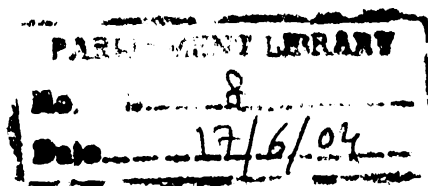


LOK SABHA DEBATES (English Version)

Fourteenth Session (Part II)
(Thirteenth Lok Sabha)



(Vol. XXXIX contains Nos. 1 to 5)

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA DEBATES

LOK SABHA

Friday, January 30, 2004/Magha 10, 1925 (Saka)

*The Lok Sabha met at
Twelve of the Clock*

(MR. SPEAKER in the Chair)

...(Interruptions)

[Translation]

SHRI ASHOK KUMAR SINGH CHANDEL (Hamirpur, U.P.): Mr. Speaker, Sir, several districts have been denotified in Uttar Pradesh. ...(Interruptions) Jangal Raj is prevailing there. ...(Interruptions) The Hon. Prime Minister should come out with a Statement in this regard in the House. A discussion should be held in the House on the situation prevailing in Uttar Pradesh. ...(Interruptions) The situation of Uttar Pradesh is very bad. ...(Interruptions)

[English]

MR. SPEAKER: Hon. Members, please take your seats. There is a reference to Martyr's Day.

...(Interruptions)

12.01 hrs.

[English]

REFERENCE RE: MARTYR'S DAY

MR. SPEAKER: Hon. Members, today is the *Martyrdom Day of the Father of the Nation, Mahatma Gandhi which is also observed as the * Martyrs' Day. On this day every year the nation pays homage to those brave souls who laid down their lives in the struggle for India's freedom. It is due to the supreme sacrifices made by the martyrs, that today we are a proud sovereign country.

Let us join the nation in paying our homage to the *Father of the Nation and all other *martyrs. The House may now stand in silence for a short while.

12.01½ hrs.

The Members then stood in silence for a short while.

...(Interruptions)

[English]

SHRIMATI MARGARET ALVA (Canara): Mahatma Gandhi's name is not there. ...(Interruptions)

MR. SPEAKER: I will include the names of Mahatma Gandhi and others in the records.

...(Interruptions)

MR. SPEAKER: I agree with you. Mahatma Gandhi's name should be there.

12.02 hrs.

(At this stage Shri Ashok Kumar Singh Chandel and some other hon. Members came and stood on the floor near the Table.)

[Translation]

MR. SPEAKER: All of you may please go back to your seats.

...(Interruptions)

MR. SPEAKER: I will certainly give you the opportunity to speak during the Zero Hour. You may speak at that time.

...(Interruptions)

MR. SPEAKER: Please resume your seats.

...(Interruptions)

MR. SPEAKER: Your leader is standing there. He can raise the issue.

[English]

MR. SPEAKER: Please take your seats.

...(Interruptions)

MR. SPEAKER: Please go back to your seats. I have received four notices for Adjournment Motion and I have rejected those notices. But I will permit all the four persons to put their views during 'Zero Hour'. The Members can make their points during 'Zero Hour'.

...(Interruptions)

MR. SPEAKER: Now we will take up Interim Budget for Railways.

[*.....* Added as per observations of the Hon. Speaker in the following proceedings]

...(Interruptions)

MR. SPEAKER: Please go back to your seats.

12.04 hrs.

(At this stage Shri Avtar Singh Bhadana and some other Hon. Members came and stood on the floor near the Table)

[Translation]

MR. SPEAKER: I will allow you to speak during the Zero Hour.

...(Interruptions)

[English]

MR. SPEAKER: The issue can be raised during the 'Zero Hour', not now. Please go to your seats.

...(Interruptions)

MR. SPEAKER: The House would now take up the presentation of the Railway Budget.

...(Interruptions)

[Translation]

MR. SPEAKER: Please resume your seats. Bhuria ji, what will you speak now. Please speak during the Zero Hour.

[English]

MR. SPEAKER: The Business Advisory Committee has taken a decision.

...(Interruptions)

[Translation]

MR. SPEAKER: Your Notice is for Zero Hour. Please raise it during Zero Hour.

...(Interruptions)

[English]

MR. SPEAKER: Television relay be stopped.

...(Interruptions)

MR. SPEAKER: I would, once again, request the hon. Members that they can raise their issues during the 'Zero Hour'. I have no objection to that. These are not issues for Adjournment Motion and you have not given notice also.

[Translation]

Bhuria ji, your notice is not for the adjournment motion, it is for Zero Hour. I will permit you to make your point during Zero Hour. Please go back to your seat.

...(Interruptions)

[English]

MR. SPEAKER: Please go to your seats. I want the hon. Members to raise the issue during the 'Zero Hour'. It is not Zero Hour now.

...(Interruptions)

[Translation]

MR. SPEAKER: Your issue is very important. I am ready to allow you to raise it during Zero Hour. If you wish the issue should be debated here, you may please notice in this regard. How can conduct the House, when you come in to the well.

...(Interruptions)

[English]

MR. SPEAKER: Please go to your seats. Please cooperate.

...(Interruptions)

[Translation]

MR. SPEAKER: I will not permit you right now. Please go to your seats...(Interruptions)

[English]

MR. SPEAKER: Mr. Railway Minister, you can present your Railway Budget.

...(Interruptions)

MR. SPEAKER: Let the presentation of the Budget be shown on Television. Please go to your seats. Let the citizens of our country know that we are decent Members of the House.

...(Interruptions)

[Translation]

MR. SPEAKER: Mr. Railway Minister, you may speak.

...(Interruptions)

[English]

MR. SPEAKER: Please go to your seats.

...(Interruptions)

[Translation]

MR. SPEAKER: Please go to your respective seats, I have asked him to speak.

...(Interruptions)

MR. SPEAKER: I have permitted your leader. He will raise the issue.

...(Interruptions)

MR. SPEAKER: What can I do when your leader is saying like this?

...(Interruptions)

[English]

MR. SPEAKER: They say that they do not recognise their party leaders. ...(Interruptions)

12.10 hrs.

(At this stage Shri Avtar Singh Bhadana and some Hon. Members went back to their seats.)

[Translation]

MR. SPEAKER: Please resume your seats.

...(Interruptions)

MR. SPEAKER: This issue cannot be raised in the House in this manner.

...(Interruptions)

12.11 hrs.

(At this stage Shri Ashok Kumar Singh Chandel and some other Hon. Members went back to their seats.)

[English]

SHRI PRIYA RANJAN DASMUNSI (Raiganj): Sir, today is the death anniversary of Mahatma Gandhi, the Father of the Nation.

Sir, you are the custodian of the House and your decision is final in all the matters. Before I take up the issue of admissibility of my adjournment motion, with regret, I say that, possibly, this is the first time that the name of Mahatma Gandhi is not taken on the Martyrs Day. ...(Interruptions) I feel that this is not only total indignity of the House but this also shows that how we are less concerned about the Father of the Nation.. I think, the reference to martyrs made today should be appropriately amended by including the name of the great martyr, Mahatma Gandhi. This is my first submission.

Sir, the issue of admissibility of my adjournment motion

is in your hands. We are to be guided by your judgement. Communal incidents took place in Jhabua district of Madhya Pradesh. ...(Interruptions)

MR. SPEAKER: You may take up this issue during the 'Zero Hour'. ...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI: Sir, please hear us and then you may talk of the time. ...(Interruptions)

[Translation]

DR. VIJAY KUMAR MALHOTRA (South Delhi): The Railway Budget has been started, there is no question of admissibility of his motion. Can he speak anything he wishes in this way. ...(Interruptions)

[English]

SHRI PRIYA RANJAN DASMUNSI: Sir, there have been incidents of communal riots in Jhabua causing rape, burning of properties and lives of several tribals. ...(Interruptions) They have been committed, as reported in newspapers by certain persons belonging to Bajrang Dal, RSS and Sewa Bharati. ...(Interruptions)

[Translation]

DR. VIJAY KUMAR MALHOTRA: They are frustrated. ...(Interruptions) They are desperate. ...(Interruptions) We vehemently condemn the way they physically tried to stop a Minister and staged a demonstration. ...(Interruptions) This is not the way to speak in the House. ...(Interruptions) They are deliberately trying to stop the hon. Railway Minister from speaking. ...(Interruptions)

[English]

SHRI PRIYA RANJAN DASMUNSI: The Home Minister should have to make a statement first on this incident with all the facts. The priests are in custody. ...(Interruptions)

MR. SPEAKER: This issue will be discussed during the 'Zero Hour'. I have no objection on it. I have not admitted your adjournment motion.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI: Sir, it is most unfortunate that the name of Mahatma Gandhi is not included in the reference to martyrs. ...(Interruptions)

MR. SPEAKER: Today is known as Martyrs' Day only because of Mahatma Gandhi. But, after your request which I have received, I shall include that name also. Now, it will be read with Mahatma Gandhi.

...(Interruptions)

SHRI SHIVRAJ V. PATIL (Latur): Sir, indeed we are very sorry that Mahatma Gandhi's name was not mentioned in the reference made today from the Chair. We are very sorry about it. We do not have enough words to protest against this. How can we forget Mahatma Gandhi? How can we forget the name of Mahatma Gandhi to be mentioned today? We do not really understand what has happened to this Parliament. Why was his name not mentioned?

MR. SPEAKER: I have said that Mahatma Gandhi's name also will be there.

...(Interruptions)

MR. SPEAKER: This day is known as Martyrs' Day because of the death anniversary of Mahatma Gandhi.

...(Interruptions)

MR. SPEAKER: The President, the Prime Minister, the Deputy-Prime Minister and myself had gone to Rajghat. We came from there. I got this text as soon as I came. Mahatma Gandhi's name should be there. I have already said that his name will be included.

...(Interruptions)

MR. SPEAKER: Now, the Railway Minister please.

...(Interruptions)

MR. SPEAKER: All other Members will be permitted to speak during the 'Zero Hour'.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI: Sir, the name of the Father of the Nation is forgotten today. It is a great insult to the nation. In protest we are staging a walk-out.

[Translation]

Can we forget Mahatma Gandhi. ... (Interruptions)

12.16 hrs.

(Shri Priya Ranjan Dasmunsi and some other hon. Members then left the House.)

[English]

SHRI BASU DEB ACHARIA (Bankura): Sir, we are also walking out in protest.

12.16¼ hrs.

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

[Translation]

MR. SPEAKER: Ramdasji, for your information, I would like to tell you that I have seen the records of last three times. The statement I have given today on this subject is the same for the past three times. What is new in it? Even then, on the request of the hon. Members, I have included the name of Mahatma Gandhi. It was the same for the last three times. There is nothing new in it.

...(Interruptions)

SHRI CHANDRAKANT KHAIRE (Aurangabad, Maharashtra): They do not have any issue to raise. They are deliberately playing politics in the name of Mahatma Gandhi. ... (Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI HARIN PATHAK): Those who are in politics by virtue of their families are politicising the name of Gandhi ji. ... (Interruptions)

[English]

MR. SPEAKER: I have checked the records. This is the wording which has been used for three times in the past. This time also the same wording was used. I do not know why this was done.

...(Interruptions)

MR. SPEAKER: Hon. Members, please sit down for a minute. Shri Chandra Shekhar may please speak.

[Translation]

SHRI CHANDRA SHEKHAR (Ballia, U.P.): Mr. Speaker, Sir, his name was not mentioned for the last three times and now when some one wants to remind that his name be included this time, I do not see anything objectionable in it, if the hon. Prime Minister or you yourself include his name. ... (Interruptions)

MR. SPEAKER: I have included.

(Interruptions)

SHRI CHANDRA SHEKHAR: I am submitting to the hon.

Speaker that if he does not include it, the issue will be resolved if the hon. Prime Minister says a word about it. Neither he nor any of us would have any objection in mentioning the name of Mahatma Gandhi. ...*(Interruptions)*

SHRI RASHID ALVI (Amroha): Mr. Speaker, Sir, I would like to draw your and the Government's attention towards the constitutional break down in Uttar Pradesh.

There cannot be more unfortunate and fear generating than the incident of throwing out of the Prime Minister's nephew from the running train and refusal of police to register the FIR against the culprits.

The deteriorating law and order situation and failure of the constitutional machinery in Uttar Pradesh is unparalleled in the 55 year's history of independence. Not only that the culprits have not been arrested till date.

Sir, the present Government of U.P. have denotified nine districts created by the Bahujan Samajwadi Party. I do not find any other example of such discrimination where the Government of the day denotified all the districts created by the BSP barring Kannauj, as the M.P. belongs to S.P. and the constituency of Shri Ajit Singh, as he is his partner.

It is said that because of the revenue problem all this is being done. If at all there is revenue problem, it should equally apply on the entire districts of the State. The buildings of offices in all the districts were constructed and the work started to take place smoothly and the official business had been going on for the last seven years in the newly created districts and the district States was withdrawn from them in a single stroke. ...*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI ASHOK PRADHAN): Mr. Speaker, Sir, I may also be given time to speak on this subject. ...*(Interruptions)*

SHRI RASHID ALVI: Sir, I would conclude in a minute. ...*(Interruptions)*

MR. SPEAKER: You speak during the Zero Hour.

SHRI RASHID ALVI: Sir, I would conclude in a minute.

Mr. Speaker, Sir, the present relationship of BJP and Mulayam Singhji and the way Samajwadi Party and BJP are hobnobbing. ...*(Interruptions)*

MR. SPEAKER: You raise the issue during the Zero Hour.

...*(Interruptions)*

MR. SPEAKER: You sit down. I will allow you to speak during Zero Hour.

12.22 hrs.

(Shri Rashid Alvi and some other hon. Members then left the House)

SHRI ASHOK PRADHAN: Mr. Speaker, Sir, district Gautam Budha Nagar contributes one sixth of the total revenue of Uttar Pradesh and all the infrastructural facilities are there in this district. This district holds a unique position in the entire country. I would like to say that some villages of Secunderabad and Jevar be included into district Bulandshahar in consonance with the sentiment of the people living here and industrial status should be restored to this district. We had met the hon. Prime Minister in this regard. I would like to express my gratitude to him for his talks with the State Government in this regard.

MR. SPEAKER: Hon. Railway Minister, now your start.

12.23 hrs.

INTERIM BUDGET (RAILWAYS) - 2004-2005*

[Translation]

THE MINISTER OF RAILWAYS (SHRI NITISH KUMAR): Mr. Speaker, Sir, I rise to place before the House the Revised Estimates for 2003-2004 and the estimated receipts and expenditure for 2004-2005. The estimates for the next financial year are for the whole year, but at present I seek from the August House a "Vote on Account", sufficient to provide for the estimated expenditure for the first four months. The requirements for the remaining part of the year are to be voted separately, later on.

I would like to make special mention of some of the areas in which concrete measures have been initiated under the dynamic leadership of Hon'ble Prime Minister. Thanks to his farsighted decision, the Railways have been able to embark upon the much needed programme of replacement and renewals of over-aged assets with an assured funding through the Special Railway Safety Fund, having substantial contribution from the general exchequer. The launching of the National Rail Vikas Yojana, for removal of bottlenecks in the saturated sections of the railway network, is yet another initiative. The Technology Mission on Railway Safety, announced on Independence Day last year, aims at developing and adopting state-of-the-art safety, control and design technologies. The capital component of Railways' plan outlay registered a considerable boost under his guidance, which facilitated

* [Placed in Library, See L.T. No. 8800/04]

completion of a number of projects. Further, Railways have also embarked on several non-budgetary initiatives including cost sharing arrangements to raise funds for various projects.

Security

With a view to provide better security to passengers and passenger areas, certain amendments have been carried out in The Railways Act and The Railway Protection Force Act in the current session of Parliament. With these amendments Railway Protection Force have been entrusted with the additional responsibilities to enquire and launch prosecution in respect of certain minor offences under The Railways Act and thus Government Railway Police (GRP) would be able to concentrate more on offences of serious nature. In this context a high-level coordination meeting of Home Secretaries, DG(P)s and GRP Chiefs of various states was organised by the Ministry of Railways on 15th January, 2004. In this meeting detailed discussions were held regarding a coordinated approach in implementation of the aforesaid amendments. Thereafter, Railway Protection Force is getting geared up to take over the additional responsibility of train escorting and security in passenger areas with effect from 1st July, 2004. It has also been decided to institutionalize such security related coordination meetings with the states, to be held on 15th January every year.

Safety

A 'Workshop on Safety' on Indian Railways was organized on the 12th and 13th July 2003 at New Delhi, followed by similar workshops at zonal levels focusing on various aspects of safety, including safety consciousness, measures to enhance safety and positive steps to be taken by the rank and file of Railways. Christened as "Safety Samvad", this was a notable initiative to involve the grass-root level worker including the federations of staff and officers' associations. These "Safety Samvads" were mutually beneficial in that the awareness levels and commitment to safety among the staff increased while the administration was able to win the confidence and trust of the workforce through prompt follow up action on identified areas.

For the first time a "Corporate Safety Plan (2003-2013)" of Indian Railways has been formulated and presented to both Houses of Parliament on 19.8.2003. The safety targets for Indian Railways as a whole have been laid down in this safety plan. The zonal railways and divisions have geared up to implement the safety plan through their detailed action programme. Indian Railways are well set to achieve substantial reduction in consequential train accidents per million train kilometres from 0.44 in 2002-2003 to 0.30 in next four years, which will be one of the best safety standards obtaining in the world's leading railways.

Technology Mission on Railway Safety

As a follow up of the Independence Day pronouncement of the Hon'ble Prime Minister made last year regarding setting up of a Technology Mission on Railway Safety, action has been initiated and four Mission Programmes in the field of Traction and Rolling Stock, Track and Bridges, Signal and Communications and Fog Vision Instrumentation have been jointly identified by RDSO and IIT, Kanpur. Ministry of Railways has approved 14 projects under the four Mission Programmes. The Mission will be a joint effort between Ministry of Railways, Ministry of Human Resource Development and industry.

Successful trials of the Anti Collision Device (ACD), named as "Raksha Kavach", have been completed on the Railways. Surveys have been completed on 3465 Kms on Northern Railway, Northeast Frontier Railway, Southern Railway, South Central Railway & South Western Railway and are in progress on additional 10,000 Kms. Provision of ACD has been launched on 20th January, 2004 on Northeast Frontier Railway, covering 1736 Kms of BG network and is targeted for completion by December 2004. ACD will be provided on the remaining Broad Gauge sections of Indian Railways, progressively in the next five years.

Special Railway Safety Fund - Financial & Physical Progress

Special Railway Safety Fund (SRSF) was set up in October 2001 for execution of safety related works in a time frame of six financial years. I would like to inform the House that mid period review shows satisfactory progress. In the year of its inception i.e., 2001-2002 works to the tune of Rs. 1434 cr were executed under this fund. During the year 2002-2003, works totaling Rs 2486 cr have been carried out. Of this, Rs 1350 cr was contributed by the General Exchequer and the remaining amount by the Railways through levy of safety surcharge, supplemented by its normal revenues. In the current year, the total net allocation for SRSF was Rs 2311 cr as per the Budget Estimates, which included Rs 1600 cr as contribution from General Exchequer and Rs 711 cr from the safety surcharge. This has been further increased by Rs 40 cr in the Revised Estimates.

As regards physical progress, out of the targeted track renewal of around 16500 km to be carried out through SRSF, track renewal of around 8500 km is expected to be completed by the end of the current year. Rehabilitation of approximately 1350 bridges, out of the target of 2700 bridges to be rehabilitated, is likely to be completed by the end of the current financial year. Similarly, out of targeted replacement of signalling installations at 1500 stations, replacement works at 444 stations are likely to be completed by the end of the

current year. Further, about 1675 track circuits, out of 5300 track circuits to be provided, are also likely to be provided by the end of the current year.

National Rail Vikas Yojana

As the Hon'ble Members are aware, the National Rail Vikas Yojana envisages removal of capacity bottlenecks in the critical sections of the Railway network, with an investment of Rs. 15,000 cr over the next five years. The projects under the initiative include strengthening of the golden quadrilateral, rail connectivity to ports and construction of four mega bridges. Works for all the sanctioned projects under the Yojana have been taken on hand, and most of the projects of the first two segments have been handed over to Rail Vikas Nigam Limited (RVNL), a Special Purpose Vehicle (SPV) set up for fast track execution of these works.

I am grateful to the Hon'ble Finance Minister, who has not only simplified the process of sanctioning of projects relating to the National Rail Vikas Yojana to be executed by Rail Vikas Nigam Limited, but has also provided the necessary financial support from the infrastructure development fund.

The Revised Estimates 2003-2004 provide a Rs. 500 cr outlay for RVNL, to be expended by the Nigam on these projects. During 2004-2005, the RVNL has planned an expenditure of Rs 1000 cr on these projects out of which Rs 300 cr are expected to be raised from the market.

Projects

The work on all the projects is going on in full swing and all efforts are being made to achieve the targets. I am also happy to announce that the Jammu-Udhampur New Line Project is nearing completion and will be completed before the target date and be opened to traffic on 25th March 2004.

Additional Trains/Services

Most of the new trains, extension of services, increases in frequency and MEMU and DEMU services announced in the budget speech of 2003-2004 have since been introduced and the balance will be introduced shortly. Apart from these, 35 additional services including Jan Sadharan Express have been introduced during this year.

Ticketing Initiatives

The frontiers of the much-acclaimed customer friendly computerized Passenger Reservation System (PRS) have been expanded further with the introduction of internet booking. Now, reserved tickets are also being delivered at the doorstep of the customer. On the unreserved side, where

difficulties continued to persist, a major break-through was achieved last year with the introduction of computerised Unreserved Ticketing System (UTS), which has won the appreciation of the travelling public. It is proposed to extend the system further. With these steps, the entire ticketing system on Indian Railways has become state-of-the-art.

A new horizon is proposed to be covered with the introduction of e-ticketing in the reserved segment. A pilot project is being started on select Shatabdi Express trains, which will enable the passengers to get their reservations booked through internet and occupy their reserved seats on the basis of a computer generated slip.

The expansion of communication aids and the extraordinary penetration of mobile phones in the common man's life style cannot be ignored by the railways. Passengers who so desire will henceforth be able to get their train reservations done through their mobile phones. The Indian Railway Catering & Tourism Corporation (IRCTC) has developed technical ability to enable cell phone operators to integrate their system with the Railways. This facility will be offered to all cell phone operators.

Enthused by the response to the experimental measure of reduced fares on select trains during the off-peak season, a regular incentive scheme for frequent Rajdhani, Shatabdi and Jan Shatabdi travelers in the first AC, second AC and chair car categories is being announced. The scheme would reward such rail travelers on the basis of journeys performed by them in one year time period. The traveler willing to avail of this scheme would be registered and be eligible for an additional complimentary trip after he has performed requisite number of journeys.

Train Rescheduling information through SMS ..

In the event of delayed departure of Rajdhani, Shatabdi and Jan Shatabdi trains by more than 30 minutes, passengers who so desire can get information regarding this on their mobile phones through SMS. Initially this facility will be made available as a pilot project for such trains departing from Delhi area.

Extended Tatkal Scheme

Presently Tatkal reservation scheme is available only in selected trains and primarily in Sleeper class only. With a view to fulfil the needs of passengers who have to travel at short notice, it is proposed to extend Tatkal services to all the trains and in Sleeper, Chair Car, AC-3 tier & AC-2 tier classes.

Review of Performance In 2002-2003

I am happy to inform this August House that the optimism

of improved loading in revising the target from 510 million tonnes to 515 million tonnes was justified as the Railways surpassed this target and achieved 518.74 million tonnes, i.e., a growth of 5.3% over previous year. Passenger kilometres recorded a growth of 4.4%. The "excess" of receipts over expenditure improved by Rs. 95 cr over Budget. This improved performance resulted in a better operating ratio of 92.34%. Actual Plan expenditure was Rs. 11,408 cr as compared to Revised Estimates of Rs. 12,315 cr.

Revised Estimates 2003-2004

For the year 2003-2004, a target of 540 million tonnes of revenue earning freight traffic was laid down. Having loaded 407.15 million tonnes till December 2003, which is higher than the proportionate target, Railways are hopeful of not only meeting the full year's target but exceeding it as well. Accordingly the target is being revised to 550 million tonnes. Passenger traffic has recorded a growth of over 2.8%.

Gross Traffic Receipts

The trend of earnings has not matched our expectations in the Budget. Hence the Revised Estimates are lower by Rs. 890 cr. and the Gross Traffic Receipts are revised downwards by an equal amount. The target for clearance from traffic suspense has been retained at the budgeted level.

Working Expenses

Taking into account the trend of savings achieved to end of December, a net reduction of Rs. 1490 cr is expected in the Ordinary Working Expenses. The appropriation to Pension Fund has been reduced by Rs. 295 cr, consistent with the actuals so far. Taking note of the requirements, the appropriation to Depreciation Reserve Fund has been increased by Rs. 262 cr. With this, the Total Working Expenses stand revised from Rs 40,850 cr to Rs 39,327 cr, a reduction of Rs. 1523 cr.

As a result of these variations and a marginal reduction in the Net Miscellaneous Receipts, the Net Revenue is higher at Rs. 4,148 cr as compared to the Budget Estimate of Rs.3,533 cr.

A provision of Rs 2,933 cr was made towards payment of dividend in the Budget Estimates, which now stands revised at Rs 2968 cr. With the improved availability of resources, discharge of deferred dividend liability, a beginning towards which was made during the last year, is being continued through a provision of Rs. 300 cr towards the same. Thus, the provision for dividend payment in the Revised Estimates has been increased to Rs. 3,268 cr.

