and commercial appellate division in the High Courts and commercial courts in the districts to resolve and adjudicate what are called the commercial disputes. The rationale for this legislation is the ever increasing number of commercial disputes that crop up as a result of increasing economic activity in the country. It is a fact that there is a huge pendency of high value commercial disputes, the reduction of which is necessary to make India a desired, a more attractive and a more favoured destination for investors to do business in. The quick adjudication of commercial disputes would faster the growth of trade and commerce. This can happen only if we have a specially sensitized judicial officers and changed procedural laws that make for quick disposal.

The Parliamentary Committee to which this Bill was referred to by the Rajya Sabha held a sitting in Chennai eliciting inputs from our State Government.

I am happy to acknowledge the fact that many of the suggestions given by our Government have been incorporated into the Ordinance as well as the Bill. Still we, however, have reservations about two other Clauses in the Bill to which I will revert later.

Sir, it is a regrettable fact that when all of India is marching into the 21st Century, the Indian justice delivery system remains adamantly rooted in 19th Century. Some of our laws remain archaic. The Civil Procedure Code that guides the procedure in the trial of the civil cases is of the year 1908. The need of the laws is to evolve with the changing times, changing mores, changing values, and changing ethos. But our laws remain static, trapping life, the incessant shower of innumerable atoms, in a state of stasis.

From out of practical experience, we know that a civil suit ordinarily takes a period of at least three years to conclude in the court of first instance. Thereafter, the first appeal, then the second appeal before the High Court and the SLP before the Supreme Court etc. consume close to a decade.

The Subordinate Judiciary is burdened with about three crore pending cases. The 24 High Courts in India are faced with a backlog of 41.53 lakh cases. Many of these cases are more than 20 years old. The Supreme Court has 58,906 pending cases on hand. With this many cases pending in the courts and with many more cases being filed every day, the chance of wiping out the backlog are well nigh impossible.

India is embarked today on a mission to becoming global economic super power. The initiatives of the Central Government and those of the Government of Tamil Nadu which under the leadership of our leader, Dr. *Puratchi Thalaivi Amma*, has attracted foreign investment to the tune of Rs. 2,42,000 crore would place India on the global map as a great economic power.

But such factors as the delays and the resistance to reforms etc. in the judicial system, which ail the justice delivery mechanism, has placed India at the lowly rank of 142 out of 189 in the Ease of Doing Business Index prepared by the

World Bank. For India to move toward the status of economic super power, it is a must that a healthy and speedy justice delivery system is put in place.

This Bill as well as the Arbitration and Conciliation (Amendment) Bill, 2015 are two of the important commercial legislations brought about by the Government with a view to providing ease of doing business in India.

The Law Commission of India, headed by Chief Justice A.P. Shah (Retd.), in its 253rd Report dated 29th January, 2015 submitted to the Law Ministry, proposed a new legislation to deal exclusively with Commercial Disputes. The hon. Finance Minister, in his Budget Speech for the year 2015-16, made a statement in this regard. The Union Law Ministry introduced this Bill in the Rajya Sabha in the Monsoon Session which was referred to the Parliamentary Standing Committee.

This Bill seeks to refer the Commercial Disputes as defined in Section 2 (c) of Specified Value Rs. One crore and upwards to be tried in Commercial Courts at the District level and to Commercial Division, where the High Court has original civil jurisdiction and all the appeals arising out of commercial disputes to Commercial Appellate Division of the High Court.

The Commercial appellate divisions to be set up under the Bill in all High Courts shall hear appeals against: (i) orders of Commercial Divisions of High Courts; (ii) orders of Commercial Courts; (iii) and appeals arising from arbitration matters that are filed before the High Courts.

The Commercial Appellate Division may, in addition to commercial dispute appeals, also hear appeals relating to debt recovery appellate tribunal, Intellectual Property Appellate Board, Company Law Board or the National Company Law Tribunal, Securities Appellate Tribunal; and Telecom Dispute Settlement and Appellate Tribunal, etc.

Such appeals to the commercial appellate division of the High Courts must be made within a period of 60 days of the order of the lower court and shall be disposed of within six months.

This Bill further provides that the number of High Courts Judges required to be appointed for a Commercial Division or Commercial Appellate Division of a High Court would be determined by the Chief Justice of the High Court who shall nominate such numbers as required.

The judges must have experience in dealing with commercial disputes and the nomination would be for a period of two years or as determined by the Chief Justice of the Concerned High Court.

Judges of a Commercial Court shall be appointed by the Chief Justice of the concerned High Court. The senior most judge would be the Principal Judge and would have the same powers as that of a Principal District Judge of a District court.

The Bill defines what a commercial dispute is. According to Section 2(c) of the Bill, 'commercial dispute' is very comprehensively and widely defined. A wide variety of trade or business disputes arising out of as many as 23 different legal relationships are categorised as commercial disputes.

The Bill makes provision for speeding up of commercial disputes. On the face of it, it is obvious that the intention of the Government is to provide for a quick disposal of commercial disputes so that a conducive atmosphere for conduct of business in India prevails. The speedy disposal of the commercial disputes makes India an attractive international destination to do business and thereby it encourages foreign investment. It also paves the way for greater economic growth of India. This appears to be the philosophy behind this legislation.

On a guesstimate, the commercial disputes of the specified value currently pending in the courts would comprise about 50 per cent of litigation. Once the Bill comes into force by virtue of the provisions of Section 15 of the Bill, all these disputes will get automatically transferred to the commercial courts or commercial divisions of the High Court.

The Bill has 23 Sections. The proceedings of the commercial courts will be regulated by the provisions of the Bill, amended and new provisions of Civil

Procedure Code as well as the practice directions to be issued by the High Court from time to time. Very importantly, certain provisions of the CPC, 1908 have been amended in the Schedule and certain new provisions of CPC have also been enacted to apply to the procedure of adjudication of commercial disputes. These provisions have been incorporated by the Schedule to the Bill. These amendments and new provisions in the CPC ensure quick disposal of the commercial disputes.

The amended and new provisions of CPC, contained in the Schedule of the Bill, apply to the Commercial Dispute proceedings. They are: (i) Section 35 relating to costs, (ii) the time for filing of written statement and counter claims is prescribed as 30 days from the date of service of summons which at any rate shall not be extended beyond 120 days on sufficient cause being shown, (iii) the form of pleadings by the parties and the verification of pleadings undergo a vast change.

A statement of Truth is to be verified by the parties so as to ensure that the pleadings and evidence are truthful. It goes without saying any untrue statement made in the pleadings or in the affidavit will attract the penal provisions of perjury or Section 340 Cr.PC.

The plaintiff as well as the defendant should file all the documents that he relies on or in his possession etc. along with their pleadings. This again is a measure for saving unnecessary wastage of time.

The other provisions of CPC which have been amended in relation to the hearing of a commercial dispute are: Order 5 R1, O 6 R 3A (new) and O 6 R 15A (new). Order 9 relating to disclosure, discovery and inspection of documents in suits before the Commercial Division of a High Court or a Commercial Court, has been thoroughly recast. New Order 13-A has been included in the CPC which provides for Summary Judgment. This has been incorporated with a view to disposing of a commercial dispute on the basis of documentary proof alone without recording oral evidence. A new provision of Order 15-A has been inserted for the purpose of regulating the procedure for disposal of commercial

disputes under the caption, 'Case Management Hearing'. This is an altogether new provision

The Bill is explicit that no revision under Section 115 CPC would lie against any interlocutory Order passed by the Commercial Court or Commercial Division as per Section 8. This is to ensure that revisions against interlocutory orders do not consume or do not act as a red herring.

As regards appeals, the appeal should be filed within 60 days of passing of the order to the Commercial Appellate Division; and it shall be disposed of within a period of six months as per Sections 13 and 14 of the Bill.

First, the main aim of creating the commercial courts is not only reduction of the pendency of suits already filed but also to quickly dispose of the new cases that would be filed. Although timelines have been set within which the Commercial Courts and the Commercial Divisions have to complete the proceedings within a stipulated period of time, only the implementation of the provisions will prove how efficacious they really are.

Sir, as I said before, our Party has reservations on two points in the Bill. One is with regard to the "Specified Value" as defined in Section 2 (1) (i) of the Bill. The Specified Value as defined under Section 2 (1) (i) for a Commercial dispute as per this Section is Rs.1 crore. We want that to be enhanced to Rs.10 crore at the least so that the private parties may not drag the Government to Court on low value contracts.

Our second reservation is that the provisions of Sections 19 and 20 of the Bill cast an obligation on the State Government to provide infrastructural facilities to the Commercial Courts, Commercial Divisions and Commercial Appellate Divisions, etc. and also provide further that the State shall in consultation with the High Court offer such facilities for the training of the judges to be appointed to the Commercial Courts, Commercial Divisions and Commercial Appellate Divisions, etc. Since the Commercial Courts, Commercial Divisions and Commercial Appellate Divisions etc. not only adjudicate the disputes pertaining exclusively to

State Subjects but also those arising out of many Central Legislations, in the fitness of things the Centre should provide substantial funds for the establishment of these infrastructural facilities.

These are our two reservations. I request the hon. Minister for Law and Justice to ponder over these reservations and provide solutions to them. The mere establishment of special courts alone would not provide the answer to the question of quick disposal of cases. The cooperation between the Bench and the Bar, a high level of competence of both, avoidance of unnecessary adjournments and the application of the provisions of the Bill in letter and spirit alone would make for quick disposal.

At present we see a trend in the higher judiciary that not much regard is given to the doctrine of *stare decisis*. With the result, we see no uniformity in legal interpretation of law and there are many conflicting judgments on certain points of law. In the interest of the nation, it is important that the judiciary is efficient, intelligent, uniform and objective.

Judges should ensure that the commercial disputes are not merely quickly disposed of but a meritorious judgment is delivered as disposal without merit will lead a litigant to a very lamentable plight.

The courts owe a duty to the nation. They should ensure speedier settlement of commercial disputes which would create a conducive investment climate because an efficient judiciary and a good economy go hand in hand. A robust legal system is not only a source of income to the practitioners of law but will eventually prove to be a good foreign exchange earner as well.

In order to fulfill the objective of quick disposal of the pending cases, the vacancies in the judiciary at all levels should be filled up. There are over 400 vacancies in various High Courts. The Supreme Court did itself no favour by striking down the 99th Amendment to the Constitution and the National Judicial Appointments Commission Act whilst admitting that the collegium system is not all that perfect. In the recruitment of judges to the High Court, the Collegium

should see beyond its nose, cast its net far and wide in the districts also where there are very many good legal practitioners with impeccable background.

The Judiciary by itself cannot achieve much. The Centre and the States should provide world-class infrastructural facilities to the Supreme Court down to the Munsif Court.

The quality of legal education is another matter of grave concern. There can be no second opinion that the quality of legal education imparted in the country should be world-class. There is a mushroom growth of substandard law colleges in the country that should be curbed.

When an ideal judicial system is set in place, it will, in turn, escalate economic growth, increase foreign investment and make India an attractive place to do business in. It will also benefit the economy as a whole. A robust dispute resolution mechanism, consisting of capable judges and competent lawyers, is an essential requirement for a very good democracy and all-round development of our country.

With these observations, I support and welcome the Bill. I thank you for affording me this opportunity.

श्री कीर्ति आज़ाद (दरभंगा) : मैं इस बिल के समर्थन में बोलने के लिए खड़ा हुआ हूँ। इसकी काफी आवश्यकता थी, जब से व्यापार बढ़ा है, कामर्स बढ़ा है, ट्रेड हुआ है। वर्ष 1895 में ही इंग्लैंड में चालू हुआ था और 17 ऐसे देश हैं, जहां कमर्शियल कोर्ट्स हैं, उसमें हमारा एक पड़ोसी पाकिस्तान भी है, जहां यह कोर्ट्स हैं। इसके सैलिएंट फीचर्स बहुत अच्छे हैं।

Generally, commercial dispute is defined to include any dispute related to transactions between merchants, bankers, financiers, traders, etc. Such transactions deal with mercantile documents, partnership agreements, intellectual property rights, insurance, etc. जो हम देख रहे हैं कि सर्विस सैक्टर में बहुत ही महत्वपूर्ण हो गया है। यह बिल कहता है कि कमर्शियल कोर्ट्स हरेक राज्य में और यूटी में बनाई जाएंगी। ये डिस्ट्रिक्ट कोर्ट के बराबर होंगी। कमर्शियल डिविजन हाईकोर्ट्स के ओरीजिनल ज्यूरिकडिक्शन में सेट की जाएंगी जैसे मुम्बई, दिल्ली, कोलकाता और चैन्नई में। केसिस का वैल्यूएशन एक करोड़ रुपए या इससे ज्यादा का होगा। एपिलेट डिविजंस हरेक हाई कोर्ट में खोली जाएंगी। जो जज एपायंट होंगे to the Commercial Division of the High Court shall have relevant experience dealing with commercial disputes जो कि बहुत आवश्यक होगा।

महोदय, यह बिल तो बहुत अच्छा है, चूंकि मैं इतिहास में स्नातक हूँ इसलिए मुझे मालूम है कि एक राजा मोहम्मद बिन तुगलक थे जिन्हें दि वाइजेस्ट फूल कहा जाता था उनकी सोच अच्छी थी, लेकिन उनका इम्प्लिमेंटेशन सही नहीं था। मैं यहां कुछ बातें रखूंगा जिन्हें आलोचना नहीं समझा जाएगा, अपितु उन्हें एक सुझाव के रूप में लिया जाएगा, ऐसी मैं अपेक्षा रखता हूँ। लगभग 1017 सैंक्शंड पोस्ट्स हमारी कोर्ट्स में खाली हैं जिनमें से 392 हाई कोर्ट में हैं और 625 दूसरी कोर्ट्स में हैं। हमारे यहां लगभग 2 लाख 6 करोड़ केसिस पेंडिंग हैं जिनमें से 67 प्रतिशत केसिस क्रिमिनल नेचर के हैं और 33 प्रतिशत केसिस सिविल नेचर के हैं। आप जब इनके लिए स्पेशल कोर्ट्स बनाएंगे तो मैं यह भी चाहूंगा कि जब आप कमर्शियल डिस्प्यूट्स को एक्सपेडाइट करना चाहते हैं कि जल्दी उनका हल निकले, तो ऐसे में यदि जजेज की कमी रहेगी तो वैसे ही 2 करोड़ 6 लाख केसिस हमारे यहां विलम्ब से चल रहे हैं तब उनके ऊपर और समस्या आने वाली है। मैं स्वयं इन केसिस के अंदर भुगतभोगी रहा हूँ। सही मायने में 67 प्रतिशत जो क्रिमिनल केसिस हैं ये डिस्ट्रिक्ट कोर्ट्स में आपको मिलेंगे। अधिकतर दो करोड़ से ऊपर के केसिस हैं जो डिस्ट्रिक्ट्स में होंगे, गांव में होंगे, पिछड़ी जगहों पर होंगे और मैं स्वयं भुगतभोगी रहा हूँ। बहुत सारे लोग ऐसे बैठे हैं, जिनके ऊपर राजनीतिक रूप से केस हुआ होगा और वह केस सालों तक चला होगा। मेरे ऊपर

भी 12 साल तक केस चला, बिजली हमारे क्षेत्र में आती नहीं थी और उसके लिए मैंने शांतिपूर्ण धरना किया तो मेरे ऊपर क्रिमिनल केस हो गया और 12 साल बाद मैं बरी हुआ हूँ। ऐसे आप सोच सकते हैं कि कितने सारे लोग होंगे, जिनके साथ यह दुविधा हुई होगी।

मेरे जैसे व्यक्ति ने तो इसे झेल लिया।... (व्यवधान) हमारा नाम क्रिमिनल में आ रहा था। हमने कोई मर्डर नहीं किया, कोई डकैती नहीं की, कोई फिरोती नहीं ली, किसी का अपहरण नहीं किया लेकिन क्रिमिनल केस हम सभी लोगों पर है। आज भी मेरे पर नौ केसिस हैं। मैंने तो झेल लिया है क्योंकि मेरे पास सामर्थ्य था लेकिन कभी आपने सोचा है कि छोटे-छोटे कमर्शियल आस्पेक्ट्स किसी गरीब आदमी ने अपनी बेटी की शादी के लिए या घर में किसी की तबीयत खराब हो गई उसने जमीन को बेचा, जमीन को बेचने के बाद किसी प्रबुद्ध था, उसने पूरा पैसा नहीं दिया, उसके ऊपर घर खड़ा कर लिया, वहां के प्रशासन ने उसकी मदद कर दी और उस पर यदि केस है तो वह चले जा रहा है। आज हमें कमर्शियल कोर्ट्स की आवश्यकता है। लेकिन जो लोग 67 प्रतिशत क्रिमिनल केसिस में फंसे हैं, जिनका संविधान के अनुरूप मौलिक अधिकार का हनन हो रहा है, उसके बारे में भी कम से कम हमें सोचना चाहिए। हम जजिज की एपायंटिंग के लिए आ जाते हैं, उसकी कमेटी बनाते हैं। यहां हमारी कमर्शियल सोच चल रही है, लेकिन इन क्रिमिनल केसिस के बारे में कौन सोचेगा और यदि हम यहां से स्पेशल ट्रिब्युनल्स बनाएंगे और अलग कमर्शियल कोर्ट्स बनाएंगे और उसमें बिना जजिज की वैकेंसीज को भरे हुए भेजेंगे तो यह दो करोड़ छह लाख केसिस बढ़ कर चार करोड़ बारह लाख केसिस हो जाएंगे।

15.00 hours

इसके लिए भी कम से कम सरकार को नियुक्तियों को लेकर जल्दी से जल्दी कार्यवाही करनी चाहिए। मेरा तो यह भी सुझाव है कि जैसा कि यूपीएससी के एग्जाम आईएएस, आपीएस के होते हैं तो ज्युडिशियल सिस्टम के क्यों न हों? **Why not an Indian Judicial Service? Why only Indian Administrative Service, Indian Police Service and why not Indian Judicial Service?** लोग उसके अंदर इम्तिहान देंगे, उसके बाद जो उत्तीर्ण होंगे, उनको जगह मिलेगी। कहते हैं कि **you are a good lawyer if you know the law; you are a great lawyer if you know the judge.** वर्ना आज कल जो हम केसेज़ देखते हैं, कोर्ट्स में चल रहे हैं कि हिरण मारने पर तो आदमी जेल जाता है, लेकिन आदमी को रौंद देने पर छूट जाता है। यह परिस्थिति आज हमारे ज्युडिशियल सिस्टम में है।

मैं किसी की बुराई नहीं कर रहा हूँ। मैं किसी जज की बुराई नहीं कर रहा हूँ, लेकिन मैं उन जजमेंट्स की बात कर रहा हूँ। एक गरीब आदमी मर गया, उसको मालूम ही नहीं है। अब यह पता नहीं, वह गाड़ी शायद वह हिरण चला रहा था यह अभी किसी को पता नहीं लगा है। आज ज्युडिशियल सिस्टम में

इंप्रूवमेंट की जरूरत है। एफिशिएंसी की जरूरत है। कोई आदमी 12-12, 15-15 साल के बाद में पकड़ा जाता है। उसके ऊपर जो प्रभाव होता है, उसके ऊपर जो आरोप लगे होते हैं न, तो आरोपों को भी लोग कहते हैं कि अरे 15 साल पहले था, कौन पूछने वाला है। ऐसे लोग भी हैं, जो बरी होते हैं, 15 साल तक जिनको या तो जेल में भेजा जाता है या उनके ऊपर केस चलते जाते हैं और उसके बाद उनको बरी करते हैं। जैसा कि आपके नेता को अभी कोर्ट ने बरी किया है। कितने सालों तक उनके ऊपर केस चलता रहा। इसलिए ज्युडिशरी में जब तक तेजी नहीं आएगी तब तक न एग्ज़िक्युटिव काम कर सकता है, न लैजिस्लेटिव काम कर सकता है। **It is most important, Mr. Deputy Speaker, Sir, that we improve the efficiency. And we can only improve the efficiency if we fill in the vacancies.** अभी आपने कमर्शियल कोर्ट किया है, लेकिन इसके अंदर इन्होंने कुछ स्पेसिफाई नहीं किया है। अगर यही पुराने ढर्रे से चलेगा, इसके लिए अगर स्पेशल प्रोसिजर कोर्ट आप कमर्शियल कोर्ट में नहीं करेंगे तो ये अपने पुराने सिविल स्टाइल से चलता रहेगा। सालों साल लग जाएंगे।

सिंगापुर में ये केसिज़ जब जाते हैं, इनका निष्पादन डेढ़ सौ दिनों में, पांच महीने में होता है। हमारा यहां चार-चार साल लग जाते हैं। सिंगापुर में, क्योंकि वह कमर्शियल हब है, वहां पर तीन केसिज़, पहले तीन जो आप कोर्ट में जाएंगे, वे फ्री हैं। उसके बाद चार्ज लगता है। अगर आप चौथी बार कोर्ट में गए तो आठ सौ सिंगापुर डॉलर, पांचवी बार कोर्ट में गए तो डेढ़ हज़ार सिंगापुर डॉलर, जितनी बार वह एक्सटेंड होता है, उतनी बार करना पड़ता है। वह इसलिए करते हैं, क्योंकि जो फ्रेवलस कंफ्लेंट्स आते हैं, जो गलत कंफ्लेंट्स आते हैं, उनको रोकने के लिए उसको किया जाता है। इसलिए सिंगापुर ने इस प्रकार का प्रावधान लगाया है, जो हमारी स्टैण्डिंग कमेटी ने भी रिपोर्ट किया था। **Court fee at initial level in commercial cases should be low and it should increase at each stage of appeal.** तरीका अच्छा है, यहां तक कि माननीय सुप्रीम कोर्ट ने सुब्रत रॉय सहारा वर्सिस यूनियन ऑफ इण्डिया के केस में उन्होंने ऑब्ज़र्व किया है कि **delays in hearing and passing of repeated orders consumes a lot of judicial time. So, steps should be taken to deter frivolous litigation.** बहुत लोग ऐसे ही लिटिगेशन लगा देते हैं। बड़े से बड़ा आदमी, जिसने 4000 करोड़ रुपये 5000 करोड़ रुपये लोन लिया हुआ है, उसको तो हाथ जोड़-जोड़ कर उसके पीछे सरकार, विभाग और बैंक कहते हैं कि साहब हमको पैसा दे दो- हमको पैसा दे दो। वहीं एक गरीब आदमी अगर एक किश्त मिस कर जाता है, जिसने मोटर साइकल खरीदी हो या टैक्सी के रूप में ऑटो चलाता हो या गाड़ी चलाता हो तो उसके घर से, उसको पकड़ कर कर, उसके वहीकल को इंपाउंड कर ले जाते हैं। एक गरीब किसान

जो ट्रैक्टर खरीदता है, जिसको सब्सिडी मिलती है, वह यदि सुखाड़ के कारण से या बाढ़ के कारण से या किसी प्राकृतिक विपदा के कारण से वह पैसा नहीं जमा करा पाता क्योंकि उसकी फसल नहीं हो पाती है, तो उसको ज़बरदस्ती सबसे ज्यादा तंग किया जाता है। इसके समाधान के लिए क्या सोचा गया है? क्या वही अंग्रेजों के समय के सिस्टम पर हम चलते रहेंगे?

हमारे देश में अमीर और अमीर होता चला जा रहा है और गरीब और गरीब होता चला जा रहा है। वह कोर्ट जाता है, बैटता है, उसका समझ नहीं आता है, इतना लम्बा हमारा कानून है। मैं कोई कानून के ऊपर, जो हमारा संविधान बना है, उसके ऊपर मैं कोई टिप्पणी नहीं कर रहा हूँ, गलत टिप्पणी नहीं कर रहा हूँ, लेकिन एक आदमी जो अनपढ़ है, जो उसे नहीं समझ पाता है, जब मेरे जैसा आदमी इतने बड़े संविधान को नहीं समझ पाता, उसके अलग-अलग अनुच्छेद कौन से हैं, तो वह अनपढ़ आदमी क्या समझता होगा। वह फंसा हुआ है, तारीख पर तारीख लगे जा रही है, डेट पर डेट हुए जा रहा है, कभी जज नहीं आए, डिस्ट्रिक्ट जज नहीं आया, कभी पता लगा कि पीपी नहीं आया, कभी जिसने कम्लेन सरकार की तरफ से की है, वह नहीं आया या जिसके साथ मेरा विवाद हो रहा है, वह बार-बार स्टे पर स्टे लिये जा रहा है और मैं अपनी जमीन पर जमीन बेचे जा रहा हूँ। बीवी का गहना कर्जे पर रखा हुआ है। ये सब ऐसी आवश्यक चीजें हैं, जिनको विशेष रूप से हमें अपने कानून में देखना होगा। हमको अपनी कानून व्यवस्था सुदृढ़ करनी होगी। यह कानून सिर्फ उनके लिए नहीं है जिनके पास पैसा है। आज यदि कोई डिस्ट्रिक्ट कोर्ट में भी चला जाता है तो 50 और 60 हजार रूपए एक पेशी के लेते हैं। इतने पैसे कोई कहाँ से देगा? हाई कोर्ट में जाइए, हाई कोर्ट के अन्दर पाँच लाख, छह लाख, सात लाख, आठ लाख और स्टे मिलता है तो चलिए यह एक बार मीटर चालू हो गया, जैसे टैक्सी का मीटर होता है, टैक्सी की मीटर शुरू हुआ, एक किलोमीटर गया तो 100 रूपया लगा, दो किलोमीटर गया तो 200 रूपया हो गया, वही परिस्थिति कोर्ट्स में है। इसलिए *Speedy justice is required*. उस स्पीडी जस्टिस के लिए मैं माननीय मंत्री जी से कहूँगा कि अब कामर्शियल कोर्ट्स के बारे में आपने सोचा, बहुत अच्छी बात है, मैं इसका समर्थन करता हूँ। लेकिन उस गरीब आदमी के बारे में भी सोचिए, उन 67 प्रतिशत क्रिमिनल केसेज के बारे में समझिए, संविधान के अनुरूप जो उन लोगों के मौलिक अधिकार का हनन हुआ है, उनका क्या होगा? इसलिए मेरी माननीय मंत्री जी से अपील रहेगी कि अगर हम इस बिल के लिए आपके समर्थन में खड़े हैं तो हम आपसे यह भी अपेक्षा रखते हैं कि आप, जो हमारा क्रिमिनल जस्टिस सिस्टम है, उसको भी ठीक करेंगे और जो मेरा सुझाव है कि इंडियन जूडिशिएल सर्विस का भी एग्जाम आप कराएं, इसको जरूर लेंगे। इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करते हुए आपका बहुत धन्यवाद करता हूँ।

श्रीमती अर्पिता घोष (बालूरघाट) : महोदय, मैं आपकी आभारी हूँ और अपनी पार्टी तृणमूल कांग्रेस की आभारी हूँ कि इस विषय पर मुझे बोलने का मौका दिया गया है। I welcome this Bill on behalf of my party. This is really a good step कि एक अलग से कामर्शियल कोर्ट आ जाएगी, क्योंकि सिविल कोर्ट जो है, हाई कोर्ट्स आदि में, क्रिमिनल कोर्ट्स जो हैं, वहाँ पर बहुत सारे केसेज पेन्डिंग हैं। अभी कीर्ति आजाद साहब इस बारे में बोल रहे थे कि वहाँ इतने सारे केस पेन्डिंग हैं कि हम लोग वह आँकड़ा देखकर चौंक जाते हैं कि कब ये क्लियर होंगे। यह सच में आम आदमी के लिए बहुत ही मुसीबत वाली बात है, जो कीर्ति आजाद साहब बार-बार बोल रहे थे। यह हमारे लिए बहुत मुसीबत वाली बात है। इसी कारण से ज्यादातर लोग कोर्ट में जाना नहीं चाहते हैं और वे मामले को बाहर ही सुलटाना चाहते हैं। इस कारण से करप्शन भी बढ़ता है। वे कहते हैं कि बाहर ही मामले को सुलटा लो, अगर कोर्ट में जाएंगे तो वहाँ बहुत समय लगेगा। ये कामर्शियल कोर्ट जो बनने की बात हो रही है, यह बहुत ही बेहतर है। अभी जो पेन्डिंग सिविल सूट्स जो हम देख रहे हैं, वे बहुत सारे हैं। बॉम्बे, कोलकाता, देहली, मद्रास, हिमाचल प्रदेश आदि में अभी बहुत सारे केसेज हैं। एक करोड़ की जो माँग है, यह केवल उसी का है। हम देख रहे थे कि केवल देहली में ही 12,693 पेन्डिंग केसेज हैं। एक करोड़ के लिए पेन्डिंग केसेज कामर्शियल डिस्प्यूट्स ये हैं, यह हम केवल देहली के बता रहे हैं। अभी बॉम्बे है, कोलकाता है, मद्रास है, हिमाचल प्रदेश आदि हैं।

यह तो बहुत ही अच्छा है कि अगर हमारे पास दूसरी कोर्ट्स आ जाएं, लेकिन जो बातें हो रही हैं कि इनके लिए सही जजेज चाहिए। जो सही तरह से प्रॉपर इसका जजमेंट कर पाएं। कामर्शियल डिस्प्यूट के लिए माइक्रो इकोनॉमिक्स के ऊपर उनकी कुछ ट्रेनिंग बहुत जरूरी है और कान्टिन्यूअस ट्रेनिंग बहुत जरूरी है ताकि वे कामर्शियल डिस्प्यूट को ठीक से निभा पाएं और जल्दी से उसका कोई अंजाम दे पाएं। It should be a time-bound judgement. क्योंकि हमारे यहाँ जो भी जजमेंट्स आते हैं, ये सालों-साल चलते हैं। अभी कीर्ति आजाद साहब बोल रहे थे कि उन्हीं के ऊपर एक केस 12 साल से चल रहा है। यह बहुत ही जरूरी है कि the judgement should come out time-bound. मेरी मंत्री जी से रिक्वेस्ट है कि वे इसके बारे में सोचें कि कैसे टाइम बाउंड जजमेंट हमारे यहाँ आ जाएं, जो बहुत ही जरूरी है। We should keep in mind that the judges should come according to the need.

Huge backlogs are there. अभी उसको भी कैसे निपटाया जाये, इसके बारे में भी हमको सोचना चाहिए कि कैसे किया जाये। अभी हम देख रहे थे, पेपर्स भी देख रहे थे, क्योंकि यह मेरा सबजैक्ट है नहीं, पहले ही बता देना चाहिए। I am from science background; I am not a lawyer. लेकिन हम लोग आम आदमी हैं, हम लोग आम जनता हैं, हम लोग देखते हैं कि पब्लिक के लिए यह बहुत ही

मुसीबत वाली बात हो जाती है। यह कॉमर्शियल कोर्ट में अभी छोटे-छोटे विषय में, आपके घर का कुछ हो गया है, वे एक कोर्ट में चले जाते हैं, वह सालों-साल चलता है तो पैसा कहां से आएगा।

If the Government is really interested to set up commercial courts, they should first think कि कैसे हम इसको लोगों के लिए अट्रैक्टिव किया जाये, ताकि लोग वहां जायें और उनको जजमेंट मिले। उनको पॉकेट से पैसा दे देते हैं, जब हम फकीर हो जायें, उसके बाद कोई जजमेंट आये, हम मर जायें, ऐसे बहुत सारे केसेज़ हैं, जहां पर लोग जिंदा भी नहीं हैं, मर गये और उसके बाद जजमेंट आता है तो ऐसा टाइम बाउंड जजमेंट नहीं होने से कॉमर्शियल कोर्ट्स बनाइये या कुछ भी बनाइये, चाहे हमारे सिविल कोर्ट्स में और क्रिमिनल कोर्ट्स में इतने सारे जजमेंट पड़े हुए हैं, अभी उनमें से कुछ को कॉमर्शियल कोर्ट्स में ट्रांसफर किया भी जाये, अगर प्रोपर जजेज़ नहीं होंगे, अगर वहां पर जजमेंट नहीं आएगा, टाइम बाउंड कोई काम नहीं होगा, तब हमारे लिए यह फायदेमंद नहीं रहेगा। यह गवर्नमेंट जब यह एक अच्छा स्टेप ले रही है कि एक नया कॉमर्शियल कोर्ट आएगा और एक अपीलेंट डिवीजन भी होगा, यह सारे डिस्ट्रिक्ट में जाने के लिए बता रहे हैं कि छोटे-छोटे डिस्ट्रिक्ट कोर्ट्स हो जाएंगे, तब सब ठीक है, लेकिन इतने जजेज़ कहां से आएंगे।

We should see whether the judges could be trained or not and how could they be trained. और जो जजेज़ हैं, उन्हीं में से उठाकर आप कॉमर्शियल डिवीज़न में भिजवा देंगे कि नहीं। अगर वह होता है तो इधर पैडिंग बढ़ जाएंगे। इसके लिए पहले सोचना जरूरी है कि though setting up commercial courts is very good and we welcome that really we should think how trained judges could be appointed in commercial courts and appellate divisions of high courts ताकि हमारे जजमेंट्स जल्दी आयें। हमारे लिए सबसे ज्यादा जरूरी है कि जजमेंट जल्दी आना चाहिए। आज निर्भया केस के बारे में बात चल रही थी, तब मुझे याद आ रहा था, अभी कोई भी केस हमारे पड़े रहते हैं, पड़े रहते हैं, इसको पहले कहीं पर गवर्नमेंट को डील करना चाहिए। कैसे जजेज़ आएंगे, जो सिटिंग जजेज़ हैं, जो दूसरी सिविल कोर्ट्स और क्रिमिनल कोर्ट्स में काम कर रहे हैं, उनको उठाकर न लाकर कैसे चुन कर सही तरह से माइक्रो इकोनोमिक्स के ऊपर जिनका काम है, जो कॉमर्शियल डिस्प्यूट्स में काम कर सकते हैं, उनको बुलाकर जो लोग आ रहे हैं, उनको कैसे यूटीलाइज़ किया जाये, गवर्नमेंट की इसके लिए अलग से सोच होनी चाहिए। मुझे लगता है कि टाइम बाउंड जजमेंट अगर आ जायेगा तो हम सब के लिए, भारतवर्ष के लिए यह बहुत ही वैलकम डिसेज़न हो जायेगा।

हम मंत्री जी से इतना ही जानना चाहते हैं कि जजेज़ की एपाइंटमेंट के बारे में उन्होंने क्या सोचा है। मुझे लगता है कि वे इसमें कुछ अलग बात करेंगे। बहुत-बहुत धन्यवाद।

SHRI TATHAGATA SATPATHY (DHENKANAL): Thank you, Sir.

At the outset, I oppose this Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Bill, 2015 which seems to me to have been drafted in a half-hearted manner. At this juncture, I would suggest that the Bill be referred to the Standing Committee, more so since it has not gone through the scrutiny and through that process which is essential for guarding the interests of the House.

I begin now – first I began with opposition – to point out a few mistakes that I have noticed in this Bill. I refer to Chapter 13 clause 12 which very clearly states that cases only above Rs. 1 crore would be handled by commercial courts that would be appointed under this law. How would this change in law affect the work of judges or the courts is something that is to be considered.

The Government is very busy prioritising the problems and trying to solve the problems of only very-very big business. Extremely big business, are the only people who will benefit from this law but micro, small and medium enterprises are being completely ignored. We are not bothered about them. We are not even bothered about start-ups where young people with very little money are coming up with brilliant ideas and are trying to do what many other Western countries had done long back of innovating, of finding new methods, finding new solutions to day-to-day lives that would actually make not only them rich but could make India rich by the positive points that they add to our business environment.

It seems like the Government is actually creating this provision only to help big business. This specific sum of Rs.1 crore seems a little dicey to me. It seems like the cases of lower value do not seem to attract the Government and the Government is not interested in solving the problems of those companies which have disputes of value lesser than Rs.1 crore.

Sir, this Bill was brought in by an Ordinance on 23rd October, 2015. It is a very interesting thing. Why an Ordinance? The Ordinance obviously lapsed at the beginning of this Winter Session of 2015. I would like the hon. Minister to

specifically reply as to what are the cases, from October 23 till date, that have been drawn into the net to this new law that the Government has come up with and who is going to benefit from those cases that have already come in.

Section 4 states that the judges for these courts will be appointed by the Chief Justice of respective State High Courts. Why is there a provision to allow selection of judges by the Chief Justice alone? Why not involve the State Governments also? What will be the criteria for allotment of judges to a particular case? Will there be some hidden agenda behind that also? How transparent will this system be? In my opinion this is an indicator of the perpetuation of the collegium system through a devious way in selection of judges for appointment to certain cases. We need more transparency in this matter in order to ensure that justice is served, not only served but it should also seem to be served which is of very vital importance in India today.

As we all know, Sir, in a legal system that we have here where judges are hired by a collegium system, the backlog of pending cases are taking years. Like, our senior colleagues have mentioned earlier also, they are taking years to be cleared by normal courts. Do we really need to create an alternative means of justice only aimed at the corporates because, Sir, the judges that will be taken for these commercial courts will be from the high courts itself? That means they will again lose sight of their day-to-day work and concentrate on commercial cases. Should we not look to the faults of our existing system and reform it for the common person first? Why ignore this common person, her or him, all the time? That is becoming a habit with this Government. Is it their fault that they have voted a certain Party in place of another Party hoping that there will be a qualitative change in the process of administration? Are we to actually blame the people for that or should they be happy that they chose you and you should be living up to their expectations? Instead, what you are asserting, re-asserting and thumping with it that since you have chosen us now 'take it'. You are forcing it down their gullet.

Look at Section 2, sub-section 19. You have been very judiciously doling out favours till now. If you see Chapter 1, Section 2, Para 19, you have included a provision that adds:

“Exploitation of oil and gas reserves or other natural resources including electromagnetic spectrum.”

Whom will it benefit? Which major company in India is involved in gas exploration? Which company is involved in petroleum? Who are the companies involved in electromagnetic spectrum? We have to get a very clear answer from the Government as to which are the companies that you are aiming to benefit. We would also like to know it. The country would like to know who your benefactors are whom you are returning favours which you received two years ago.

When foreign companies or big corporations complain of long drawn legal battles in India which is presumably a reason that the Government has shown for this Bill, the Government hurriedly rushes through a Bill in the House. When you play favourites in law making, we must address these issues at all levels that affect the people and it can only be done by creating a level playing field for all under the same law.

It seems the urgency is only to favour corporates. The excuse that this will create ease of doing business is only an excuse again for big players and not for MSMEs. I think every Member in this House will stand up in support if it supports Start-ups which the young people are doing in this country, if it supports the medium and small enterprises because they are finally the biggest employers. We are ignoring them all the time.

I have one last question to ask the hon. Minister and the Government. What if this Bill does not pass through Parliament? Suppose it falls through in Lok Sabha or let us assume it falls through in Rajya Sabha. Then, your Ordinance would also lapse. Some people who have jumped into the net which you created to protect them from 23rd October, 2015, till the beginning of this Session which was 26th of November or the Monday after that, what happens to them? Will they

get your benefit or will they be deprived of the benefit? Who are the companies? Why should we presume that you are actually interested in this law and not interest in helping only a few through this Ordinance? This is a question that I think anybody who is conscious and aware in this whole country would like to get a reply from the Government.