With these changes, the "Excess" of receipts over expenditure works out to Rs. 880 cr. as against Rs.600 cr. anticipated in the Budget. This is being appropriated to the Development Fund and the Special Railway Safety Fund.

Annual Plan for 2003-2004

The Railways' annual plan for 2003-2004 envisaged a total outlay of Rs.12,918 cr. In the Revised Estimates this stands increased to Rs.13,918 cr. The increase of Rs. 1,000 cr is contributed by the separate allotment of Rs. 500 cr. for the National Project of Udhampur-Srinagar- Baramulla New Line, additional budgetary support of Rs. 300 cr. for increasing the pace of completion of certain projects and increased outlay of Rs. 200 cr in the internally financed segment.

Budget Estimates 2004-2005

Gross Traffic Receipts

I shall now deal with the Budget Estimates for 2004-2005. Gross Traffic Receipts for the year at the existing level of fares and freight are estimated at Rs. 44,482 cr. This is Rs. 1,877 cr. more than the Revised Estimates for the current year, and is based on an estimated 3.2% growth in passengers and revenue earning freight traffic of 570 million tonnes, 20 million tonnes more than the revised target for 2003-2004.

Ordinary Working Expenses

Ordinary Working Expenses are estimated at Rs 32,960 cr, representing an increase of Rs.1,990 cr over the Revised Estimates for the current year.

To meet the higher pensionary payments due to increase in the number of pensioners and higher dearness relief, appropriation to the Pension Fund has been enhanced by Rs. 300 cr over the Revised Estimates of the current financial year to Rs. 6,390 cr. The contribution to Depreciation Reserve Fund is proposed at Rs.1,900 cr.

The Total Working Expenses are estimated at Rs.41,250 cr, leaving Net Traffic Receipts of Rs. 3,232 cr. A sum of Rs. 993 cr is estimated by way of Net Miscellaneous Receipts, and thus Net Revenue would amount to Rs.4,225 cr.

Financial Results 2004-2005

Dividend to General Revenues for the year 2004-2005 has been computed provisionally on the basis adopted for 2003-2004 and works out to Rs. 3305 cr, which is proposed to be paid fully. In addition, payment of Rs. 300 cr is also proposed towards deferred dividend liability. With this, the "Excess" of receipts over expenditure works out to Rs. 620 cr.

Annual Plan 2004-2005

The Annual Plan for 2004-2005 has been kept tentatively at Rs.13,425 cr. This includes budgetary support of Rs. 4544 cr, internal resources of Rs. 2635 cr, an outlay of Rs. 2795 cr under the Special Railway Safety Fund and Rs. 401 cr under Railway Safety Fund. The extra budgetary resources have been budgeted at Rs. 3050 cr.

Remote Area Rail Sampark Yojana

Railways have a large shelf of over 230 projects worth about Rs. 43,000 cr, for construction of New Lines, Gauge Conversion, Doubling, Electrification and Metropolitan Transport Projects. Even with the enhanced budgetary support, non-budgetary initiatives under National Rail Vikas Yojana and other cost sharing mechanisms apart from Defence funding of some projects of strategic importance, there will still be projects valuing Rs. 20,000 cr which would remain unfinished even after the next five years. A large number of these have been sanctioned on socio economic considerations with the intention of connecting remote and backward areas with the rail network. However their progress is very slow on account of inadequate funding, which causes dissatisfaction. Connecting these areas with the rail network will facilitate the economic and social development of these areas and will provide major employment opportunities during construction and thereafter. Keeping these factors in mind, it has been decided to speed up the execution and completion of these projects also in the next five years. I am happy to inform the House that this would be done through an ambitious 'Remote Area Rail Sampark Yojana', with an additional outlay of Rs. 20,000 crore.

This decision to accelerate the completion of all projects in five years is expected, on a broad estimate, to provide yearly employment to about 3 lakh persons during the construction period. Once opened for traffic, these lines would also require about 18000 persons per year for normal maintenance and operations, on incremental basis. Apart from this, it is expected that there will be scope for indirect employment of nearly 55000 persons per year. The 'Remote Area Rail Sampark Yojana' will go a long way in changing the economic and social scenario of the remote and backward regions of the country and bringing the people of these areas into the mainstream. ...*(Interruptions)*

[English]

SHRI PRIYA RANJAN DASMUNSI (Raiganj): Sir, where is the mandate for the hon'ble Minister of Railways for the next five years? ...*(Interruptions)*

SHRI S. JAIPAL REDDY (Miryalguda): He has the mandate for poll survey, not from the people. ...*(Interruptions)*

[Translation]

SHRI NITISH KUMAR: Please rest assured, this Government is certain to return. We would like to move forward, that is why we are making plans for the future. ...*(Interruptions)*

MR. SPEAKER: Shri Nitish Kumar, this is not there in the speech.

SHRI NITISH KUMAR: Further, the demand for steel, cement, rolling stock, fittings, components, plant and machinery will also be generated, boosting the economic growth of the entire country.

New Services

Sir, in a democracy, people's aspirations are supreme. Today this is getting reflected in their desire to get connected at various activities of social life. Hon'ble Prime Minister has brought to fruition this aspiration, through a quantum leap in all modes of connectivity, be it road, rail or communications. In fact, he has initiated "Sampark Kranti", that is to say, connectivity revolution. Railways have always been a vehicle of connectivity. Therefore, a new series of trains to be named as "Sampark Kranti Express" will be introduced to provide quicker connectivity from a particular state to the national capital, with value added features such as non-stop run beyond the state, dedicated staff throughout the run and public address system. This service is going to be the first of its kind and the first train of this series, viz., Karnataka Sampark Kranti Express from Delhi (Nizamuddin) to Bangalore (Yashwantpur) is being introduced on 8th February this year.

SHRI RAMDAS ATHAWALE (Pandharpur): Whether there is any such plan for Mumbai or not?

SHRI NITISH KUMAR: While it will initially run as a tri-weekly train, it will be made daily from 2nd October 2004. The other trains in this series would be

- (i) Poorvottar Sampark Kranti Express from New Delhi to Guwahati
- (ii) Andhra Pradesh Sampark Kranti Express from Delhi (Nizamuddin) to Secunderabad
- (iii) Bihar Sampark Kranti Express from New Delhi to Samastipur
- (iv) Chattisgarh Sampark Kranti Express from Delhi (Nizamuddin) to Durg
- (v) Gujarat Sampark Kranti Express from New Delhi to Ahmedabad

- (vi) Jharkand Sampark Kranti Express from New Delhi to Ranchi
- (vii) Kerala Sampark Kranti Express from Delhi (Nizamuddin) to Trivandrum (Kochuveli)
- (viii) Maharashtra Sampark Kranti Express from Delhi (Nizamuddin) to Mumbai (Bandra)
- (ix) Madhya Pradesh Sampark Kranti Express from Delhi (Nizamuddin) to Jabalpur
- (x) Orissa Sampark Kranti Express from New Delhi to Bhubaneshwar
- (xi) Rajasthan Sampark Kranti Express from Delhi to Jodhpur
- (xii) Tamil Nadu Sampark Kranti Express from Delhi (Nizamuddin) to Madurai
- (xiii) Uttar Pradesh Sampark Kranti Express from Delhi (Nizamuddin) to Chitrakoot
- (xiv) Uttaranchal Sampark Kranti Express from Delhi to Kathgodam
- (xv) West Bengal Sampark Kranti Express from New Delhi to Kolkata (Sealdah)
- (xvi) Goa Sampark Kranti Express from Delhi (Nizamuddin) to Madgaon
- (xvii) Uttar Sampark Kranti Express from Delhi to Udhampur, to cater for Jammu and Kashmir, Himachal Pradesh, Punjab and Haryana.

showing the Supplementary Demands for Grants in respect of Budget (Railways) for 2003-2004.

[Placed in Library, See No. LT 8801/04]

12.46 hrs.

DEMANDS FOR EXCESS GRANTS - (RAILWAYS), 2001-2002

[English]

THE MINISTER OF RAILWAYS (SHRI NITISH KUMAR):
Sir, I beg to present a statement (Hindi and English versions) showing the Demand for Excess Grant in respect of Budget (Railways) for 2001-2002.

[Placed in Library, See No. LT 8802/04]

12.48 hrs.

PAPERS LAID ON THE TABLE

[English]

THE MINISTER OF STATE OF THE MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI BANDARU DATTATRAYA): Sir, I beg to lay on the Table-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Lakshadweep Building Development Board, Kavaratti, for the year 2001- 2002, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Lakshadweep Building Development Board, Kavaratti, for the year 2001-2002.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library, See No. LT. 8791/04]

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI HUKUMDEO NARAYAN YADAV): Sir, I beg to lay on the Table -

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Veterinary Council of India, New Delhi, for the year 2002-2003, alongwith Audited Accounts.

Conclusion

Sir, a large number of initiatives have been taken to improve the quality of service, strengthen safety and meet the aspirations and expectations of the people from this lifeline of the nation. The House has always been appreciative of the total dedication to duty and commitment displayed by railway employees at all levels. The House has always extended kind support to the Railways in fulfilling its role of a vehicle for economic growth and social upliftment with financial vibrancy. I am confident that the Railways will always be able to successfully meet the various challenges ahead.

Sir, with this I commend the Interim Budget to the House.

12.45 hrs.

DEMANDS FOR SUPPLEMENTARY GRANTS - (RAILWAYS), 2003-2004

[English]

THE MINISTER OF RAILWAYS (SHRI NITISH KUMAR):
Sir, I beg to present a statement (Hindi and English versions)

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Veterinary Council of India, New Delhi. for the year 2002-2003.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library, See No. L.T. 8792/04]

[English]

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SHRIPAD YESSO NAIK): Sir, I beg to lay on the Table-

- (1) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962:-
 - (i) G.S.R. 974 (E) published in Gazette of India dated the 31st December, 2003 together with an explanatory memorandum making certain amendments in the Notification No. 26/95-Cus., dated the 16th March, 1995.
 - (ii) G.S.R. 15 (E) published in Gazette of India dated the 7th January, 2004 together with an explanatory memorandum making certain amendments in the Notification No. 21/2002-Cus., dated the 1st March, 2002.
 - (iii) G.S.R. 18 (E) published in Gazette of India dated the 8th January, 2004 together with an explanatory memorandum seeking to reduce peak rate of Customs duty on all goods (other than agricultural commodities) from 25 per cent to 20 per cent.
 - (iv) G.S.R. 19 (E) published in Gazette of India dated the 8th January, 2004 together with an explanatory memorandum seeking to exempt all goods from whole of the special additional duty leviable thereon.
 - (v) G.S.R. 20 (E) published in Gazette of India dated the 8th January, 2004 together with an explanatory memorandum making certain amendments in the Notification No. 21/2002-Cus., dated the 1st March, 2002.
 - (vi) G.S.R. 21 (E) published in Gazette of India dated the 8th January, 2004 together with

- an explanatory memorandum making certain amendments in the Notification No. 25/2002-CUS., dated the 1st March, 2002.
- (vii) G.S.R. 22 (E) published in Gazette of India dated the 8th January, 2004 together with an explanatory memorandum making certain amendments in the Notification No. 25/99-Cus., dated the 28th February, 1999.
- (viii) G.S.R. 23 (E) published in Gazette of India dated the 8th January, 2004 together with an explanatory memorandum making certain amendments in two Notifications mentioned therein.
- (ix) G.S.R. 27 (E) published in Gazette of India dated the 8th January, 2004 together with an explanatory memorandum seeking to exempt Water Supply Projects for agricultural and industrial use from whole of the basic and additional duties of customs leviable thereon.
- (x) G.S.R. 28 (E) published in Gazette of India dated the 8th January, 2004 together with an explanatory memorandum making certain amendments in the Notifications 42/96-Cus., dated the 23rd July, 1996.
- (xi) The Project Imports (Amendment) Regulations, 2004 published in Notification No. G.S.R. 29 (E) in Gazette of India dated the 8th January, 2004 together with an explanatory memorandum.
- (xii) G.S.R. 38 (E) published in Gazette of India dated the 12th January, 2004 together with an explanatory memorandum seeking to reduce the *advalorem* component of customs duty on specified textile goods from 25 per cent to 20 per cent.
- (xiii) G.S.R. 39 (E) published in Gazette of India dated the 12th January, 2004 together with an explanatory memorandum seeking to reduce customs duty on motorcycles, golf cars and motor cars.
- (xiv) G.S.R. 41 (E) published in Gazette of India dated the 13th January, 2004 together with an explanatory memorandum making certain amendments in the Notification No. 146/94-Cus., dated the 13th July, 1994.

- (xv) G.S.R. 48 (E) published in Gazette of India dated the 16th January, 2004 together with an explanatory memorandum making certain amendments in the Notification No. 21/2002-Cus., dated the 1st March, 2002.
- (xvi) S.O. 1472 (E) published in Gazette of India dated the 26th December, 2003 together with an explanatory memorandum regarding rate of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for the purpose of assessment of import.
- (xvii) S.O. 1473 (E) published in Gazette of India dated the 26th December, 2003 together with an explanatory memorandum regarding rate of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for the purpose of assessment of export.
- (xviii) The Customs Valuation (Determination of Price of Imported Goods) Amendment rules, 2004 published in Notification No. G.S.R. 49 (E) in Gazette of India dated the 19th January, 2004 together with an explanatory memorandum.
- (xix) The Import Manifest (Vessels) (Amendment) Regulations, 2003 published in Notification No. G.S.R. 957 (E) in Gazette of India dated the 19th December, 2003 together with an explanatory memorandum.
- (xx) The Import Manifest (Aircraft) (Amendment) Regulations, 2003 published in Notification No. G.S.R. 958 (E) in Gazette of India dated the 19th December, 2003 together with an explanatory memorandum.
- (xxi) G.S.R. 64 (E) published in Gazette of India dated the 21st January, 2004 together with an explanatory memorandum making certain amendments in the Notification No. 21/2002-Cus., dated the 1st March, 2002.
- (xxii) G.S.R. 68 (E) published in Gazette of India dated the 22nd January, 2004 together with an explanatory memorandum making certain amendments in the Notification No. 21/2002-Cus., dated the 1st March, 2002.
- (xxiii) G.S.R. 74 (E) published in Gazette of India dated the 23rd January, 2004 together with an explanatory memorandum seeking to reduce basic Customs duty from 15 per cent to 10 per cent on specified inputs for the manufacture of specified goods.
- (xxiv) G.S.R. 75 (E) published in Gazette of India dated the 23rd January, 2004 together with an explanatory memorandum seeking to reduce basic Customs duty to 10 per cent on specified inputs of Television receivers and picture tubes.
- [Placed in Library, See No. LT. 8793/04]
- (2) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 38 of the Central Excise Act, 1944:-
- (i) G.S.R. 962 (E) published in Gazette of India dated the 22nd December, 2003 together with an explanatory memorandum making certain amendments in the Notification No. 56/2002-CE., dated the 14th November, 2002.
- (ii) G.S.R. 969 (E) published in Gazette of India dated the 26th December, 2003 together with an explanatory memorandum making certain amendments in the Notification No. 7/2003-CE., dated the 1st March, 2003.
- (iii) G.S.R. 33 (E) published in Gazette of India dated the 8th January, 2004 together with an explanatory memorandum making certain amendments in the Notification No. 6/2002-CE., dated the 1st March, 2002.
- (iv) G.S.R. 34 (E) published in Gazette of India dated the 8th January, 2004 together with an explanatory memorandum seeking to exempt machinery, instruments, equipments and pipes for use in water supply plants for agricultural and industrial use.
- (v) G.S.R. 45 (E) published in Gazette of India dated the 15th January, 2004 together with an explanatory memorandum making certain amendments in the Notification No. 6/2002-CE., dated the 1st March, 2002.
- (vi) G.S.R. 50 (E) published in Gazette of India dated the 19th January, 2004 together with

an explanatory memorandum making certain amendments in the Notification No. 6/2002-CE., dated the 1st March, 2002.

- (vii) G.S.R. 51 (E) published in Gazette of India dated the 19th January, 2004 together with an explanatory memorandum seeking to exempt certain goods mentioned therein from all duties of excise for the first clearance of Rs. 25 lakh in a financial year.
- (viii) G.S.R. 52 (E) published in Gazette of India dated the 19th January, 2004 together with an explanatory memorandum seeking to exempt a job worker performing only the processes of plain roll calendaring or decatizing or both on the unprocessed fabrics received, from all duties of excise leviable thereon subject to certain conditions.
- (ix) G.S.R. 60 (E) published in Gazette of India dated the 21st January, 2004 together with an explanatory memorandum seeking to provide exemption from whole of the duties of Central Excise, additional duties of Central Excise and National Calamity Contingency Duty to specified units in the North East region, manufacturing tobacco products subject to certain conditions.
- (x) G.S.R. 61 (E) published in Gazette of India dated the 21st January, 2004 together with an explanatory memorandum making certain amendments in the Notification No. 39/2001-CE dated the 31st July, 2001.
- (xi) G.S.R. 69 (E) published in Gazette of India dated the 22nd January, 2004 together with an explanatory memorandum making certain amendments in the Notification No. 6/2002-CE dated the 1st March, 2002.
- (xii) G.S.R. 53 (E) published in Gazette of India dated the 19th January, 2004 together with an explanatory memorandum making certain amendments in the Notification No. 13/2002-CE(N.T.) dated the 1st March, 2002.

[Placed in Library, See No. LT. 8794/04]

- (3) A copy of the Notification No. G.S.R. 32 (E) (Hindi and English versions) published in Gazette of

India dated the 8th January, 2004 together with an explanatory memorandum seeking to exempt all passengers from Foreign Travel Tax under section 41 of the Finance Act, 1979.

[Placed in Library, See No. LT. 8795/04]

- (4) A copy of the Notification No. G.S.R. 31 (E) (Hindi and English versions) published in Gazette of India dated the 8th January, 2004 together with an explanatory memorandum seeking to exempt all passengers from Inland Air Travel Tax under section 49 of the Finance Act, 1989.

[Placed in Library, See No. LT. 8796/04]

- (5) A copy of the Notification No. S.O. 130 (E) (Hindi and English versions) published in Gazette of India dated the 28th January, 2004 together with an explanatory memorandum seeking to reduce the rate of Stamp Duty on eight instruments mentioned in the Notification issued under section 9 of the Indian Stamp Act, 1899.

[Placed in Library, See No. LT. 8797/04]

- (6) A copy each of the following Notifications (Hindi and English versions) under sub-section (7) of section 9A of the Customs Tariff Act, 1975:-

- (i) G.S.R. 945 (E) published in Gazette of India dated the 15th December, 2003 together with an explanatory memorandum seeking to impose provisional anti-dumping duty on Chloroquine Phosphate, originating in, or exported from, the People's Republic of China, at the rates recommended by the designated authority.

- (ii) G.S.R. 14 (E) published in Gazette of India dated the 7th January, 2004 together with an explanatory memorandum seeking to impose final anti-dumping duty on Borax decahydrate, originating in, or exported from, Turkey and the People's Republic of China, at the rates recommended by the designated authority.

- (iii) G.S.R. 16 (E) published in Gazette of India dated the 7th January, 2004 together with an explanatory memorandum making certain amendments in the Notification No. 23/2002-Cus., dated the 1st March, 2002.

- (iv) G.S.R. 54 (E) published in Gazette of India

dated the 20th January, 2004 together with an explanatory memorandum seeking to impose provisional anti-dumping duty on imports of Flexible Slab stock Polyol, originating in, or exported from the People's Republic of China, Republic of Korea, Taiwan and Brazil, at the rates recommended by the designated authority.

- (v) G.S.R. 62 (E) published in Gazette of India dated the 21st January, 2004 together with an explanatory memorandum seeking to rescind Notification No. 69/2000-Cus., dated the 19th May, 2000.
- (vi) G.S.R. 63 (E) published in Gazette of India dated the 21st January, 2004 together with all explanatory memorandum seeking to impose anti-dumping duty on metallurgical coke, originating in, or exported from, the People's Republic of China, at the rates recommended by the designated authority.
- (vii) G.S.R. 67 (E) published in Gazette of India dated the 22nd January, 2004 together with an explanatory memorandum seeking to withdraw provisional anti-dumping duty imposed on the imports of Copper Clad Laminates, originating in, or exported from, the People's Republic of China, Hong Kong, Taiwan, South Korea and Philippines.

[Placed in Library, See No. LT. 8798/04]

- (7) A copy each of the following Notifications (Hindi and English versions) under of section 296 of the Income Tax Act, 1961:-

- (i) The Income-tax (First Amendment) Rules, 2004 published in Notification No. S.O. 46 (E) in Gazette of India dated the 12th January, 2004 together with an explanatory memorandum.
- (ii) The Income-tax (Second Amendment) Rules, 2004 published in Notification No. S.O. 47 (E) in Gazette of India dated the 12th January, 2004 together with an explanatory memorandum.
- (iii) The Income-tax (Third Amendment) Rules, 2004 published in Notification No. S.O. 48 (E) in Gazette of India dated the 12th January, 2004 together with an explanatory memorandum.

- (iv) The Income-tax (Fourth Amendment) Rules, 2004 published in Notification No. S.O. 49 (E) in Gazette of India dated the 12th January, 2004 together with an explanatory memorandum.
- (v) The Income-tax (Fifth Amendment) Rules, 2004 published in Notification No. S.O. 50 (E) in Gazette of India dated the 12th January, 2004 together with an explanatory memorandum.
- (vi) The Scheme for Filing of Returns by Salaried Employees through Employer, 2004 published in Notification No. S.O. 51 (E) in Gazette of India dated the 12th January, 2004 together with an explanatory memorandum.
- (vii) The Income-tax (Sixth Amendment) Rules, 2004 published in Notification No. S.O. 52 (E) in Gazette of India dated the 12th January, 2004 together with an explanatory memorandum.
- (viii) S.O. 53 (E) published in Gazette of India dated the 12th January, 2004 together with an explanatory memorandum excluding the individuals who have income from pension from the purview of the provisions of first proviso to sub-section (1) of section 139 of the Income Tax Act, 1961.

[Placed in Library, See No. L.T. 8799/04]

12.48½ hrs.

ASSENT TO BILLS

[English]

SECRETARY-GENERAL: Sir, I beg to lay on the Table the following 11 Bills passed by the Houses of Parliament during the Current Session and assented to by the President since a report was last made to the House on 3rd December, 2003:-

1. The Marriage Laws (Amendment) Bill, 2003;
2. The Railways (Second Amendment) Bill, 2003;
3. The Railway Protection Force (Amendment) Bill, 2003;
4. The Taxation Laws (Amendment) Bill, 2003;
5. The Appropriation (No.5) Bill, 2003;

6. The Railways (Amendment) Bill, 2003;
7. The Electricity (Amendment) Bill, 2003;
8. The Indian Medicine Central Council (Amendment) Bill, 2003;
9. The Merchant Shipping (Amendment) Bill, 2003;
10. The Indian Council of World Affairs' (Amendment) Bill, 2003; and
11. The Citizenship (Amendment) Bill, 2003.

I also lay on the Table copies, duly authenticated by the Secretary-General, Rajya Sabha, of the following 11 Bills passed, by the Houses of Parliament and assented to by the President:-

1. The Industrial Development Bank (Transfer of Undertakings) and Repeal Bill, 2003;
2. The Sick Industrial Companies (Special Provisions) Repeal Bill, 2003;
3. The Representation of the People (Second Amendment) Bill, 2003;
4. The Delimitation (Amendment) Bill, 2003.
5. The Constitution (Ninety-first Amendment) Bill, 2003;
6. The Prevention of Terrorism (Amendment) Bill, 2003;
7. The Constitution (Ninety-second Amendment) Bill, 2003;
8. The Uttar Pradesh Reorganisation (Amendment) Bill, 2003;
9. The Indian Telegraph (Amendment) Bill, 2003;
10. The Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 2003; and
11. The Constitution (Eighty-eighth Amendment) Bill, 2003.

12.49 hrs.

RESIGNATION BY MEMBERS

[English]

MR. SPEAKER: I have to inform the House that I have received a letter dated 24th December, 2003 from Shri Madan

Lal Khurana, an elected Member from Sadar Parliamentary Constituency of Delhi resigning from the membership of Lok Sabha with immediate effect.

I have accepted his resignation with effect from 24th December, 2003.

(ii) I have also received a letter dated 10th June, 2003 from Shri Vijay Sankeshwar, an elected Member from Dharward-North Parliamentary Constituency of Karnataka resigning from the membership of Lok Sabha.

I have accepted his resignation with effect from 29th January, 2004.

12.49 ¼ hrs.

COMMITTEE ON PETITIONS

Thirty-ninth, Fortieth and Forty-First Reports

[Translation]

SHRI BASU DEB ACHARIA (Bankura): Sir, I beg to present Thirty-ninth, Fortieth and Forty-first Reports (Hindi and English versions) of Committee on Petitions.

12.49½ hrs.

JOINT COMMITTEE ON OFFICES OF PROFIT

Eighth Report

[Translation]

SHRI VIRENDRA KUMAR (Sagar): Sir, I beg to present Eighth Report (Hindi and English versions) of Joint Committee on Offices of Profit (Thirteenth Lok Sabha).

12.49¾ hrs.

STANDING COMMITTEE ON EMPOWERMENT OF WOMEN

Action Taken Statement

[English]

SHRIMATI MARGARET ALVA (Canara): Sir, I beg to lay on the Table a Statement (Hindi and English versions) showing further action taken by the Government on the recommendations contained in the Fifteenth Report (Thirteenth Lok Sabha) on action taken on the recommendations contained in the Seventh Report (Thirteenth Lok Sabha) of the Committee on Empowerment of Women on the subject 'Training Programmes for Women'.

12.50 hrs.