श्री विनायक भाऊराव राऊत (रत्नागिरी-सिंधुदुर्ग) : उपाध्यक्ष महोदय, आपने मुझे बोलने का अवसर दिया, इसके लिए मैं आपको धन्यवाद देता हूँ। वाणिज्यिक न्यायालय की स्थापना करने का जो विधेयक सरकार लेकर आई है, उसका समर्थन करने के लिए मैं खड़ा हूँ। विधि आयोग की सिफारिश के बाद, विधि आयोग की जो रिपोर्ट थी, रिपोर्ट नंबर 188 और 253 की सिफारिश के बाद केन्द्र सरकार ने एक सही कदम उठाया है। पिछले कई वर्षों से जो प्रलंबित प्रश्न था, उसके ऊपर इलाज करने का काम इस विधेयक के माध्यम से हो रहा है। मैं इसके लिए एक बार फिर लॉ मिनिस्टर को धन्यवाद देता हूँ।

इस विधेयक को लाने का उद्देश्य यह है कि कॉमर्शियल कोर्ट जब स्थापित हो जाएगी तो आर्थिक वृद्धि में बढ़ोत्तरी तो होगी, लेकिन साथ-साथ भारत की न्याय करने की प्रणाली की अंतर्राष्ट्रीय छवि भी सुधरेगी। यह बात सही है। आजकल भारत के न्यायालय की छवि ऐसी बन चुकी है कि कोर्ट का मतलब तारीख पर तारीख। दादा जी के बाद पिता जी, पिता जी के बाद उसका बच्चा, बच्चा के बाद उसका बच्चा, यानी एक कोर्ट में जब मुकदमा दर्ज होता है तो उसका न्याय लेने के लिए कम से कम 15-20 वर्ष आराम के साथ निकल जाते हैं।

हमारे साथी ने बताया है कि कितने लोक प्रतिनिधि के ऊपर सामाजिक आंदोलन के तहत किये गये कई मुकदमों आज भी 15-20 साल से वैसे ही हैं। कई जजों को सेशन छोड़ कर भी वहां हाजिरी लगानी पड़ती है। भारत की ऐसी छवि को सुधारने के लिए, खासकर कॉमर्शियल साइड की तरफ, जैसे ऐसी न्यायालयों की स्थापना होने के बाद, वैसे तो मुंबई और दिल्ली में कॉमर्शियल कोर्ट्स स्थापित हुये हैं, लेकिन आज भी देश के कई उच्च न्यायालयों में कम से कम 20,000 कॉमर्शियल मुकदमों वर्षों से प्रलंबित हो चुके हैं। कई प्रॉपर्टी के केसेज हैं, कई कंपनीज के केसेज हैं, ज्वाइंट वेन्चर के केसेज हैं, ऐसे मुकदमों जब वर्षों से कोर्ट में चलते आ रहे हैं, तो इन्वेस्टमेंट करने वाले थक जाते हैं। एक बार ऐसा हुआ था कि मुंबई जैसे बड़े शहरों में गैंगस्टर्स ऊपर आ गये, न्यायालय में होने वाले विलम्ब से गैंगस्टर्स का कारोबार बढ़ा। प्रॉपर्टीज के बारे में या उनके मालमत्ता के बारे में जब सही वक्त पर न्याय नहीं मिलती है, प्रॉपर्टी नहीं मिलता है और पैसा भी नहीं मिलता है, जो इन्वेस्टमेंट किया, उसके बदले में कुछ नहीं पाते हैं तो लोग कोर्ट को छोड़ कर जो दूसरी व्यवस्था गैंगस्टर्स की थी, कानून के बाहर जाकर उनके पास एप्रोच करते थे। उनके पास जाने के बाद फोन से यहां-वहां से लोगों को बुला कर, जो 10 वर्षों से नहीं हो रहा था, उसे 10 दिनों में निपटारा करने की ताकत उनके पास थी और उनको बढ़ावा मिला, उसका कारण न्यायालय में विलंब होना था। आज जब विधि न्यायालय, कॉमर्शियल न्यायालय की स्थापना करने के लिए सरकार जाती है तो मेरा भी डर यही है कि आज ढाई-तीन करोड़ मुकदमों पूरे देश में हैं, मेट्रोपोलिटन कोर्ट, डिस्ट्रिक्ट

कोर्ट से सुप्रीम कोर्ट तक लंबित हैं। लेकिन आम आदमी डिस्ट्रिक्ट कोर्ट, मेट्रोपोलिटन कोर्ट या ज्यादा से ज्यादा हाई कोर्ट में जाते हैं, उनको सही समय पर न्याय देने की इच्छा सरकार की है तो ज्यादा से ज्यादा कोर्ट का निर्माण करे और वहां अधिकतम जजों की भी नियुक्ति करने की जरूरत है। इसके लिए माननीय सदस्य कीर्ति आजाद जी ने जो सुझाव दिये, पूरे सभागृह को उसका समर्थन करना चाहिए। आज सभी कोर्ट्स में कम से कम 30 प्रतिशत से 40 प्रतिशत जजों के पद रिक्त हैं। इस क्षेत्र में अच्छे जज आने चाहिए, लोगों को न्याय की अच्छी सुविधा की व्यवस्था तैयार करके देनी चाहिए। इसलिए इंडियन जूडिशियरी सर्विस की शुरुआत करने की जरूरत है। इस बिल के माध्यम से मैं माननीय मंत्री महोदय से विनती करूंगा कि उन्हें इसके ऊपर ध्यान देना चाहिए।

15.29 hours

(Shri Hukum Singh in the Chair)

महोदय, अभी सलमान खान को 12 वर्ष तक केस चलने के बाद रिहा कर दिया गया। न्याय व्यवस्था ऐसी है कि 12 वर्ष के बाद सलमान खान को रिहा किया गया, लेकिन सवाल यह है कि जिस रात को वह इन्सिडेंट हुआ था, उसमें जिनकी मौत हुयी थी, आखिर उसके जिम्मेदार कौन हैं? वह घटना किसने की? उसकी खोज किसी ने नहीं की? सलमान खान को रिहा करने के बाद जिनकी जान गयी उसको ऐसे ही छोड़ दिया, ऐसी व्यवस्था नहीं होनी चाहिए। जब किसी को न्याय देते हैं तो जो असली गुनहगार हैं, उनको ढूंढने का काम जूडिशियरी और साथ-साथ में पुलिस डिपार्टमेंट का होना चाहिए। यह बदलाव सिस्टम में लाने की जरूरत है।

महोदय, आज जो बाहर आते हैं, वे पीआईएल के माध्यम से कोर्ट में दौड़ते हैं, कोर्ट के पास सारे मामले पीआईएल के माध्यम से जाते हैं, यानी संविधान के द्वारा सभी ड्यूटीज फाइनलाइज की गयी हैं। लेकिन ज्युडिशियरी में आज एडमिनिस्ट्रेशन साइड के सारे मुकदमें भी वहां जाते हैं। किसी को पानी देना है कोर्ट में चलो, किसी को अनाज देना है कोर्ट में चलो, किसी के बारे में और कुछ करना है तो कोर्ट में चलो। जिस तरह पीआईएल की संख्या बढ़ती जा रही है, इससे पहले सुप्रीम कोर्ट और हाई कोर्ट ने गलत तरह से पीआईएल करने वाले लोगों पर जुर्माना लगाया, उन पर पाबंदी लगाने की कोशिश की। मेरा डर है कि जब कमर्शियल कोर्ट का निर्माण करने जा रहे हैं, आज जज जिस कोर्ट में काम कर रहे हैं, उन्हें वहां से हटाकर कमर्शियल कोर्ट में उनकी नियुक्ति न करें। अगर कमर्शियल कोर्ट में अच्छे जज बिठाना हो तो जिस कोर्ट की जगह वेकेंट हुई है, वहां तुरंत जजों की भर्ती होनी चाहिए ताकि भारत में जल्दी से जल्दी लोगों को न्याय मिले।

इस सुविधा के माध्यम से मैं कानून मंत्री माननीय गौड़ा साहब और पार्लियामेंट्री अफेयर्स मंत्री माननीय वेंकैया नायडु साहब से भी विनती कर रहा हूं कि बॉम्बे की जगह मुम्बई आया, मद्रास की जगह

चेन्नई आया, लेकिन आपने बॉम्बे हाई कोर्ट को मुम्बई हाई कोर्ट करने का आश्वासन दिया, चेन्नई का नामकरण करने का भी आश्वासन दिया। उसके लिए न्याय की मांग करते हुए दस वर्ष हो चुके हैं। इस विधेयक के माध्यम से मैं विनती करना चाहता हूं कि इसी सत्र में बॉम्बे की जगह मुम्बई हाई कोर्ट और चेन्नई हाई कोर्ट का विधेयक लाएं, उसका नामकरण करें। आप से जल्दी से जल्दी न्याय मिले, यही अपेक्षा करके मैं अपनी बात समाप्त करता हूं। धन्यवाद।

DR. RAVINDRA BABU (AMALAPURAM): Sir, I thank you very much for giving me this opportunity. On behalf of TDP, I fully support this Bill and I heartily welcome this Bill but I would like to seek a few clarifications from the hon. Minister.

I would like to draw his attention to definitions part. What is a commercial dispute? It has been clearly defined that commercial dispute means nothing but interpretation of documents or agreements or contracts relating to the business of the following transactions type. For example, it is mentioned as immovable property, exports imports, shipping, oil and gas exploration, seismic studies and other things. Every commercial transaction or commercial dispute always revolves around money or revenue. My only pertinent question is, if any revenue is involved in these transactions, in the document preparations, and if any revenue dispute arises in this and if the definition is silent, then these commercial courts do not serve the purpose because there are already courts dealing with the revenue and money matters. There are consumer courts, Income Tax Appellate Tribunals, Customs and Service Tax Appellate Tribunal and the High Courts which are dealing with such disputes also. Will these courts have a parallel jurisdiction with those Tribunals or those courts which are already established or are they going to be combined and made as one or what is the road map for the establishment of commercial courts?

There is another clarification which I would like to seek. On the orders passed by the District Courts, appeals lie with the High Court and on the orders passed by the High Courts, appeals lie with the Appellate Divisions of the High Court. This is the way. Whereas in the Statement of Objects and Reasons, it is written that on orders passed by the High Courts also, appeals lie with the High Court Appellate Division. I do not know whether this is a typing mistake or is there any special provision made in this regard. It is because on any order passed by the High Court, the appeal always with the Supreme Court. It is a common dictum. It is always like that. But in this special Act, it has been clearly told that

on orders passed by the commercial courts, appeal lies with the High Court Appellate Division and on orders passed by the High Courts also, appeal lies with the Appellate Division. Therefore, I need some clarification on this.

Regarding the issue of appointment of judges, it is a million dollar question as to how the Law Minister is going to address this problem. There is acute deficiency of the judicial officers. As my colleagues have already mentioned, appointment in judicial services takes a lot of time. It is a cumbersome process. I have a small suggestion. Please consider this very seriously. This is a very inexpensive suggestion to implement.

There are so many law experts, there are so many revenue experts and you have so many revenue officers who have retired. There are so many financial consultants, there are so many financial consultancy firms, like the KPMG, Deloitte, etc. There are a lot of Chartered Accountants and Chartered Accountancy Training Institutes. There are a lot of faculty members. We have them in IIMs also. We have a lot of technical expertise with the understanding of the Indian judicial system. Therefore, my request would be let us not repeat the mistake of appointing a non-technical person, that means a judge having a judicial background, to deal with the commercial disputes which is highly technical in nature. To understand commercial dispute, to resolve a commercial dispute arising out of exports and imports, definitely requires understanding of the Customs Act and custom law procedures, international laws and procedures and also the understanding of the financial transactions. These types of complex things get struck even at the level of High Courts and Supreme Court. They take a lot of time to resolve them. Therefore, my earnest request to the Law Minister is to think of appointing technical experts, having technical knowledge of the revenue matters particularly. They should be those who have dealt with commercial disputes and commercial frauds. Those who have dealt with commercial frauds, they can easily sit in judgement of the commercial disputes. Give them the judicial status. They can be of immense use.

My last submission is, the ITAT, the Income Tax Appellate Tribunal and the Customs, Excise Service Tax Appellate Tribunal officers are very competent. There is always a system of taking a technical member, judicial member. You always take the technical member from the administrative side. You please think of appointing technical members also for these commercial courts, commercial appellate divisions and commercial high courts in all the districts and the High Courts. This is my suggestion. I have also asked for a lot of clarifications. I would request the hon. Minister to clarify those things. Thank you. *Jai Hind. Jai Telugu Desam.*

SHRI B. VINOD KUMAR (KARIMNAGAR): Mr. Chairman, Sir, thank you. I, on behalf of my Party, Telangana Rashtra Samiti, support this Bill.

At the outset, I would like to say that a few apprehensions were expressed by the Member who spoke before me. In enforcing the contracts, as per the World Bank Report, India stood at 186th place out of 189 countries. With regard to contract enforcement time, it takes four years. It is the time taken to enforce a contract in Indian courts. As on today, to enforce a contract in Indian courts is around four years.

The cost of the legal fee and the time consumed is around 40 per cent of the claim of the disputes. Out of around 32,000 cases in the five High Courts, where there is original jurisdiction of the civil disputes, more than 50 per cent are commercial disputes. Even in the district courts, among the civil suits, as per the statistics, around 52 per cent are commercial disputes. So, around 52 per cent of the cases are commercial disputes. What is a commercial dispute? As per this Bill, a commercial dispute is defined to include any dispute related to transactions between merchants, bankers, financiers, traders, etc. Such transactions deal with mercantile documents, partnership agreements, Intellectual Property Rights, etc. These disputes in the growing economy, like India, which is a developing country, are the order of the day. So, we should not feel as if these commercial courts, commercial division, commercial appellate division of high courts, which the Government is proposing, are only for the corporate sector. This is my personal opinion. It is because these commercial courts are dealing with cases where the suit value is only Rs. 1 crore. I think the amount of rupees one crore is nothing. It is not a very big amount. Even to start a small company, that would be the total value of that small industry also. So, I think the commercial courts will definitely help the needy.

As on date, even now when, family disputes arise, they constituted the Family Courts. With regard to negotiable instruments, when there were cheque

dishonour cases, we constituted the Negotiable Special Courts under the Negotiable Instruments Act. Also, when there were terrorist activities, we constituted the TADA courts also. We also constituted the Fast Track Courts for different disputes. We also constituted the Economic Courts which are now existing. Earlier, when land ceiling was implemented, we also constituted the Land Reforms Tribunals. Thus, I feel, we should not get worried in establishing such courts. These are only exclusive for some category of citizens.

I appreciate the additional features of the Bill and I welcome it. They have taken steps to amend the CPC. It is a welcome step. It is said that arguments in the case should be concluded not later than six months from the date of first case management hearing. The first case management is a new order inserted in CPC as per the orders. We are also amending the orders and the rules in the CPC. This is a welcome step. In the Schedule, it is mentioned that the case management is in order 15, Chapter-IV of CPC. We are amending the CPC also. These are welcome steps.

With regard to hearing also, written arguments are to be submitted before four weeks of the oral hearing following revised written arguments, if any. The judgement should be pronounced within 90 days after conclusion of the arguments.

Regarding evidence, it should be on a day to day basis. These are some salient features which I welcome. At the same time, I propose a few amendments. This is with regard to clause 20, page 7, after line 28. As has been mentioned by a few Members, there is an apprehension that the judges who are going to be appointed in commercial courts, commercial divisions and commercial appeal divisions of High Courts in order to support or in order to have some know-how from the experts, my amendment is this. My amendment is:

“The Central Government shall constitute a panel of eminent and objective financial experts comprising of chartered accountants, company secretaries, economists, tax lawyers and such other experts who may be consulted by the Commercial Courts, Commercial

Divisions or the Commercial Appellate Divisions of High Courts on the relevant subject matter.”

In the event, if they feel that they should know the subject matter of the issue framed in the cases, they may be allowed to consult the experts. They should have some provision in the Act in order to get the expert opinion. So, I thought that it would be better if we insert such a clause in the Bill.

With regard to oral evidence, they said it should be on a day to day basis. I am also proposing to insert a clause wherein I propose that the Court shall, in addition to recording the oral evidence of the witnesses, also ensure video recording of the same. Today, video-recording is a general thing. So, I think, if the judges are transferred and some other judges comes into office, basing not only on the oral evidence but also he can visualize the video-recording. So, for that purpose, I thought that it would be better if we have such a clause also.

With regard to adjournments by the advocates, there is a provision that the advocates can seek adjournment by paying some cost. That is not a new clause. In the present CrPC procedure also, that clause is there. I thought that we can fix a number of adjournments in the event the advocate wants to seek some adjournments. I thought that adjournments should not be more than three. With these three suggestions from my side, I support the Bill, in the event of the Government coming forward to accept these suggestions.

SHRI M.B. RAJESH (PALAKKAD): This Bill seeks to ensure speedy disposal of high value commercial disputes. As my esteemed colleagues, Shri Tathagata Satpathy has pointed out, this Bill has got a clear class bias. This is nothing but an effort to serve the interests of corporates. In the very first paragraph of the Statement of Objects and Reasons of this Bill, it is clear that there is class bias. It says, early resolution of commercial disputes shall create a positive image to the investor world about the independent and responsive Indian legal system.

I will come back to this aspect later. Before that, let me go into some aspects of this Bill. The 78th Report of the concerned Standing Committee has made some important and serious observations and recommendations in this regard.

Firstly, the Government should establish commercial courts on the basis of the requirement. The Standing Committee pointed out that Sikkim and Uttarakhand are having one and 25 cases in total respectively. So, the requirement of commercial courts is varied in States. Instead of establishing commercial courts throughout the country, it should be based on requirement. The Government should have collected statistical data regarding the number of commercial suits, applications, appeals, and petitions pending before the various courts in the country.

Secondly, resolution of commercial dispute is the service provided by the State to a section of litigants who can very well afford the cost of such adjudication. Hence, there is an urgent need of working out and revising the existing court fee structure.

Thirdly, the Standing Committee has pointed out that there is no need for transferring all pending commercial cases to the commercial courts. Instead, the litigants can be given a choice to remove commercial courts. All the pending cases need not be transferred to commercial courts.

An important observation made by the Standing Committee, and concerns were raised by my colleagues who spoke before me regarding the appointment of Judges in commercial courts. Clause 5(3) of the Bill gives the power of appointment to the Chief Justice of the High Court concerned. The power of appointment of person to the post of District Judge in a State lies with the Governor of that State who exercises that power in consultation with the High Court of the State concerned. Now, in this Bill that power has been given to the Chief Justice of the High Court of that State. As recommended by the Standing Committee, appointment powers of the State Government should be left as provided in the Constitution. So, the current provision is not in conformity with the provision under article 233 of the Constitution.

Coming back to the class bias of this Bill, I would like to mention what has been stated in the Statement of Objects and Reasons. It says that early resolution of commercial disputes shall create a positive image to the investor world about the independent and responsive Indian legal system. It is good. This Government's obsession with the notion of ease of doing business is well known and this Bill is there to facilitate the ease of doing business. The Government is more concerned about ease of doing business, but this Government is least concerned about the ease of doing farming and the Government is not at all concerned about the ease of life of the ordinary people of our country. Anyway, we do not have any complaint if the Indian legal system is responsive to the investor world. It is all right. But what is the responsiveness of our legal system to the common people of our country?

In this regard, I would like to raise two or three issues. The Standing Committee Report itself has shown that there is a large number of vacancies in higher judiciary. According to a reply given in Parliament in March, 2015, 2,68,51,766 cases were pending in subordinate courts. This is an alarming number and this figure has remained unchanged since 2012. In the last three years, there has not been any improvement in clearing the pending cases. The number of

pending cases in all courts is estimated to be more than three crores. One of the major reasons for this huge backlog is the enormous number of vacancies of the post of judges remaining unfilled.

The Law Ministry has, in a reply given in Parliament in August this year, accepted this fact. According to the Law Ministry, High Courts had a shortfall of 384 out of the sanctioned strength of 1,017 posts. But according to the Standing Committee, on 1st September, 2015, out of 1,017 sanctioned posts of judges, 392 posts are lying vacant in various High Courts. In August, the vacancy figure was 384, but in September it has increased to 392. This is the state of affairs. In December, 2013, the Supreme Court has stated that out of a sanctioned strength of 19,518 posts in the subordinate courts, there were 4,403 vacancies. So, from the subordinate courts to the High Courts, a large number of vacancies are lying unfilled. What about filling up of these vacancies? What is the cost of these unfilled vacancies? The Allahabad High Court is operating at less than 50 per cent of its sanctioned strength and there are one million cases pending before this High Court alone.

The National Judicial Data Grid (NJDG) set up by the hon. Supreme Court of India stated that as of 25th September, 2015, there were two crore cases pending before the District Courts and two-thirds of these cases are criminal cases.

Sir, 10 per cent cases are pending for more than 10 years. In Gujarat, nearly 25 per cent are pending for over ten years. Nearly 18 per cent cases are pending for ten years on a national level. Around 30 per cent cases are pending between two to five years.