STANDING COMMITTEE ON AGRICULTURE

Forty-ninth and Fiftieth Reports

[English]

SHRI S.S. PALANIMANICKAM (Thanjavur): I beg to present the following Reports (Hindi and English versions) of the Standing Committee on Agriculture:-

- (1) Forty-ninth Report on Action Taken by the Government on the Recommendations/Observations contained in the Fortieth Report of the Standing Committee on Agriculture (Thirteenth Lok Sabha) on Demands for Grants (2003-04) relating to the Ministry of Agriculture (Department of Agriculture and Cooperation); and
- (2) Fiftieth Report on Action Taken by the Government on the Recommendations/Observations contained in the Forty-fourth Report of the Standing Committee on Agriculture (Thirteenth Lok Sabha) on Demands for Grants (2003-04) relating to Ministry of Water Resources.

12.52 hrs.

BUSINESS OF THE HOUSE

[Translation]

THE MINISTER OF HEALTH AND FAMILY WELFARE AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRIMATI SUSHMA SWARAJ):

With your permission, Sir, I rise to announce that Government Business during the week commencing Tuesday, 3 February, 2004 will consist of:-

- (1) Presentation of Interim General Budget for 2004-2005 on 3 February, 2004 at 11.00 A.M. and introduction of the Finance Bill, 2004.
- (2) Consideration of any item of Government Business carried over from today's Order Paper.
- (3) General Discussion on Interim Railway Budget for 2004-2005 on 3 February, 2004.
- (4) Discussion and Voting on the following Demands and introduction, consideration and passing of the Appropriation Bills relating thereto, on 3 February, 2004:-
 - (a) Demands for Grants and Accounts (Railways) for 2004-2005

(b) Supplementary Demands for Grants (Railways) for 2003-2004

(c) Demands for Excess Grants (Railways) for 2001-2002

(5) General Discussion on Interim General Budget for 2004-2005, on 4 February, 2004.

(6) Discussion and Voting on the following Demands and introduction, consideration and passing of the Appropriation Bills relating thereto, on 4 February, 2004:-

(a) Demands for Grants on Account (General) for 2004-2005

(b) Supplementary Demands for Grants (General) for 2003-2004

(7) Consideration and passing of the Finance Bill, 2004 on 4 February, 2004.

[English]

SHRI BASU DEB ACHARIA (Bankura): Sir, the following item may be included in the next week's agenda:-

There has been a brutal attack on *Adivasi* Christians in the district of Jhabua in Madhya Pradesh. The attackers belonged to a religious organisation led by three MLA's who ransacked 106-year old church. Furnitures were also destroyed. They also attacked various educational institutions being run by Christian Missionaries. As a result of the attack, one Christian *Adivasi* was killed. None have been arrested. Action should be taken against the fundamentalist forces. ...*(Interruptions)*

SHRI SURESH KURUP (Kottayam): Sir, this is the second time this type of attack occurred in Jhabua. No culprit has been arrested. ...*(Interruptions)*

[Translation]

SHRI LAL BIHARI TIWARI (East Delhi): Sir, the following items may be included in next week's agenda:-

1. The work on a fly-over near Nand Nagari Railway Crossing under my Parliamentary constituency East Delhi has been stopped for the last several months. There is an urgent need to expedite its completion as in absence of a fly-over at this place the crossing has to be closed and people have to wait for hours to cross the road resulting in traffic jam.

2. A 140 NGD water treatment plant in Sonia Vihar under my Parliamentary Constituency has been under construction for the last several years and it was scheduled to be completed by 2000. But still pipe laying work is going on and overall progress of work is very slow. Due to its non completion in time, people are facing acute shortage of water. Thus there is an urgent need to expedite its completion.

PROF. RASA SINGH RAWAT (Ajmer): Sir, the following items may be included in next week's agenda:-

1. Since from the point of view of tourism, culture, education, history and archeology Ajmer is an important city and it is 'situated in centre of Rajasthan so there is a need to connect it by air and also to construct an airdrome without further delay at already earmarked place.
2. There is a need to provide broad gauge road connectivity from Ajmer the city known as Rail city to Amritsar, Chennai and Hyderabad.

[English]

SHRIMATI JAYABEN B. THAKKAR (Vadodara): The Government of Gujarat has submitted a project proposal titled 'Gujarat Forestry Development Project' (GFDP) to the Ministry of Environment and Forests for external assistance. It is understood that Project has been submitted to the Department of Economic Affairs, Ministry of Finance from the Ministry of Environment and Forests with a recommendation to submit it for consideration during the year 2003-04.

I, therefore, urge the Government to send the same to the Japan Bank for International Co-operation (JBIC) for an early clearance so that the Gujarat State gets the benefit of the project from the year 2003-04.

SHRI E. M. SUDARSANA NATCHIAPPAN (Sivaganga): The following item may be included in the next week's agenda:-

The broad gauge conversion from Tiruchirapalli to Manamadurai as per the Budget allocation from 1999 to 2003 has come up to Rs.25 crore. But the funds have not been spent on this project and they are diverted to some other project to the detriment of the development of Pudukottai, Sivaganga and Ramnad districts.

[Translation]

SHRI RAVINDRA KUMAR PANDEY (Giridih): Sir, the following items may be included in next week's agenda:-

1. Need to organise a Krishi Vigyan Mela for the benefit of farmers in Giridih Parliamentary Constituency (Jharkhand) and also to open Krishi Vigyan Kendra in Kasmar Block of Bokaro district.
4. Need to increase zink production in Tundu Zink Factory in district Dhanbad, Jharkhand and need for the Central Govt. to take initiative for fulfillment of long standing demands of labourers and employees.

[English]

MR. SPEAKER: Now, we go to the 'Zero Hour'.

(Interruptions)

MR. SPEAKER: I will call you one by one.

(Interruptions)

[Translation]

MR. SPEAKER: One by one I can give opportunity to all of you.

(Interruptions)

DR. VIJAY KUMAR MALHOTRA (South Delhi): Mr. Speaker, Sir, I would like to submit that only thrice i.e., in 1976, 1980 and in 1985 it has happened that Parliament was in Session on 30th January. On all three occasions the Prime Ministers and the Speakers belonged to the Congress Party and on all three occasions the same resolution was passed which has been passed today also. ... (Interruptions)

MR. SPEAKER: You know that I have said the same thing from the Chair that it was clarified from the resolution that has already been passed thrice.

(Interruptions)

DR. VIJAY KUMAR MALHOTRA: It is not an ordinary thing. After all, why did they not object at that time when session was held on 30th January during the years 1976, 1980 and 1985 and on all three occasions the Prime Ministers and the Speakers belonged to the Congress Party even they did not mention about Mahatma Gandhi and today. ... (Interruptions)

[English]

SHRI PRIYA RANJAN DASMUNSI (Raiganj): Mr. Speaker, Sir, I have given my notice of Adjournment Motion.

MR. SPEAKER: Are you on the same subject?

SHRI PRIYA RANJAN DASMUNSI: No, I am on a different subject.

[Translation]

MR. SPEAKER: Whatever hon. Malhotraji has said is correct. The resolutions that were passed earlier were on the same line. There was nothing wrong in it. But when the hon. Members said that the name of Mahatma Gandhi should be included, I did the same. The issue is resolved. But the earlier resolutions had the same text which were passed in the past.

(Interruptions)

SHRI SHIVRAJ V. PATIL (Latur): We appreciate your views. Should we not mention the name of Mahatma Gandhi on his 'Martyrdom Day' i.e., the day on which he was assassinated? They are saying that. ... (Interruptions)

MR. SPEAKER: I have included his name.

(Interruptions)

[English]

MR. SPEAKER: I think the issue is over now.

...(Interruptions)

[Translation]

MR. SPEAKER: Please sit down. It has been clarified

...(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF TOURISM AND CULTURE (SHRIMATI BHAVNABEN DEVRAJBHAI CHIKHALIA): They should tender apology for such statement. ... (Interruptions)

MR. SPEAKER: You please sit down.

...(Interruptions)

[English]

MR. SPEAKER: According to me, this issue is over.

...(Interruptions)

MR. SPEAKER: Please sit down.

SHRI PRIYA RANJAN DASMUNSI: Let them hear about Mahatma Gandhi from here. ... (Interruptions)

[Translation]

MR. SPEAKER: I said that hon. Malhotraji's statement is correct. The issue is resolved.

...(Interruptions)

SHRI RATTAN LAL KATARIA (Ambala): The name of Mahatma Gandhi is being politicised. They should tender apology. ... (Interruptions)

13.00 hrs.

DR. VIJAY KUMAR MALHOTRA: Sir, there was never any walkout on the issue of resolution moved by the Speaker.

[English]

This is the first time they have insulted the Chair. They must apologise. ... (Interruptions)

[Translation]

MR. SPEAKER: It is not so.

...(Interruptions)

MR. SPEAKER: Whatever you have said is correct.

[English]

SHRI KIRIT SOMAIYA (Mumbai North East): Sir, they should apologise. ... (Interruptions)

[Translation]

They have insulted the Speaker, so they should apologise. ... (Interruptions)

SHRI SHIVRAJ V. PATIL: What is going on in the House? ... (Interruptions) If they have any problem in remembering Mahatma Gandhi then it is different thing. ... (Interruptions) How did we insult him? ... (Interruptions)

MR. SPEAKER: I have also said about this subject from the Chair.

...(Interruptions)

MR. SPEAKER: Harin Pathak ji, you please sit down. On the three occasions such text came before the House and its contents were the same. So the same text was submitted this time also. There is nothing wrong in it. Since the Members wanted the name of Mahatma Gandhi be included, so I have included his name in it. So, this issue is over. Let us take other subject.;

...(Interruptions)

SHRI SHRIPRAKASH JAISWAL (Kanpur): I had this apprehension so we have got it amended. ...(Interruptions)

[English]

SHRI PRIYA RANJAN DASMUNSI: Mr. Speaker, Sir, I have a notice on a very grave matter. ...(Interruptions)

[Translation]

Sir, let him speak. We are silent.

MR. SPEAKER: No, you please speak.

[English]

SHRI PRIYA RANJAN DASMUNSI: Mr. Speaker, Sir, I have a notice, subject to your decision, on a very grave matter.

[Translation]

SHRI SHRIPRAKASH JAISWAL: Sir, please tell him to remain silent. ...(Interruptions)

[English]

SHRI BASU DEB ACHARIA : Sir, my notice is also there.

13.01 hrs.

(i) **Re: Alleged atrocities on minorities in Jhabua, Madhya Pradesh**

[English]

SHRI PRIYA RANJAN DASMUNSI (Raiganj): While the Government is planning for a very successful documentary on Doordarshan, which would be sent. I am told to get an Oscar Award, for India Shining, Jhabua is burning. The hon. Member concerned is also present here. ... (Interruptions) The first incident took place on 30th December, followed by another on 16th January and followed by one more on 29th January, reminding me of the killing of Graham Staines and his family in Orissa. ...(Interruptions) Our hon. Prime Minister has, in this House and outside, made the strongest claim of maintaining the unity of the nation irrespective of religious differences. ...(Interruptions)

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF COAL (SHRI PRAHLAD SINGH PATEL): Mr. Speaker, Sir, what the hon'ble Member is speaking. ...(Interruptions)

[English]

SHRI PRIYA RANJAN DASMUNSI: Sir, is he interrupting me? The only man who can respond to this is the hon. Deputy Prime Minister. I want a response only from the Prime Minister or the Deputy Prime Minister. I gave the notice in that order.

[Translation]

Sir, he should learn some rules and regulations. ...(Interruptions)

SHRI PRAHLAD SINGH PATEL: Please do not teach me rules.

[English]

SHRI PRIYA RANJAN DASMUNSI: Sir, Seva Bharati, an organisation promoted by Bajrang Dal, the Vishwa Hindu Parishad and the Vanavasi Kalyan Parishad first attacked a village on 30th December, followed by an attack on a Church and the rape of a nine-year old girl. After the rape, the canard went on as they put the blame on the priests of the Church. Incidentally, the police took cognisance of this to arrest all of them. ...(Interruptions) Later on, it was detected that it was not the priest but an activist called Manoj Jhadav, an activist of the Bajrang Dal, and he was taken into custody. ...(Interruptions)

I gave you a notice to read out this part:

"A rumour was spread that one of the Church personnel had raped the girl and killed her, despite clear evidence that an outsider was involved. By the time Manoj Jhadav was nabbed and incontrovertible evidence against him had been collected, it was too late. An action group under the banner of Hindu Jagran Manch gave a call for a bandh. It was very evident that the Manch was not bothered about the murdered girl or interested in getting the guilty punished. It was looking for an opportunity to spread canards against Christian missionaries and generate tribal fury against missionaries who were engaged in social service in the region."

Sir, after this incident, the Catholic Bishops' Conference on Thursday urged the Madhya Pradesh Government to ensure law and order in the wake of unprovoked attacks on members of the Christian community in Jhabua district. It is not only the Christians but the houses of non-Christian tribals were also burnt. Because their houses were burnt, they were first arrested by the Madhya Pradesh Police. Till today the hon. Prime Minister and the hon. Deputy Prime Minister are silent even to make a public reference in regard to that incident. The Chief Minister only thanked the Bajrang Dal and VHP for their restraint.

I feel strongly about the incidents that took place in Jhabua and Ahmedabad yesterday. They apprehended that the portrait of Goddess Durga had been painted by Maqbool Fida Hussain - a Muslim cannot paint Durga - so, they had torn the portrait also. It was detected. ...*(Interruptions)* What is going on? ...*(Interruptions)* These are the designs of 'Seva Bharati' ...*(Interruptions)*

MR. SPEAKER: This issue is being raised during Zero Hour. You know the limitation of time during the Zero Hour.

...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI: Sir, I do not know whether you will accept it or not. I will not interfere in it. But I must submit about the gravity of the situation among the tribals after Graham Staines' death. ...*(Interruptions)* Our delegation and a Women's Delegation had gone there. But uptill today a campaign is there that unless they are converted into Hindus, none of them could stay in India. In this campaign, slogans were shouted in the presence of Chief Minister, Kumari Uma Bharati. No one was apprehended. ...*(Interruptions)*

I demand the hon. Minister of Home Affairs - because it is the right of the House - to make a comprehensive statement in the House. ...*(Interruptions)* We do not know what is the position of the Government in regard to this situation. ...*(Interruptions)*

MR. SPEAKER: There is no debate during 'Zero Hour'.

...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI: Our M.P., Shri Kanti Lal Bhuria, represents that constituency. He was there for the last eight days. He narrated all the pathetic tales to us. ...*(Interruptions)*

MR. SPEAKER: There is no debate on this issue.

...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI: Shri Kanti Lal Bhuria is the M.P. of that area. ...*(Interruptions)*

[Translation]

SHRI SHIVRAJ SINGH CHOUHAN (Vidisha): FIR has been lodged against the guilty and police are taking action. ...*(Interruptions)*

[English]

MR. SPEAKER: I will permit those Members who have given the notices.

...*(Interruptions)*

MR. SPEAKER: The Minister can deny that.

...*(Interruptions)*

[Translation]

SHRI KANTILAL BHURIA (Jhabua): Mr. Speaker, Sir, since the problem pertains to my Parliamentary Constituency, therefore, I may also be permitted to speak. I have given notice too.

MR. SPEAKER: Your colleague has already spoken on your behalf.

SHRI KANTILAL BHURIA: Since it relates to my own constituency, I may be allowed to speak for a minute.

MR. SPEAKER: All right. Since it relates to your constituency, I will permit you to speak for one minute.

SHRI KANTILAL BHURIA: Mr. Speaker, Sir, I thank you for allowing me to speak on the issue. First of all, I condemn this Government for neglecting the martyrdom day of Mahatma Gandhi.

Mr. Speaker, Sir, on 30th December, 2003, people belonging to Sewa Bharati, RSS and Bajrang Dal attacked a school belonging to missionaries; beaten up and looted a tribal and the school was set ablaze. Thereafter, the tribal was sent to jail. ...*(Interruptions)*

[English]

SHRI BASU DEB ACHARIA (Bankura): Sir, for the last four years we have been observing how the Christian minorities are being attacked by VHP, Bajrang Dal, RSS and these fundamental groups in Madhya Pradesh, Maharashtra and Gujarat. ...*(Interruptions)*

[Translation]

SHRI KANTILAL BHURIA: On January 11, a nine year old girl was raped and then her body was dumped in the church premises. They had the intention to blame the Father of the church for the incident. Riot was thus provoked. ...*(Interruptions)* The missionary church there is 100 years old. The students there were beaten up and fire was opened. ...*(Interruptions)*

MR. SPEAKER: Why are you on your legs, hon'ble Minister may reply to it.

...*(Interruptions)*

[English]

MR. SPEAKER: Only what Shri Basu Deb Acharia says will go on record and nothing else.

(Interruptions)*

SHRI BASU DEB ACHARIA: Sir, what happened in the district of Jhabua from 30th December? How virulent attacks were mounted. ... (Interruptions)

MR. SPEAKER: Do you not want to speak? I have taken your name and you can go ahead.

SHRI BASU DEB ACHARIA: Sir, for the last four years, we have been observing that Christian minorities are being attacked by Vishwa Hindu Parishad, Bajrang Dal and Rashtriya Swayamsewak Sangh in Gujarat, Maharashtra and Madhya Pradesh. ... (Interruptions)

MR. SPEAKER: Only Shri Basu Deb Acharia's statement will go on record.

(Interruptions) *

SHRI BASU DEB ACHARIA: Sir, what happened in the district of Jhabua from 30th December? ... (Interruptions) *

[Translation]

MR. SPEAKER: Whatever Shri Bhuria is saying, is not being recorded, so you may please sit down.

[English]

SHRI BASU DEB ACHARIA: Sir, virulent attacks were mounted against the Christian minorities. One nine-year-old girl was raped and her body was found in a toilet. Immediately, in order to spread poison, the Bajrang Dal spread the rumour, called bandh and started demanding that all the Christians should be thrown out from the district of Jhabua.

Sir, 106-year-old church was attacked, desecrated and ransacked and all its furniture items were destroyed. Schools are educational institutions, which are being run by Christian Missionaries. These schools were also attacked. Now, none of the schools is functioning. Nobody has been arrested. All the culprits came from Gujarat and they are now trying to revive a divide between adivasi Christians and non-Christians. None of the culprits has been arrested. Only Christians have been arrested. No action has been taken against any of the culprits.

MR. SPEAKER: Shri Varkala Radhakrishnan will speak now.

*Not Recorded.

SHRI BASU DEB ACHARIA: Sir, when the Prime Minister as well as Deputy Prime Minister are present here, I demand a statement from the Prime Minister. Sir, we condemn the incident. We have not seen anybody from the Government - neither the State Government nor the Central Government - condemning the incident of attack on Christian minority. ... (Interruptions)

SHRI N.N. KRISHNADAS (Palghat): Sir, let them respond. ... (Interruptions)

MR. SPEAKER: If the Government wants, they can always make a statement.

... (Interruptions)

MR. SPEAKER: Shri Varkala Radhakrishnan will speak now. Shri Basu Deb Acharia, please sit down.

... (Interruptions)

MR. SPEAKER: Shri Radhakrishnan, you make a statement.

... (Interruptions)

SHRI BASU DEB ACHARIA: Sir, we demand a statement from the Prime Minister who is sitting in the House. Thank you. ... (Interruptions)

SHRI N.N. KRISHNADAS: Hon. Prime Minister and Deputy Prime Minister are present in the House. Let them respond on this matter. This is a very serious matter. ... (Interruptions)

MR. SPEAKER: They are listening to the debate. If they want, they can, at any time, stand up and reply.

... (Interruptions)

SHRI SURESH KURUP (Kottayam): Sir, we want them to respond. ... (Interruptions)

SHRI N.N. KRISHNADAS: Sir, we want them to respond. Such a serious incident has taken place. ... (Interruptions)

MR. SPEAKER: If they want, they can always reply.

... (Interruptions)

SHRI PRIYA RANJAN DASMUNSI: They cannot keep quiet when such an incident has taken place. ... (Interruptions) On other issues, they will respond. ... (Interruptions) On this issue also, they have to respond. They will have to respond. ... (Interruptions)

MR. SPEAKER: Please sit down.

...(Interruptions)

SHRI BASU DEB ACHARIA: Sir, nobody has been arrested. ...(Interruptions)

SHRI N.N. KRISHNADAS: Sir, nobody has been arrested so far. What is going on in our country? ...(Interruptions)

MR. SPEAKER: This is an important issue. Hon. Deputy Prime Minister is present here. This issue concerns his department, and he can make a statement immediately if he wants to or after some time.

...(Interruptions)

MR. SPEAKER: Please. This is a 'Zero Hour', and in 'Zero Hour' there is no such practice that the Minister must reply immediately. You are all aware of the rules. Please sit down.

...(Interruptions)

SHRI SURESH KURUP: Sir, since he is present here, he should respond.

SHRI N.N. KRISHNADAS: Sir, the hon. Prime Minister and the Deputy Prime Minister are present here. Why are they not responding to this issue? ...(Interruptions)

MR. SPEAKER: I have requested the Deputy Prime Minister. Now, please sit own.

THE DEPUTY PRIME MINISTER AND IN CHARGE OF THE MINISTRY OF HOME AFFAIRS AND MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS (SHRI L.K. ADVANI): Sir, if the issue raised in the 'Zero Hour' relate to a State, then the Central Government can only assure the House that it would. ...(Interruptions)

SHRI BASU DEB ACHARIA: Sir, the issue concerns the Christian minorities.

SHRI L.K. ADVANI: I know that, and I am aware of it.

SHRIMATI RENUKA CHOWDHURY (Khammam): Mr. Speaker Sir, this issue concerns the minorities and it is not a problem of a State, etc.

MR. SPEAKER: Why do you stand up when he is speaking? The hon. Minister is standing and you want to shout. Please sit down. Please let the hon. Minister complete.

...(Interruptions)

SHRI L.K. ADVANI: Sir, the duty of the Central Government is to get the facts from the State Government. In this particular matter, broadly speaking, most of the reports that I have seen in the Press, and the allegations that have been heard here today have been denied by the State Government. Nevertheless, I will find out from the State Government as to what are the facts in respect of the Jhabua incident, and come to the House. ...(Interruptions)

[English]

MR. SPEAKER: There is nothing else. Please sit down. Do you want the 'Zero Hour' to be completed or not? Shri Varkala Radhakrishnan.

SHRI BASU DEB ACHARIA : There should be an inquiry by the CBI in this case.

(ii) **Re: Not Proroguing the Fourteenth Session of 13th Lok Sabha after its Adjournment sine die on 23rd December, 2003**

[English]

SHRI VARKALA RADHAKRISHNAN (Chirayinkil): Sir, I rise to raise an objection, regarding the holding of this Session.

MR. SPEAKER: It is not an issue before us.

SHRI VARKALA RADHAKRISHNAN: Sir, it is a fact that the House was adjourned *sine die* on 23 December 2003, and *vande mataram* was also played here. The presumption was that the House would be prorogued with immediate effect. But that was not wilfully done. There was a wilful attempt on the part of the Government to deny the benefit to the Members of this House to get an Address from the President as per article 87 of the Constitution. We are entitled to that and that benefit has been denied wilfully for political purposes. They say that they are to hold an election. We do not stand in the way of elections, but the intentions of the Government are *mala fide*.

It may also be pointed out that the House seems to be in Session. If a claim is made that the House is in Session, then it is deemed to be in Session. The Government has no right to issue an Ordinance, as also the Government has no right to make any policy statements. But they have made several policy statements, all for the electorates. This is a clear case of breach of privilege of the House. It is a clear case where the Finance Minister has committed a breach of privilege in the House. ...(Interruptions) Sir, let me conclude.

Moreover, even after getting a notice for the Session, the Government in a hurry had a cabinet meeting; met the President; and gave an advice that the House should be

dissolved on 6th February 2004. What is the meaning of holding the Session then?

SHRI N.N. KRISHNADAS (Palghat): Sir, it is a mockery.

SHRI VARKALA RADHAKRISHNAN: You could have done it at the end of the Session. Why is there such a trend before us? I do not stand in the way of the authority of the Prime Minister to advise the President for dissolution of the House, but that must be done in a model manner, in a civilised manner. But, if I say put it, you have done it in the most uncivilised manner.

MR. SPEAKER: Please sit down.

SHRI VARKALA RADHAKRISHNAN: It is very very unfortunate that such a situation has arisen in the Lok Sabha.

MR. SPEAKER: Please sit down. Shri, Radhakrishnan, you have already made your point. Please sit down.

SHRI N.N. KRISHNADAS: The Government is bypassing the democracy and the Parliament.

SHRI VARKALA RADHAKRISHNAN: Sir, I would like to submit that I never expected such behaviour from Shri Atal Bihari Vajpayee who is an experienced Parliamentarian. He ought to have made a parliamentary precedent, a healthy precedent, and a precedent, which are always commendable. But here, what he has done is unheard of and moreover Unparliamentary. It is like even taking the House to ransom.

So, I would request that please do not repeat such gimmicks on the House. We are elected people - very much like the hon. Prime Minister - who have the right, but you should have done it in a civilised manner. That is what you should have done.

MR. SPEAKER: You have made your point. Please sit down. Please make him sit down.

SHRI VARKALA RADHAKRISHNAN: Moreover, everyday they are coming forward with ulterior motives. So, I strongly object the holding of the Session as a continuation of the previous Session, which was already adjourned *sine die* on 23rd December 2003.

[Translation]

SHRI RAMJI LAL SUMAN (Ferozabad): Mr. Speaker, Sir, I have also given a notice on the issue.

MR. SPEAKER: I will allow you to speak after Shivraj ji.