Sir, about 56 lakh cases across 15,000 courts are pending for more than five years. At the current rate of disposal, Districts courts will take 10 years to clear pending cases. What about speedy disposal of civil and criminal cases keeping in view the poor and ordinary people of our country? It will take ten years to clear all this if we will go at this pace. Bihar, Gujarat, Maharashtra, West Bengal,

Jharkhand and Jammu and Kashmir would never be able to clear all pending cases. This is the situation.

Sir, why is there a huge number of under-trials in our jails? It is because of failure of our justice delivery system. The Justice delayed is justice denied. That maxim has become a cliché. We have been listening this almost each and every day. What is our position? According to National Crimes Record Bureau Data 2013, two-third of prisoners in India are under-trials. Over 3,000 of the 2.8 lakh have been in jails for over five years. Here Salman Khan's example was given by one hon. Member. We all know about the prime accuse in Coimbatore Bomb Blast case. He spent nine years in jail and finally he was acquitted. Among these under-trial prisoners, Muslims, dalits and tribals people constitute majority of these under-trial prisoners.

15.58 hours

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

Near about 21 per cent of under-trial prisoners are Muslims. Only 17 per cent out of them are convicted. Hon. Law Minister may recall one instance. It is my personal experience also. When he was the Chief Minister of Karnataka, one tribal MCA student and his father was booked under serious charges of waging war against a State, branding them as Maoists and he was put behind bars. Both of them spent more than one year. I myself went to Bengaluru and met the then Chief Minister Sadananda Gowdaji. I am very thankful to him that he looked into that seriously and finally all cases against them were dropped. But they had to spend one year in jail. At the age of 22, a brilliant MCA student, who was an activist of our own organisation Democratic Youth Federation of India, had to spend one year in jail. Finally, after the then Chief Minister's intervention, police had dropped all charges against them. So, *dalits*, tribals and minorities are languishing in jails as under-trials.

The Government is very much concerned about ease of doing business, speedy disposal of commercial suits and high valued commercial suits. But what is your priority? What should be your priority? Why has the Government not

concerned about making Indian legal system more responsive to ordinary poor and common people of our country? Why has the Government not bothered about the large number of cases pending? Why has the Government not bothered about a huge number of under-trials languishing in our jails? That is why I said that this Bill is a class-bias. There is a class-bias in Indian legal system also.

16.00 hours

So, I would like to make an appeal to the hon. Minister to address these serious issues which concern the ordinary and poor people rather than those business people and their high value commercial suits.

Thank you.

SHRI VARAPRASAD RAO VELAGAPALLI (TIRUPATI): Hon. Deputy Speaker, Sir, I thank you for giving me this opportunity. I compliment the present and also the past Government for bringing out legislation like this.

Coupled with the establishment of courts and coupled with the proposed Bill of Arbitration and Conciliation, this will definitely bring out good legal reforms in India. ... (*Interruptions*)

SHRI P. KARUNAKARAN (KASARGOD): Sir, it is very sad that most of the Treasury Benches are empty. ... (*Interruptions*)

HON. DEPUTY SPEAKER: All right. Shri Varaparasad Rao, you please continue.

SHRI VARAPRASAD RAO VELAGAPALLI: Since already the issue of establishing commercial courts has been referred to the Standing Committee and the Law Commission has dealt with it twice, I think, it is high time that we established commercial courts quickly.

In most of the high value commercial disputes, the facts are complex and the questions of law are intense. Therefore, proper judges may be appointed. We also compliment the Law Commission for bringing out various issues and to establish the commercial courts quickly. The limit of Rs.1 crore is also found to be reasonable. Less than that, in any case the existing legal system will take care. More than that, since the commercial cases are complex, the special courts will take care.

We also strongly believe that justice delayed is justice is denied. Therefore, just as the hon. Minister has suggested, the timeframe in the Arbitration and Reconciliation Act, perhaps should also be put in respect of some of the cases, particularly the cases of commercial nature. We all believe that the establishment of commercial courts will definitely improve the economic growth where the present Government is looking forward. In the existing system if anybody wants to open a company in India, they have to satisfy as many as 40 Acts. Therefore, to minimize the number of Acts that they have to be crossed and to enable investors

to come to India, I think, this is a good step forward. This will also improve the faith of investors both from India and abroad.

Till now, India is in a very bad shape as far as ease of doing business is concerned. Since the present Government has a very high ambition of accelerating the economic growth, this will also definitely help in ease of doing business in India. As I was suggesting, timeframe is very essential to bring out efficiency in these cases.

We all know that there is a huge backlog and a large number of vacancies in courts. My earlier speaker, Shri M.B. Rajesh has given elaborate details. While we say that justice should be given expeditiously, the Government is not taking any effective steps in filling up the vacancies in the lower courts, high courts and supreme courts. Unless that is taken care of, any number of creating additional machineries may not solve the problem of the accumulation of cases.

Now, these Commercial Courts are going to deal with different kinds of things like the transaction of the merchants, bankers and financiers. At the same time, they are also going to tackle the important technical issues like Intellectual Property Rights. I doubt whether the value could be fixed at like Rs. 1 crore as far as the intellectual properties are concerned.

Secondly, not every Judge could sit on the Judgments of the Intellectual Property Rights. While the power has been given to the Chief Justice of the respective courts to nominate the Judges as far as the Special Courts are concerned, I would request the hon. Minister that a special mechanism could be evolved where trained Judges could be considered, where efficient people could be considered, and where honest Judges could be considered.

Now, Sir, we are evolving the multiple systems. Multiple bodies are there. Regular courts are there; commercial courts are also coming up; and arbitrators are going to be established. So, we should ensure that the multiple bodies should not affect the existing legal system.

As my learned colleagues were speaking, which is a very serious issue, three-fourths of the under-trials are coming from the minorities, *dalits* and tribals. Every fortnight, it is appearing in the newspapers in big letters. But I do not see the Government taking any steps towards this, for the simple reason that these communities are extremely weak, socially and economically. The Government has put in a system of legal assistance. But I must say that it is extremely ineffective. The Advocates are picked up without following any system and some of them even do not know why the legal system for the poor people has been established in India. That is one of the reasons why these vulnerable sections are remaining under-trials for a number of years in the jail. The Hon. Minister may kindly look into this aspect and try to help the weaker sections of society.

Sir, the hon. Minister has considered the penalty, incentives and disincentives as far as the Arbitration and Conciliation Act is concerned. But he has not considered this aspect in this Bill. So, unless these two are matched, the efficiency and the speedy justice will not come forward.

To avoid any selfishness or corrupt practice, I consider it on the lines of several Indian Services Systems. We have Indian Civil Services, Engineering Services and all that. It is the need of the hour that the Government takes up steps to establish the Indian Judicial Services as well so that they are accountable and answerable like all other Civil Servants.

Sir, the hon. Minister has also considered the Summary Judgments in this regard. That means, one does not have to record the oral evidences here. Considering the present system that we have, be it in the arbitration system or here, it may lead to the misuse of the provisions. So, I would request the hon. Minister to kindly consider this aspect of the Summary Judgment without recording the oral evidences and see how it could be effectively implemented.

The last point, which I would like to mention is this. Earlier speakers have also mentioned about it. Several States have a lot of objections as far as the establishment of the Commercial Courts is concerned, for the simple reason that a

very high cost is involved there. Secondly, all the retired people will be coming and sitting there. Therefore, basing on the cases, the respective States could be given the opportunity either to establish it where there are lots of case or not to establish it where the number of cases is very small.

Sir, with these few suggestions, I would once again thank the Chair for giving me this opportunity and I also thank my leader Shri Jagan Mohan Reddy for this chance to speak. Thank you so much.

SHRI P.P. CHAUDHARY (PALI): Hon. Deputy-Speaker, Sir, I am thankful to you for giving me this opportunity to participate in the debate on the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts, Bill, 2015.

I rise here to support the Bill. This Bill, in fact, is the need of the hour. As on today, there are all types of commercial disputes. Despite the fact that the cause of action arose in our country, some of the disputes are being resolved outside the country. So, with this Bill, it will improve the faith of the investors in legal culture of the nation, improve the international image of the Indian Justice Delivery System and consequently, it will accelerate the economic growth of the country. In the globalized economy and in the international trade, the commercial disputes have increased to a large extent. We need specialized courts for this purpose. All over the world, the specialized courts have been set up and we are far behind for setting up of these specialized courts. I would like to name some of the countries. So far as the United Kingdom is concerned, it has set up its specialized courts. Apart from that, at least 17 countries of the world, have set up the specialized commercial courts and these commercial courts are dealing not only with the domestic disputes but also are dealing with the international disputes. I would like to name Singapore and Dubai where they are not only dealing with the domestic disputes but they have also set up the commercial courts of such a nature for resolution of the commercial disputes and they are treated as Commercial Dispute Resolution Hub.

Now, in Singapore, they have Singapore International Commercial Court. It was started recently in 2015 and in these courts, not only the Judges of that Court, even the Judges from outside are being appointed to participate in the Justice Delivery System and the lawyers from abroad are also being allowed to argue the cases before these courts and in case of Dubai, International Financial Central Court, it also decides cross border disputes. So far as India is concerned,

we are far behind in it and in our Justice Delivery System, delay is being caused. In legal parlance, it is well-known and said that the 'Justice delayed is Justice denied' but at the same time, it is also said that the 'Justice hurried is Justice buried'. We are not finding the second part in our country. If we see the pendency of cases in the subordinate and High Courts, about three crore cases are pending. So, in India, we take at least on an average four years to decide the commercial disputes whereas in other parts of the world, like in Singapore, only 5 months are being taken.

I congratulate hon. Law Minister that six months time has been provided to dispose of the matter and it will certainly attract investment in the country and the FDI will also be increased. It will also instil confidence in domestic as well as foreign investors. The Law Commission also in its report feared about the delay in adjudication in Court and that amounted to breach of India's obligation under bilateral and multilateral investment treaties. In India, so far as the civil disputes are concerned, if we count them, only in five High Courts where original jurisdiction is there. In terms of percentage, it is 51.7 per cent civil cases where the original jurisdiction is there. In a globalized economy, bilateral investment treaties have been signed by the Government of India and the countries who are signing these treaties are making it sure that in case of any dispute, despite the fact that the cause of action is in India, those disputes can only be resolved outside the country because in Justice Delivery System, they know it that delay is there and for enforcement of any contract, it will take longer time. The commercial courts are proposed to overcome the delay in judicial process and so far the Government of India is committed to create an FDI friendly environment to attract more foreign investment in economic growth of the country. In the 'Ease of Doing Business Report, 2015 of the World Bank, India has slipped to 142 out of 189 countries.

There is an endeavour. I am happy that the Government is very conscious of this fact and if this happens, then it is a feather in the cap of the Government. In our country, there is an endeavour from the Government to improve this position of the country by placing it within top 50 countries of the world.

Now, if we see the Bill, basically, it creates courts where the original jurisdiction of the High Court is also there. But so far the original jurisdiction of the five High Courts, namely, Chennai, Kolkata, Mumbai, Delhi and Himachal Pradesh, is concerned, I fail to understand this because the original jurisdiction of the High Court was created during the colonial time and that was created to serve the purpose of the colonies. Still, we are continuing with it. No doubt, recently the amendment was made in the Delhi High Court Original Jurisdiction Act with respect to enhancing the jurisdictional limit from Rs.20 lakh to Rs.2 crore. Now, in the present Bill, the limit is only Rs.1 crore.

So far as Delhi is concerned, it will be a problem. If the cases are transferred on account of the Delhi High Court Bill, then those cases will go to the district court but under this Bill Rs.1 crore limit is there. So, my suggestion to the hon. Law Minister is that either the original jurisdiction of all the High Courts may be repealed and uniform jurisdiction of all the High Courts to be created in the country or in the alternative, so far as the Delhi Act is concerned, there also the limit may be increased to Rs.2 crore.

The commercial dispute has to be heard by experts with demonstrable expertise than those people having the commercial law because it is not the institution that we are creating. The judge who is manning the court is very important. We can see the quality of judgment when we appoint specialised judges. Specialised judges can only be appointed by a transparent method. We have to evolve a transparent method of appointment of judges and appoint those judges having specialised knowledge in commercial law because we are in a globalised economy and specialisation in every subject is very necessary. That is why, we are talking about the All-India Judicial Services whereby we can recruit judges. Just

like the Indian Administrative Service, Indian Foreign Service, Indian Forest Service, Indian Police Service, we can recruit the judges in commercial courts, especially, those who are having knowledge in commercial law. But if we are recruiting judges having knowledge of general law and not having specialised knowledge of commercial law, then the same situation will arise where it is not the system which would fail us but we will fail the system itself. So, we have to devise that method also. By this method, since a large number of Tribunals are there, the cases will automatically be transferred after the coming into force of this Act and the delay which is being caused in the Tribunals like Competition Appellate Tribunal, Debt Recovery Appellate Tribunal, Intellectual Property Rights Appellate Board, Company Law Board, National Company Law Tribunal, Security Appellate Tribunal, Telecom Dispute Settlement and Appellate Tribunal, will be reduced. So, the cases will go to the Commercial Appellate Division of the High Court to hear appeals arising out of these Tribunals.

So, time limit has also been prescribed under this Bill. Under this Bill, the oral and written argument should be completed within the stipulated time by the advocates and the Judge is also required to give the judgement within the stipulated time. He cannot keep the judgement pending after hearing the arguments for more than three months. These are all welcome moves and I congratulate the hon. Law Minister that by this process the commercial dispute, at least, will be decided within the stipulated time.

We are also seeing that in article 226(3), the amendment was made long back that in case the *ex-parte* interim order is passed by the court and in case any application is moved, then that application has to be decided within a period of 14 days. Our experience shows in how many cases those applications are being disposed of! So, it is not the law but at the same time it is the implementing agency which has to be taken care of.

So, enforcement is also a very important aspect of the matter. No doubt, in the present case no provision has been made to file any appeal or further proceeding against the interlocutory order made because there is no final adjudication. In case such type of provision is there, then it will certainly delay the process for disposal of the cases because the very purpose for disposing the cases within six months will be frustrated.

Apart from this, in advanced countries in Europe and America, the process of pre-litigation mediation is there. Any party approaching any process of court can have a pre-litigation mediation and around 75 per cent cases are resolved by this process. But in our country we are not finding such any law. No doubt, the Arbitration and Conciliation Act is there but that cannot redress their grievance. Pre-litigation mediation is entirely different where without invoking the jurisdiction of any court or authority one can have a pre-litigation mediation, where both parties get together and decide whether they can argue their cases at their own level and they can dispose of the matter without approaching the court. If this provision is taken into consideration, like other countries we can also mitigate these grievances to a large extent and around 75 per cent cases can be reduced in our country. Thus, the pendency of cases can be reduced to a large extent. So, it is also one of the big judicial reforms. This judicial reform is the need of the hour.

In respect of some of the provisions, I would like to make a few things clear. In respect of provision regarding commercial dispute, the definition has been given under Section 2 (c). My suggestion to the hon. Law Minister is that instead of doing this, we can include all those Acts which are dealing with the commercial disputes. It is because we have a galaxy of Acts, which deal with the issue of commercial disputes. Those Acts can be clubbed together and can be made as a part of the Schedule of this Bill. Whenever any Act is enacted, the principal Act can be amended and added. Otherwise, the definition of the word 'commercial dispute' is very exhaustive and can create a lot of problems in deciding whether a

particular dispute is a commercial dispute or not. So, it is better if a particular enactment defines the commercial dispute. Otherwise, some of the disputes of that Act would fall within the definition of the commercial dispute which has already been given and some of the disputes will not fall within the meaning of the commercial dispute. So, it is my suggestion to the hon. Law Minister that though the word 'commercial dispute' has already been defined, it again needs to be reviewed. Not only this, it may include the Schedule along with the Bill, including all the Acts.

Since we are creating these courts and they are the new courts, we have to establish them on a pilot mode. Otherwise, what will happen is that the cases from various tribunals will be transferred to these courts. The question that comes is whether we require transferring of those cases pending with various courts or not. They may be at various stages; some of the cases will be at advanced stage of hearing; and some of them will be very old. If all the cases are transferred altogether, the system may crumble itself. So, we have to take into account that we establish these courts on pilot basis. Not only this, we have to create adequate funds, the state of the art infrastructure and human resources including judges and staff. So, this is to be taken care of. Otherwise, the very purpose for enacting this Act will be a futile exercise.

So far as pecuniary jurisdiction of the original High Court is concerned, I have already stated that it will create basically a chaotic situation in respect of Delhi High Court where the original jurisdiction of the Court is Rs.2 crore whereas in the present case it is only Rs.1 crore. Below rupees two crore, all the cases from the High Court shall be transferred to the district courts. But herein, by this Act, all the cases above rupees one crore will be transferred to the High Court. So, this controversy has to be resolved and taken care of.

There is an official amendment in regard to appointment of judges. So far as appointment of judges in the commercial courts is concerned, it is to be made by the High Court whereas Articles 233 and 234 of the Constitution specifically

provide that the appointment of judges in the district courts and the appointment of judges in the munsif courts is to be made by the State Governor in consultation with the High Court and by the Governor in consultation with the Public Service Commission respectively. After the official amendment, which I have received today, it has been clarified.

Sir, I have been allotted 30 minutes because the first speaker of my party took only five minutes. ... (*Interruptions*) I extend my thanks to him.

Sir, an official amendment is there on this issue which the hon. Law Minister has brought. Otherwise, we would have been required to amend the Constitution. The Constitution provides for appointment of judges in the district court to be made by the Governor of the State in consultation with Chief Justice of the High Court and the appointment of judges in the Subordinate Judiciary is to be made by the State Governor in consultation with the Public Service Commission. So, in case the appointment of judges in the commercial courts is to be made by the High Court only, then it is in contravention of the mandate of Articles 233 and 234. Therefore, an official amendment has been brought so that the appointment shall be made in consonance with Articles 233 and 234. For this purpose, I extend my thanks to the hon. Law Minister.

Not only for the purpose of disposing of commercial litigation and commercial disputes, the time has come for having other specialised courts as well. We are having specialised professors and we are having specialised doctors. Then, why are we not having the specialised courts in our country? If we have specialised courts, then our justice delivery system will also be of international level. As a result, the FDI will increase and consequently, the economy of the country will grow.

There are two types of justice delivery system – criminal and civil. In these commercial courts, we have to spend a huge amount of money. For whom do we do it? The arguments also came that this money is spent for deciding disputes with respect to big companies, whether they are domestic companies or international

companies. Who is paying for it? Why should the Government pay for it? Why should it be done at the cost of the Public Exchequer? So, we have to make a distinction between the criminal justice delivery system and the civil justice delivery system.

So far as the criminal justice delivery system is concerned, it is the sovereign duty of the Government, but so far as civil justice delivery system is concerned, it is a service being rendered by the Government. So, for that service, the Government should be compensated suitably. For this purpose, a professional cost accounting wing should be established in every High Court. It should assess the amount to be charged and how much court fees needs to be levied from a particular litigant. Or, it may fix a common court fee for this purpose. It should also look into the issue of adjournment.

Since I come from the legal fraternity, I know the adjournment part of litigation process. No doubt, the adjournment part has been curtailed and taken care of. No adjournment is permissible, but the cost has not been provided. The cost should be provided for seeking an adjournment and it should increase gradually. It should be a particular amount for the first adjournment, and thereafter, for the second, third and fourth adjournments it should increase gradually. It should work as a deterrent for those persons who are seeking adjournment and adopting the delay tactics.

We can enact the law, but at the same time enforcement is equally very important. Articles 145, 227 and 229 provide the Supreme Court and High Court to frame rules subject to the law made by the Parliament or State Legislatures respectively. So, the Supreme Court and High Court are required to provide it in the law with respect to case management, cost management and time management. Hence, all these factors are to be taken into consideration, and then only we can implement this law properly and instil faith in the justice delivery system.

Now, in arbitration, conflict can also be there. So, as regards the Arbitration and Conciliation Act and commercial courts, the choice should be given to the

litigant. If one approaches for arbitration and thereafter he is coming to the commercial court, but in case one approaches for arbitration, then the sunset clause should be there and it should come to an end. I am saying this because arbitration is the choice of the litigant. Once they go there, then ultimately, they should not be permitted to touch the fountain of justice by way of approaching the commercial courts. Otherwise, it will again delay the justice delivery system. Further, the verdict given by the arbitrator should also be binding on him.