[English]

SHRI SHIVRAJ V. PATIL (Latur): Sir, the Government can take a decision and advice the President of India to dissolve the House at any time, and we are not objecting to it.

Last time, the Session was adjourned, *sine die*. After the Session is adjourned *sine die*, the President can prorogue the House and when the House is prorogued then a new House is called with a notice of say a few days more. Sir, had the House been prorogued, it would have been necessary for the President of India to Address the Members of the two Houses. In that Address, the President could have told the Members of the Parliament and the people of the country as to how the Government had performed; as to where the Government had failed, etc. The Members sitting on the Opposition benches could have showed it, and it would have been possible for the Government of India to tell - if not in one year's time, at least in four months' time - as to how they were going to conduct the Business of the Government, and how they were going to solve the problems, etc.

The Members sitting here should not have been denied this opportunity. They are saying that there is a feel-good factor. Are they afraid that this feel-good factor is going to disappear into thin air within a span of four or five days' time? Heavens would not have fallen if the President had addressed the Members of both the Houses. The country would have been informed as to how the Government had performed, and it would have given an opportunity to the Members sitting here to point out where they had committed the mistakes in policies, in implementation, in solving the problems of the people, etc. It could have really enhanced the prestige of the legislature, and it would not have reduced the prestige. Heavens would not have fallen if the President had spoken to the Members.

Sir, the only thing that would have happened is that this House would have sit for four or five days' more, and would have discussed this issue. Why was it not done? Why is this trick being played on the Parliament and on the Members of this House? Why is this kind of gimmick being played? Why is there an ugly haste in holding the elections? The Head of the Executive goes to the President before the House is convened, or before the House is going to sit and says that: "Look the House has to be dissolved on 6th." Why are these things happening? What is the propriety in doing this?

If we are sitting here, then we would certainly take objection to these kinds of gimmicks inflicted by the Government on the Members of the Parliament sitting here and on the people also. What is it that they are afraid of? What is the issue that they do not want to be discussed on

the floor of the House? Why is it that they are not allowing the Members to criticise the policies and the implementation of the Government?

We are objecting to it not simply because we feel that we are sitting here and we should object to that, but this is laying down the wrong conventions. This is laying down the conventions that are not going to be in the interest of the democratic system, the parliamentary system, or system of any kind. You cannot shut out the Members from criticising them. Anything done by them in order to achieve this objective is not in the interest of the democracy, in the interest of the parliamentary system, and it is not going to help the Government also.

SHRIMATI RENUKA CHOWDHURY (Khammam): Sir, I want to raise an issue of national importance. ...*(Interruptions)*

SHRIMATI MARGARET ALVA (Canara): Sir, Shri Venkaiah Naidu announces the dates for elections, and Shri Pramod Mahajan announces the dates for dissolution. ...*(Interruptions)*

MR. SPEAKER: Your issue is different. You are not on the same issue.

...*(Interruptions)*

SHRIMATI MARGARET ALVA: Shri Pramod Mahajan is becoming the Chief Election Commissioner! ...*(Interruptions)*

[Translation]

SHRI RAMJI LAL SUMAN: Mr. Speaker, Sir, the Winter Session concluded on 23rd December, 2003 with Vandemataram. At that time it was felt that the Budget Session is almost a certainty. But the way the Government have called the Session, is highly improper and as Shivraj ji has said, is against our established parliamentary norms and traditions. There should have been President's Address, details of the programmes and policies of the Government and it could have given full opportunity to the opposition to express their views. There is a provision of elections at every five years in the Constitution. I do not understand as to what were the circumstances that compelled the Government to go for early elections. Is it because they won three assembly elections incidentally and therefore think that it can take full advantage of the situation. They are bypassing parliamentary conventions and the constitution for selfish motives. ...*(Interruptions)* They had the majority, their Government was functioning and the opposition was cooperating on all important issues and was making creative and positive suggestions, yet they opted for early elections. The Government will have to explain as to what compelled them for early elections. It's a serious matter.

The way House has been convened is highly improper. The Government will have to clarify on all these issues.

[English]

SHRI RUPCHAND PAL (Hoogly): Sir, the same Government which had been advocating for the fixed term of five years of Lok Sabha is now in such a hurry that it is denigrating all institutions, including this Parliament. They are bypassing this institution and announcing policy statements including gimmicks and sops amounting to more than Rs. 13,000 crore. Even one day before the sitting of House is to take place, they are announcing major policy statements with regard to sop on imports - gold import, alcohol import, Ferrari import for one to two per cent population. Gimmicks are being committed. Frauds are being committed.

Sir, if we go through the Currency and Finance Report of the Reserve Bank of India, it has explicitly said that there are reasons for serious concerns about the economy and the fiscal situation. And, this Government says about the feel-good factor! Unemployment is rising and the Government says about a feel-good factor! Industries are being closed but they say that it is a feel-good factor! Minorities are being killed and they say that it is a feel-good factor!

Sir, what is happening? They have committed the gravest impropriety. We did not expect that a leader of such stature, the Prime Minister, who has an experience of more than four decades, could allow such denigration of this august institution.

Sir, they have no authority to denigrate in such a manner and bypass this Parliament. This is a matter of great concern. We protest against it and we condemn such conduct. Thank you.

[Translation]

DR. RAGHUVANSH PRASAD SINGH (Vaishali): Mr. Speaker, Sir, I would like to draw your attention to Article 87 (1) of the Constitution. According to this Article, the President shall address both Houses of Parliament assembled together at the commencement of the first session of each year. After President's Address Lok Sabha commence its business. It is clear from the Article 87 (1) of the Constitution that there will be President's Address on day one of first session of each year. From the time, this Parliament came into being it has been the practice to have President's Address twice in election year i.e. at the commencement of the first session of each year and at the commencement of the first session after the constitution of new Lok Sabha. But this Government are in a hurry and have become arrogant. Because of such arrogance they are violating the provisions of the Constitution. The President has the right to address the Parliament twice in

election year under Article 87 (1). They are not allowing the President to do so and infringing the powers of President. It did occur in 1962 when this House was prorogued. At that time the House was prorogued till next year and when the House was again summoned, the President did deliver his Address and it was considered the first session of that year. It was so done due to special circumstances like Indo-China war at that time. So, I would like to know what sort of special circumstances prevailed now which forced them to act in this manner. They have certainly violated the Constitution. It is a breach of privilege of the President and amounts to contempt of Parliament. Budget is presented in the Parliament and taxation is finalized having the confidence of all the Members. They are making statement, before the Parliament is convened. They want to do same thing in a hurry whether it is right or wrong and thus increase the liability of the next Government. What is the purpose? I would also like to draw the attention of this august House to section 14 of Peoples Representations Act 1951:-

"The relevant section provides that Lok Sabha elections can be held any time within six month before its term expires."

This period of six months falls between 10th April and 10th October. Election Commission stated that electoral rolls has not been revised. The dates of Elections can be declared any time after the completion of revision of electoral rolls. They are pressurizing the Election Commission to hold the election at the earliest. I would like to ask as to what was the need to dissolve the Lok Sabha when elections are to be held after 10th April. But the decision to dissolve the Lok Sabha has been taken. They also took a decision to dissolve the House on 6th February. They have turned Lok Sabha into a ceremonial institution. They want to pass the vote on account as a custom and fixed 6th February as the date to dissolve Lok Sabha. What is the need to call the session when the decision has already been taken to dissolve Lok Sabha on 6th February. Let us contest the elections. Feel good factor is being propagated. They are misguiding common people by publishing their photographs etc. and thus misusing all the Newspapers and the entire media of the country. They are propagating wrong facts. How to refute them? We would have certainly objected had the House been in session. All the Newspapers are full of this Government's advertisements. Media is being influenced as they are being paid hefty amount for publishing advertisements as wrong facts are being propagated through such advertisements in the Newspapers. Who authorized this Government to act in this manner? If they want to contest elections, let us face public. They are misleading the public for early dissolution of House through propagation. Many Members of Ruling Coalition approached us and admitted that genuine questions should have been

raised as to they should have not taken decision for early elections in such a hasty manner. Elections could be held after 10th April. But they wanted to dissolve the House immediately and fixed the date also. They want to pass vote on account in place of Rail Budget and General Budget. They do not want to face the burning problems of the country. Their announcements are that of out going Government which increase the liability of incoming Government or that of a military rule Government implementing marshal law and destroy everything within a few years while governing the country. They are destroying everything so that the coming Government will have to face the consequences. Please explain why there is a violation of constitution, contempt of Parliament and why Election Commission is being pressurized to hold election at the earliest. By taking all these unconstitutional step, they have become arrogant due to being in power. They are violating the Constitution. That is why all these things should be clarified and justification should be given in this regard.

[English]

SHRIMATI RENUKA CHOWDHURY: Sir, I have been asking repeatedly for permission to raise an issue of national importance.

[Translation]

You do not give me an opportunity. This should be clarified first. I am untouched by the feel good factor. I would like to tell you that you do not give equal opportunity to women. Women Reservation Bill was not presented in the House. What is our future, I have certain information. ... (Interruptions)

MR. SPEAKER: Have you given notice on this subject?

SHRIMATI RENUKA CHOWDHURY: Sir, this is the scam of involving Rs. 14,500 crore.

MR. SPEAKER: Renukaji, have you given notice on this subject?

SHRIMATI RENUKA CHOWDHURY: Sir, have the Government given notice to anybody before doing such things. ... (Interruptions)

MR. SPEAKER: The Government have given notice in this regard.

SHRIMATI RENUKA CHOWDHURY: Sir, whatever we are doing we have learnt from them.

MR. SPEAKER: Renukaji, you know that advance notice is required to raise any matter. If you want to raise this matter, you will have to give notice on Tuesday. I will permit you.

SHRIMATI RENUKA CHOWDHURY: Sir, this is public money. I would like to know from the Government as to what is the good factor in this. A scam of Rs. 14,500 crore has since taken place.

[English]

MR. SPEAKER: Now, only what Shrimati Sushma Swaraj says will go on record.

(Interruptions)*

[Translation]

MR. SPEAKER: Renukaji, I will give you permission. You raise this issue either on Tuesday or Wednesday.

SHRIMATI RENUKA CHOWDHURY: Sir, this notice has been issued by the Supreme Court on Friday. It includes names of the Ministers sitting here. What good factor is there in it?

[English]

SHRI V. DHANANJAYA KUMAR (Mangalore): Sir, she is a senior Member of the House, but she is doing like this. ... (Interruptions)

SHRIMATI RENUKA CHOWDHURY: Yes, I am a senior Member of the House. But you understand that you have committed serious crimes. It has nothing to do with that; there is no seniority or juniority in what you have done. ... (Interruptions)

MR. SPEAKER: I have removed that from the record. I earlier said that only what Shrimati Sushma Swaraj says would go on record.

(Interruptions)*

[Translation]

SHRIMATI MARGARET ALVA: Mr. Speaker, why are you stopping. Nobody from that side interrupts. All are sitting quiet. ... (Interruptions)

[English]

MR. SPEAKER: Shrimati Margaret Alva, you are aware that there are rules in the House and we are doing according to the rules.

... (Interruptions)

[Translation]

MR. SPEAKER: Renuka ji, I am ready to permit you to raise this issue but you have to give notice according to rules.

[English]

On Tuesday or Wednesday you can bring up that issue. I have no objection in allowing you; absolutely I have no objection in allowing you to raise the issue.

[Translation]

SHRIMATI MARGARET ALVA: Mr. Speaker, Sir, is the Government giving any notice in regard to holding the session of Parliament on which the Government is spending crores of rupees?

... (Interruptions)

MR. SPEAKER: Renuka ji, if you give me Notice for Zero Hour, I will certainly give you time to raise this subject.

... (Interruptions)

[English]

MR. SPEAKER: You can give the notice in any form.

... (Interruptions)

[Translation]

THE MINISTER OF HEALTH AND FAMILY WELFARE AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRIMATI SUSHMA SWARAJ): Mr. Speaker, Sir, perhaps the most veteran and senior Members of the House Shri Radhkrishnan ji has raised a question in the House and he has been supported by hon. Shivraj ji Patil, Ramji Lal Suman, Dr. Raghuvansh Prasad Singh and Shri Rupchand Pal. Their remarks have raised two questions. The first question is as to why did not we prorogue the House and the second relates to denying the MPs to attend the President's Address. As far as the second question raised by Raghuvansh Prasadji is concerned, its reply is inherent in Shivraj Patil's remark is that the hon. Prime Minister has full right to dissolve Lok Sabha and to choose the time for elections. Hence I don't want to reply to that. I would like to reply two important questions.

Mr. Speaker, Sir, I can cite several examples when session of the House had been convened without it being prorogued. However, I would not like to justify any decision merely quoting the precedents in this regard. I would like to extend rationale behind such move. Without mincing any word, I would like to say that the House was not prorogued by us

because we had a prior intent of seeking mandate from the people or we wanted to dissolve the Lok Sabha for early elections. If the next Lok Sabha. ...*(Interruptions)*

[English]

SHRI S. JAIPAL REDDY (Miryalguda): Sir, I have a point. ...*(Interruptions)*

SHRIMATI SUSHMA SWARAJ: Sir, I am not yielding.

[Translation]

Mr. Speaker, Sir, I have heard all the five comments very patiently. I would like to request hon. Reddyji to ask the question later on. ...*(Interruptions)*

[English]

SHRI S. JAIPAL REDDY: Sir, the Prime Minister of India, before going to Pakistan, made a categorical statement that there was no idea to dissolve the Lok Sabha. If that was the case, how could the Minister now say that they were planning for it all along? There is a glaring contradiction between the public position taken by the Prime Minister, reiterated a number of times by the Prime Minister, and the position taken by the Minister on the floor of the House now. Let her address that contradiction.

MR. SPEAKER: Okay, you have made your point.

[Translation]

SHRIMATI SUSHMA SWARAJ: Mr. Speaker, Sir, I would like to make a very humble submission. I have listened to the remarks of all the five Members very carefully and I request that my replies to the queries be heard patiently. If still any doubt remains in the mind of hon. Members, the questions can again be raised but let me complete first. ...*(Interruptions)* As far as position is concerned, the remark made by the hon. Prime Minister about holding elections does not take away from him the right to review his stand vis a vis the changing situation. I would like to request you that you listen to my reply first.

Mr. Speaker, Sir, I was telling that we did not prorogue the House as we had decided to dissolve Lok Sabha and go for early elections. Had there been any possibility of constituting the next Lok Sabha before 31st March, we would have recommended the dissolution then and opted for early elections but the Election Commission expressed its inability to hold elections before 31st March in any case. Hence there were two options before us and the first option was. ...*(Interruptions)* I would like to request the Members sitting on treasury benches also. ...*(Interruptions)*

SHRI V. DHANANJAYA KUMAR: Why are you speaking while sitting. ...*(Interruptions)*

SHRIMATI RENUKA CHOWDHURY: I will speak after being on my legs. Plunder is on. ...*(Interruptions)* What are you keeping on saying. ...*(Interruptions)* You would feel the heat once you face the election. ...*(Interruptions)*

[English]

MR. SPEAKER: Both the hon. Members are requested to sit down.

...*(Interruptions)*

MR. SPEAKER: Please do not use unparliamentary words. I would request all the Members to be patient and listen to the reply which is being given by the hon. Minister. Please do not disturb her.

[Translation]

Sushmaji, you speak.

SHRIMATI SUSHMA SWARAJ: Let I be given the ambience to speak. ...*(Interruptions)*

[English]

SHRIMATI RENUKA CHOWDHURY: ...* Sir, what is he saying? ...*(Interruptions)*

MR. SPEAKER: I will remove all unparliamentary words after going through the records.

...*(Interruptions)*

MR. SPEAKER: You have every right to reply. You can reply.

...*(Interruptions)*

[Translation]

SHRIMATI SUSHMA SWARAJ: Mr. Speaker, how can I speak in such pendaminium, at least these should be some order in the House. Renukaji, you allow me to speak for five minutes only. ...*(Interruptions)*

SHRIMATI RENUKA CHOWDHURY: I would change your horoscope. ...*(Interruptions)*

MR. SPEAKER: Only an astrologer is intitted to do so, not you. How can you change her horoscope?

...*(Interruptions)*

* Expunged as ordered by the Chair.

[English]

MR. SPEAKER: Now let us give an opportunity to her so that she could make her point. This is an important issue which has been raised by Shri Radhakrishnan.

[Translation]

SHRIMATI SUSHMA SWARAJ: Mr. Speaker, Sir, there would have been no need to convene the sitting of the House if the next Lok Sabha could have been constituted before 31st March. We could have dissolved the Lok Sabha and held elections. After 31st March, it would not have been possible to draw funds from the treasury. Hence the need for vote on account. We had two options, the first option suggested by Shri Shivraj ji and the one which the Leader of Opposition mentioned in her letter to the President was to prorogue the Session and hold the session afresh. Since that would have been first session of the year 2004, it would have necessitated President's Address. Thereafter we would have dissolved the Lok Sabha and called fresh elections.

Mr. Speaker, Sir, in all humility I would like to say that the President's Address does not reflect his personal views. Rather, it reflects the policies of the Government. ...*(Interruptions)*

AN HON. MEMBER: That is what we wanted to hear.

SHRIMATI SUSHMA SWARAJ: I am coming to that. In fact the President's Address contains the achievements of the Government. The President neither adds nor deletes even a single word of his. Neither can he give any advice. The Government prepares the Address. It is approved by the Cabinet and sent to the President. He reads it out word by word.

Mr. Speaker, Sir, after listing the achievements, the President comes to the last para. I have got three previous Addresses of the President. In the last para of Presidential Address of 2001, he said-

Honourable Members, you begin the Budget Session today. Apart from the financial business relating to the Railway and General Budget, there is a heavy legislative Agenda awaiting completion in this Session. Two ordinances also need to be replaced with Bills. All this work is intrinsically linked to 'our country's all round and rapid socio-economic development. The people who have elected you have a high expectation that the precious time of Parliament is best used for the completion of the scheduled business.

I wish you success in your endeavours.

In 2002 he stated.

"Honourable Members, the Budget Session begins today. Apart from the financial business dealing with the Railway and General Budget, a number of legislative business needs to be done in this session. Two ordinances need to be replaced with Bills. I wish you success in making the best use of your precious time in concluding the listed business."

In 2003, it was: Apart from the financial business related to the Railways and General Budget in the list of business, various other work need to be completed in this session. I hope the Budget Session and the next session would prove fruitful as before. I extend my wishes to your efforts towards success."

Mr. Speaker, Sir, we were to go for a vote on account. We were not going to present the Budget. After mentioning all the achievements, what was there to conclude? In the last para he would have mentioned thus - "Honourable Members, this Government has decided to dissolve the Lok Sabha and hold fresh elections. You are all going to seek a fresh mandate. I extend my good wishes to you for your re-election." I can say with certainty that my colleagues sitting in the Opposition who are today accusing us for not opening the Session with the President's Address, would have objected and accused us of misusing the President's office. ...*(Interruptions)*

SHRI SHRIPRAKASH JAISWAL (Kanpur): You are making a guess of what we would have said and what we would not have said.

SHRIMATI SUSHMA SWARAJ: Mr. Speaker, Sir, it was after careful consideration we decided that the President should not be involved in the election politics. After careful consideration we decided that electoral battle should be confined to you and us. We will go to people and fight the electoral battle. We will list our achievements, the Opposition will contest our claims and the people will give their verdict. But we will not drag the President to the electoral battle.

Mr. Speaker, Sir, I expected to them to applaud us for such stand that we did not drag the President to the electoral battle. But I am surprised that they are criticising us for not including President's Address. What are we to lose by not having the President's Address? If President's Address had been included in the business of this Session, it would have had two additional sittings. The session was held from 29th January to 5th February. Had there been any auspicious moment, it could have been held earlier. We could have begun the sitting two days earlier i.e. from 27th January instead of 29th January. But we introduced a healthy practice as per democratic traditions. ...*(Interruptions)*

DR. RAGHUVANSH PRASAD SINGH: Mr. Speaker, Sir, it never happened that the first session began without the President's Address. This is the proof. ...*(Interruptions)*

MR. SPEAKER: You have made your point. Now let them have their say.

...*(Interruptions)*

DR. RAGHUVANSH PRASAD SINGH: At that time I had not been able to show the evidence.

...*(Interruptions)*

SHRIMATI SUSHMA SWARAJ: Regarding the President's Address, Article 87 of the constitution will be fully implemented. Please wait for 2-3 months. That would be the first session of 2004. His excellency, the President would deliver his Address. You need not be concerned. Because this Government would prepare his speech. ...*(Interruptions)* After the elections the form of the House would not change. ...*(Interruptions)*

[English]

SHRI RUPCHAND PAL (HOOGLY): Sir, is she replying to the point raised by us. ...*(Interruptions)*

[Translation]

SHRIMATI SUSHMA SWARAJ: Those sitting in the treasury benches now will come back again to sit here. Shri Atal Bihari Vajpayee will become the Prime Minister. And you will remain in the Opposition. President's Address will be held and enthuse the newly elected Members. ...*(Interruptions)* I repeat, by taking such a decision we have not made a mistake. Rather, we have established a healthy and a new tradition in Parliamentary democracy of India. ...*(Interruptions)*

[English]

SHRI ADHIR CHOWDHARY (Berhampur, West Bengal): You are living in a fool's paradise. ...*(Interruptions)*

[Translation]

SHRIMATI SUSHMA SWARAJ: If Radhakrishnanji is satisfied with my views he should stand up and say we have not made any mistake. Rather we have set a healthy precedent. ...*(Interruptions)*

[English]

SHRI PRIYA RANJAN DASMUNSI: Sir, I want to say something on this issue.

MR. SPEAKER: Now the Minister has replied. The Opposition has made their stand clear on this issue.

[Translation]

SHRI PRIYA RANJAN DASMUNSI: Mr. Speaker, Sir, for Sushma ji first I would like to ...*(Interruptions)*

[English]

MR. SPEAKER: There should be no speech. You can ask only a clarification.

SHRI PRIYA RANJAN DASMUNSI: I have a point to make.

MR. SPEAKER: You may have a point to make, but you can ask only a clarification, if you want.

[Translation]

SHRI PRIYA RANJAN DASMUNSI: I would like to ask a few questions after the reply of hon'ble Minister. Therefore, please do not interrupt me. ...*(Interruptions)*

MR. SPEAKER: There is no precedent of asking questions after the reply is over. ...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI: He has negated our point, and I would like to speak about that. ...*(Interruptions)*

[English]

First of all, I thank Shrimati Sushma Swaraj for her first election speech.

[Translation]

I want your protection and all bear witness to the fact that in the BAC meeting prior to end of last session on December 23, the point about pending business was raised. I would like to remind Sushma ji that when I had raised the point of pending business and had expressed my apprehensions that they would conduct elections after dissolutions of Lok Sabha. At that time, Sushmaji in front of everybody in the meeting had said that there was no question of that. Government would complete its term and elections would be held in October. Therefore pending business will be taken up in the next session. ...*(Interruptions)*

[English]

Let it be very clear. She was very kind to say

[Translation]

that don't worry, all business would be, accommodate in the session.

[English]

After saying so, now she says that we made her do so on that day. This is not correct. It is you who said that

[Translation]

all business would be accommodated in the next session. They had already made up their mind.

[English]

This is betrayal and shock to the Parliament.

MR. SPEAKER: The House stands adjourned to meet again at 2.45 p.m.

13.53 hrs.

The Lok Sabha then adjourned for Lunch till forty-five minutes past Fourteen of the Clock.

[English]

14.49 hrs.

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

(MR. DEPUTY SPEAKER *in the Chair*)

MR. DEPUTY SPEAKER: The House will now take up Item No.13. We have allotted half-an-hour for discussion on this Bill.

14.50 hrs.

FOREIGNERS (AMENDMENT) BILL, 2003

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI HARIN PATHAK): Sir, on behalf of my senior colleague, Shri L.K. Advani, the hon. Deputy Prime Minister, I beg to move:

"That the Bill further to amend the Foreigners Act, 1946, as passed by Rajya Sabha, be taken into consideration."

Sir, the Foreigners (Amendment) Bill, 1998 to amend section 14 of the Foreigners Act, 1946 was initially introduced in Rajya Sabha in June, 1998. Section 14 of the Foreigners

Act, 1946 provides for penalty for contravention of the provisions of the Act or any order made thereunder, which is imprisonment for a term which may extend to five years and shall also be liable to fine. This is the present provision.

[Translation]

As per existing provision, the punishment is five years imprisonment in addition to fine. And the situation is

[English]

as per section 437 of the Code of Criminal Procedure, the accused person sometimes easily gets the bail from the First Class Magistrate Court.

The Bill was introduced with the aims and objectives to classify the offences under the Foreigners Act and to provide for punishment depending on the gravity of the offence committed. At present, there is no classification of the offences, whether it is minor or major. In this Bill, we are classifying the offences, that these are offences of overstaying, extension or if any other violation is there. These are the minor offences. It is proposed that for serious offences the maximum punishment under the Foreigners Act may be up to eight years and fine up to Rs.50,000. If the Bill is approved, serious offences will become triable by the Court of Sessions. Formerly it was triable by the First Class Magistrate. So they were able to get the bail. Now, before getting the bail, application being presented in the Court, the State Government will have an opportunity under section 439 to oppose the bail.

The Bill was referred to the Departmentally Related Parliamentary Standing Committee of the Ministry of Home Affairs for examination and report. The Committee deliberated on the Amendment Bill and submitted its report in March, 2000. Subsequently, the Ministry of Home Affairs also referred the matter to the Law Commission of India for study and recommendations. The Law Commission of India presented its 175th Report on Foreigners (Amendment) Bill, 2000 to the Government in September, 2000. The recommendations of the Law Commission were examined and the Government decided to pursue the Foreigners (Amendment) Bill, 1998, already introduced in the Rajya Sabha for enhancing existing punishment from five years to eight years which has also been recommended by the Law Commission. Accordingly, the matter was pursued in the Rajya Sabha and the Foreigners (Amendment) Bill, 1998, together with further amendments, was considered and passed by the Rajya Sabha on 7th May, 2003.

The Bill has been brought so that the penal provisions in the Foreigners Act, 1946 may be effective and deterrent. In view of the position explained, I commend it to the august

House that this Bill may be passed as has been passed by Rajya Sabha on 7th May, 2003. As the calendar year has been changed since the Rajya Sabha passed the Bill, consequential official amendments are also to be made in the Bill as passed by the Rajya Sabha to substitute "Fifty-fifth" in place of "Fifty-fourth" in the Enacting Formula, and "2004" in place of "2003" at page- 1 line 3 of the Bill. These amendments may also be taken into consideration and the Bill be passed.

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Foreigners Act, 1946, as passed by Rajya Sabha, be taken into consideration."

SHRI E. M. SUDARSANA NATCHIAPPAN (Sivaganga): Thank you, Mr. Deputy-Speaker Sir. This Foreigners (Amendment) Bill 2003, now it is made as 2004 Bill, *prima-facie* may be a simple Bill as enunciated by the hon. Minister. But it has got far reaching consequences. It is not simply the bail granting under section 437 or section 439, it is a Bill which just widens the scope of taking action by the State Government against eight different types of classifications which will cover particular persons.

I would like to draw the attention of the hon. Minister that new sections are also included now. Now, Section 14 says:

"Whoever-

(a) remains in any area in India for a period exceeding the period for which the visa was issued to him;

(b) does any act in violation of the conditions of the valid visa..."

(c) contravenes the provisions of this Act; ..."

Section 14A gives a permit to be issued by the Government now to enter into a particular notified area. If that permit is not available with the individual or if he remains more than that period, then that is also punishable. The fifth one says that without the valid documents if a person enters or stays in a particular place, he is also punishable and he will also be covered by this Bill. The sixth one says: "a forged passport or remains without any authority of law." The eighth one says: "abetting such offences".

Therefore, wide consequences are coming out by this amendment. At the same time, the Government has not considered the recommendations made by the Standing Committee which was submitted in 2000 and the recommendations of the Law Commission in their 175th Report. These Reports are telling that this simple enactment

would have a far-reaching consequences. Therefore, there should be a comprehensive legislation to tie up the situation of the illegal immigrants and also the problem of infiltration. But none of these things were considered in this Bill and there is no provision regarding them.

We appreciate that this type of a Bill is brought purely on the recommendation of the bureaucrats, especially the prosecutors who cannot manage at the judiciary level. They can very well argue the matter under Section 437 when the bail application comes before the court. It is not the first-class Magistrate who cannot give proper ruling and only the Sessions Judge can give the ruling. Any court can give the ruling. If a particular court has given it, there is an appellate authority and revision authority at the level of Supreme Court. Therefore, simply because of the inconsequential recommendation of the bureaucrats, especially the prosecutors and also the police, this particular enactment has been brought with more consequences thereon.

Therefore, this Bill is not a comprehensive one to take into consideration of all these aspects. It is simply a hurried Bill which, gives a lot of powers to the district authority to find out the people. I would like to know whether there is a machinery for it and also whether there is a guideline for that. Who is going to find out these violations of the law?

When there is cross border terrorism and any person is implicated in any offence, then this Section will also be applied. Only for that purpose, this Bill is brought about but the overall consequences have not been considered at all.

I would like to draw the attention of the Government that we have gone into a lot of conventions especially the International Covenant on Civil and Political Rights - March 23, 1976, which classifies citizens and aliens. They are also having the right of protection. They have got equal right under article 21 and other articles of the Constitution.

What is the machinery which differentiates between a citizen and alien? I would like to know in which way they are brought into the book of the four walls of the law. I would also like to know whether Justice P.N. Bhagwati's draft Refugees and Asylums Protection Act, which was suggested as early in 2000, has been considered by the Government.

By simply having this Bill, we would not be able to overcome the situation which is coming across from all the borders of India.

Sir, you know very well that India is a place where everybody can come and also stay without any valid passport, without any visa. Hundreds and lacks of such people are living in India. They are coming from Nepal; they are coming from

[Shri E. M. Sudarsana Natchiappan]

Myanmar; they are coming from Pakistan; they are coming from Bangladesh; they are coming from Afghanistan and from all the Arabian countries.

15.00 hrs.

Even in Western countries, the people want to have some peaceful living. They are just coming here and they are staying here itself. From Sri Lanka, especially many Tamils and other refugees have come because of the situation in that nation. How are we classifying the people? We are having a very meagre budgetary provision, but lakhs and lakhs of people are coming to India and they are grabbing our own transport system, our own social security system and everything. We are not controlling it. The machinery is not properly built up to book these types of illegal immigrants under this law. But here I want to say that if you are coming with a passport, if you are coming with a visa and if you are not going back within the particular time, then you are punishable under this provision for eight years. Is it not inhuman? Is it not violation of the human rights?

Suppose there is a *bandh*, and a person wants to go to the airport to catch an aircraft and if he could not go and reach the airport at the appropriate time, he is punishable for eight years. Who is going to protect him? In our system, there is so much of corrupt practice going on at the grass root level, at the district level. If very genuine people, who have come with the valid passports, are stayed for the consequences in and around the place, they will also be punished under this provision for eight long years. The law simply should not give too much of power in the hands of the district level authorities. It is not controlled by any other regulation. It is not providing for any particular Tribunal or any such thing.

Previously, to control the Assam Immigration, we were having the Tribunal Act. But these types of things are not available. How do you control and find out the real people who have to be punished without having a proper mechanism? How do you find out whether their stay in this nation is against our own interest or against the security of our nation? How do you know whether they are doing it against our own interest? Who has to find out? Simply when he is caught in some particular case, then alone he is booked under this Act. Therefore, this enactment is a very hasty one without thinking about what the consequences of it. But it should be a proper comprehensive enactment. We have to look into the whole issue of migrants, illegal migrants and the people who are living here and having all the rights of the citizenship. Without having the citizen rights, they are enjoying and they are contesting the elections in the local Boards also. Even though they are not covered under this particular Act, simply they are purchasing the property; they are having their own names in

the voters' list; they are having their own electricity bills and other things. By showing them, they want to say that they are citizens of this country and they have got the right to contest the election. Therefore, this type of immigration should be stopped. This enactment is a very simple one but a broader and a very wide canvassing power is given to the district level officials. Therefore, I feel that the Government should come forward with a better law in due course.

[Translation]

DR. LAXMINARAYAN PANDEYA (Mandsaur): Mr. Deputy Speaker, Sir, the Bill introduced is of very ordinary category. It has already been passed by Rajya Sabha and some new provisions have been incorporated. As you are aware the provision incorporated were needed in view of the difficulties in the matters relating to Passport and Visa and to check their misuse. I support the Bill and believe that their misuse would stop once the provisions of the Bill are implemented. It will also reduce the difficulties involved in locating people who overstay their visa. Both Union and State Government are wary of the problem. So much so that such people have to try to get the citizenship on the basis of their stay for 5, 7 or 10 years. Through the Bill, Government have enhanced the penalty and have taken such offences seriously. I would like the hon'ble Minister to look into this issue and also the issue of visa holders living beyond their permitted stay. My hon'ble friend was saying that there is need to bring a comprehensive Bill. I don't think there is any urgent need for bringing a comprehensive Bill. Even then, as laid down in statement and objectives:

"Contravention of the provisions of the Foreigners Act, 1946, or of any order made thereunder, or of any direction given in pursuance of that Act or such order, is punishable with imprisonment which may extend to five years and fine. The cases under the Foreigners Act are cognisable, non bailable and triable by the first class Magistrate".

With a view to check such acts, some provisions have been made alongwith penal provisions. Due to increase in penalty, serious offences would be checked and even session court would be competent to try such cases. Even after that, there would be opportunity to oppose their bail. People who get bail easily, would no longer be able to get bail that easily now.

Mr. Deputy-Speaker, Sir, this Bill has been debated at length in Rajya Sabha which also passed it. Therefore, it should be passed in this House too unanimously I support the Bill and hope that Government would make proper use of the power it gets from the Bill. There is no reason to doubt that its provisions would be misused. The exercise of such

powers may solve many of the problems. The guilty would be punished and the misuse of visa would be checked.

Mr. Deputy Speaker, Sir, I would also take this opportunity to submit that even through the process of passport issue has been simplified but many a times, some problems arise. The rules should be further simplified so that the common man gets passport easily. In the passport office, English is prevalent. When it is the policy of the Government publish its documents bilingual then Hindi should also be made of use there. This rule should be implemented strictly. In other countries, they put stamp and make notes in their own language whereas it is done in English in our country. Hon'ble Minister is also requested to look into the matter.

I once again support the Bill and resume my seat.

[English]

SHRI G. M. BANATWALLA (Ponnani): Mr. Deputy Speaker, Sir, there could be no two opinions with respect to the fact that offences concerning illegal entry into our country, visa violations, etc. should be dealt with effectively. The hon. Minister has very lucidly and clearly explained the provisions of the Bill to the House but it must be realised that this is not a normal Bill. It will have far-reaching consequences.

15.09 hrs.

(Dr. LAXMINARAYAN PANDEYA *in the Chair*)

The most important defect of the Bill is that almost all categories of offences have been just lumped together without proper consideration. It should be realised that a foreign agent does not enter a country with valid documents and simply overstays. If that is the reading of the situation, it is ludicrous enough. There are several reasons and at times very genuine reasons. These should be duly taken into consideration while cracking the whip of law.

There may be certain reasons for overstaying. We have a number of cases here where old persons who are infirm, sick, and other persons, have come to our country. They are persons of Indian origin. They are alone and now want to live with their own family over here. They even desire the citizenship of our country. Such cases must be considered with humanitarian consideration rather than simply crack the whip and add to the distress of the genuine people. There may be several other reasons for overstaying also. There may be situations beyond the control of a person. But here in this Bill there are no provisions, in-built safety provisions, and almost, everyone is treated in a similar manner. Over-riding and enormous powers have simply been given to the district authorities without consideration of the far-reaching

consequences. I would like to emphasise that there should be proper distinction as far as the reasons are concerned and there must be in-built safeguards in the Bill in order to deal with humane situations. It was for this reason particularly that the Standing Committee, as also the Law Commission, had stressed the importance of a comprehensive Bill so that all these various considerations are taken care of. But, here, this is not the case and we find that there is a rush simply to pass in a law, as if to say that it is a normal law, and with Nelson's eye towards the far-reaching consequences of this so-called innocent Bill.

I will also take this opportunity to emphasise that there are certain immigrants into our country, which may be for the innocent purpose of work. Such persons should be granted work permits rather than so dealt with harshly under the Bill. Therefore, there are innumerable considerations that come up and we simply cannot say that there is a violation of the law and crack down upon the persons.

I would also like to point out that the Government must take note of this ground reality that under the excuse of being a foreigner even genuine people are harassed. That is a very important situation. Even genuine people and citizens are harassed and there seems to be no machinery with respect to this harassment.

I would, therefore, like to appeal to the Government not to go in and rush in for such a Bill and to come forward with a comprehensive Bill taking into consideration the various factors.

Sir, I again say, and conclude, that there are cases in which people have to come to our country old, infirm and sick, desiring now to live with their families. We have so many cases over there. They desire even the citizenship of the country. Their cases have to be considered in a humanitarian manner and then, their trifle offences of over-staying should not be there.

My last point is that over-staying etc. is not from one or two particular countries. From all countries, people come and such situations arise. Law must be equally applicable to people from all such countries.

Sir, I appeal to the Government to withdraw this legislation and come forward with a comprehensive Bill, with cool consideration of the entire matter and not to increase distress and problems of the people.

SHRI ADHIR CHOWDHARY (Berhampore, West Bengal): Sir, the proposed legislative document, the Foreigners (Amendment) Bill, 2003 seems to add a new arsenal to the existing Foreigners Act, 1946. Ostensibly, it

[Shri Adhir Chowdhary]

looks that in view of the present alarming situation of illegal immigrants in India, the Government is proposing such kind of a legislative document. However, I think, still this legislative document is replete with piecemeal measures. The Government should come forward with a holistic approach on how to sort out this long-standing problem. For example, Bangladesh is our immediate neighbour and our entire border with it is porous. The present regime of Bangladesh is very much hostile to the minority community of Bangladesh, that is, Hindu people in Bangladesh. In a deliberate manner, the present regime of Bangladesh is perpetrating heinous atrocities against the minority community in Bangladesh to scare them away from their land of origin.

Now, out of desperation, those poor people, those wretched persons, those victims are coming into India to save their lives. Now, what kind of a measure should be taken against them, whether they should be treated as foreigners or they should be treated as Indian nationals, especially in view of their present state of plight.

Secondly, as the water flows from high altitude to lower regions, the poor people, finding no other alternative, are compelled to come to the neighbouring country for earning their livelihood. Similarly, the America is suffering from historic population.

I would request the Government to come forward with a legislative document in respect of those people, especially the Hindu people of Bangladesh those are being scared away and are coming into India, whether they will be treated as infiltrators or illegal immigrants, or they will be treated in a humanitarian manner.

SHRI SURESH KURUP (Kottayam): This Bill provides for stringent punishment to those illegal immigrants, those who overstay in our country, and it makes it non-bailable. Everyone knows that the illegal immigrants come to this country due to various factors: One factor is, when some political unrest or anything like that occurs in our neighbouring countries, a lot of refugees come to our country; the second factor is, due to utter poverty also, they come to this country seeking job opportunities.

We have vast borders with many of our neighbouring countries, and only by proper fencing of the borders and thorough patrolling of the borders, this illegal immigration can be checked. As pointed out by my learned friend, Shri G.M. Banatwalla, it is not because of any lack of laws that illegal immigrants come to our country. This law cannot prevent those anti-nationals who come to this country and try to wreck the system of our country. This law is not enough to prevent cross-border terrorism. It is not because of the lack of any stringent

law or anything like that, that the illegal immigrants come to this country.

As pointed out here, there are so many persons of Indian origin who have come to this country without valid documents. In my State of Kerala, which is the southern-most part, there are hundreds of people who happened to be in Pakistan when partition occurred. They were doing some jobs there and they settled down there. Later, they came back to Kerala. One incident was reported in the national dailies, and also an hon. Member raised that issue in this House, which was also reported widely in the newspapers. An old person was arrested and deported from Kerala because he was not having valid documents. This is a stray case, and there are hundreds of people there. The Government of Kerala has taken up that issue with the Union Government also. These people are genuine, they are not anti-nationals, and they are of Indian origin.

MR. CHAIRMAN: Shri Suresh Kurup, please be brief because we have to take up the Private Members' Bills and Resolutions at 3.30 p.m.

SHRI SURESH KURUP: I only wish to point out that they are people of Indian origin. They happened to be on the other side during partition. After some time, they migrated to Kerala without any valid documents. Now, to search them out and deport them is quite cruel and inhuman. Therefore, some way should be found to give them citizenship, even if they are not having any valid documents. The Government of Kerala and the Kerala Legislature have already taken up this issue.

SHRI HARIN PATHAK: Sir, I am thankful to the five hon. Members of Parliament who have participated in the discussion on this Bill. I have, in my opening remarks, explained in-depth as to why the Bill has been brought before the House. We want to amend Section 14 of the Foreigners' Act, 1946.

The concern which was expressed by most of the Members is that those genuine people who because of the situations beyond their control may desire to stay in our country may not be getting visa extensions, and that they should not be harassed. I would just like to point out that there are sufficient provisions in the present Act to take care of these things. I definitely welcome the suggestions made by hon. Members, Shri Sudarsana Natchiappan, Shri Suresh Kurup, and Shri G.M. Banatwalla. I would just like to clarify that powers have been delegated to the State, that is, from one day to one year. If somebody wants an extension of his visa, he can apply to the State, and the State will definitely give him the extension. If there are some circumstances, which are even beyond their control, then powers have been delegated to the Centre. They

can apply to the Centre, and the Centre will definitely take care of it.

[Translation]

I am the concerned is that they would be harassed.

[English]

or if somebody is ill, then not only the person concerned who is ill, but also the person's relatives can approach the State Government or the Central Government in person or send their applications through a courier or they can even send a letter, and the State or the Central Government have got the powers to extend their visas. So, this Bill relates to Section 14. We want to strengthen Section 14 by this legislation.

As I explained in my opening remarks, because of a lack of provision of punishment for the accused, they are able to get bail in the First Class Magistrate Court. Because this is a very sensitive thing, we want that a person who is guilty, who violates our visa rules and regulations, should be punished and should not get some windows open in courts to escape. That is the reason why we want to strengthen the procedure of the courts. We have increased the period of imprisonment from two to eight years so that they can be tried in the sessions courts and they will not be able to get bail easily. The court has to give notice and the State Government gets an opportunity to oppose the bail. I, therefore, request Shri Banatwalla and everybody else to cooperate with the Government in the passage of the Bill.

SHRI ADHIR CHOWDHARY: Sir, I want just one clarification.

SHRI P. S. GADHAVI (Kutch): Sir, please allow me to seek one clarification.

MR. CHAIRMAN: There is no time for that now.

The question is:

"That the Bill further to amend the Foreigners Act, 1946, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

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

Clause 2

Substitution of new sections for section 14.

MR. CHAIRMAN: Shri Banatwalla, would you like to move your amendments.

SHRI G. M. BANATWALLA (Ponnani): Sir, I would like to move my amendments. I beg to move:

Page 2, line 5, --

after "issued to him"

insert ", except for reasons beyond his control" (1)

Page 2,--

after line 18, insert --

"Explanation II - For the purpose of clause (a) of this section, the expression 'remains in any area in India' shall not include a person who so remains in India under circumstances beyond his control or circumstances which require consideration on humanitarian grounds and who is not found guilty of any objectionable conduct." (2)

Page 2, -

after line 34, insert --

"Explanation, - For the purpose of clause (b) of this section 14A, the expression 'enters into or stays in any area' shall not include a person who so enters or stays under circumstances which require consideration on humanitarian grounds and who is not found guilty of any other objectionable conduct." (3)

MR. CHAIRMAN: I shall now put the amendments moved by Shri Banatwalla to the vote of the House.

The amendments were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1

Short Title

Amendment made:

Page 1, line 3, -

for "2003"

substitute "2004" (5)

(Shri Harin Pathak)

MR. CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1, -

for "Fifty-fourth"

substitute "Fifty-fifth" (4)

(Shri Harin Pathak)

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The long Title was added to the Bill.

SHRI HARIN PATHAK: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

15.30 hrs.

RESOLUTION RE: PRIVATISATION OF CENTRAL PUBLIC SECTOR UNDERTAKINGS - Contd.

[English]

MR. CHAIRMAN: Before further discussion on the Resolution regarding Privatisation of the Central Public Sector Undertakings moved by Shri Suresh Kurup is resumed, I would like to mention that the time allotted for the discussion his already been exhausted. Is it the pleasure of the House that time for this Resolution be extended by half an hour?

SOME HON. MEMBERS: Yes.

MR. CHAIRMAN: The time is extended by half an hour. Shri Sudarsana Natchiappan.

SHRI E.M. SUDARSANA NATCHIAPPAN (Sivaganga): Sir, I rise to support this Resolution as this is on an issue which is very important for the country at this juncture.

Globalisation can be accepted by our Indian business people. At the same time, the Government of India has certain social obligations which have to be discharged. For example, regulating supply, demand and prices; and giving job opportunities to the downtrodden people and rural folks.

During the time of Pandit Nehru, the Central Government took over a lot of industrial enterprises. They were directly run by the Government of India. The State Governments also followed that policy. At that time, the private sector was not in a position to compete with the global companies and enrich their technology in order to meet the needs of the people. During that time, the Government of India utilised its resources for building up very important sectors, especially for production and regulating steel and mining products, and chemicals.

Subsequently, the Government entered into consumer sector also. There is no doubt that at this juncture when there is a lot of competition around the world to meet local as also international demands, Government of India need not invest its time and money on that activity. However, we are not developed to that extent to cope with the other market economies.

European countries and the United States of America began with privatisation and are now going in for regulation. But we began with public sector and are now allowing the private sector to create a mixed economy, which was the policy of Pandit Nehru initially. Subsequently, during the times of Indira Gandhi and Rajiv Gandhi also we allowed the private sector to grow with high standards in meeting the needs of the people. There is no doubt that the same people who are living in India are going to be employed in both public sector and private sector. The only difference is the work culture. We are now entirely following Western culture leaving aside our own Indian culture of managing the institutions.

Public sector is burdened with a lot of liabilities. The public sector banks have ended up with huge NPAs amounting to about Rs.22,000 crore. However, the service rendered by these public sector banks and other public sector enterprises, cannot ever be compensated by any private sector institution.

The private sector is interested only in earning profits. They want to compete with the other private sector concerns in earning higher profits. They do not have any social

obligations to fulfil. Hon. Minister, Shri Arun Shourie brought in many laws to ensure that some social obligation is imposed on the telecom industry. However, he himself said in Parliament that these obligations are to be taken care of by the Government also. Universal obligation is now imposed by the Government on the telecom sector. Otherwise, people who are living in the rural areas cannot have WLL facility or other modern communication facilities which are available in the cities.

The private sector is not at all having the ambition to go to the rural sector and have their profit reduced.

Therefore, be it public sector or the private sector, the only difference is by management and nothing more than that. If the management is proper, if the management is professionally held, then a public sector will also be successful.

Sir, about *Navratnas*, it was proclaimed by this Parliament that they have got so much of profit for the Exchequer. But now, we are disinvesting *Navratnas* also. The VSNL has already gone for disinvestment. The BSNL is also being talked about. So, the entire Indian wealth is now going into the hands of some brokers, some people who are not interested in our nation's welfare.

Therefore, I request that this professional management needs to be looked into properly. We are enacting the laws even after globalisation. But we find that the bureaucratic control is more in the public sector. Whenever they want to have a regulation or a management of a particular thing, the Government officials, who are on the verge of retirement, want to have a very good fall back to become the chairman of a concern or a director of a concern so that they can have another life of five to six years. But on the other hand, if you allow the professionally well-equipped people to man as the chairmen of the public sector undertakings, we would find the profit going up. At the same time, they would protect the interests of the employees also.

Now, we are seeing that the employees are being thrown away. They are asked to go on VRS. They are asked to go out on various reasons. The people who were earning Rs. 10,000 a month as salary in the National Textile Corporation Mill are now unemployed. About 120 mills out of 140 mills are now closed down just because of privatisation on the ground that they are not running properly. But who is responsible for all this? We are responsible of all this. The management is responsible for it. If they were having the professional management, knowing the market sentiments, they could manage. So, there is a need to have professional management. Many of the industrial areas which are now controlled by us are doing well. Even BSNL is now competing

with hundreds of companies. Even the multinational companies are competing with the BSNL. They are earning profits and servicing the nation.

So, when the BSNL can exist on its own, when the Neyveli Lignite Corporation can exist on its own, why could the Salem Steel Plant not exit, why could the Salem Magnacite Corporation not exist and why could the Photo Film Corporation in Ooty not exist? They are allowed to go on debt. Why? It is because of their mismanagement.

Therefore, the main thing for their failure just mismanagement. It is only the mismanagement. It does not matter whether it is a public sector or a private sector. It is the proper management which matters the most. Many of the private sector companies are going on bankruptcy. They are running away.

One day they are publishing hundreds of advertisement and then after a year or so, after earning the profit, they are diverting the money, siphoning it to their families and other concerns, and then vanishing from this country. Who is going to protect the shareholders? There are plenty of such people who have invested on shareholdings. It is mostly the middle-class people and the pensioners who have invested in such companies. But now, they are helpless, as the companies have vanished. In this regard, I have received a lot of petitions wherein it is said that the poor people who had invested, did not get any dividend or anything because a private sector company has closed down its industry. But who is responsible for it? It is only the mismanagement.

So, the most important thing is to have proper management. Who has to manage it? It is the same Indian people who have to manage it. They should be given more responsibilities with more professional touch. They should be given proper training. That is the main difference which counts. It hardly matters whether it is a private sector or a public sector.

Therefore, I request that this Resolution should be accepted as it is, so that, at least, the companies which are not disinvested and which are following the rules, can be protected.

The people from the rural areas having a graduation and post-graduation in the professional field should be given the job so that they could compete with the other people. They can improve their performance and come to the managing director level, director level, and show the profits. But why should there not be some funds provided by the Government? I am not saying that the Budget allocation should be given there. We can give the responsibility and accountability to the managing director in the board of control to see that the profit should be there.

[Shri E. M. Sudarsana Natchiappan]

I even suggested in some debates that our scientific laboratories like the Central Research Laboratory should come forward with all these things. They should earn and they should look after their own affairs. They should not go to others for funds; they should not ask for the funds from the Government of India. They should have their own minds and they should compete with other people. But it should be the property of the nation and the property of the nation should not be looted like this. It should be protected in the interests of the future generation. The market economy may fail, but the public sector will remain for ever, protecting the interests of Indian culture and the Indian people.

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY AND MINISTER OF DISINVESTMENT (SHRI ARUN SHOURIE): Sir, we have had a very informative discussion on Shri Suresh Kurup's Resolution. I am sorry that I was not present here on the last occasion when this matter came up because I had been deputed to go to Geneva for some Summit.