Sir, I thank you very much for affording me an opportunity to participate in the debate.

डॉ. अरुण कुमार (जहानाबाद) : उपाध्यक्ष जी, आपने मुझे कामर्शियल अपीलेंट कोर्ट बिल, 2015 पर बोलने का अवसर दिया, इसके लिए मैं आभार व्यक्त करता हूँ। यह समय की मांग है। आज वैश्विक इकॉनामी का वातावरण दुनिया में बना है और बिना इनवेस्टमेंट के हमारी इकानामी वाइब्रेंट नहीं हो सकती है। जब हमारी सरकार केंद्र में बनी और नरेन्द्र मोदी जी के नेतृत्व में पूरी दुनिया में भारत की प्रतिष्ठा बढ़ी तो भारत के प्रति लोगों की उम्मीद भी बढ़ी है। एक ऐसे वातावरण का निर्माण हुआ है, जिसमें देश में इनवेस्टमेंट काफी मात्रा में आने की गुंजाइश है। कामर्शियल अपीलेंट कोर्ट बनाने से और लॉ कमीशन के सुझाव पर सरकार ने कामर्शियल कोर्ट के गठन की प्रक्रिया इस बिल के माध्यम से शुरू की है। हम निश्चित तौर से सरकार के इस प्रगतिशील कदम का स्वागत करते हैं।

महोदय, वाणिज्यिक विवाद 6 महीने के अंदर निपटारे से निश्चित तौर से इनवेस्टर के मन में एक विश्वास पैदा होगा। मैं कहूंगा कि जिस तरीके से सिंगापुर और दुबई जैसे देशों में इंटरनेशनल फाइनेंशियल कोर्ट्स हैं, इस तरीके की एक ट्रांसपेरेंट आर्गनाइजेशन का भी चिंतन करना चाहिए। कुछ साथियों ने कहा कि इसे स्टैंडिंग कमेटी में वापस करना चाहिए। हम समझते हैं कि यह एक सुविचारित बिल है और समय कम वेस्ट करते हुए इस बिल को सरकार लाई है। यह सुविचारित बिल है। निश्चित तौर से सदन को इस बिल को सर्वमत से पास करना चाहिए। यह देश के हित में है और हमारी वाणिज्यिक गतिविधि के हित में है।

महोदय, इसके साथ हम माननीय मंत्री जी से निवेदन करना चाहेंगे कि निश्चित तौर से आज देश में जुडीशियल सिस्टम्स पर हर जगह प्रश्न उठ रहा है। अधीनस्थ कोर्ट में करोड़ों मुकदमों लंबित पड़े हुए हैं। हमारे कुछ साथी बोल रहे थे कि अधीनस्थ कोर्ट्स में दो करोड़ केसेज पेंडिंग हैं। यह उनकी अपनी राय है। हमें इस समस्या का निदान द्रुतता चाहिए जो पिछले 30-40 वर्षों में कोर्ट की तरह पेंडिंग केसेज का अंबार बना हुआ है। हम माननीय मंत्री जी से अनुरोध करना चाहेंगे कि यह एक ऐसा जटिल नेक्सस है, एक समस्या है, एक चुनौती के रूप में यह है, जिसका निदान द्रुतता के लिए अधीनस्थ कोर्ट और ऊपर के कोर्ट में जो केसेज पेंडिंग हैं, अधिक समय तक न्याय प्रक्रिया में जो चीजें फंसी रहती हैं, उसके चलते भी क्राइम बढ़ता है। इसके निदान के लिए जजों का अप्वाइंटमेंट, जैसे लोक अदालत के माध्यम से उनका निपटारा करने का प्रयास किया गया है, लेकिन हम रेगुलर कोर्ट्स में जजों की नियुक्ति पूरी तरह से नहीं करेंगे, इसका निदान नहीं द्रुतता, तब तक इस समस्या का हल नहीं निकल सकता है। कभी-कभी ऐसे केसेज देखने को मिले हैं कि जो व्यक्ति हत्या के जर्म में जेल में बंद रहा, लेकिन 20 वर्षों के बाद वह व्यक्ति जिंदा ही है, लेकिन उसने 20 वर्षों की सजा भी काट ली। इस तरह से न्याय प्रक्रिया में जो फौलेसी है, उसे

दूर करने के लिए जो रेगुलर कोर्ट्स हैं, जो फौजदारी मुकदमें हैं, उनके निपटारे के लिए भी हमें चिंतन करना चाहिए। इन्हीं शब्दों के साथ मैं बिल का समर्थन करता हूँ।

श्री संतोष कुमार (पूर्णिमा) : उपाध्यक्ष महोदय, आपने वाणिज्यिक न्यायालय, उच्च न्यायालय वाणिज्यिक प्रभाग और वाणिज्यिक अपील प्रभाग विधेयक, 2015 पर विचार रखने की आपने अनुमति दी है, इसके लिए मैं आपका धन्यवाद करता हूँ। सरकार ने यह विधेयक अपने अध्यादेश को कानूनी रूप देने के लिए प्रस्तुत किया है। सरकार अपने उद्देश्य में सफल हो, इसकी मैं आशा करता हूँ। सरकार का कहना है कि इस कानून के बन जाने से आर्थिक स्थिति में बढोतरी होगी, कम एवं तय समय सीमा के अंदर व्यावसायिक मुकदमों का निपटारा होगा, जो एक करोड़ से अधिक के दावे हैं। सरकार युक्तियुक्त यानी कम अदालती खर्च की बात करती है। किन्तु, मेरा मानना है कि जिस तरह से फीस पर पारदर्शिता इस विधेयक में कहीं नहीं दिखाई गयी है, शायद ही यह उस उद्देश्य को पा सकेंगे। इस तरह के खंडपीठ में सेवानिवृत्त में न्यायाधीशों को नियुक्त किया जायेगा तो फिर फीस कम कैसे हो सकती है? वह तो अपनी फीस ज्यादा से ज्यादा चार्ज करेंगे। अतः मेरा मानना है कि सामान्य न्यायालयों जैसे न्यायाधीशों की नियुक्ति होती है, वही प्रक्रिया इस खंडपीठ के लिए भी लागू होना चाहिए। अगर न्यायाधीश रिटायर्ड हो गये तो उनकी जीवन भर की कमाई का यह खंडपीठ एक स्रोत नहीं बनाया जाये। अगर दूसरे बाहरी लोगों को ही लेना है तो बहुत ही व्यावसायिक फील्ड के एक्सपर्ट्स हैं, जैसे, सीए, सीएस अन्य प्रबुद्ध वर्ग हैं, अच्छे व्यावसायी हैं, उनका पैनल बना कर ये नियुक्तियां हो सकती हैं, जिससे न्यायालयों के खर्च कम किये जा सकते हैं। मैं आशा करता हूँ कि करीब एक करोड़ व्यावसायिक मुकदमों जो भिन्न न्यायालयों में लंबित हैं, उनका निपटारा जल्द होगा और लंबित मुकदमों की संख्या कम होगी। मेरा सुझाव है कि एक करोड़ केसेज की सीमा को कम करके 25 लाख किया जाना चाहिए। मैं यह भी आशा करता हूँ कि विधि आयोग की सिफारिश की 253वीं रिपोर्ट को ध्यान में रख कर सरकार इस कानून को पूर्णतः पारदर्शी, कम खर्चीला और त्वरित न्याय दिलाने के लिए एक सक्षम कानून बनाने का कार्य करेगी। क्योंकि मामले सामने आते रहते हैं, अगर एक करोड़ का दावा है तो न्यायालय के आदेश आते-आते इतना या इससे अधिक न्याय पाने में खर्च हो जाता है।

यह कदापि न हो। तय समय सीमा का पूर्ण पालन हो और जल्द से जल्द न्याय देने की प्रक्रिया पूर्ण हो। कानून में सख्ती से पालन की व्यवस्था हो। अगर ऐसी व्यवस्था इस कानून के माध्यम से सरकार देती है तो अधिक खर्चीले मध्यस्थता कानून की शायद आवश्यकता ही नहीं पड़ेगी क्योंकि उस कानून की व्यवस्था में कोई गुंजाइश नहीं है जो इसे सफल होने में शक की ओर ले जा सकती है।

मेरा विश्वास है कि अगर सरकार इस कानून को पूर्णतया पारदर्शी बनाने में सफल होती है तो जो लोग विदेशी व्यापारिक मुकदमों के लिए सिंगापुर और लंदन को सबसे अधिक पसंद करते हैं, वे भी भारत में ही जल्द निपटारे के लिए आकर्षित होंगे। इससे देश की साख बढेगी, सरकार का उद्देश्य एफडीआई को

बढ़ावा देने का है, वह भी पूरी तरह सफल होगा। वर्ल्ड बैंक के ईज ऑफ डुइंग बिजनेस में भी भारत सर्वोच्च स्थान पर होगा। धन्यवाद।

श्री दुष्यंत चौटाला (हिसार) : उपाध्यक्ष महोदय, आपने मुझे कमर्शियल कोर्ट, कमर्शियल डिबिजन और कमर्शियल एपेलेट डिबिजन ऑफ हाई कोर्ट, 2015 पर बोलने का मौका दिया। आज जहां हम कमर्शियल कोर्ट्स की बात कर रहे हैं, देश को देखें तो दुनिया में अगर सबसे ज्यादा कोर्ट केसेज किसी देश में पैडिंग हैं तो वह हिन्दुस्तान है। आज लगभग 2 करोड़ 6 लाख 57 हजार 841 केसेज हमारे देश में पैडिंग हैं जिनमें से 40 लाख से ज्यादा कमर्शियल केसेज हैं। माननीय मंत्री जी की एक अच्छी शुरुआत है कि उन्होंने कमर्शियल कोर्ट्स की ओर जाने के बारे में सोचा। हमारे देश में पिछली सरकार द्वारा ग्राम न्यायालय बनाए गए थे। कानून भी पारित हुआ, 15 करोड़ रुपये राज्यों में बांटे गए। मैं सरकार से पूछना चाहूंगा कि क्या ग्राम न्यायालयों से किसी को फायदा पहुंचा। क्या आज वे ग्राम न्यायालय एग्जिस्ट करते हैं? आज कानून बनाकर एक बॉडी खड़ी करना बहुत आसान है, लेकिन उसके परफैक्ट इम्प्लीमेंटेशन के लिए हमें बहुत मशक्कत करनी पड़ेगी। अगर हम सिविल केसेज की बात करें तो 3 लाख 68 हजार सिविल केसेज हमारे देश में पैडिंग हैं। अगर पांच से दस साल की बात करें तो 10 लाख 8 हजार से ज्यादा केसेज पैडिंग हैं। लगभग 17 लाख सिविल केसेज तो पांच साल से ज्यादा पाइपलाइन में पैडिंग पड़े हैं। फैसला कब आएगा। हम कमर्शियल कोर्ट्स की बात करते हैं। वे क्या एक्टिविटी मौनीटर करेंगे। क्या पैसा, क्योंकि हमारे देश में छोटी-छोटी ट्रांजैक्शन्स बड़े पैमाने पर कैश के माध्यम से दी जाती हैं। क्या उन्हें भी मौनीटर करने का काम करेगा?

मैं बिल पढ़ रहा था, उसमें लिखा है कि एक करोड़ से ज्यादा की ट्रांजैक्शन को कमर्शियल कोर्ट्स मौनीटर करेंगे। हमारे देश में एक करोड़ की हैसियत वाले कितने लोग हैं। आज कितने लोगों के पास पैसा है। जिनके पास एक करोड़ रुपये हैं, उनके पास अच्छे वकील करने के लिए पैसे हैं। वे अच्छे वकील करके भी हाई कोर्ट और सुप्रीम कोर्ट में जा सकते हैं। लेकिन क्या कमर्शियल कोर्ट्स उन छोटे दुकानदारों की तरफ भी देखेंगे जिन्हें दिन-दहाड़े लूटा जाता है, जिन्हें छोटी-छोटी ट्रांजैक्शन में फसाया जाता है। मैं माननीय मंत्री जी से आग्रह करूंगा कि आपके एक करोड़ के पैमाने को घटाकर कम से कम 25 लाख तक लाने का काम करें ताकि मीडियम स्तर के दुकानदार को भी इस कोर्ट के माध्यम से न्याय दिलाने का काम हो।

ऐप्वाइंटमेंट ऑफ जजेस - मैं पढ़ रहा था। उसमें लिखा था -- **The Chief Justice of the High Court will appoint the judges.** कौन्सटीट्यूशन पर डिबेट हुई। कौन्सटीट्यूशन में लिखा गया है कि ज्युडिशियरी, लेजिस्लेटिव और एग्जीक्यूटिव हमारे तीन पिलर हैं। लेकिन आज हम जिस तरह के कानून बनाते हैं, ज्युडिशियरी जजों को ऐप्वाइंट करने में व्यस्त हैं। हम यहां से कानून बनाकर भेजते हैं, सुप्रीम कोर्ट उस कानून को 4-5 जजों का एक कोलेजियम बनाता है और उसे मोड़कर हमारे पास भेजने

का काम भी नहीं करता। क्या आज हमारे देश में यही काम रह गया है? जजों की ड्यूटी लोगों को न्याय दिलाने की है या अपने सहयोगियों को ऐप्वाइंट करने की है। मैं माननीय मंत्री जी से क्लैरीफिकेशन भी चाहूंगा कि हम जहां कमर्शियल कोर्ट्स की बात करते हैं, जो मिनी सैक्रेटेरिएट होगा, जहां आज हमारे जज डिस्ट्रिक्ट लेवल पर बैठते हैं, कमर्शियल कोर्ट के लिए, क्योंकि इसमें डिस्ट्रिक्ट के बराबर कमर्शियल कोर्ट को बनाने की बात की जाती है।

क्या आप वहां डिस्ट्रिक्ट कोर्ट के बराबर एक नया पैरेलल सिस्टम खड़ा करने का काम करेंगे, क्या आप कमर्शियल एक्टिविटीज को मोनिटर करने वाले जजों को अप्वाइंट करेंगे, क्या वह कमर्शियल बैकग्राउंड से आते हैं, जैसे कोई चार्टर्ड अकाउन्टेंट हो, कोई लॉयर हो, जो स्पेसिफिकली उन ट्रांजेक्शन को मोनिटर कर सकेगा। हमारे द्वारा अप्वाइंटेंड जजेज में से कोई व्यक्ति कमर्शियल कोर्ट का जज बनेगा, नियम के अनुसार हर छह महीने में रोस्टर बदलता है और उनका ट्रांसफर हो जाता है। यदि कोई कार्मशियल कोर्ट में आएगा तो उसको कमर्शियल एक्टिविटीज को जानने और समझने में कम से कम छह साल या साल भर का समय लगेगा और उससे पहले आप उसके पहले ही उसका ट्रांसफर हो जाएगा। जब हम हाई कोर्ट लेबल पर कार्मशियल कोर्ट की बेंचेज की बात करते हैं, क्या जो जजेज वहां आएंगे वे रोस्टर के साथ नहीं बदले जाएंगे? कीर्ति आजाद जी ने ज्वाइंट ज्यूडिशियल एग्जाम कराने का सुझाव दिया था। जिस तरह हम आईएस, आईपीएस की भर्ती करते हैं उसी तरह से हम जजेज की भर्ती क्यों नहीं कर सकते, क्यों नहीं नई पीढ़ी जो लॉ की बड़ी-बड़ी डिग्रियां लेकर आ रही है वह इस क्षेत्र में अपना टैलेंट दिखाए वह इस देश का जज बनकर देश का भविष्य तय करने का काम करे। आज कोई भी गरीब आदमी जो हाई कोर्ट और सुप्रीम कोर्ट में लड़ाई लड़ता है तो उसे कभी न्याय नहीं मिलता है क्योंकि उसके पास वकील को देने के लिए लाखों-करोड़ों रुपये नहीं होते हैं। हम कमर्शियल डिजीजन बनाने की बात करते हैं, यह सारा ट्रांजेक्शन रिलेटेड मैटर है इसके लिए लोगों को महंगे वकील भी करने पड़ेंगे, उनका विचार-विमर्श करते हुए हमें इस बिल की ओर देखना पड़ेगा। आपने बोलने का समय, आपका आभार प्रकट करता हूँ।

SHRI N.K. PREMACHANDRAN (KOLLAM): Thank you, Mr. Deputy-Speaker, Sir.

I rise to oppose this Bill. The Statutory Resolution disapproving the Ordinance was in my name but unfortunately I could not be present on that day because of the boycott in the Parliament; so, the Statutory Resolution was taken up but it was not moved and the discussion was postponed for today.

First of all, even the introduction of this Bill before this House and the discussion on this Bill is against the Rules of Procedure and Conduct of Business in the Lok Sabha. I would say that this Bill has originated as a part of the recommendations in the 188th Report of the Law Commission. As a part of those recommendations, the Commercial Courts and Commercial Appellate Division of High Courts Bill, 2009 was introduced in this House and it was passed by this House. Subsequently, it was transmitted to the Rajya Sabha. When it went to the Rajya Sabha, there was a dissenting view expressed by many Members in that House. Therefore, it was again transmitted or referred to the Law Commission. Subsequently, the Law Commission submitted a new report, the 253rd Report.

On the basis of the new report, a new Bill was drafted and presented before the Rajya Sabha on the 24th April, 2015. The interesting fact to be noted is that when it was introduced, the Bill was directly referred to the Standing Committee. When the Bill was pending before the Standing Committee, the Ordinance was promulgated. That is why I had given a Statutory Resolution to disapprove the Ordinance. The matter is pending scrutiny of the Standing Committee, which is a Joint Committee consisting of Members of the Lok Sabha and the Rajya Sabha. So, the matter is under scrutiny of this House but an Ordinance is promulgated and in order to replace the Ordinance a new Bill is introduced in this House during this Winter Session when an identical Bill is still pending in the Rajya Sabha and the matter is under the scrutiny of the Standing Committee.

Though I may not use the word 'callous' to describe the Bill drafting and legislative process, you may kindly see how it has been done. When the Bill was

under scrutiny of the Standing Committee and the Report has not been submitted to the House, the Bill is taken for consideration. The Bill has been taken for consideration on the last day though the Standing Committee Report has not been submitted before this House. ... (*Interruptions*) All right, it was submitted in the morning; in the afternoon you have moved for consideration and my Statutory Resolution is killed!

The way the legislative process is going, the Treasury Benches are not serious and the Opposition is also not serious. The very purpose of the legislature is to make law or to legislate. Unfortunately, the procedure, rules and the legislative process is being taken for granted. That is the first objection which I would like to raise. It is against the Rules of Procedure and Conduct of Business of this House and also against the basic principles of Constitution. I will come to that in a second.

Coming to this Bill, why I am opposing this Bill is, all the enactments or the legislation coming in this House is for ease of doing business. We have passed last week, the Negotiable Instruments Act. The next Bill which is coming before the House is Arbitration and Conciliation Bill. Then we have the Land Bill. Almost all the legislation which is being aggressively pursued by this Government is for ease of doing business and not for the common downtrodden people of this country. Can you suggest any Bill which is for the common people of this country?

After assuming power, during this one-and-a-half years of power in Government can the Government suggest or cite an individual Bill which is a beneficial legislation as far as the common people are concerned? Has any such original Bill been introduced in this House? They keep on saying that this is the original Bill. Every legislation is for the rich, the corporates, for the haves and not for the have nots. This is the thinking and mindset of this Government. How much interest the Government has taken in promulgating an Ordinance when the Bill is pending for consideration of a parliamentary Standing Committee? What is

the urgency and what is the extraordinary situation in promulgating such an Ordinance? Can the Government explain it?

There was no exigency. The only thing is to by-pass the Rajya Sabha. The Bill was pending in the Rajya Sabha under the scrutiny of the Standing Committee. The Government has to by-pass the Rajya Sabha so as to introduce the Bill in the House and for that purpose the Government has promulgated an Ordinance and in order to replace the Ordinance the Bill is introduced in the House. The indirect way by which the Bill is being pushed through or bulldozed through the Lok Sabha with the huge majority of the Government is my first objection.

Sir, I now come to the contents of this Bill, This Bill has been introduced with a *bona fide* for the rich corporates to have a fast track mechanism for disposal of commercial disputes of specified value of Rs.1 crore or more. You may kindly see the constitution of commercial courts at the district level, constitution of commercial division courts in the High Courts and the commercial appellate division in the High Court. I reasonably believe that Shri P.P. Chaudhary will endorse the view which I am going to make. Shri Satpathy has also touched upon that issue.

Sir, I am referring to the definition clause, Clause 2 (c). In my limited experience of legislative process this is the first time in the House that the definition is being stated in such a way. Sir, I may be given some time so that I can substantiate my point. Clause 2 says:

“Commercial courts mean commercial courts constituted under subsection 1 of section 3.

(c) Commercial dispute means a dispute arising out of (one to 21) various kinds of commercial transactions in which dispute arises. ”

Everything under the sun will come within the definition. Kindly see 22 which says:

“Such other commercial disputes as may be notified by the Central Government.”

Now whatever will be the whims and fancy of the Central Government that will be a commercial dispute. Then my humble clarification from the hon. Minister would be as to why these 22 sub-clauses are there. Instead of having these 22 sub-clauses, you can very well say that a commercial dispute means a dispute arising out of a commercial transaction and such other commercial transaction as may be prescribed by the Central Government. It means the right of the Parliament to define what is a commercial dispute is being taken away from the Legislature by the Executive with the connivance of this Government for which I cannot agree. I have moved an amendment for this. Kindly that amendment may be carried out. Otherwise, what is the meaning of legislation. The Executive is given ample power to define what is a commercial dispute. Even the Parliament is not having the authority to define the crux of the legislation.

The same thing is there for specified value also. I am not going into the provisions because of the paucity of time. In respect of specified value also it is being described that it would be not less than Rs.1 crore or more as prescribed by the Central Government. So the specified value of the commercial dispute will be determined by the Government or the Executive. What is a commercial dispute that will be determined by the Executive and what is the intent of the legislator, it is still not known. The hon. Minister or the Government is submitting to the Parliament that you pass the law and we will define the commercial dispute later according to the whims and fancy of the Government. This is not a due process of law making. That is the point which I would like to make.

As regards Chapter V of the Bill, there is a provision regarding transfer of pending suits in various courts. Section 15 (1) says:

“All suits and applications, including applications under the Arbitration and Conciliation Act, 1996, relating to a commercial dispute of a Specified Value pending in a High Court where a Commercial Division has been constituted, shall be transferred to the Commercial Division.”

Clause 10 says:

“Where the subject-matter of an arbitration is a commercial dispute of a Specified Value and –

- (1) If such arbitration is an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 that have been filed in a High Court, shall be heard and disposed of by the Commercial Appellate Division where such Commercial Appellate Division has been constituted in such High Court.”

So this has been stated in Clauses 10 and 15... (*Interruptions*).

HON. DEPUTY SPEAKER: He is explaining it in his own way. The Minister will reply to him. You need not worry.

... (*Interruptions*)

HON. DEPUTY SPEAKER: You need not explain to anybody. You come to the point.

SHRI N.K. PREMACHANDRAN (KOLLAM): In Clause 2, 22 items are described to explain what a commercial dispute is. What about 22nd? Chapter V of the Bill deals with the transfer of pending suits and application under the Arbitration Act to the commercial courts. It is also contradictory. I will explain it once again.

HON. DEPUTY SPEAKER: Mr. Premachandran, you come to the point. You need not explain it again. There is paucity of time.

SHRI N.K. PREMACHANDRAN: Soon we are going to take the Arbitration and Conciliation (Amendment) Bill, 2015. In that, there is no definition as far as commercial dispute is concerned.

17.00 hours

There is no definition as far as the commercial disputes are concerned. There is no definition as far as the commercial courts, or the commercial Divisions or the Commercial Appellate Tribunals are concerned. What is the basic principle of legislative process? If you draft legislation, then the legislation should be distinct, independent and comprehensive. If you go through the Arbitration and

Conciliation Act, all the arbitrations which are related to the commercial disputes are to be transferred to the commercial courts or commercial Divisions or Commercial Appellate Division. What does it indicate and what does it mean? The Arbitration and Conciliation Bill of 2015 is silent about the definition of commercial dispute. Even this Act also is silent about the arbitration proceedings. So, there is an alternative dispute redressal mechanism in the Arbitration and Conciliation Act. There is also a constitution of High Court and the original jurisdiction is given as far as the international commercial jurisdictions are concerned. What mechanism will be applicable in a case where the specified value is more than Rs. One crore which is also a commercial dispute. I would like to know whether such a case will be decided by the High Court as per the original jurisdiction envisaged in the Arbitration and Conciliation Act or it will be done by the Commercial Division. That is why I am saying that either in the Commercial Act or in the Arbitration and Conciliation Act this matter has not been specified, defined and explained. So, that contradiction has to be explained by the hon. Minister in respect of ... *(Interruptions)*

SHRI KIRTI AZAD: Arbitration is always outside the court and not inside the court... *(Interruptions)*

HON. DEPUTY-SPEAKER: Shri Premachandran, you make your points.

SHRI N.K. PREMACHANDRAN : Then you have not read the Arbitration Act. As per the proposed Act the original jurisdiction for an international commercial transaction will be High Court... *(Interruptions)* If the hon. Minister can convince us on this, then it is all right. We are going to create a new court as per the Arbitration and Conciliation Act in which the original jurisdiction is going to be provided. This contradiction has to be explained as far as these two Acts are concerned.

The third point is regarding article 14 of the Constitution. I feel that if this legislation goes to the Supreme Court, or High Court, definitely this will be struck down. This is why because commercial dispute which involves Rs. One crore or

more is being given a special treatment. As per article 14 of the Constitution, there should be equality before law and equal protection of law. The discrimination should be justified on reasonable grounds. What is the reasonable ground? Hon. Member Shri Satpathy read out the provision regarding oil exploration. Who is doing these oil explorations and coal mining and all those activities which result in commercial disputes? From the hon. President to the police constable, from the Prime Minister to the peon, all are equal before law. If that is the case, in the judicial system, the Multi-National Companies and the rich people in the country are dealing with huge amounts of commercial transactions. They are getting a special treatment in the judicial system. This is absolutely a discrimination against the poor common people in this country.

Therefore, my point is that this provision or this Bill is against the principle of equality before law and equal protection of law. Otherwise, the Government has to substantiate the reason for this... (*Interruptions*) Your classification is that rich will be getting speedy justice and poor people will be getting delayed justice. That classification is not a reasonable classification. If my commercial dispute is in respect of Rs. 10 crore, then I will be having a special preference in the High Court and I can have an original jurisdiction in the High Court and the dispute will be resolved within a maximum period of 18 months, but a poor man whose commercial dispute involves a sum of Rs. 10 lakh, he will be have a lesser preference. This means that a poor man will have a poor treatment and the rich will have a better treatment.

Is it a reasonable classification, Shri Chaudhary? ... (*Interruptions*) Is it that family courts are exclusively for a particular class of people? There is no distinction in family courts as rich family and poor family. If it is a dispute in the family of Reliance, then their cases will be heard first and if it is a case in the family of a common worker's family, then that will be heard later. There is no such provision. It is exclusively for family matters and that is common for all, whether they are rich or poor. Here, in this Bill, I make a very serious allegation

that we, the Parliament, are making a classification like poor versus rich. ...
(*Interruptions*)

SHRI P.P. CHAUDHARY: The Supreme Court and the High Court have already created it in the month of July.... (*Interruptions*)

SHRI N.K. PREMACHANDRAN : That is why, I am asking as to why the Bill is withdrawn from the Rajya Sabha. Why was this Bill withdrawn from the Rajya Sabha? The elders have shown all these points. That is why, the Bill was again referred to the Law Commission and it has again come back. It is because of political influence and political pressure, and the influence of the multinational corporates on the Government. That is why, the Bill has again come with the recommendations of the Law Commission.

My point is, this has to be taken care of as far as poor and common people are concerned. You have said that delay defeats justice. Yes, it is absolutely a common principle. So, considering all these points like from the date of the introduction of the Bill in 2009, the introduction of the Bill in Rajya Sabha, sending it to the Standing Committee, promulgation of the Ordinance and further replacing the Ordinance, things are done in a hurried manner. There is haste and hurry so as to pass this Bill and this itself means that it is not for the common people of the country and it is only for a particular class of the society.

So, I strongly oppose this Bill.

*SHRI SHER SINGH GHUBAYA (FEROZEPUR) : I thank you, Hon. Deputy Speaker Sir, for giving me the opportunity to speak on the important bill – “The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Bill, 2015”. This is a wise and sagacious move by the Hon. Minister and I congratulate him for this timely initiative. It is the need of the hour and I rise to support this bill.

Sir, several Hon. Members have given their pertinent suggestions regarding this bill. I would like to speak on the issue of empowering the Panchayati Raj institutions. Lakhs of cases are pending in various courts. If trivial or small cases could be dealt at the level of Panchayats, the burden on higher judiciary will decrease. So, the cases should be sorted out on the basis of their nature or their value. The lower courts can dispense justice in the cases that are not of very high value or importance. Only cases of very high value or importance should be taken up by the higher judiciary.

Sir, it is a known fact that the rich, the influential and the business magnates and tycoons wield immense clout. They are able to get speedy justice and have the capability to influence the legal system in their favour. However, the poor people do not stand any chance at this level and justice is delayed for them. They cannot bear the costly litigation and justice becomes a casualty in their case. Thus, the poor people lose out to clout and wealth. So, the cases should be evaluated in the beginning and the Panchayats should also be involved, depending upon the nature and value of the cases.

Hon. Deputy Speaker Sir, the same holds true for criminal cases or cases pertaining to financial irregularities or banks. Over 2 crore cases are pending in the courts. Although Lok Adalats have tried to dispense speedy and economical justice, but the rot in the system has not yet been fully stemmed. The sheer number of cases is overwhelming. So, timely and speedy dispensation of justice is needed. Disposing of cases within a fixed time-frame is one solution to the

* English translation of the speech originally delivered in Punjabi.

problem. It will go a long way in providing justice to the poor. Although, all are equal in the eyes of law, but in reality, influential and rich people are more equal than others. Hence, I urge upon the Hon. Minister to kindly look into my suggestions seriously.

Sir, the criminal cases bring out the worst flaws in our judicial system. People are wrongly convicted at times in cases of Cr Pc 302. So, justice becomes a casualty at the alter of clout and influence wielded by the rich and the powerful. The Government must come to the aid of the poor people. They cannot be left in the lurch. It is the responsibility of the Government in a welfare state to ensure that speedy justice is provided to the poor and the common man without fear and favour.

Sir, there should be transparency in the banking transactions. Farmers generally take agricultural loans. If their standing crops are destroyed due to natural calamities, the farmers fail to return their loans in time. Similarly, small industrialists take loans from the bank for setting up industries. However, if their industries fail due to any reason, they too are not in position to repay their loans. The interest keeps on accruing. So, the Government must bail out such hapless people.

Sir, in the end, let me say that the small families will gain out of this bill. The amount of Rs.10,000/- will be sufficient for them. I urge upon the Hon. Minister to make the necessary change in the bill. This is a landmark bill and I support it. Thank you.

श्री दहन मिश्रा (श्रावस्ती) : उपाध्यक्ष महोदय, कानून मंत्री जी द्वारा लाए गए वाणिज्यिक न्यायालय, उच्च न्यायालय, वाणिज्यिक प्रभाग और वाणिज्यिक अपील प्रभाग विधेयक, 2015 का मैं समर्थन करता हूँ। भारी धनराशि वाले वाणिज्यिक विवादों को निपटाने के उद्देश्य से चुनिन्दा न्यायालयों में वाणिज्यिक पीठ की स्थापना के उद्देश्य से अक्टूबर में सरकार द्वारा जो अध्यादेश लाया गया था, यह विधेयक उसी का स्थान लेगा। यह विधेयक सरकार की भारी मात्रा में विदेशी निवेश जुटाने की इच्छा की पृष्ठभूमि में लाया गया है। सालों तक चलने वाले कानूनी मुकदमों के कारण कुछ विदेशी कंपनीज भारत में कारोबार करने से हिचकिचाती हैं।

वाणिज्यिक प्रतिष्ठानों की अगुवा प्रतिनिधि संस्था 'एसोचैम' के सुझाव पर न्यायिक सुधार के माध्यम से अर्थव्यवस्था को मजबूत करने के उद्देश्य से हमारी सरकार द्वारा यह एक मजबूत विधेयक लाया गया है। उच्च न्यायालयों और दीवानी न्यायालयों में लम्बित एक करोड़ रुपए और उससे ऊपर की राशि के सभी वाणिज्यिक विवाद और आवेदन सम्बन्धित वाणिज्यिक प्रभागों या वाणिज्यिक अदालतों को स्थानांतरित कर दिए जाएंगे।

वाणिज्यिक अदालतों की स्थापना दिल्ली, मुम्बई, कोलकाता, चेन्नई तथा हिमाचल प्रदेश के उच्च न्यायालयों में की जाएगी। वाणिज्यिक अदालतों का दर्जा जिला अदालतों के बराबर होगा। ऐसे न्यायालयों की स्थापना से शीघ्रतापूर्वक न्याय मिलने से देश के विभिन्न क्षेत्रों में परियोजनाओं के वृहद मुकदमों में लगने वाली अरबों रुपए की राशि की बचत हो सकेगी। जिसका उपयोग उत्पादकता बढ़ाने में किया जा सकेगा। इस प्रणाली व सुधार के तहत न्यायसंगत उत्पादकता सुनिश्चित की जा सकेगी।

विकसित देशों में 70 प्रतिशत दीवानी मामले मुकदमा शुरू होने से पहले ही सुलझा लिए जाते हैं, क्योंकि न्याय प्रक्रिया में लगने वाले लम्बे समय और तारीख पर तारीख की अवधारणा इस क्रम में होने वाले समय और धन के नुकसान को लेकर दोनों पक्ष चिंतित रहते हैं। इसी क्रम में हमारे देश में वाणिज्यिक अनुबंधों के समयानुसार और प्रभावकारी कार्यान्वयन के लिए प्राथमिकता के आधार पर ऐसे मामलों से निपटने में यह व्यवस्था काफी कारगर साबित होगी। 'मेक इन इंडिया' को बढ़ावा देने और ईज ऑफ डुइंग बिजनेस के तहत यह कदम ऐतिहासिक होगा, जिससे लम्बी न्यायिक प्रक्रिया और आर्थिक नुकसान से डरने वाले निवेश हमारे देश में निवेश कर सकेंगे। ऐसे में इस प्रणाली को सरलीकृत और नवीकरण करने की आवश्यकता है, जिसकी पूर्ति इस बिल के माध्यम से हो रही है।

महोदय, न्याय का मौलिक सिद्धांत है कि विलम्ब का मतलब न्याय को नकारना होता है। देश की अदालतों में विचाराधीन मुकदमों की तीन करोड़ की संख्या का पिरामिड देशवासियों में चिंता और भय पैदा

कर रही है। अदालती फैसलों में पांच साल लगना तो सामान्य सी बात है, लेकिन 20-30 साल में भी निपटारा न हो पाना लोगों के लिए किसी त्रासदी से कम नहीं है। देश की अदालतों में जब करोड़ों मामलों में न्याय नकारा जा रहा हो तो आम आदमी को न्याय सुलभ हो पाना आकाश से तारे तोड़ लाने जैसा होगा। अदालतों में तुरंत निर्णय न हो पाने के लिए कार्यप्रणाली ज्यादा दोषी है, जो अंग्रेजी शासन की देन है। लेकिन उसमें व्यापक परिवर्तन नहीं किया गया है। कई मामलों में तो वादी और प्रतिवादी प्रयास करते हैं कि फैसले की नौबत ही न आए। समाचार पत्रों और टी.वी. चैनल्स के माध्यमों के बावजूद नोटिस तामिली के लिए उनका सहारा नहीं लिया जाता और तामिल होने में वक्त जाया होता रहता है। आवश्यकता इस बात की है कि कानूनों में सुधार करके जमानत और अपीलों की चेन में कटौती की जाए और पेशियां बढ़ाने पर बंदिश लगाई जाए।

सुप्रीम कोर्ट के मुख्य न्यायाधीश महोदय और अन्य न्यायाधीश लम्बित मुकदमों के अम्बार देखकर चिंता में डूब जाते हैं, लेकिन चिंता का किसी को हल नजर नहीं आता। उधर सुप्रीम कोर्ट में जजों की भारी कमी है। उच्च न्यायालयों में 1500 और निचली अदालतों में 23,000 जजों की आवश्यकता है। अभी स्थिति यह है कि उच्च न्यायालयों में 280 से अधिक पद रिक्त पड़े हैं। हकीकत यह है कि न्यायपालिका की शिथिलता और अकुशलता से अपराध और आतंकवाद तक को बढ़ावा मिलता है। कई वर्ष पूर्व मुम्बई में हुए आतंकी हमलों के प्रकरणों का निपटारा आज तक नहीं हुआ है। जबकि ब्रिटेन में हुई ऐसी घटना के प्रकरणों में एक-दो साल में निपटारा हो जाता है।

वस्तुतः न्यायपालिका की स्वतंत्रता के साथ ही इस अंग की कार्यकुशलता और सुचिता लोकतंत्र के लिए बेहद आवश्यक है। मुकदमों का अम्बार निपटाने और सुधार करने के लिए केवल कार्यपालिका, न्यायपालिका और विधायिका ही नहीं, वरन् देश के अग्रणी न्यायविदों, समाजशास्त्रियों और आम लोगों को विश्वास में लिए जाने की आवश्यकता है। भारत में न्यायपालिका के सामने मुकदमों का बोझ एक बड़ी समस्या है। आज़ादी के बाद से ही देश में अदालतों और जजों की संख्या आबादी के बढ़ते अनुपात के मुताबिक कभी भी संतुलित नहीं रही। इस वजह से न्याय के नैसर्गिक सिद्धांत के मुताबिक न्यायपालिका में भी मांग और आपूर्ति के बीच संतुलन कायम नहीं हो सका। समय के साथ व्यवस्था के तीनों प्रमुख स्तम्भों के बीच बढ़ते टकराव ने इस समस्या को और गम्भीर बना दिया। सुप्रीम कोर्ट संवैधानिक महत्व के मामलों को निपटाने के अपने मूल काम के बजाए सामान्य पारिवारिक मामलों की ही अपीलें निपटाने तक सीमित होकर रह गया है।

देश की सभी अदालतों में लगभग 3.13 करोड़ मुकदमों लम्बित हैं। इनमें से अकेले सुप्रीम कोर्ट में 63,843 मामलों में फैसले का इंतजार है, जबकि देश की 24 हाई कोर्ट्स में लम्बित मामलों की संख्या

44,62,000 है और निचली अदालतों में 2 करोड़ 68 लाख तक पहुंच गई है। दुनिया के किसी और दूसरे मुल्क में इतनी तादाद में मुकदमें लम्बित नहीं हैं। न्यायपालिका को स्वतंत्र और निष्पक्ष बनाने के सभी संवैधानिक उपाय पिछले पांच दशकों में निष्प्रभावी साबित हुए हैं। अगर न्यायपालिका को 24 घंटे सातों दिन काम करना पड़े, तो भी इस बोझ से उन्हें छुटकारा मिलना मुश्किल है। निचली अदालतों में जजों और वकीलों के अभाव में होने वाले फैसलों से असंतुष्ट पक्षकार अपील के लिए उच्च अदालतों में जाने के लिए विवश होते हैं। अंतरराष्ट्रीय मानकों के अनुसार 24 हाई कोर्ट्स में जजों की संख्या 906 होनी चाहिए, लेकिन अभी 636 ही है, जबकि 280 जजों की कमी को पूरा करने में सरकार सालों से संसाधनों के अभाव का रोना रोकर असमर्थता जता रही है।

हाई कोर्ट में मांग के मुताबिक जजों की मौजूदा अधिकतम संख्या 25 फीसदी का इजाफा करना तत्काल आवश्यक है। इस प्रकार सभी हाई कोर्ट में कम से कम पांच सौ जज तैनात किए जाएं तब उच्च न्यायालयों में लंबित मामलों में निजात मिल सकती है। वकीलों की महज तारीख बढ़वाने वाली सोच अगर चिंता पैदा करती है तो कानून की किताबों में लिखी इबारत से चिपके लकीर के फकीर बन के बैठे जजों का अड़ियल रवैया भी मुश्किलों को कम नहीं कर रहा है।