I have been through the record very carefully and the discussion has indeed been a very comprehensive one and I am very thankful to the Members who have made important points in this regard over two sittings. One was, as Shri Sudarsana Natchiappan was mentioning, on the general policy. The points that have been made are usual ones - on transparency, on the results as to whether there have been any good results from the companies which had already been privatised, etc. The third point was on the interests of labour. Important points were made about VRS and job losses, whether evaluation has been proper, etc.

Then, on the specific enterprises, almost every Member from Kerala had been very much concerned. The specific enterprises from Kerala are Cochin Shipyard Limited, Fertilizers and Chemicals Travancore Limited and the Hindustan Newsprint Limited. These were mentioned in the text of the Resolution itself and they have again been mentioned during the course of the debate with great passion by Prof. Premajam and others.

Actually they have not only given good arguments, but they have also said that the people of Kerala are very emotionally attached to these enterprises and they must be protected. It has been said that IFFCO and KRIBHCO, for instance, are eager to take over FACT, and a strong assertion was made that the Kerala Government had not been kept informed and that national security is involved as in the case of Cochin Shipyard.

I will deal with these points only because of shortage of time very hurriedly. I will deal with three or four general points

which have been made including the important points which have just now been made, starting from Panditji's time, up to these specific cases of the three enterprises which had been mentioned throughout the debate. The purpose of this whole exercise is to unleash the productive potential, which is admittedly inherent in the units that Panditji envisaged as 'the temples of modern India'.

The interests of the workers are a primary consideration in the minds of every Member of the House including the Members of the Government. This is what is happening in fact. I will just give you one figure. In these last five years, an amount of Rs.14,000 crore has been raised from disinvestment, from 34 concerns. If you put this amount of Rs.14,000 crore just at 10 per cent interest, we would get every year, in perpetuity, Rs.1400 crore per year. Now, if we see the average dividend which was being received from these 34 enterprises, it was Rs.50 crore a year. So, for all these social obligations that you want to be met, you would today be getting Rs.1350 crore a year extra. This will be used for meeting all those social obligations that we are all concerned about.

More importantly, the production and sale from these enterprises have gone up from 20 per cent to 250 per cent per enterprise. This increased production or this increased sale cannot but be helping the country.

Similarly, you were very concerned and other Members have also expressed great concern on the interest of labour. It will surprise the Members to know that wages and allowances in all these enterprises have gone up by 25 per cent to 30 per cent. In many of these enterprises, no wage revisions had taken place since 1997 because of Government's rules, which you know say that if an enterprise is loss making, wage revision cannot be done. Now within 30 days of the privatisation of these companies, wage revisions have been done with retrospective effect. We have ensured it. As regards allowances, I can read out the allowances. Seven to eight allowances per enterprises which had been discontinued have been restored.

The hon. Member just mentioned National Textile Corporation. You are right that these were envisaged in one way but probably I am sure you know that of the 129 mills, only 25 were working to capacity. If they are made more productive, is it a national loss? I was myself astonished when I was in charge of the Ministry of Planning to learn that Rs.700 crore were being spent every year by the Government to pay wages of workers whose factories are closed. That is no way to maintain jobs. You mentioned the Salem Steel Plant and the Hindustan Photo Films. There is a history of 20 to 30 years of these enterprises that in spite of Governments having

changed - Rajiv Gandhi Government had come and Narasimha Rao Government had come and there had been wonderful Finance Ministers like Dr. Manmohan Singh - but the enterprises have continued to deteriorate. You mentioned that the only thing that matters is the difference in management culture. That is precisely the point. One of the big enterprises speaking about a big industrial house said that 40 per cent of their senior management was taken from public sector. But the same fellows working in governmental enterprises are completely unaccountable. But when they go else where, they have to perform. That is the big difference and this is independent of any Government. No Government is able to enforce that kind of accountability. I will give you the example only of Hindustan Photo Films because the Members from Tamil Nadu are always very concerned about Hindustan Photo Films at Ooty. Our learned Members will know I think in 1992 - I am speaking from memory so I am subject to correction - the expansion plan was supposed to cost around Rs.130 crore but it cost probably Rs.800 crore to Rs.900 crore. The CBI cases were registered in 1992 but till today, there is no prosecution and conviction. That is the condition.

As regards BALCO, we had such a heated debate in this House. You know so well that the essence in aluminium production is bauxite and power. Taking a decision to set up a captive power plant in BALCO took seven years' time. This Government was not in office at that time. The other two Governments were in office. I do not want to say who were they. Shri Jogi who opposed the privatisation of BALCO and said that this is Rs.5000 crore worth later said that BALCO's privatisation is scripting the success of Chhattisgarh. This is a good thing for you to remember that when people mislead the facts, this is what happens. The production is being expanded from one lakh tonne to four lakh tonne. Four times expansion is there.

The same thing is there on the question of employment. You made the correct point which is the heart of the matter that the firms have to be efficient. Now you look at the period in the public sector from 1991-92 to 1999. Before this kind of privatisation began, public sector employment decreased from 2.18 million to 1.80 million. There was no privatisation or disinvestment. It was because the firms were becoming progressively less competitive. Therefore, the only way to safeguard jobs is investment in enterprises as is now taking place, and upgradation of technology and products that is happening in BALCO. In the case of ITI, many Members of this House had come to me including the Members from Kerala and said that please save it somehow.

The position in the Rae Bareilly plant is that they are producing vintage quality switches of the 1960s and 1970s. It would have become a sick enterprise last year but the fact is

that we took out Rs. 20 crore from VSNL and we forced the VSNL to put it there. They protested saying that their money was being destroyed. But we asked them to save this plant. MTNL, which did not want that equipment, but we asked them to put in Rs. 100 crore. We gave them advanced money for orders. But technological upgradation has not taken place, investment has not taken place because of, what you mentioned, the management culture. You will see now a physical evidence of this in enterprise after enterprise whichever has come up for privatisation; investment is coming. One may just take five minutes to walk into these hotels. I was astonished to see that half of the rooms in the Kanishka Hotel and in the Ashok Yatri Niwas has become unliveable. Nothing was being done. Now one would see that everything is being renovated. If anyone of you happen to pass by the Centaur hotel in Mumbai, you would find that it is being renovated. In Centaur hotel, Delhi, the occupation percentage is only three per cent. It is because privatisation could not take place. It is precisely because of the management culture. Hon. Members who spoke mentioned about VSNL.

Sir, Member after Member has come up to me complaining about a shortage of copper cable and requested me to make available copper cables. One of the reasons for the shortage of copper cable was that there was a purchase preference given to Hindustan Cable, a public sector enterprise last year. I was astonished that they fulfilled the order precisely one year late. What was the result? You could not have fired anybody. You could not hold anybody accountable. Shri Basudeb Acharia came to me and many other learned Members also came to me. The VSNL was not able to fulfil its obligation which Members wanted to be fulfilled because of the management culture in Hindustan Cables and it is a culture that transcends all Governments. It is because Government after Government has come; the State Governments are running many enterprises, but the result is the same.

Sir, I can give figures on VRS also and similarly on employment as well. But the short point is that it is only by unleashing the productive capacity in these enterprises, by inviting more investment in them and by technological upgradation and making them more competitive that their jobs could be safeguarded and these can be kept going.

SHRIMATI RENUKA CHOWDHURY (Khammam): Sir, I would like to remind the hon. Minister of a company, namely, M/s Sponge and Iron India that is in the district that I represent in Parliament. It was a flagship industry which was set up by the late Biju Pattnaik and it had come up for disinvestment. I had come with my labours and the hon. Minister was kind enough to then see that the industry did not come for disinvestment and quite honestly at that time there were no

[Shrimati Renuka Chowdhury]

takers for it and that is why it got saved, as I should say, from being disinvested. While everything was nice and rosy about privatisation and that we encourage entrepreneurship of this kind, what really happened was that there was a holistic change, a sea change in the mindset in India's perception in taking a quantum leap in the future that was heralded by Shri P. V. Narasimha Rao, who realised that India has to become competitive.

So, it was an integral change that established the atmosphere for this kind of a thing. I am happy to tell the hon. Members on the floor of the House today that M/s Sponge and Iron India, after we met the hon. Minister and sat with the management, have been turned around from going into red. It is now nice and rosy and my workers are still employed. Today the sponge market in the world has gone up and it is a happy success story.

SHRI ARUN SHOURIE: It is a very good point. When all of us work together things can be improved. But I may remind you here - I know a little about the steel industry - that steel is a cyclical industry. In the last one and half years, all steel and iron ore things are coming up.

I just hope that, with the good efforts that you and the workers have put in, because of this fright of disinvestment, it will continue to yield good results, as you have already ensured. But may I just mention a point in that context? When such an enterprise turns around, actually we should awaken ourselves as to what has happened to its past. Secondly, if you do not catch it at that moment, that moment will again fritter away. In this debate also, the question was put as to why the profit-making companies are being sold. The fact of the matter is this. You just now gave the example of VSNL. I am again speaking only from my memory. My memory says that three years ago, VSNL profits were Rs. 1500 crore per year. Why? It is because it had a monopoly. When the monopoly was taken away and other international gateways were allowed, its profits this year, even after investments and new management culture of the Tatas and others, may not even be Rs. 55 crores and Government owns still 26 per cent. It is because monopoly went. We have seen now and I know the pressures in many of the enterprises like MTNL and BSNL. We have seen how we are trying to save them just because there is competition now. Members in this House have been saying as to why is BSNL losing customers in fixed lines. It is because there is competition. So, if we delay it and wait for enterprises to come into difficulties, then we will really be ensuring their closure.

SHRI E. M. SUDARSANA NATCHIAPPAN: WLL instrument should be available. But when the hon. Minister had replied, he told that the tender could not be opened. That is mismanagement. Since cables were not available, that led

to mismanagement. Otherwise, BSNL will be a profit-making company. ...*(Interruptions)*

SHRI ARUN SHOURIE: I would love to have a debate on telecom. But this debate is on disinvestment. ...*(Interruptions)* I will just give an example. One other important point to remember is regarding the period between 1991-92 and 1999-2000. You keep saying that we keep on selling profit-making companies. At that time, 37 companies were disinvested. Of them, only two were loss-making companies and 35 were profit-making companies. After 2000, you were in power then. So, please remember that of the 37, only two were loss-making. Now, of the 34 companies which have been disinvested, 26 have been loss-making and 8 are profit-making. So, you charge fits somebody else.

[Translation]

MR. CHAIRMAN: The debate on the subject was extended by half an hour. Hon'ble Minister is concluding his reply. I seek the consent of the House for increasing the time of the debate till the time the reply is concluded.

SHRI ARUN SHOURIE: Thank you, Sir. I would like to point out that State Governments are also doing the same thing. They are opposing what they did in their own time. I would like to tell them even about present. Punjab has their Government. Punjab tractor India was the second largest Tractor producer company which was also making profit. That company disinvested. To whom? It was handed over to Commonwealth Development Corporation, which is a wholly owned foreign company. It happened only four-five months ago. Both are doing the same thing, but what they are doing is okay and what we are doing is wrong. Secondly, should we wait till the time when no one is ready to buy. What is the condition of Selam Steel Plant or Hindustan Photo Films. Despite efforts made by the Government, no one is ready to buy them. I am part of the Group of Ministers which has been entrusted with the task of doing something in this regard.

[English]

The same thing is in regard to almost about 12 cases. We had to return to the Ministry of Heavy Industries saying that, after an attempt of one-and-half to two years, we could not find a single person who wants to take these up.

[Translation]

Companies such as Hindustan Scooters etc. are in Madhya Pradesh, Lucknow

[English]

Nobody wants them. So, please do not wait till the enterprises come to that stage.

I will just mention a few facts about the three enterprises which have been of a great concern for our hon. Members from Kerala.

16.00 hrs.

Then I will just complete with one small and respectful suggestion for the House. Three enterprises have been mentioned by almost every Member. They are Fertilizer and Chemicals Travancore, Cochin Shipyard and Hindustan Newsprint. Precisely because the Members are, as Professor said, emotionally attached to these enterprises. I would beseech them to please remember this particular fact. In the case of FACT, this is actually a Company that has been in distress for many years. In 1997-98, it earned a profit of Rs. 54 crore; next year it incurred a loss of Rs. 48 crore; next year it incurred a loss of Rs. 40 crore. Then in 2001-02, it was falling into the BIFR's hands as a sick company. So, immediately the Government has waived off the interest of Rs. 167 crore which this Company was not able to pay. So, a profit of Rs. 60 lakh could be shown and its networth could be saved from becoming negative. Then in 2002-03, in spite of that, again the loss was reported to be about Rs. 199 crore. Now, for this particular reason, again attempts had been made by the Government to waive off the interest. In March 2002 we suggested waiving off the outstanding interest of Rs. 227 crore and moratorium on repayment of principal and penal interest which was Rs. 378 crore. Only in that way have we been able to keep it out of the BIFR's hands and make sure that its networth does not become negative.

It was referred to the Disinvestment Commission, not by this Government. It was done in 1996. You please point out which Government was there at that time. Then, Members have said, I think, under the mistaken impression and letters have come to me from the high authorities of Kerala saying that multi-State cooperative companies, IFFCO and KRIBHCO want to take over this Company; so, please allow that; please pursue that. Members have mentioned it. The Chief Minister had written to me. The Minister of Cooperation and Ports, Shri M.V. Raghavan has written to me. But what is the fact? The fact is that because of those representations, the entire process which was being completed was started again on 23.12.2002. The Cabinet revised its decision saying that multi-State cooperative companies under the Department of Fertilizer should be allowed to participate in this disinvestment, even though they had not filed Expressions of Interest. We did something contrary to the usual practice and contrary to the ruling of the courts, suspending the process which was going well so that we can allow KRIBHCO and IFFCO to participate. What is the result? The whole advertisements were done again; the whole process had begun again. Neither the IFFCO nor the KRIBHCO at any stage of process had

expressed their slightest interest in this plant. So, that is the position.

It was also said by hon. Members that the Government of Kerala is interested in taking it up. I have gone through letter after letter. There has been no specific proposal from the Government of Kerala that they would take it up.

In the case of Cochin Shipyard, no decision has been taken yet. I will just mention the basic fact to the interest of the hon. Members. The capacity utilisation in this Shipyard is only 37 to 40 per cent. Indian companies owning ships take their ships for repair to Colombo and Dubai rather than to Cochin Shipyard. I will tell you why it is so. Almost fifty per cent of the repair turnover of Colombo Port, I am told, is from the Indian companies. They are taking their ships to Colombo. The reason for that is lower productivity here. If you take the man hours per Dead Weight Tonnage, in Korea it is 4.3.

In Japan, it is 6.2. In Cochin Shipyard it is 20 to 25. The labour cost in Kochi is 21 per cent of the operating income and in Korea it is 11 to 13 per cent. Today also, the order book is very poor. Till 1993-94, its accumulated losses had become Rs. 191 crore and therefore, just to save it, the Government waived off interest to the tune of Rs. 137 crore. The outstanding loan of Rs. 120 crore was converted into non-cumulative preference shares and that is how the networth remained positive.

Now, it has been said that it is a matter of security because Defence installations are involved. I can assure the House with full responsibility that the whole thing has been done in consultation with the Ministry of Defence. They wrote to us and we reported to the Cabinet that they are, in principle, in agreement with this disinvestment. Secondly, they have no objection to private parties doing the work presently being done by Cochin Shipyard. Thirdly, neither the Ministry of Defence nor the Indian Navy wants to retain any facility at the Shipyard. Fourthly, they said that foreign participation, if it comes in, must be limited to 26 per cent or less. They gave us a list of 22 security clauses like non-disclosure and so on to be followed, which are applicable to every private company, even 100 per cent privately-owned Indian company which is doing Defence work. All those things have been built into the shareholders' agreement and the Government decided, in accordance with the wishes of the Defence Ministry, that if there is any foreign participation it would be limited to 25 per cent.

Sir, finally I would like to say a few words about the Hindustan Newsprint Limited. As you know, this is a wholly owned subsidiary of Hindustan Paper Corporation. It is under the Ministry of Heavy Industries and they handle it. Its profits

[Shri Arun Shourie]

keep going up and down. Last year, since the import duty on newsprint was lowered, this company incurred a loss of Rs. 4.89 crore and this process of disinvestment has been going on for four years now. A very serious point was made by Members that this process has been done without the knowledge of the Government of Kerala. That would be a very serious dereliction on our part.

The fact of the matter is that two senior officers of the Government of Kerala are on the board of this company. So, it cannot be said that they did not know. Those two officers are the Principal Secretary of Industries and Principal Secretary of Forests. The two officers are there and they participate in every meeting. More than that, it so happens that this is a company which is wholly owned by another public sector unit called, Hindustan Paper Corporation. So, the lease was in the name of Hindustan Paper Corporation. We had to get it transferred to Hindustan Newsprint Limited. That also was done by the Government of Kerala.

Above all, Shri Subodh Mohite, from the Ministry of Heavy Industries, wrote letters specifically to the Principal Secretary of Industries of the Government of Kerala on 21st January, 2002; 15th May, 2003 and 16th January, 2004. So, everybody has been kept informed on this and we should not wait for this enterprise to become sick.

SHRI SURESH KURUP (Kottayam): Mr. Chairman, Sir, if the Minister yields for a minute, I would like to ask a small clarification.

More than 3,500 acres of forest land was given to this public sector undertaking. If this company is privatised, then the Government of Kerala may not be willing to give this benefit to a private enterprise. So, what is the position of the Government on this?

SHRI ARUN SHOURIE: Actually, in this regard, Shri Sobodh Mohite has written to Shri Muralidharan, M.P., and also, probably, to the Chief Minister of Kerala, in which he has stated as follows:

"I am informed that the agreement dated the 7th October, 1977 was executed between the Government of Kerala and the Hindustan Paper Corporation which dealt with the supply of raw materials to Kerala newsprint project for 30 years."

Now if it so happens that the Government wants to go back on its commitment to that agreement - all agreements, as you know, under law are passed on to the successor - and if it does not want to do it, it will be harming the interests both of newsprint production and of the workers who are working in that unit. But that is for the Government of Kerala and for

others to decide. I do not want to plead the case of it. But this will be surely ensuring the closure of the unit if such a step were taken.

I, therefore, have just one plea in the end. I entirely agree with this point that was made that the public sector has made a very great contribution to put in. It has become the springboard, on the basis of which India has stood up. At that time, in the early 50s, it was one of the great sights of vision of Panditji, Prof. Mahalanobis and others that when our private enterprise was not strong enough, they said: "We will take on this production." That gave us the muscle to stand up. But times change and other parts of society are to be creative. The Government has other responsibilities. It should be doing great infrastructure projects: roads, ports, Prime Minister's highways, rural roads, interlinking of rivers. All these things are where Government's organisational abilities and fiscal resources should be concentrated. So, I am not at all undermining the role of Government and of public enterprise in what it should be doing.

SHRIMATI RENUKA CHOWDHURY: We have so much unemployment.

SHRI ARUN SHOURIE: Employment will come only by these companies being productive and competitive. There is a consensus in practice in this regard all over the country. I will just mention that in Punjab, the Government is pursuing this policy. In West Bengal, it is pursuing it. Their Cabinet has decided to close and privatise 14 units. They just call it 'formation of joint ventures' and not 'disinvestment'. The Government of Andhra Pradesh is doing it. The Government of Karnataka is doing it. The Congress Government in Madhya Pradesh at that time took a loan of Rs. 100 crore from the Asian Development Bank for beginning the process of privatisation because they did not have the money for VRS. Then, the Government of Chhatisgarh, not by the Government headed by Dr. Raman Singh but the previous one, is doing this in 35 companies. It has been done. The Government of Kerala sent a mission led by the Chief Secretary, as far as I remember, to Asian Development Bank for discussions on raising the resources for beginning the entire process. So, there is a consensus in practice. I believe that we should all work together for maximising production for expansion of capacity in these things. In these enterprises; that is the way the jobs will remain secure. Therefore, the country will become competitive.

I assure Shri Kurup and other Members that their concerns in regard to labour are the Government's concerns. Therefore, I would request him to please believe us that his Resolution is something that we would keep in mind. But it is not necessary to press it for voting.

SHRI SURESH KURUP: Now the country is going for the elections. Will you stop all the procedure of privatisation till the elections are over? ...*(Interruptions)*

MR. CHAIRMAN: Now, Shri Ram Vilas Paswan will speak.

[Translation]

SHRI RAM VILAS PASWAN (Hazlpur): Mr. Chairman, Sir, most of the hon. Members belonging to both the treasury as well as opposition benches are opposing privatisation. As the Government is a unit, I have time and again raised this question and yesterday we had courted arrest in large numbers in Mumbai on this issue. The biggest losers in this process of privatisation are the Scheduled Castes, Scheduled Tribes and the other backward classes as there is no provision for reservation in private sector. Hon. Prime Minister had stated a few days ago that he agrees that the reservation be extended even in the private sector. I would like to know whether the Government have taken any steps to pursue the suggestion/ declaration made by the hon. Prime Minister? Second thing, I would like to know whether the Government propose to allocate some funds for developing training and infrastructural facilities for the candidates belonging to Scheduled Castes and Scheduled Tribes or those below poverty line belonging to any caste so that they could be able to compete for the jobs in private sectors? Whether the Government would provide for reservation in jobs in the private sector about which hon. Prime Minister had announced?

Sir, I would like to know as to what is the problem in implementing this proposal when both the ruling party and the opposition agree on it. The session is to go on for another three to four days. Hence I would like to submit that the Government should convene an all party meet and take a decision on this issue in this session itself. I would like to know whether the Government propose to do so or not?

[English]

MR. CHAIRMAN: Now, Shri Shivraj V. Patil.

...*(Interruptions)*

MR. CHAIRMAN: Shri Ramdas Athawale, please take your seat. I have already called Shri Shivraj V. Patil. I will allow you after him.

[Translation]

SHRI RAMDAS ATHAWALE (Pandharpur): Mr. Chairman, Sir, I support the issue that has been raised by hon. Ram Vilas Paswan. Hon. Prime Minister has stated about

providing reservation in the private sector. The Government should at least take a decision to provide reservation in those PSUs that are being proposed to be privatised and should also consider providing reservation in all the private sector industries.

[English]

MR. CHAIRMAN: Shri Ram Vilas Paswan has already mentioned it.

SHRI SHIVRAJ V. PATIL (Latur): Sir, probably this is the last opportunity in the Thirteenth Lok Sabha to discuss this issue. At the beginning itself, I would like to say that we have respect for the Minister and he hurts us to say something which is not really, at times, palatable to all of us. But it does not mean anything personal against the Minister.

We would like to express our views on the policies which are not acceptable to us. Shri Suresh Kurup did a great service in moving this Resolution and providing an opportunity to express our views on privatisation of the public sector undertakings. I was watching the hon. Minister replying to this debate today. He was saying that the public sector undertakings did not do well; they did not function efficiently and that is why it became necessary for the Government to privatise them. I do not understand this logic. If the public sector undertakings are not modernising, if the public sector undertakings are not functioning economically, if the public sector undertakings are not functioning imaginatively, who is responsible? Is not the Government responsible? Why should it not be possible for the Government to give direction to the public sector to modernise, to function imaginatively, to function economically and to function in a manner that the interest of the people and the consumers are protected? This is the last opportunity and this is one of the most important issues.

MR. CHAIRMAN: You have already expressed your views at the beginning.

SHRI SHIVRAJ V. PATIL: I am trying to get the reply from the hon. Minister because I was very extensive on this point and I was trying to see if any of my points, which I had raised, would be answered.

MR. CHAIRMAN: You have already spoken for 43 minutes.

SHRI SHIVRAJ V. PATIL: Yes, you were sitting in the Chair and I am grateful to you that you gave me full time. But I am trying to understand one thing. Why should it not be the responsibility of the Government to see that the public sector undertakings started by the Government for the people function efficiently? If they are not, should we not ask the

[Shri Shivraj V. Patil]

Government that you are not functioning well, you are not performing your duties, you are not giving proper direction, you are not saying that they modernise in time? Now if you are transferring the existing public sector undertakings to the private sector, what is happening? You are not adding to the capacity that is required in the country. If you had retained the public sector undertakings with you, made them efficient and allowed the private sector to establish other undertakings, you would have added to the capacity which is required in the country. The result of your policy is that the capacity remains what it is.

There is no scope for expansion of capacity. So, why should it not be done? What is it in the public sector today that is not sufficient and we need something more? The private sector should certainly be encouraged and given all the facilities required to add to the capacity of the public sector. Have you considered this aspect?

I was watching the hon. Minister replying and saying that the Defence interests would be protected. He probably did not discuss this issue in great detail with the Defence Ministry also. Does he know what the Cochin Shipyard is going to do? They are thinking of building the platforms required by the Defence Ministry. They are doing many other things. If he transfers this Cochin Shipyard to the private sector, it would not be possible for them to take up all those projects. It is not possible for me to go into great details on this point on the floor of the House because it may take time. Otherwise, I can discuss these points with the hon. Minister. There are projects with this Shipyard which are of great importance to the defence of the country. He has probably not considered this aspect in great detail. If he allows the private sector to take it over and if the private sector is also not investing in the manner in which it should, it would make things difficult for us. ...*(Interruptions)*

SHRI ARUN SHOURIE: Sir, this would require an extensive reply. I went through the speech of Shri Shivraj V. Patil very methodically and I have answered each point he has raised to the best of my ability. On this point, if he wants a reply, I can give that also.

SHRI SHIVRAJ V. PATIL: I will not insist on a reply. I know certain things.

SHRI ARUN SHOURIE: I also know certain things. I have the Cabinet paper. I would break the rule of the Cabinet and tell you what the Defence Ministry has said.

SHRI SHIVRAJ V. PATIL: We are not accepting what you and the Cabinet are deciding. I am saying this on the floor of this House.