महोदय, सरकार नई अदालतों और अतिरिक्त जजों के लिए संसाधन उपलब्ध करा कर जिम्मेदारी दिखा सकती है तो संसद मौजूदा कानूनों की विभिन्न अदालतों में होने वाली व्याख्या को नये कानूनों में ढाल कर अदालतों का काम आसान कर सकती है। पुराने अप्रसांगिक और अप्रचलित कानूनों को समाप्त करने के लिए भी हमारी सरकार ने प्रभावी कदम उठाए हैं। न्यायिक प्रक्रिया में आमूल सुधार के लिए अदालतों का बोझ भी हल्का हो सकता है और लोगों को न्याय मिलने में देरी से रोका जा सकता है। न्यायपालिका में लोगों के विश्वास को बहाल करने के लिए तत्काल परस्पर सहमति से प्रभावी कदम उठाने की आवश्यकता है। हमें विश्वास है कि यह विधेयक अदालतों के बोझ को कम करने में भी काफी हद तक कारगर साबित होगा। इन्हीं शब्दों के साथ मैं अपनी बातों को विराम देना चाहूंगा। धन्यवाद।

श्री राजेश रंजन (मधेपुरा) : उपाध्यक्ष महोदय, सरकार न्यायालय की स्वतंत्रता या कार्यपालिका की स्वतंत्रता के लिए संसद की स्वतंत्रता को लगातार खतरे में डालती जा रही है। यह प्रत्येक सरकार में देखा गया है कि जब कभी पूंजीपतियों के लिए, उद्योगपतियों के लिए और खास आदमी के लिए इस देश में कोई विधेयक लाया गया है तो वह अध्यादेश के माध्यम से लाया जाता है। अधिकतर अध्यादेश गलत राह की ओर रहे हैं। आप आज वाणिज्य विधेयक को सदन में लाए हैं, लेकिन आपका अध्यादेश लाने का जो माध्यम है, वह सही नहीं है। आपको याद होगा कि मध्यस्थता की प्रथा शुरू से ही महत्वपूर्ण रही है। महाभारत के काल में भगवान कृष्ण पांडवों के लिए पांच गांव मांगने के लिए कौरवों के पास आए थे। भगवान राम ने भी युद्ध प्रारम्भ होने से पूर्व अंगद को मध्यस्थ बना कर रावण के पास भेजा था। ऐसे आदमी को मध्यस्थ चुना गया जो विश्वसनीय भी था और नैतिकता भी उसमें थी। यह मध्यस्थता कृष्ण और राम के माध्यम से थी, जिनका मकसद विश्व कल्याण, मानव कल्याण और धर्म की रक्षा करने के लिए था। वर्तमान में आप जो मध्यस्थता का बिल लाए हैं, उसमें आप जिनके माध्यम से मध्यस्थता करना चाहते हैं, उसमें मुझे आश्चर्य होता है कि आप कार्यपालिका और न्यायपालिका को आप स्वतंत्रता देना चाहते हैं, वह निश्चित रूप से लोकतंत्र के लिए आवश्यक है। लेकिन संसदीय प्रणाली की स्वतंत्रता को आप समाप्त कर रहे हैं। प्रणालीबद्ध बदलाव के माध्यम से न्यायसंगत उत्पादकता में सुधार के कारण आस्ट्रेलिया, अमेरिका और कनाडा में 70 प्रतिशत दीवानी मामले मुकद्मा शुरू होने से पहले ही सुलझा लिए जाते हैं। ऐसा इसलिए होता है कि मुकद्मे से जुड़े दोनों पक्ष संभावित समयावधि और तारीख पर तारीख वाली अवधारणा से एक-दूसरे को अवगत करा लेते हैं।

मेरे दो-तीन आग्रह हैं कि जिन चीजों में राष्ट्र का विकास हो या जिन चीजों से भारत की समृद्धि हो और यह देश प्रगति की ओर जाए वैसा विधेयक आप लेकर आएं। लेकिन सिर्फ पूंजीपतियों और उद्योगपतियों को खुश करने के लिए आप इस तरह के अध्यादेश न लाएं। जिसकी भी सरकार आती है वह सर्वोच्च न्यायपालिका को खुश करती है। हमारे मित्र प्रेमचंद्रन जी ने बहुत सारी बातें कह दी हैं, मैं भी उन बातों को यहां कहना चाहता था, मैं उन बातों को अब यहां दोहराना नहीं चाहता हूं। मैं दो-तीन बातें कहना चाहता हूं कि जजों की नियुक्ति की प्रक्रिया सही नहीं है। आप इसको एक बार स्टैंडिंग कमेटी में सारी चीजों में संशोधन के लिए इसको भेजें। प्रेमचंद्रन जी ने जिन-जिन प्वाइंटों को उद्धृत किया है, मैं उन्हीं को कहना चाह रहा था, उनको मैं यहां दोबारा नहीं कहना चाहता हूं। हमारे छोटे भाई चौटाला जी ने कुछ प्वाइंट कह हैं और हमारे एक मित्र ने अभी सिविल केसों की बात कही है। उन्होंने बैंकिंग सिस्टम की बात कही है।

गरीब और वंचित समाज के लोग इस देश में अधिक प्रभावित होते हैं। गरीबों के लिए या किसानों के लिए या असंगठित मजदूरों के लिए इस देश में अध्यादेश नहीं आया है। जब भी कोई अध्यादेश आया है, इस देश के खास आदमी के लिए, पूंजिपति वर्गों के लिए, सामंतवादी वर्गों के लिए आया है, सर्वसाधारण वर्ग के लिए नहीं आया है। मेरी आपसे विनती है, आग्रह है कि आप किसी भी सरल प्रक्रिया, प्रक्रिया बिल्कुल सरल हो, प्रक्रिया बिल्कुल स्वतंत्र हो, न्यायालय की स्वतंत्रता बनी रहे, इसके लिए आप पुनः एक समीक्षा करें और इसके लिए जरूरी है कि आप इसको वापस स्टैंडिंग कमेटी में भेज दें। स्टैंडिंग कमेटी के माध्यम से जब कोई निर्णय हो कर आता है तो पुनः आप इस विधेयक को यहां लाने का प्रयास करें।

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Mr. Deputy Speaker, Sir, at the outset I thank all the hon. Members who have participated in this debate. Even though the Bill is for a particular issue, my friends have traversed almost all the areas of the Judiciary, right from appointment of judges, criminal justice delivery mechanism etc.

HON. DEPUTY SPEAKER: That is the practice in the parliamentary system.

SHRI D.V. SADANANDA GOWDA: Yes Sir. I thank them only for this. There are so many areas which need to be taken care of and they have been brought to my notice by my friends here.

Now I would like to say few things about this Bill. What is the intention of bringing this Bill? I made it very clear to the House that the purpose of the Bill is to accelerate economic growth, improve the international image of the Indian justice delivery system, and the faith of the investor world in the legal culture of the nation. Today everybody spoke about ease of doing business and we all know what the ranking of our country is. But nothing has been done to take it forward. So, this is an attempt to take our country forward so that our ranking goes up in the Ease of Doing Business Index of the world. This Bill has been brought only with that aim in mind.

With regard to commercial cases, we need speedy and time-bound disposal. That is the need of the hour. Some of my friends have stated that in Singapore, the time consumed for disposal of a commercial dispute is 125 days and in our country it is more than four years. So, we need to improve the situation and we have to make an attempt to see that speedy disposal is brought.

Then, ease of doing business is another area which needs to be taken care of because we are a developing country. A country like India can go forward only when you accelerate this process. Commercial disputes require better understanding and specialization. So, continuously keeping some judges who are not specialized in the subject also creates delay in the disposal of the cases. Commercial disputes involve complex facts and complex question of law. Here, in

the Bill we have made a provision as to how persons who are specialized in commercial matters would be posted and how they are to be trained. So, to say that this Bill has been brought only to favour some industrialists, big people and it violates article 14 of the Constitution is not correct. I do not understand the argument of my learned friend Shri N.K. Premachandran. He is one of the best parliamentarians I have seen. Now there are special courts like Family Courts to deal with family disputes; there are special courts to deal with corruption cases; there are *Gram Nyalayas* and TADA Courts etc. Similarly, commercial matters should be dealt with separately. So, this Bill does not violate article 14 of the Constitution and it does not infringe upon any right of poor people. I would like to inform my friend Shri N.K. Premachandran that by taking away commercial matters from the normal courts, they can deal with other cases quickly and speedy disposal can be brought about. Automatically, the number of cases will be lessened in that court and speedy disposal will also be there. We should see the other side of the coin also. When we say all these things, there should be some basis.

I would like to answer the question raised by hon. Satpathy ji. He raised two valid points. One of them is, what was the necessity of an Ordinance when the Bill was pending in the Rajya Sabha? Shri Premachandran has also raised the same issue. He also said when the Bill was pending and the Standing Committee has not submitted its Report, why have you brought out this Bill in this House in a hurried manner? Shri Premachandran knows very well that his friends are not allowing that House to function. Nothing can be taken there. At least, after hearing the debate in this House, let them think that this Bill is one of the best Bills and that should be passed in the Upper House. Recently, we passed a Bill, the Delhi High Court (Amendment) Bill, 2015 where we have enhanced the jurisdiction of the District Court of Delhi from Rs. 20 lakh to Rs. 2 crore. There were agitations and other things. Hon. Deputy Speaker knows it very well as to how the agitations were going on for a long time and finally we got this Bill

passed. Almost all the parties supported this Bill. After it was passed, we got the President's assent, and we wanted to notify it. Meanwhile, the proposal of bringing this Commercial Courts Bill was also tabled. In Commercial Courts Bill, the original jurisdiction of the Delhi High Court is Rs. 2 crore and above. Once the Delhi High Court (Amendment) Bill is notified, automatically all the cases of commercial disputes below the value of Rs. 2 crore will be transferred to the District court. If the Bill relating to commercial disputes will be passed, then again the disputes of commercial nature of more than Rs. 1 crore have to be taken back to the High Court. So, there will be confusion not only for the litigants and advocates but also there will be delay in the disposal of these cases. So, we thought it fit that both these legislations should be brought together. As a result, the Delhi High Court Bill was notified and simultaneously, the Commercial Courts Ordinance was promulgated. Afterwards, we wanted to bring the Bill before the Parliament. For that reason, I would like to inform my friend Shri Premachandran that this Bill is not there in the Upper House. It has already been withdrawn. Only this Bill, which you are debating here, is there. Satpathy ji, we promulgated this Ordinance in Delhi just to avoid confusion. Now, we are bringing this Bill before Parliament.

Sir, a few of our friends said that, it ought to have been referred to the Standing Committee again. The Standing Committee submitted its Report on the 9th of this month. When the Standing Committee was taking evidence from various stakeholders, the Ordinance was brought to the knowledge of the Standing Committee. In its Report everywhere they observed that this Ordinance has been promulgated and concurred with it. Except in a few areas, they concurred with the present Bill. Certainly, I can rely upon the 78th Report of the Commercial Courts and Commercial Divisions and Commercial Appellate Divisions of High Court Bill, 2015. This was the Bill which was withdrawn in the Rajya Sabha. ...
(Interruptions)

SHRI M.B. RAJESH (PALAKKAD): The Committee has not concurred with one thing, that is, regarding appointment of judges. ... (*Interruptions*)

SHRI D.V. SADANANDA GOWDA: I have brought an official amendment after going through the Report. After seeing the versions of the Committee Members and the Chairman, I have brought an official amendment, which is before the House. ... (*Interruptions*) I will not again answer that because there may be views that the rights of the Legislature have been taken away and the rights of the State Government have been taken away. That will be complied with by bringing that amendment.

This Report says:

“The Committee also notes that the Ordinance issued by the Government has omitted Clause 14 of the Bill and thereby excluded all the six Tribunals/Boards from the appeal to be heard and disposed by the Commercial Appellate Division of the concerned High Court. The Committee is in agreement with such exclusion.”

The Committee has observed in so many areas. It says:

“The Clause 5(3) of the Bill, however, gives that power to Chief Justice of the High Court concerned. This is not in conformity with provision under Article 233 of the Constitution. The Committee feels that the appointment of judges of Commercial Courts ... ”

Finally, it says:

“The Committee also takes note of the Clause 3(3) of the Ordinance issued by Government on the 23rd October, 2015. The said Clause empowers the State Government in consultation with the concerned High Court to appoint judges of Commercial Court from the Higher Judicial Service of the State. The Committee feels that this Clause is in conformity with the constitutional scheme.”

So, all the matters had been debated and discussed, and the 78th Report was submitted by the Committee.

My friends raised certain small queries. Some of the Members mentioned about pecuniary jurisdiction, and asked as to why it should be only Rs.1 crore and

above. Some Member has said that it should be Rs.50 lakh; some other Member said that it should be more than Rs.10 crore or something like that.

Section 2 (1) (i) gives a direction to the Central Government to increase the limit, one of the corresponding requirements is that at any time the specific value by notification may be increased. After some time, if the Government feels, it can certainly enhance the pecuniary jurisdiction of the court as per the provision that is provided under the Act.

One of my friends asked as to why appeal has to be made in the High Court only. There are few High Courts in Chennai, Kolkata, Mumbai, Delhi, Himachal Pradesh, and other States. They have got some original jurisdiction. Where there is an original jurisdiction, the Commercial Bench will be established there and Commercial Appellate Division also will be there. That will be a Bench consisting of two judges. So, automatically the appeal will go from the original side to the appellate side. Other appeals will go directly from the district court to the appellate division. So, there is also clarity.

I do not want to explain Sections 3 and 4, which deals with the appointment of judges because this has been observed by the Committee and that Committee concurred with it.

Sir, some of my friends talked about judicial reforms, pendency of cases with regard to appointment of judges and all those things. Practically, my friend said that there is a huge pendency, it is increasing and no steps have been taken either by the Government or by the judiciary to reduce the pendency in the courts. It is not true. I will give certain facts. Shri M.B. Rajesh has raised this issue. The pendency in the Supreme Court as on 31-12-2012 was 66,692.

But as on 30/11/15 -- these are the latest figures, which I have collected. -- it has reduced to 58,870 cases. But I do concede this huge pendency should not be there.

SHRI M.B. RAJESH: Mr. Minister... (*Interruptions*)

SHRI D.V. SADANANDA GOWDA: Please wait. I will conclude, now.

Practically, there is a small decrease in the pendency. It has started, now. This Government has taken several initiatives and that is why so many cases have been disposed of rapidly in various courts.

Sir, about pendency in the High Courts, as on 31/12/2012, it was 44.34 lakh; and as on 31/12/2014, it had come down to 41.53 lakh. Now, have also started computation of courts. Phase I is completed; and the Phase II has already been taken up. We will computerize all the courts. As on today, we have computerized more than five crore disposed and pending cases. Nearly, 1.92 crore judgments have also been computerized.

Therefore, we are taking all these steps so that anybody, be it public, be it litigant, be it the Advocate or be it the Judge, can very well see how many cases are pending and how it can be taken up.

Sir, about pendency, in the District and Subordinate Courts, as on 31/12/2012, it was 2.68 crore but as on 31/12/2014, it had come down to 2.64 crore. So, the pending cases have been reduced by four lakh. The Lok Adalat is doing extremely well. About a week back, a Lok Adalat was conducted and nearly, 18 lakh cases have been disposed of by that Lok Adalat. Similarly, we have brought so many legislations, especially the Motor Vehicles Act, Negotiable Instruments Act, Commercial Disputes Act, and the Arbitration Act, which is tabled for consideration.

So, Sir, all these initiatives have been taken up by this Government; and we will see that there will be a big reform in the Judiciary also. I hope that this Bill is one of the most important Bills, which is the need of the hour. It will have a bigger impact on Judicial Reforms. Thank you.

HON. DEPUTY-SPEAKER: The question is:

“That the Bill to provide for the constitution of Commercial Courts, Commercial Division and Commercial Appellate Division in the High Courts for adjudicating commercial disputes and for matters connected therewith or incidental thereto, be taken into consideration.”

The motion was adopted.

HON. DEPUTY-SPEAKER: The House will not take up clause-by-clause consideration of the Bill.

Prof. Saugata Roy – Not present.

Shri N.K. Premachandran

Clause 2 Definition

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, I beg to move:

Page 2, *omit* lines 36 and 37.” (3)

Page 2, line 40,--

after “immovable property”

insert “given as security or is subject matter of a commercial dispute”.

(4)

Page 21, line 42,--

after “immovable property”

insert “given as security or is subject matter of a commercial dispute”.

(5)

Page 3, *for* lines 17 and 18,--

omit “or such higher value, as may be notified by the Central Government”.

(6)

Sir, about my Amendments No. 3 to 6, I may be permitted to just explain. I am not against all these things. My point is that when we legislate things, they should be in proper sense. My first Amendment is regarding Section 2 -- Definition. My submission is about ‘such other commercial disputes as may be notified by the Central Government.’ I would appeal to the whole House that this is where we are going to start a new precedent, by giving the Executive an authority to define what the legislature intends to legislate. This is not correct. That is my Point No.1. It is a harmless Amendment and I hope that the Minister will also reply on it as he forgot, while replying to the debate, to answer my submission, which I made during my speech earlier.

Sir, another Amendment is very, very important. I think it is a mistake on the part of drafting. *Explanation* says: ‘(a) it also involves action for recovery of immovable property...’

Sir, kindly see. It says: ‘*Explanation--* A commercial dispute shall not cease to be a commercial dispute merely because -- (a) it also involves action for recovery of immovable property...’

That means, action for immovable property will also come within the purview of commercial dispute. My Amendment is harmless. You kindly go through it. Just that the proposal of Amendment coming from the Opposition will be negated, is not a healthy legislative process.

What is my amendment? My amendment is that it also involves action for recovery of immovable property given as security or subject matter of the commercial dispute. If the immovable property is the subject matter of the commercial dispute or if it is given as a security for the commercial transaction, then it will come within the purview of the commercial dispute, otherwise, all the actions for the recovery of the immovable property will definitely come within the purview of the commercial dispute. This is part one.

Part two is correct. The response is correct. The second part of the definition is absolutely correct. That will be a commercial dispute. So, here also, my suggestion is given as security or as subject matter of a commercial dispute, then the definition will come within the full definition of commercial dispute. That is the thing which I would like to say regarding these two amendments. Kindly approve these amendments.

HON. DEPUTY SPEAKER: I shall now put Amendment Nos. 3 to 6 to Clause 2 moved by Shri N.K. Premachandran to the vote of the House.

The amendments were put and negatived.

HON. DEPUTY SPEAKER: Shri Adhir Ranjan Chaudhary – Not present.

The question is:

“That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

**Clause 3 Constitution of Commercial Court,
Commercial Divisions and
Commercial Appellate Divisions**

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, I beg to move:

“Page 3, line 35, -

for “one or more persons”

substitute “a person”.” (7)

“Page 3, line 36, *omit* “or Judges”.” (8)

Sir, in Clauses 7 and 8, a person will be appointed as a Judge. Here, persons will be appointed as judges of a court. Then, you have to draft ‘of courts’. If you are drafting it and making it ‘of a court’, then it will be singular. That will be a person. That will be a person and the other one will be a Judge. There is nothing harm for the Government accepting these amendments because even the literal sense of this drafting is not correct for ‘a judge’ and ‘a person’.

HON. DEPUTY SPEAKER: I shall now put amendment nos. 7 and 8 to Clause 3 moved by Shri N.K. Premachandran to the vote of the House.

The amendments were put and negatived.

HON. DEPUTY SPEAKER: The question is:

“That clause 3 stand part of the Bill.”

The motion was adopted.

Clauses 3 was added to the Bill.

Clauses 4 to 6 were added to the Bill.

**Clause 7 Jurisdiction of Commercial
Divisions of High Court**

Amendment made:

“Page 4, line 20, -

after “and filed”

insert “or pending”. ”

(19)

(Shri D.V. Sadananda Gowda)

HON. DEPUTY SPEAKER: The question is:

“That Clause 7, as amended, stand part of the Bill.”

The motion was adopted.

Clause 7, as amended, was added to the Bill.

**Clause 8 Bar against revision application or
Petition against an interlocutory order**

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, I beg to move:

“Page 4, line 28, -

for “including”

substitute “except”. ”

(9)

HON. DEPUTY SPEAKER: I shall now put Amendment No. 9 to Clause 8 moved by Shri N.K. Premachandran to the vote of the House.

The amendment was put and negatived.

HON. DEPUTY SPEAKER: The question is:

“That Clause 8 stand part of the Bill.”

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

**Clause 10 Jurisdiction in respect of
Arbitration matter**

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, I beg to move:

“Page 4, *for* lines 47 and 48, -

substitute “of under the Arbitration and Conciliation Act, 1996.” (10)

“Page 5, lines 4 and 5, -

for “the Commercial Appellate Division where such Commercial Appellate Division has been constituted in such High Court.”

substitute “the courts having jurisdiction as per the Arbitration and Conciliation Act, 1996.” (11)

“Page 5, lines 10 and 11,-

for “the Commercial Court exercising territorial jurisdiction over such arbitration where such Commercial Court has been constituted.”

substitute “the courts having jurisdiction as per the Arbitration and Conciliation Act, 1996.” (12)

Sir, Amendment nos. 10 to 12 are also having correction which I am proposing. Everywhere in the provisions, it is being said that “Commercial Appellate Division where such Commercial Appellate Division has been constituted in such High Court”. There is no need of saying so. Under the Arbitration and Conciliation Act, that will be the proper drafting of the Bill. If the Government is interested, I am that moving that amendment.

HON. DEPUTY SPEAKER: I shall now put Amendment Nos. 10 to 12 to Clause 10 moved by Shri N.K. Premachandran to the vote of the House.

The amendments were put and negatived.

Amendments made:

“Page 4, for line 47, -

substitute “of by the Commercial Division where such Commercial
Division (20)

Page 5, line 4, -

for “Commercial Appellate Division”

substitute “Commercial Division”. (21)

Page 5, line 5,-

for “Commercial Appellate Division’

substitute “Commercial Division”. (22)

(Shri D.V. Sadananda Gowda)

HON. DEPUTY SPEAKER: The question is:

“That clause 10, as amended, stand part of the Bill.

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clauses 11 and 12 were added to the Bill.

HON. DEPUTY SPEAKER: Prof. Saugata Roy – Not present.

Shri Adhir Ranjan Chowdhury – Not present.

The question is:

“That clauses 13 to 19 stand part of the Bill.”

The motion was adopted.

Clauses 13 to 19 were added to the Bill.

Clause 20 Infrastructure facilities

HON. DEPUTY SPEAKER: Shri B. Vinod Kumar to move Amendment No.16 to clause 20. Are you moving?

SHRI B. VINOD KUMAR (KARIMNAGAR): Sir, I beg to move:

“Page 7, *after* line 28 *insert*,--

“(2) The Central Government shall constitute a panel of eminent and objective financial experts comprising of chartered accountants, company secretaries, economists, tax lawyers and such other experts who may be consulted by the Commercial Courts, Commercial Divisions or the Commercial Appellate Divisions of High Courts on the relevant subject matter.” (16)

Sir, this amendment is only to fine tune Section 20. Section 20 deals with training and continuous education for the judges. This amendment, which I moved, is with regard to having financial experts. In the event if the judges want to have an expert opinion, they may take their opinion. So, in order to have that facility, I am moving this amendment because this is fine tuning the existing Act. I hope the Minister will accept this amendment.

HON. DEPUTY SPEAKER: I shall now put Amendment No. 16 to Clause 20 moved by Shri B. Vinod Kumar to the vote of the House.

The amendment was put and negatived.

HON. DEPUTY SPEAKER: The question is:

“That clauses 20 and 21 stand part of the Bill.”

The motion was adopted.

Clauses 20 and 21 were added to the Bill.

HON. DEPUTY SPEAKER: Shri Adhir Ranjan Chowdhury – Not present.

The question is:

“That clauses 22 and 23 stand part of the Bill.”

The motion was adopted.

Clauses 22 and 23 were added to the Bill.

Schedule

HON. DEPUTY SPEAKER: Shri B. Vinod Kumar to move Amendment Nos. 17 and 18 to Schedule.

SHRI B. VINOD KUMAR (KARIMNAGAR): I beg to move:

“Page 19, *after* line 28 *insert*, --

“4A. The Court shall, in addition to recording the oral evidence of witnesses, also ensure video recording of the same.”. (17)

“Page 20, *after* line 38, *insert*,--

“Provided that not more than three adjournments shall be granted.”.

(18)

It is the same thing here also.

HON. DEPUTY SPEAKER: I shall now put Amendment Nos. 17 and 18 to Schedule moved by Shri B. Vinod Kumar to the vote of the House.

The amendments were put and negatived.

HON. DEPUTY SPEAKER: The question is:

“That the Schedule stand part of the Bill.”

The motion was adopted.

The Schedule was added to the Bill.

HON. DEPUTY SPEAKER: The question is:

“That Clause 1, the Enacting Formula and the Title stand part of the Bill.”

The motion was adopted.

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

HON. DEPUTY SPEAKER: The Minister may now move that the Bill, as amended, be passed.

SHRI D.V. SADANANDA GOWDA: Sir, I beg to move:

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

HON. DEPUTY SPEAKER: The question is:

“That the Bill, as amended, be passed.

The motion was adopted.

17.54 hours**STATUTORY RESOLUTION RE: DISAPPROVAL OF ARBITRATION
AND CONCILIATION (AMENDMENT) ORDINANCE, 2015****&****ARBITRATION AND CONCILIATION (AMENDMENT) BILL, 2015**

HON. DEPUTY SPEAKER: Now, the House will take up Item No.24 and 25 – Statutory Resolution and Arbitration and Conciliation (Amendment) Bill.

Shri N.K. Premachandran to move your Statutory Resolution.

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Sir, I wish that everybody like the hon. Member, Shri N.K. Premachandran studies the Bill, does the homework and comes to the House and spends this much time so that we can have an enlightened debate. I am really happy. We may agree or we may disagree with him but I should appreciate the hard work done by him in studying all this. This should be a model to us, and Parliament is meant for that purpose only.

Sir, that is why you have seen that almost all the recommendations made by the Law Commission and then by the Standing Committee were agreed. But still we discuss it for hours together. That is the beauty of democracy. That spirit has to be kept in mind by all. I thought that I should at least compliment this one hon. Member. It is not that there are not other Members, there are also many Members. But particularly I mentioned about him.

SHRI N.K. PREMACHANDRAN (KOLLAM): I thank Shri Venkaiah Naidu, the hon. Parliamentary Affairs Minister. ... (*Interruptions*) Thank you very much for the observation made.

HON. DEPUTY SPEAKER: Let the hon. Minister move the Resolution.

SHRI N.K. PREMACHANDRAN (KOLLAM): I beg to move:

“That this House disapproves of the Arbitration and Conciliation (Amendment) Ordinance, 2015 (No.9 of 2015) promulgated by the President on 23 October, 2015.”

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): I beg to move:

“That the Bill to amend the Arbitration and Conciliation Act, 1996, be taken into consideration.”

Mr. Dy. Speaker, Sir, this is another landmark Bill that this Government is placing before the Parliament. Most of the commercial agreements between Indian national/ companies and between Indian nationals and foreign nations/ companies usually contain an arbitration agreement where parties agree to settle any prospective dispute through arbitration instead of going to court. The Arbitration and Conciliation Act, 1996 is the governing law regarding arbitration proceedings and enforcement of foreign arbitral awards.

Our Government has under its active consideration proposals for making Arbitration as a preferred mode for settlement of disputes by making it more user-friendly, cost effective and for expeditious disposal of cases. The Law Commission of India in its 246th Report and Supplementary Report has recommended various amendments in the Arbitration and Conciliation Act, 1996, so that India may become a hub of International Commercial Arbitration.

Taking into consideration the Law Commission's recommendations and suggestions received from other stake holders we have decided to amend the Arbitration and Conciliation Act, 1996.

Urgent steps were required to be taken due to the large pendency of cases in courts and slow process of dispute resolution through arbitration. Due to this, India does not enjoy a good position in contract enforcement in the World Bank Doing Business Report and has been ranked at 178 out of 189 countries in enforcing

contracts. Quick enforcement of contracts, easy recovery of monetary claims and award of just compensation for damages suffered are absolutely essential to encourage investment and economic activity. Hence, as Parliament was not in Session and immediate steps were to be taken with a view to reduce the said pendency, taking into consideration the Law Commission's recommendations and after considering other suggestions received, the Arbitration and Conciliation (Amendment) Ordinance, 2015 was promulgated on 23rd October, 2015.

The Arbitration and Conciliation (Amendment) Bill, 2015 has been introduced in this House to replace the Arbitration and Conciliation (Amendment) Ordinance, 2015. The salient features of the Bill are as follows:

The Arbitral Tribunal shall make its award within a period of 12 months from the date it enters upon the reference. Parties may however extend such period up to six months. Thereafter, it can only be extended by the Court on sufficient cause. Further, if the award is made within a period of six months, the arbitral tribunal shall be entitled to receive additional fees, as the parties may agree, which will be an incentive to promote quick disposal of cases.

Parties to dispute may at any stage agree in writing that their dispute be resolved through fast track procedure. Award in such cases shall be given in six months period.

A Model Fee Schedule is inserted in the Act for guidance of the High Court for the purpose of determination of fees of arbitral tribunal, where the High Court appoints arbitrator.

Neutrality of the arbitrators is ensured. When a person is approached in connection with possible appointment of arbitrator, he shall disclose in writing regarding existence of any relationship or interest of any kind which is likely to give rise to justifiable doubts. Further, if a person is having specified relationship, he shall be ineligible to be appointed as an arbitrator.

18.00 hours

The next one is to restrict the term 'public policy' because on the ground of public policy, the parties used to go to the court and there were inordinate delays. So, to restrict the term 'public policy' as a ground for challenging the award is also there.

HON. DEPUTY SPEAKER: Hon. Minister, just stop for a minute.

Now, it is 6 o'clock. If the House agrees, we can extend the time of the House until the Minister's remarks and thereafter, the speech of Shri N.K. Premachandran is over.

SEVERAL HON. MEMBERS: Yes.

SHRI M. VENKAIAH NAIDU: Today, let us conclude the Minister's remarks and then, the speech of Shri N.K. Premachandran. The Bill can be discussed tomorrow.

SHRI D.V. SADANANDA GOWDA: An application to challenge the award is to be disposed of by the court within one year.

Mere filing an application for challenging the award would not amount to automatic stay of execution of the award. An award can only be stayed where the court passes a specific order on an application filed by the party.

The court, while considering any application for appointment of an arbitrator, shall examine only the existence of a *prima facie* arbitration agreement and not otherwise.

The amendments proposed in the Bill will ensure that the arbitration process becomes more user-friendly, cost effective and also leads to expeditious disposal of cases.

Hence, I seek that the Bill may be taken for consideration.

SHRI N.K. PREMACHANDRAN : Sir, the main reason behind my disapproving resolution is that it is a well established constitutional position that an Ordinance legislation under Article 123 can be promulgated only in an extraordinary situation or in extraordinary circumstances. It is an independent legislation promulgated by the Executive and not by the Parliament or the Legislature under Article 123. Also, a very interesting fact to be noted is that as per Article 123, there is no provision in the Constitution to replace an Ordinance by an Act of Parliament, but it is only by means of parliamentary conventions and precedents, we are replacing an Ordinance by means of an Act of Parliament.

Sir, this Ordinance route of legislation is not a good sign for good governance. Recurrent promulgation of Ordinance is not good as far as parliamentary democratic system of governance is concerned, but I do concede with the Government that in certain extraordinary situations, inevitable situations, the Government is forced to promulgate Ordinances in order to meet the urgent situations.

As far as this Bill is concerned, that urgent situation is lacking. There is no urgent situation in regard to this Bill. What was the urgent necessity of promulgating an Ordinance with regard to the Arbitration and Conciliation (Amendment) Bill of 2015? There is no urgency and nothing is there because this Bill has been pending in Rajya Sabha for the last 12 years. The case of this Bill is the same as that of the Commercial Courts Bill.

Sir, if you go through the aims and objects of the Bill, it is very clear that this is also as per the recommendations contained in the 176th Report of the Law Commission.

SHRI D.V. SADANANDA GOWDA: Sir, I have no objection as far as the arguments of Shri Premachandran are concerned, but there are precedents that when a resolution to disapprove an Ordinance is tabled before the Parliament, usually this will be debated along with the deliberations. There are so many precedents. I will just take one minute to read out this.

A resolution seeking to disapprove an Ordinance cannot bar the progress of a Government Bill which seeks to replace that Ordinance. It was in the year 1957 itself. From then onwards, so many precedents have been there in Parliament. The Speaker ruled out the point of order and observed:

“It is true that when once an Ordinance is promulgated, it has to be placed on the Table of both Houses of Parliament soon after Parliament assembles and it expires at the end of six weeks, even earlier if a resolution disapproving of it is passed. The bringing of a Bill before the House is one of the rights conferred under the Constitution. Therefore, a Bill can be introduced in the House as soon as the Ordinance is placed on the Table of the House, after the House re-assembles.”

“...The further question is whether a Bill, which can be introduced ought not to be taken up until the Resolution is disposed of on the Bill, one has got a greater opportunity to discuss this matter than even on a Resolution. Hon. Members may say whatever they have to say from all points of view, whether the Ordinance should be passed at all or in what respect it should be improved and so on. After all, the Bill is only an extension of the Ordinance. Whatever can be said on a Resolution, to throw out or disapprove the Ordinance, possibly all the arguments can be made out here. In these circumstances, I do not think that this House is not competent to proceed with the Bill ...”

So, whatever is there, he can argue about it during the deliberations or debate, but at this stage it is not ... (*Interruptions*)

HON. DEPUTY SPEAKER: No, he says that at this stage it has to be mentioned, and if necessary you can answer it. This is what I have to say on this issue.

SHRI N.K. PREMACHANDRAN: Sir, I am fully agreeing with the hon. Minister. Yes, from 1957 onwards, there have been precedents to replace Ordinance with a Bill. But what I am saying is that there is no specific provision in the Constitution to replace an Ordinance by an Act. This is the only point that I am suggesting. There are lots of precedents from day one, and I am not disputing it and raising a

point of order also. The point that I would like to make is that this Bill is pending in the Rajya Sabha for the last 12 years.

In the 178th Report of the Law Commission, it recommended that the Arbitration and Conciliation Act has to be amended. It is because the original Act was of 1996. After the implementation of the 1996 Act, the experience shows that it was intended for speedy disposal of cases relating to arbitration with least court intervention. Actually, this was the purpose of the 1996 Act. Unfortunately, after the experience, it has come to light that most of the provisions of the Arbitration and Conciliation Act of 1996 were interpreted by the court and it was delayed. So, the very purpose of the Act was defeated. Hence, the Law Commission has recommended that a new amendment is required for having speedy and expeditious disposal of arbitration cases so as to meet the ends of justice. Hence, this Bill was introduced in the Rajya Sabha in 2003.

The point here is that this Bill was referred to the Standing Committee in 2003. ... (*Interruptions*)

SHRI D.V. SADANANDA GOWDA : No, no Bill is pending in the Rajya Sabha.

SHRI N.K. PREMACHANDRAN: No, not now. I will tell. Please bear with me. In 2003, the Bill was referred to the Standing Committee, and for two years the Standing Committee has conducted detailed and in-depth scrutiny of the Bill and the Standing Committee had reported that it would be better to withdraw the Bill as there were so many contentious provisions in the Bill. So, the Standing Committee, which involves both Lok Sabha and Rajya Sabha, itself has reported to the Rajya Sabha that you withdraw the Bill. In the year 2005 the Bill is withdrawn as per the recommendation of the Standing Committee.

This Government, after coming to power and after assuming office, has again referred the matter to the Law Commission, and the Law Commission has submitted its 246th Report – amendments to the Arbitration and Conciliation Act, 1996. This was submitted in August 2014, that is, during the time of this NDA Government. This Government has drafted this Bill.

What is the right course of action? This is my point because a Bill that was introduced in the Rajya Sabha; sent to the Standing Committee; the Standing Committee had a thorough legal scrutiny of the Bill; and then they said that it would be better to withdraw the Bill. When a new Bill is introduced, then definitely that Bill ought to have been brought before the Rajya Sabha. It is a question of propriety and it is not legal as it can be presented in any of the Houses, but unfortunately it was not done and this Bill has come for consideration of this House. Definitely, we agree with the provision, but the thing is this. What is the urgency for it? This is the question that is to be answered by the Government. On the basis of the recommendation of this Bill, now it is before the Lok Sabha.

I strongly oppose the promulgation of Ordinance on the following grounds. Firstly, there is no urgency as this matter is pending since 2003. The conditions stipulated in Article 123 are not applicable as far as this Ordinance is concerned. Further, you may also kindly see that this matter is a very important matter, but by bypassing the Parliament and without sending the Bill to be scrutinized by the Parliament you are promulgating an Ordinance.

There is no exigency, there is no urgency, there is no extraordinary situation. So, merely bypassing the Parliament promulgating an Ordinance is not a sign of good governance. That is the point on which I would like to oppose the promulgation of Ordinance.

Secondly, as I just mentioned, as a matter of courtesy and propriety, it should have been brought in the other House. Though there is no provision restricting placing of the Bill in the other House, ordinarily when a Bill is withdrawn as per the recommendation of the Standing Committee in the other House, this Bill ought to have been presented in the other House. That is the second point based on which I would like to oppose this.

Regarding the contents of the Bill also I would like to make a few points. The main aim and objective is that India stands at 178th position out of 189 nations in the world in the enforcement of contracts. So, definitely I do appreciate the

motive of the Government in having such a legislation because quick enforcement of contracts is required, and easy recovery of monetary claims or award or compensation for damages suffered, reduce the pendency of cases in courts, speed up the process of dispute resolution through arbitration so as to encourage investment and economic activity.

What is the present situation in respect of arbitration cases? In the present arbitration cases, whenever the matter is getting delayed, the arbitrators as well as the claimants are being benefited. I have the experience of five years as the Minister in Water Resources Ministry in Kerala. I could see, whenever a matter is referred to arbitration, the burden is upon the Government to pay ten times or hundred times more than the contract amount. This is actually a loot by the contractors in connivance with the officials and in connivance with the arbitrators also. My point is, why this arbitration? Some other dispute redressal mechanism has to be followed. Most of the retired Chief Engineers and other experts will be nominated as arbitrators and it is delaying matters.

I am not participating in the discussion on the Bill. Along with this I will make two points and conclude. The High Court will be getting original jurisdiction. That is a point which I have already made in the discussion on the other Bill. I have mentioned Article 14 also in the other case. I would like to make a legal point now. If you critically analyse the provisions of the Bill, they have very serious and far-reaching consequences. In the other Bill which we have discussed, I said that Parliament is submitted to big corporate houses. But here in this case it is the judiciary. Clause 18 of the Bill is very very important on which I would like to seek a clarification from the hon. Minister.

As regards clause 18, the original section 34 of the Act has to be replaced and a new provision 2A is added. It says, "An arbitral award arising out of arbitration other than international commercial arbitration may also be set aside by the court if the court finds that the award is vitiated by patent illegality appearing on the face of the award provided ..." – my objection is to the proviso – "... that

award shall not set aside merely on the ground of an erroneous application of law or by the re-appreciation evidence.

If there is erroneous application of law and re-appreciation of evidence, on these two grounds you cannot set aside an award. My point is, then what is the role of the court? What is the role of the court if you are appropriating law in an erroneous way, if you are interpreting law in an erroneous way and if appreciation of evidence is arbitrated in a wrong way and you cannot re-appreciate the evidence? Also, erroneous application of the law means, this can never hold good because the basic principles of judicial system are being taken away. So, that has to be taken in to consideration.

With these observations, I conclude my speech.

HON. DEPUTY SPEAKER: The House stands adjourned to meet tomorrow, the 17th December, 2015, at 11 am.

18.16 hours

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, December 17, 2015 / Agrahayana 26, 1937 (Saka).