SHRI ARUN SHOURIE: I am telling you, I have consulted the Defence Ministry.

SHRI SHIVRAJ V. PATIL: I have worked in the Defence Ministry and I know what they are doing.

SHRI ARUN SHOURIE: I have consulted them.

SHRI SHIVRAJ V. PATIL: I am challenging what the Defence Ministry might have said.

SHRI ARUN SHOURIE: But you have said that I have not consulted. That is your gravamen.

SHRI SHIVRAJ V. PATIL: I have not said that.

SHRI ARUN SHOURIE: That is exactly what you have said.

SHRI SHIVRAJ V. PATIL: I am saying, what you have said is wrong.

If an aircraft carrier were to be built by a shipyard and if you are handing over that shipyard to the private sector, do you think that aircraft carrier would be built by that shipyard? They would be importing the aircraft carrier from other countries. ...*(Interruptions)*

I am challenging you, Mr. Minister, and allow me to challenge you. Sitting on the Opposition benches, I am challenging the decision taken by your Cabinet and your Government. On behalf of the people of the country, I am not accepting what you decide and what your Government says. I am saying that if an aircraft carrier is required, if it is being built in a shipyard and if that shipyard is going to be privatised, you would be importing your aircraft carrier from outside the country and for years to come you would not be able to build that. So, I want to know how you would protect the interests of the country. If I am wrong, you can say that I am wrong as I am saying that you are wrong, your Government is wrong and the Defence Minister's agreeing with you that it could very easily be given to the private sector is wrong. If that is done, this project of building the aircraft carrier could be given up. These are the issues which go to the heart and we are going to discuss these issues outside also. Let us have the advantage of the benefit of the information from the hon. Minister so that we do not commit a mistake outside.

Coming to power generation, you are saying that the State Governments are responsible for not generating power. You have criticised and we do not find fault with you if you criticise the State Governments because they are also responsible. But you are also responsible and your party is responsible for not helping this country to generate the power which is required by the country. ...*(Interruptions)*

SHRI ARUN SHOURIE: I seek your direction. Do you want a general debate on economic policies including power generation?

SHRI SHIVRAJ V. PATIL: This is a discussion on the privatisation of the public sector.

SHRI ARUN SHOURIE: The privatisation of power has been done most successfully by the Congress Government in Delhi.

SHRI SHIVRAJ V. PATIL: These kinds of arguments are going on. *...(Interruptions)* I am going to the basics. *...(Interruptions)*

MR. CHAIRMAN: This is not the time for argument. There should be clarification only.

...(Interruptions)

SHRI SHIVRAJ V. PATIL: Sir, if I am irrelevant, you please stop me. *...(Interruptions)*

MR. CHAIRMAN: Shrimati Renuka Chowdhury, please do not interrupt.

SHRI SHIVRAJ V. PATIL: Sir, if I am irrelevant, you please stop me. *...(Interruptions)*

MR. CHAIRMAN: You are not irrelevant. But there should be clarification only as we have no time left for this Bill.

...(Interruptions)

[Translation]

PROF. RASA SINGH RAWAT (Ajmer): The process of privatisation had started during the Congress regime. *...(Interruptions)*

[English]

MR. CHAIRMAN: Prof. Rasa Singh Rawat, the Minister is capable of replying.

...(Interruptions)

SHRI ARUN SHOURIE: Shri Shivraj Patil, you have been the Speaker of the House. But in the same debate, for the Member to speak twice is not allowed. *...(Interruptions)*

SHRI SHIVRAJ V. PATIL: I am not speaking. I had made my points. They have not been replied by the hon. Minister. So, I am again repeating the points. *...(Interruptions)*

MR. CHAIRMAN: Shri Shivraj Patil, they should be asked only in the manner of clarification.

...(Interruptions)

SHRI SHIVRAJ V. PATIL: It is not a question of clarification. On an issue like this, the debate could have taken place for years together. If it is inconvenient and on technical basis you want to shut us out, it is up to you. As you have done and as this House has done and as we have not been allowed to discuss the performance of the Government by not asking the hon. President to address, well that is within your right. Having said this, I will sit down. If I am irrelevant, please stop me. If I am inconvenient also, please stop me.

...(Interruptions)

MR. CHAIRMAN: Shri Shivraj Patil, you are not irrelevant. *...(Interruptions)*

SHRI SHIVRAJ V. PATIL: I am saying that you have taken a decision to see that the power is generated through the private sector. It should be given to the private sector and they should be encouraged and helped. But supposing, the private sector is not willing to do it because of gestation period, if huge amount of money is required and if the time required for returns to come back is not acceptable to private sector and power is not generated, then are you responsible? What kind of policy are you adopting and thrusting on us; not on us but on the entire country? The country is suffering simply because you can give the advertisement in the papers and feel good about it and then say that this is the feel-good factor. This is not correct. Let the hon. Minister reply to my statement. I have not said anything against the hon. Minister as such. I respect him. *...(Interruptions)*

SHRI VIJAYENDRA PAL SINGH BADNORE (Bhilwara): If NTPC and NHPC had been disinvested, then his point would have been valid. *...(Interruptions)*

MR. CHAIRMAN: Shri Singh, the Minister is capable of replying and he will reply to him. You should not reply. I am not allowing you.

...(Interruptions)

SHRI SHIVRAJ V. PATIL: I am not saying anything personal. *...(Interruptions)*

SHRI VIJAYENDRA PAL SINGH BADNORE : If NTPC and NHPC had been disinvested, then this point would have been valid. *...(Interruptions)*

SHRI SHIVRAJ V. PATIL: This is how the Members behave in the House. *...(Interruptions)*

[Translation]

SHRI VIJAYENDRA PAL SINGH BADNORE : Have you

[Shri Vijayendra Pal Singh Badnore]

disinvested NTPC and NHPC? That has not been validated, you have given full permission to the state, where is the problem in it?

[English]

SHRI SHIVRAJ V. PATIL: Shri Singh, you do not know that the power has to be generated and irrigation dams have to be constructed with the help of the Union Government. ...*(Interruptions)* If you do not know, I cannot help it. If you know, then you should not ask that question. ...*(Interruptions)*

SHRI VIJAYENDRA PAL SINGH BADNORE: Sir, if NHPC and NTPC. ...*(Interruptions)*

SHRI SHIVRAJ V. PATIL: Sir, he has not understood my point. He thinks that it is his duty to obstruct my statement. I am saying, if the power is not generated and it is not generated because the public sector has withdrawn from that area, then who is responsible for the power shortage in the country? Shri Ram Vilas Paswan has rightly put the question. ...*(Interruptions)*

SHRI VIJAYENDRA PAL SINGH BADNORE: He thinks that it was surplus in their time and not in our time. ...*(Interruptions)*

SHRI SHIVRAJ V. PATIL: I have not yielded, and I have not replied to it. If I come there, I will reply. ...*(Interruptions)*

MR. CHAIRMAN: Shri Shivraj Patil, please sit down.

...*(Interruptions)*

MR. CHAIRMAN: Shri Singh, you should not interrupt. This is not the proper way. Shri Ramdas Athawale, please sit down.

...*(Interruptions)*

SHRI VIJAYENDRA PAL SINGH BADNORE: You have not been able to do.

...*(Interruptions)*

MR. CHAIRMAN: This is not the proper way.

...*(Interruptions)*

SHRI SHIVRAJ V. PATIL: Shri Singh, why are you getting up? It is not your duty to obstruct my statement. Let the hon. Minister do it. He is capable of doing it. ...*(Interruptions)* This is not proper. ...*(Interruptions)*

[Translation]

MR. CHAIRMAN: Athawaleji, be seated.

SHRI RAMDAS ATHAWALE: I will sit on the treasury benches two months hence. Something should be done in regard to my question of providing reservation in private sectors.

[English]

MR. CHAIRMAN: Shri Singh, I have not allowed you. Shri Ramdas Athawale, please sit down.

...*(Interruptions)*

SHRI SHIVRAJ V. PATIL: I am standing and you are speaking. ...*(Interruptions)*

MR. CHAIRMAN: This is not the proper way.

...*(Interruptions)*

SHRI VIJAYENDRA PAL SINGH BADNORE: Shri Shivraj Patil, I am not replying to you. ...*(Interruptions)*

SHRI SHIVRAJ V. PATIL: How can you speak when I am standing? ...*(Interruptions)*

SHRI VIJAYENDRA PAL SINGH BADNORE: If NHPC and NTPC had been disinvested. ...*(Interruptions)*

MR. CHAIRMAN: Shri Singh, the Minister is capable of replying. Leave it to him. He will reply to him.

...*(Interruptions)*

SHRI SHIVRAJ V. PATIL: You can reply very well, but he can also reply. He has been doing very well. Do not be afraid.

Sir, I am raising the basic issue with respect to the public sector undertakings. I am not saying that do not privatise; I am saying that privatise in a proper manner. Do not privatise at throw away prices; do not privatise in the areas in which the necessary things will not be produced; and do not privatise those Public sector undertakings which are likely to create problems for the Defence Ministry and defence of the country.

MR. CHAIRMAN: Thank you, Now, the Minister may speak.

...*(Interruptions)*

[Translation]

SHRI RAMDAS ATHAWALE: Mr. Chairman. Sir, what happened to my question? What is the opinion of the Government in regard to providing reservation in the PSUs that have been privatised? ...*(Interruptions)*

MR. CHAIRMAN: Ramdasji, you have already spoken. Now why are you interrupting?

...(Interruptions)

SHRI RAMDAS ATHAWALE: I would sit there after three months. ...(Interruptions)

MR. CHAIRMAN: You take your seat for a while.

...(Interruptions)

[English]

SHRI VIJAYENDRA PAL SINGH BADNORE: Sir, Hindustan Zinc Limited, which is in my constituency, was disinvested. When it was disinvested, the market value of its share with face value of Rs. 10 was Rs. 8. Now, it has gone up to Rs. 140. Everybody has got the VRS. We are doing very well. It is just a question of how you look at it.

MR. CHAIRMAN: You came in the midst of the Minister's reply. He has already replied to this point.

SHRI VIJAYENDRA PAL SINGH BADNORE: It is in my constituency. That is why, I am saying this.

SHRI ARUN SHOURIE: Sir, important points have been made and I will reply to them in one or two sentences.

Sir, since a very serious matter has been raised, I will just read something and read out with full responsibility so as to assure Shri Shivraj Patil and other Members. It can be a disagreement between two assessments. That is perfectly fine, but if we go through the record.

MR. CHAIRMAN: I want the permission of the House to take some more time on this Resolution. Then, we will go to Shrimati Renuka Chowdhury's Resolution.

SEVERAL HON. MEMBERS: Yes.

SHRI ARUN SHOURIE: I will read it out. I will just mention the fact that Defence Ministry, while conveying its, in principle, agreement to the disinvestment of Cochin Shipyard Limited, has also stated that it has no objection to private parties handling the work presently being done by Cochin Shipyard Limited. It has further been mentioned that neither the Ministry of Defence nor the Indian Navy wants to retain any facility at the Shipyard. It has stressed that participation of private parties of foreign origin be restricted to 26 per cent. Each of these things has been complied with. Then, they gave a set of security clauses which they insist on even in 100 per cent Indian-owned companies when they do some defence related work. With his great knowledge, Shri Shivraj Patil knows that

even in guided missiles being made, private companies today are manufacturing certain things in India. I do not want to get them black-listed outside. So, I will not name them, but all of you should know that we are far advanced in this matter, and in each of those cases, there is a set of security clauses which the company has to abide by. There are 22 such clauses and we have ensured that if disinvestment goes through - as yet no decision has been taken - all those 22 conditions will be mandatory.

On the question of power, there is a considered policy evolved, as Shrimati Renuka Chowdhury just reminds us, since Shri P.V. Narasimha Rao's time of inviting private sector participation in this sector also precisely for the reason Shri Shivraj Patil mentioned, that is, to ensure adequate power. I am not going into who is responsible for Enron and who is not responsible for Hinduja's living up to their agreement, but the fact of the matter is that in this sector, everybody's policy has been like banking, like telecom that both public and private sectors should participate. Therefore, as the hon. Member was just now mentioning, NTPC, NHPC and, North-Eastern Members know, NEEPCO and National Power Grid Corporation continue to be the great pillars of strength in the power sector in public ownership, control and management.

Shri Shivraj Patil used a strong word in saying about things being sold at throw away prices. I will, therefore, just mention that...

SHRI SHIVRAJ V. PATIL: Just remember what happened to hotels in Mumbai.

SHRI ARUN SHOURIE: I will come to that also.

The first point to remember is that in the case of valuation, the price-earning ratios, which Shri Shivraj Patil knows is the measure for these things, which used to be obtained at the time of earlier disinvestments, and if I may say so, by the Congress Government, were between four and six.

With our disinvestments we have secured 11:83 as the price earning ratio. Kindly notice the difference in ratio from 4:6 compared to 11:83.

I will give you one instance, and I will come to the Bombay hotel also. In the case of Maruti, at the time when Maruti had 85 per cent of the market share, your Government gave away the management control of Maruti to Suzuki. It made it a private company by reducing the Government equity to 49.7 per cent for Rs. 249 per share. At that time, the share of the derelict Ambassador manufacturer Hindustan Motors was Rs. 700. We secured 18 times the price per share of that time from the same Suzuki Motor Company at a time when

[Shri Arun Shourie]

the market share of Maruti has come down from 85 per cent to 45 per cent of the market. Even then we have got that.

On valuations, throw away prices, and so on, these are just phrases that keep coming and going. The fact of the matter is that it is not what the records show.

On the question of the elections, whether something is going to be suspended or not. ... (Interruptions)

SHRI SHIVRAJ V. PATIL: I would like to put one more question. Why should the Government not be held responsible for the privatisation of PSU, etc.?

SHRI ARUN SHOURIE: It is a very important point, namely about responsibility in Government, and how to get these things done. The principal activity on disinvestment that is taking place -- even in these two months -- is only about placements of equity in the market. It is a thing, which everybody including Shri Jyotiraditya M. Scindia and their financial experts have been mentioning and urging that we should do it. Therefore, 10 per cent of ONGC, 10 per cent of GAIL, the residual shares in IPCL, CMC, and other companies, etc. are the principal things that are going on at this time.

[Translation]

On the question of the use of disinvestment fund Shri Ram Vilas Paswanji said that some of its proportion should be for social sector and for the improvement of PSUs, for employment generation and for the people belonging to Scheduled Castes and Scheduled Tribes. Actually these were the decisions, Defence Minister George also had made this submission. Once I had made an announcement in the House

[English]

regarding the setting of the disinvestment fund.

These are precisely the objectives that have been narrated in that.

On the question of reservation being extended to the private sector on Scheduled Castes and Scheduled Tribes, I will be completely candid that this is really for the Opposition, the Government, and everybody to decide together. It will be a very major departure from what has been done consistently over this period. It is a much larger issue than disinvestment, but on the question of the disinvested companies.

[Translation]

And Ram Vilas Paswanji is aware that a lot of discussion used to take place for protecting the rights of the people belonging to the Scheduled Castes and Scheduled Tribes

when he was in the Cabinet. Hence a special provision was made in terms of best practices clause on his insistence.

[English]

The private fellow will have to be conscious of the Government policies in this regard. Therefore, handicapped persons and persons belonging to Scheduled Caste and Scheduled Tribes, who have come through reservation.

[Translation]

if something regarding that. ... (Interruptions)

SHRIMATI RENUKA CHOWDHURY: How will you implement it. A foreigner understand the sentiment of our countrymen.

[English]

SHRI VARKALA RADHAKRISHNAN (Chiryankil): It can be done among with.

SHRI ARUN SHOURIE: Shrimati Renuka, there are normal labour laws and they will take case of that issue. There are Labour Commission also. Your own Governments have Labour Ministers in Karnataka, etc. and they will ensure all these things. ... (Interruptions)

SHRI SURESH KURUP: Will you stop the procedure during the election time as well?

MR. CHAIRMAN: Please conclude your reply.

SHRI ARUN SHOURIE: Sir, I will conclude. The best way to ensure accountability is by improving the processes of Government. We should all work together on this in the House.

The best way is to ensure expansion and competitiveness, and that is how the capacity of the country will increase. When I referred to the figures in regard to expansion, Shri Shivraj Patil was not here at that time. In the enterprises that have been privatised, in the last three years, I am myself surprised, production has increased from 20 per cent to 250 per cent. That is expansion and that is what will create national wealth.

I thank you for giving me the opportunity to reply to this debate.

SHRI SHIVRAJ V. PATIL: I have asked whether you will stop the procedure during the election time and that has not been answered. I wanted to know whether the Government would stop the procedure of privatisation during the election time. ... (Interruptions)

SHRIMATI RENUKA CHOWDHURY: Why will they do it, when they are violating everything?

SHRI SURESH KURUP: I would like to get an answer for that. I want to know whether you are going to stop the procedure.

SHRI SHIVRAJ V. PATIL: You can go to a court of law and stop that.

SHRI ARUN SHOURIE: Shri Shivraj Patil has given the answer to that.

MR. CHAIRMAN: After the assurance from the hon. Minister, are you going to withdraw your Resolution, Shri Suresh Kurup?

SHRI SURESH KURUP: With much reluctance, I seek leave of the House to withdraw the Resolution.

SHRI ARUN SHOURIE: I thank you very much for that and I assure you that we will keep your points in mind.

MR. CHAIRMAN: Is it the pleasure of the House that the Resolution moved by Shri Suresh Kurup be withdrawn?

The Resolution was, by leave, withdrawn.

16.42 hrs.

RESOLUTION RE: NATIONAL POLICY FOR CHILDREN

[English]

MR. CHAIRMAN: The House will now take up the next Resolution on 'National Policy for Children' to be moved by Shrimati Renuka Chowdhury. Before the Resolution is taken up for discussion, we have to fix the time for the discussion of this Resolution. Usually, two hours are allotted in the first instance. If the House agrees, we will allot two hours for discussing this Resolution.

SOME HON. MEMBERS: Yes.

MR. CHAIRMAN: Now, I give the floor to Shrimati Renuka Chowdhury.

SHRIMATI RENUKA CHOWDHURY (Khammam): Sir, I beg to move:

"Taking note of --

(a) the fact that despite our country having signed the UN Conventions on the Rights of Children, attaining these rights remains a far cry;

(b) the fact that child in India continues to be much* exploited and abused, in so far as --

- (i) sizeable percentage of children work in hazardous factories and mines including fireworks, match factories, carpet factories, slate and pencil factories; and are sent out to work on fields and as domestic help in house-holds, bars and restaurants;
 - (ii) a large number of children are engaged in begging;
 - (iii) many more are forced into flesh trade and to work as sex workers;
 - (iv) adolescence of a large percentage of girls ends up in motherhood; and
 - (v) atrocities on girl child start not on their birth but even before birth; due to female foeticide, resulting in alarming fall in sex ratio.
- (c) the fact that there is no plan of action to implement the Right to Education provided under article 21A of the Constitution,

this House is of the opinion that a National Policy for Children be formulated and a National Commission for Children be set up at the Centre and in States."

Sir, I thank you for giving me this opportunity to share with my honoured and respected colleagues the concern that all of us should have unitedly for the future of this country. May I embellish some facts of our nation today?

In India's worst drought after India's Independence, more than 4,500 farmers committed suicide because they could not see 'India Shining'. Their children are destitute today. The streets are filled with educated unemployed young people who do not understand what is 'India Shining'. They are children of parents like us and children of parents who have abandoned them. We have children left behind in wars, children who survived Laturs, children who belonged to the streets of India, and children who have no room or shelter to look after them. In Nations across the world, you have people and Governments paying their citizens more to have more children because the replacement levels of population have dropped so much and, in a nation like ours where there is a wealth of human resource, where the social figures show that 54 per cent of India's population is below 25 years of age, which means the reproductive age is at its peak and we will have a future with a lot more children, what happens to the children in our country who are already there? Besides urban rehabilitation and some occupations, largely in rural India, children are forced to go to work. Child labour is a word that I find very obscene because it contradicts itself.

A child, anybody's child, is the wealth of this nation. A child should be entitled by birth, by right under this Constitution,

[Shrimati Renuka Chowdhury]

to be able to have a childhood that is free, safe and innocent, which encompasses care and loving that sometimes homes do not give. It should be the responsibility of the country to provide for these kinds of children.

India, for some strange reason, only looked at children as extensions of their mothers, or viewed them as a responsibility of their parents. The State never looked at children as a constituency. It never looked at children as an independent entity and never encompassed them in the concept of India's future. Today, more and more horror stories of what happens to our children across the country are coming to the fore. More and more statistics reveal that children below the age of ten - here there is no gender discrimination, it includes both boys and girls - who have been abandoned, or who have run away from their homes, are children who have experienced great physical abuse and violence. They even experience sexual misuse in our country, both by Indians and foreigners. They are pushed into hazardous jobs to earn for their families and to substitute and enhance incomes. They are physically tortured as domestic helps in various homes.

Children do not have a law that protects them and their independent identities. There is no office to go to. There have been several Acts which have been amended over the years keeping pace with the times, social changes, and awareness levels, but there has been no particular sensitisation towards children. There have been no fora where children can avail any kind of special privileges. This is a growing concern. We have approximately six crore strong workforce of children in the country, though various statistics have alleged that over a period of time this figure has been coming down.

We have had blind spots in interpreting child labour as we call it. In the homes of master artisans or master weavers, certain patterns are held in the minds of elders. These skills are taught to children so that those patterns remain their patent and belong to that particular family. Sweeping generalisations and bans on child-made products have endangered such particular skills. But these are a very small minority. On the other side, you have children engaged in lock making, more horrifyingly in cracker making in Sivakasi, bangle making, matches making and other such toxic substances. Many laws have been made to try and sensitise the people to this. But, as we know, laws are not enough. We have more and more exploitation of child labour happenings

We see the plight of children who are neglected on national highways while, ironically, their parents build roads to prosperity. We see children running away from their homes, taking shelters and sleeping on railway platforms where they are taken advantage of. There are even more horrifying stories of children who have been killed so that their skulls and their

skeletons can be sold to medical students in other countries for some wild research.

When such things happen, what is the answer that we have? How can we reach out and help contain this kind of exploitation and indifference? First of all, it is for us to take cognisance of the fact that a child who runs away from a home, who does not have a recognised parental custody or recognised guardian, is automatically the ward of the State.

There have been some efforts to establish proper coordination in the implementation of different programmes run by various Governments. More than 4,000 schools with over two lakh children are being rehabilitated under almost 100 projects, which is woefully inadequate and which is not sufficient for us to eradicate poverty and to provide free or affordable access to quality education with interesting, innovative job-oriented curriculum.

Now, as a public representative, quite often I meet up with children who have run away, and I have tried to put them under one roof. In fact, as part of my Constituency, when I have allocated funds, I have asked for such schools and hospitals to be kept with old-age homes so that children will have surrogate parents and come to know of love, discipline and sharing; and the older people who have no children to look after them, will also have common areas of giving and loving.

Now, when you look at the six crore working children, by all means in the world statistics, this is the largest workforce population. Earlier, the Government in its wisdom had planned that they will eradicate all child labour. It was not always a happy experiment for us because it then prevented the child from getting any kind of supplementary income for the house. It was not the deterrent for family planning, and then these children, in turn, stopped because there was not enough monetary supplement in their families. So, the parents could earn only around that much. Children were viewed as a liability. But they were sent out to work nevertheless and there was no law which protected them after they went. They were the guilty ones, and further the law only harassed them saying: "Why did they go to work?"

Now, in view of all this, my requirement is that we form a National Commission for Children. We should constitute a National Commission for Children whereby we can ensure that there is no discrimination; that all matters concerning children, in the best interest of the child, will be primary, not because he or she belongs to somebody or the other; that the right of the child to life, survival and development will be recognised and protected; that the right of the child to express views freely in all matters affecting him or her, will be

encouraged and protected; and that this concern for the child should be attributed to acceptance that the child is the most vulnerable to abuse and exploitation.

Can you imagine the plight of a young child who goes to work in a field perforce? Quite often, you see the girl child acting as the mother of her younger brothers or sisters, who will cook not just for herself but for the whole family because the parents are toiling in the soil. She is denied the right to education because she is more useful in the home. Then, after that, this girl child is discriminated against. Studies will endorse that even the mother's breast feeds the male child far longer than the girl child because the male child is viewed as socially useful and productive at the end of the life span of their parents whereas the girl child is discriminated against. Most of them have been sexually exploited by the age of seven or eight. More and more horrifying stories of minor rapes are heard. Even today, the House was witness to complaints on an issue raised that a nine-year old child was raped.

These kinds of horror stories have been coming around. Despite all these policies, programmes, and laws like the Juvenile Justice Act 1986, and the Child Labour (Prohibition and Regulations) Act, 1986, the child remains the most exploited and abused section of our society. Over 20 million children are enslaved as bonded labour, 380 million children are kept away from schools. Malnutrition of children continues unabated, taking a heavy toll of the infants. Though our infant mortality rate has come down, still it remains distressingly high. Over one million children are forced into prostitution every year by their very own parents or by the so-called guardians, or are sexually exploited by their family, relatives or by whatever the friendly neighbourhood uncless, as they call them.

Countless children are seen - which is an act of national shame for all of us - begging at crossroads, at traffic lights and at tourist centres. You know that they are not alone; they are part of organised gangs, who kidnap these children, maim them and force them into physical labour. Most of these gangs are dangerous. They get these children addicted to drugs and they use them for drug smuggling. Most of these children particularly in Delhi and other urban areas are run away children and they rob and steal to sustain their smoke and brown-sugar habits. Hence, you will see a lot more rise in drug taking.

So, it is necessary now for us to lay down by law, the basic rights of all children including street children. Who are these street children? As I have defined before, these are children with no known recognised guardian by law, with no known parents by birth or by law, children who have wilfully run away from home, juveniles who may have committed some

crime and hence are not claimed back by their own families, children who have been abandoned and children who are wealth of our nation. They are bonded children, they are engaged in begging and they are children of sex workers who face the problem of identity of society. We need to provide an administrative mechanism for protecting and promotion of these rights.

Many a time in this House, we have come out with lofty ideals and thoughts, but nothing much has been implemented. Why is it urgent and important for us to invest in these children today? It is because there is an acceleration and development in information technology in our world, as the world has shrunk into global villages and communication has overtaken all of us. In a world that has compressed the future into today and tomorrow, if we do not invest in this wealth of India, then we are going to bring up a nation of delinquents where social crime can rise which would affect the fundamental fabric of safety and civil society wilfully. This kind of intolerance will only be brought about by us, as a political failure, irrespective of what Governments we belong to.

To provide the infrastructure and to secure the street children, we must create a regulatory authority in each territorial division, as has been provided in clause 6 of the Bill. There has to be a nation-wide move for registration of all births.

MR. CHAIRMAN: Since there is no other Member from the Panel of Chairmen is present here, I would request Shri Palanimanickam to come and occupy the Chair, if the House agrees.

SHRIMATI RENUKA CHOWDHURY: Yes, of course.

MR. CHAIRMAN: I hope that the House agrees to this.

SOME HON. MEMBERS: Yes.

SHRIMATI RENUKA CHOWDHURY: Yes. Thank you very much.

16.59 hrs.

(SHRI S.S. PALANIMANICKAM *in the Chair*)

In order to establish a forum for these children, it is necessary for us to set up a National Commission for the Street Children, by the Central Government which will then encompass and instruct all States to take up the basic rights like education, training, healthcare, rehabilitation, etc. We have provided, in clause 8, for the constitution of a 'Street Children Development Fund'. Therefore, when this Bill is enacted, it will involve an expenditure from the Consolidated Fund of

[Shrimati Renuka Chowdhury]

India. It is likely to involve a recurring expenditure of about Rs. 4 crore per annum and a non-recurring expenditure of about Rs.2 crore. It is necessary for us to keep it as a revolving fund initially.

17.00 hrs.

Of course, as the Commission will take off, I am sure, it will find ways and means by which we can enhance the funding for this organisation. If we are clever, creative and sensitive to these needs, we will be able to invest in a talent-pool of these abandoned street children for work-targeted areas where we can train them in specialised skills. We will be able to create employment and more importantly self-employment. We will be able to use them mutually for mutual benefit by both Central and State Governments as flag ships of development for our nation.

As I have said, we have to look into future generations to pave the foundation of a healthy, vibrant, strong, and self-reliant republic which can only be brought about by a safe and secured child of this country. It is a shameful neglect that when we allow our beaches to be exploited by people from other nations: they come and sexually exploit our children. If you look at what happens in our own homes where domestic help and child labour are misused, it also makes us look like a nation of indifferent and cruel adults who have pre-meditatively and deliberately robbed the children of the gift of their childhood innocence, the right to be protected, the right to be loved, the right to be educated, and the right to be a future of this independent India.

Hence, I would request all my respected colleagues to please support my Resolution about the need for a National Commission for Children. It should be constituted with all urgency. Since the current Government says that India is shining and if it is really shining, then let there be some sunshine in the lives of these street children also.

MR. CHAIRMAN: Resolution moved:

"Taking note of--

- (a) the fact that despite our country having signed the UN Conventions on the Rights of Children, attaining these rights remains a far cry;
- (b) the fact that child in India continues to be much exploited and abused, in so far as--
 - (i) sizeable percentage of children work in hazardous factories and mines including fireworks, match factories, carpet factories, slate and pencil factories; and are sent out

to work on fields and as domestic help in house-holds, bars and restaurants;

- (ii) a large number of children are engaged in begging;
 - (iii) many more are forced into flesh trade and to work as sex workers;
 - (iv) adolescence of a large percentage of girls ends up in motherhood; and
 - (v) atrocities on girl child start not on their birth but even before birth; due to female foeticide, resulting in alarming fall in sex ratio.
- (c) the fact that there is no plan of action to implement the Right to Education provided under article 21A of the Constitution,

this House is of the opinion that a National Policy for Children be formulated and a National Commission for Children be set up at the Centre and in States."

[Translation]

PROF. RASA SINGH RAWAT: Mr. Chairman, Sir, I support the proposed Bill regarding child welfare introduced by Smt. Renuka Chowdhury and her concluding statement that a National Commission for Children be constituted and National Children Policy be formulated.

Child may become the good helmsman in future of the nation. Child is the real asset of the nation, not the money, gold, silver coins or paper currency kept in the banks. As the saying goes:

[English]

morning shows the day, child shows the man.

[Translation]

As the morning predicts the day that follows, similarly what kind of human being a child he would be can be foreseen. That is why the child should be given due care and importance. And it is the duty of all the citizens and Government to create an atmosphere for advancement of the child, for making its child cultured, groomed and a worthy citizen of the country, a dutiful son to Mother India.

Mr. Chairman, Sir, hon. Member Smt. Renuka Chowdhury had started by saying that NDA folks say that India shining, India is rising but he finds no such thing. I think that people who have nyctalopia (night-blindness) they are perhaps

not able to see India shining. Otherwise, when Pt. Jawahar Lal Nehru was the Prime Minister, he himself decided to celebrate his birthday as Children's Day. The spirit behind this decision was that these children were the real assets of the nation, they will shine in future. For this reason, numerous schools, colleges, primary and nursery schools have been opened and set up, so many facilities such as opportunity to study, books free of cost, etc. are provided and the destitute children homes and neglected children homes were converted into Children Homes with added facilities for living and education. Efforts are made to educate street children and rag picking children also. A lot is being done in this direction. Saying so that nothing is being done for the development of children is like highlighting only one aspect. We should see all aspects. It is right that India's conditions is different. Renukaji perhaps wants to air the point of view of America who intends to destroy carpet industry of India which is a famous cottage industry of India. India is predominantly an agricultural country. The son follows his father's footsteps. After finishing his studies, a farmers's son feels pride in accompanying his father to the fields. He feels pride in tilling and sharing his parents responsibilities. Mr. Chairman, Sir, a carpenter's son, a blacksmith's son learns more from his father, obtain more skills than he can learn in any training school. A potter's son makes toys, pots and whatever he can learn from his father cannot learn anywhere. ...*(Interruptions)*

SHRIMATI RENUKA CHOWDHURY: My concern is those children, who have lost their parents, not those ones, who have parents. ...*(Interruptions)*

[English]

PROF. RASA SINGH RAWAT: I understand. I am coming to that point also.

[Translation]

Our rich folks shed crocodile tears only:

"Shwanon Ko Milta Doodh-Bhat, Bhooke Bachche Akulate Hain,

Maan Ki Chhati Se Lipat Bas Sisak-Sisak Rah Jate Hain."

Who are the landlords? Sky scrapers are being erected since long. Mr. Chairman, Sir, Renukaji, who with due regard I would like to ask about the persons who were in power till now? The Congress have ruled the country for 40-45 years and she belongs to that party. Our Government is in power for the last 5-6 years only. Who is responsible for such a poor condition of children? If you want to say something about such a situation, then you will have to admit that the Government

of Congress is responsible for the exploitation of the children, their pitiable condition and making them orphans, I feel that India is shining, India is making progress.

SHRIMATI RENUKA CHOWDHURY: What are you talking?

...*(Interruptions)*

[English]

MR. CHAIRMAN: She has only given her views. She is not accusing anybody. ...*(Interruptions)*

PROF. RASA SINGH RAWAT: Sir, at the beginning she was mentioning about 'India Shining', what is shining and how it is shining, and all those things. ...*(Interruptions)*

MR. CHAIRMAN: She has only given her views.

[Translation]

SHRIMATI RENUKA CHOWDHURY: 4500 farmers have committed suicide, is this the way India shining? Unemployed youths are loitering on streets, is this the way India shining? ...*(Interruptions)*

[English]

PROF. RASA SINGH RAWAT: Who is responsible for that? The Congress is responsible for that. ...*(Interruptions)* They are responsible for it. They have ruled this country for 40 years. ...*(Interruptions)* Rome was not built in a day.

[Translation]

SHRI SHYAM BIHARI MISHRA (Bilhaur): You want that whatever you could no do in fifty years all that should be done in these five years? ...*(Interruptions)*

[English]

MR. CHAIRMAN: Please address to the Chair.

[Translation]

SHRI KANTILAL BHURIA (Jhabua): He is talking of fifty years. Tell us what you have done in 5 years. ...*(Interruptions)*

[English]

MR. CHAIRMAN: Shri Bhuria, he is not yielding.

[Translation]

SHRI SHYAM BIHARI MISHRA: Leave aside Governments, talk about children only. ...*(Interruptions)*

[English]

MR. CHAIRMAN: Shri Mishra, please take your seat.

PROF. RASA SINGH RAWAT: Mr. Chairman, Sir, the credit of giving constitutional right by making primary education compulsory goes to NDA Government under the leadership of hon. Atal Bihari Vajpayee and thus primary education would be fundamental right of a child. NDA Government have made such amendment in the Constitution. They used to indulge in talking about it whereas we do what we say. We have done a lot for children and still doing a lot more. ...*(Interruptions)*

[English]

MR. CHAIRMAN: He is not yielding.

[Translation]

SHRI KANTILAL BHURIA: Your Government have not given even Rs. one crore in five years for children. ...*(Interruptions)*

[English]

MR. CHAIRMAN: Nothing, except what Shri Rasa Singh Rawat is saying, will go on record.

...*(Interruptions)**

MR. CHAIRMAN: He is not yielding.

[Translation]

PROF. RASA SINGH RAWAT: "Sachai Chhip Nahin Sakti Jhute Osolon Se,

Khushbu Aaa Nahin Sakti Kabhi Kagaz Ke Phoolon Se."

Mr. Chairman, Sir, they didn't think about this when they were in power. Their position is like this:

"Nikle Hain Kahan Jane Ke Liye

Pahuchange Kahan Inko Maloom Nahin

In Rahon Mein Bhatkne Valon Ko

Manjil Ki Disha Maloom Nahin"

Sir, the President and the Prime Minister's of the country rear a vision that India would be the topmost country in the coming century. India would be the most powerful, and prosperous country in the world by 2020. Our aim is that every person, be he old, young, infant adolescent, student, labourer

*Not Recorded.

as worker and every citizen of the country would reach the apex of progress. This Government is working on the live of making India prosperous in every respect, making India the world Guru, making India the country with abundant availability of milk and milk products, as it used to be in ancient times.

Sir, I agree with Renuka ji that children should not be exploited, education opportunity should be given to them. Opportunity of progress should be given to them, poor persons should not be allowed to sell their children. I agree that Sheikhs of Arab countries should not be allowed to purchase boys from India and take them to their countries for their amusement. They tie Indian children on those camel back who participate in the race, the children thus die, child while crying and shouting out of fear for life. It should be stopped and people of Arab countries should not be allowed to purchase children from India and take to their countries.

Future of India lies in future of our children. The main duty of the Government is to provide all facilities for their education and progress and also to provide opportunities to orphans so that they may become good citizens and progress. It is the prime duty of a welfare state. It is not only the responsibility of the Government but also the duty of the society to come forward and work for welfare of such children who are orphans roaming in street due to poverty. When earthquake struck Gujarat many cities were destroyed by it. At that time not only the Government made efforts to improve the situation but also various social organisations and N.G.O.'s had came forward for their help. Ashrams were built in Kandla and Gandhidham to facilitate adopting of children. Financial help is being given by the Government and NGO's for education and all, rural development of children whose parents and other family members were killed in the earthquake. In this way efforts are being made to provide love and affection to these orphans.

Sir, I support points of this resolution that efforts would be made for rehabilitation and progress of hungry children and beggar and they would not be allowed to perish. I would also like to say that there are various such industries in our country like carpet industry in Mirzapur and Bhadohi Bangla industry in Ferozabad where children work in these industries and help their parents after school times. They learn intricacy of the industry and become expert labourer. I oppose the idea of educating them by keeping them unemployed. Such Education should be given to them in such a manner so that it may not affect their employment opportunities. They should not be deprived of employment opportunity. Some foreign agencies are making efforts to accuse India of child exploitation. Some organisations and some N.G.O.'s advertise in newspapers that they teach such poor children but infact they themselves usurp all financial help given to them for this

purpose and deprive poor children of those benefits. Such organisations and type of persons only pretend to help them. Efforts should be made to stop such practice.

[English]

Sir, the morning shows the day, child shows the man.

[Translation]

Dawn indicates how the day will be for us. The child gives an indication how will he develop as a human being. Therefore, the society, the Government, the NGOs and the people representatives need to take a pledge not to allow exploitation of the children and to put an end to exploitation whenever it takes place. Similarly crimes against children should be checked. There are laws against such crimes but they are not being followed. This needs to be looked into.

As long as we do not feel love and affection for the children we would neither be able to guide them in the right direction, nor would we be able to bring them up in a proper manner.

Sir, there are two three points praiseworthy in it. Today, there are modern clinics where tests are being carried out and foetus is aborted if it is a female one. This has resulted in an imbalance. The number of females is decreasing and that of the males is rising. This will cause several distortions in our society. On the pretext of providing jobs to children, they are taken to work in hotels and other places. Instead of giving them an opportunity to study they are made to work from morning to evening. They are being not provided with adequate remuneration. They are kept hungry and subjected to inhuman behaviour. All this should stop. The Government has several child welfare schemes. The Women and Child Development Ministry - the concerned Minister is sitting here and the Human Resource Development Ministry should work together for giving them an opportunity to study and for their all round development. The Labour Ministry also sees to it that children are not exploited. The Minister of Labour is sitting here. All these persons make all efforts to provide education to the children at the right age and adequate opportunity for employment so that they have opportunity for all round development. The children should be free from exploitation, they should not be oppressed they should not be made to beg, nor should the girl child be married off. Social evils such as child marriage is prevalent in our society. The parents marry their children at an age when their physical development is not complete. Such female children become mother when they are still in their teens. Although, we have Sharda Act, against child marriage but it is not being implemented strictly. The Government and the society should strictly abide by such laws.

Social organisations should create an environment against child exploitation and child marriage. Foeticide etc. should also cease. The children must get educated. Education imparts human values and makes one refined. Children are endowed with immense potential which can be developed only through education. For this, the Government has also made an amendment in constitution. Primary education has also been made compulsory. It has also been made a fundamental right. The Government has made an all out efforts and spent crores of rupees in launching a movement for universal education in villages to remove illiteracy by encouraging the children to attend primary schools. If the children want to study in the evening arrangements have accordingly been made. The Union Government and the State Governments are making all efforts towards this end. When we are framing a population policy, broadcasting policy and telecom policy we must also prepare a national children policy and set up a National Commission for children so that their energy is channelised in the right direction and their exploitation can be stopped. Because I think the child is an important part of the society. He should also become a good citizen and an excellent human being. He should be committed to serve the motherland by being a patriot and a refined person.

Sir, we are also a signatory to the UNO Charter. Laws have been enacted in the fields of labour, education and social welfare for the benefit of the children. We should also make efforts to provide all such information to the people. As I had said we should rise above party affiliations and come out with a national children policy and set up a National Children Commission for children. Instead of levelling charges and counter charges against each other. The society and the Government should work together so that the children may become good helmsmen in future and fulfill the dreams of Chacha Nehru and honourable Atalji regarding their golden future.

With these words, I wholeheartedly support the proposal of Renukajee.

SHRI BAL KRISHNA CHAUHAN (Ghosi): Mr. Chairman, Sir, today honourable Renuka Chowdhury has moved a very important Resolution in the House to set up a National Commission for Children in the Centre and States under the National Children Policy and I support this. Some facts have been mentioned and I wonder, why children are being exploited given the context of this resolution. It is due to the economic policy of the country that young children who should have been given the opportunity to read and write to have fun and frolic and get eternal care and affection are compelled to work in mines, factories, fields, restaurants, hotels and houses and on footpaths. Please consider about it as to how you can frame a children policy separately and specifically. I am of the

[Shri Bal Krishna Chauhan]

view that the National Economic Policies as a whole, should be analysed and reviewed so as to consider the interests of children.

Hon'ble Renuka Chowdhury has specially talked about identifying the children who are neglected, poor and orphans. It is put natural that children of rich families get all necessities of life like education, nourishment etc. Majority of children of the country who are deprived of their rights as humans have become a matter of concern for the House. The society and the Government have to think about it. In fact, child community is the nursery of future citizens. After certain age they become citizens of the country. The Government have put the people between 13 years to 35 years of age under youth category in the National Youth Policy. Two categories have been made one category from 13 years to 19 years age and the other from 20 years to 35 years. Then children from zero to 13 years are left out and infact some policy should be formulated for them. What are the compulsions which make their guardians or parents abandon their children on footpaths to pick rajs or sell them for other petty work or as bonded labourers. They hand over the child to some money lender or some other person in lieu of loan where the child toils for life. It ends its all human dignity there and child like agility. The laws enacted for child labour and also for bonded labourer are incomplete and presenting education as basic right in the constitution is also incomplete. Taking all these factors into account, a policy should be evolved in regard to rights of children.

I would like to say that infact children's issue is sensitive. It is not only worldly but also an emotional issue. So it is very essential for the Government and Parliament to take note of all these fact also. They are the future citizens and first link of the chain which creates the society and the society is to be built by them only, that is why the Government should take note of their interests and find out some solution. Nothing has been done in this regard for a long time. Everybody knows about these facts appearing in newspapers and being discussed in the society. How the children have been exploited is not hidden to anybody. Small children at the age of five years can be seen washing plates at footpaths, railway stations, bus terminals and dhabas. This is a matter of sorrow. How is it to be stopped?

I feel that they are compelled to do such jobs to earn livelihood for themselves and for their parents. To set up a Commission is in itself, a right step but some decision can be taken by clubbing children policy with other national policies so as to protect children' rights.

The Government should take the responsibility of orphans. These destitute children are playing in the hands of

anarchist and anti-social elements who deploy them in smuggling and other activities of anti-national nature. These innocent children just do not understand what they are carrying. They innocently do that work. The anti-national elements use them as weapons. This is the responsibility of the Government to provide them food, nourishment, education, accommodation and ensure stability in their life.

So, I would like that while evolving National Children Policy we should also think about those poor citizens and identify those reasons which force them to live in that condition so that their children do not remain uneducated and be deprived of nourishment. The Government should take the responsibility to ensure that a child is not forced to work as a labourer. A child of the age from zero to minimum 15-16 years should get full time for study and for having fun and frolic.

The Resolution moved by Shrimati Renuka Chowdhury to evolve a children policy is very significant. I would like that the House passes this Resolution.

[English]

SHRI VARKALA RADHAKRISHNAN (Chirayinkil): Sir, I stand to support the Resolution moved by Shrimati Renuka Chowdhury. In doing so, I have to point out the problems that are prevailing in our country. In the first place, the rate of infant mortality is the highest in our country when compared with that of the Western countries. Barring the State of Kerala, the rate of infant mortality is very very high. We will have to bring it down. When we speak about the welfare of children, we will have to pay attention to that aspect. I do not want to go into the details.

Then, I come to education in schools. The rate of dropouts is on the increase. The dropouts at the primary as well as the secondary levels are increasing year after year due to various reasons. There were States where free noon meal was served to children. But some of the States have stopped it. So, I would like to urge upon the Union Government to take immediate steps for restoring the supply of free noon meal to all the schools in the country on a uniform basis. The children up to 14 years of age must be provided with noon meal. That is the most important thing to prevent dropouts in the school classes from primary to secondary level.

There is another aspect also. Now atrocities on children are on the increase. The girls are kidnapped and sent to brothels. They are forced to work there as sex workers. This is another tragedy.

Then there are beggar groups travelling from one State to another. They kidnap children and take away their eyes.

After blinding them, such children are sent for begging. This is also in the increase.

A very pitiable condition has occurred in our State. Now even parents commit suicide where they do not leave out the children. They will kill them also. When the parents commit suicide, they would not leave their poor children. They will be forced to take some poison or some such thing to kill themselves. It is not a suicide. I can understand suicides from grown-up parents. But why are these poor children killed like this? That has become a habit nowadays. So, the situation, as a whole, is not good.

In this background, I would like to draw the attention of the House to certain matters. Last time, the hon. Minister of Human Resource Development, Dr. Murli Manohar Joshi, introduced a Bill in the House for constituting National Commission for Children. I had to oppose it on many grounds. I will tell you about one. Now 'child welfare' is in the Concurrent List. It is a duty of the Union Government as well as the State Governments to take care of the children. That is a constitutional obligation. Whether that obligation is discharged properly or not is another matter. When that Bill was introduced, I had opposed it on the sole ground that it did not provide for constitution of State Commissions in the States.

Without the State Commissions, there is no meaning in appointing a National Commission. The proposed Bill provided only for the appointment of a National Commission. It is not sufficient. So, we must have National Commission as well as State Commissions. So, the Standing Committee dealing with that Bill may give attention to it to see that the amendments are made to the Bill so that the National Commission as well as the State Commissions are provided in the proposed Bill. This is one point.

Now, we all know that the present Child Welfare Councils are only advisory in nature. They may get some grant or allowance for looking after the children or maintaining some children's homes. With that, the matter ends. They cannot effectively deal with abduction of children. Very, very serious penal crimes are committed everyday against the children, but the poor Child Welfare Council is a silent spectator. They cannot act. My suggestion is that these Councils must be converted into statutory bodies and they must be provided with an investigating agency capable of taking cognisance of penal offences. That must be done because abduction is a serious penal offence punishable under law with life imprisonment.

Abduction, seduction and then forcing a girl for illicit activities are all serious offences. Now, these offences are investigated by the ordinary police stations in spite of their

huge works. They have a very huge volume of work in dealing with other criminal investigations. They may find little time to give their attention to the offences committed against the children. This can be effectively done if the Child Welfare Commissions appointed in the States are given powers. They must have some police personnel up to the rank of Dy. SP who is well versed with the investigation of criminal crimes. Whenever an offence against a child is committed, the Child Welfare Councils can take note of it and they can direct the investigating agency under them to register a criminal case and investigate it effectively.

Now, there is forced labour. Some factories are engaging children for doing very dangerous works. In all the match factories and in mining, these poor children are forced to work. If the State Welfare Council is given powers to investigate, they can immediately go there, take cognisance of it and order the investigating agency to proceed with. Then certainly such things may not happen. But entrusting with the ordinary police force will not be effective because they are in the midst of so many duties and works. So, they may not get time for effective investigation of the crimes committed against the children. So, these State Councils, if I may put it, must be given full powers to deal with these matters with all seriousness and the offenders must be booked immediately.

Suppose, a Manager of a factory is engaging children, immediate penal action is required. They must have powers for that purpose. After all, these Child Welfare Councils do not have any power at all. They do not have any supervisory power at all. So, considering all these aspects, it is only just and proper that these bodies now functioning in the field of child welfare must be given powers for dealing with such situations. I hope that the proposed Bill will make amendments containing provisions for making these Commissions effective with more teeth to act. Then only, we can deal with the alarming situation that is now prevailing in the matter of child welfare. This is something which is highly essential. I hope that the Union Government as well as the State Governments will give their immediate attention in protecting the rights of the children guaranteed under the Constitution as well as agreed to in the United Nations Charter.

These are some of the salient points which we now have to address. I request the hon. Minister concerned to take these matters into consideration and bring a law which is quite adequate to deal with the situation.

With these words, I once again support the Resolution moved by Shrimati Renuka Chowdhury and I expect that there would be no opposition to it from any corner of the House.

SHRI E. M. SUDARSANA NATCHIAPPAN (Sivaganga):
Thank you, Mr. Chairman.

[Shri E.M. Sudarsana Natchiappan]

First of all, I congratulate Shrimati Renuka Chowdhury for drawing the attention of Parliament and the nation to resolve to follow the UN Convention on the Rights of the Children and protect the interests of the future generations.

No doubt, our President, Dr. Abdul Kalam has got a vision for the year 2020, that is, Vision 2020. If a child were born today, the Martyrs' Day when Mahatma Gandhi was assassinated, that child would grow up and ask for its rights the appropriate time.

Ours is a nation where the children are regarded as divine gifts. We even worship child gods. Nowhere else in the world is this done. We worship Lord Krishna as Gokula Krishna, a child god who crawled in our streets to protect the universe. In the same way we worship Lord Ganesha and Lord Muruga as child gods. They were worshipped as child deities. Our nation has got a culture of creating divine powers in children. God has given powers magnanimously to children to protect the parents and also the society.

The parents derive great pleasure when they see their child for the first time but during the British rule children were not having much protection. During the freedom struggle, the Karachi convention of the Congress passed a resolution as early as in 1931 that women and children had to be protected in various ways and accorded special benefits. This has come into the Constitution of India in article 23 which deals with Prohibition of Trafficking in Human Beings and Forced Labour and in article 24 on Prohibition of Employment of Children in Factories, etc. article 38 (e) and (f) also give protection to women. While article 38 (e) says that children are not to be abused, article 38 (f) provides that children are to be given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity and childhood and youth are to be protected against exploitation. Article 45 provides for free and compulsory education for children. These are things now implemented by various enactments passed during the last 50 years or more, but during 1976 the nation could find out that only by controlling population the children's welfare could be properly taken care of. For that purpose, family planning was sought to be implemented but at that time the political parties could not come together to have it as a national policy. This was exploited and family planning was pushed aside. As a result of that, we have got plenty of children without proper care on the streets and in our rural areas.

But Tamil Nadu has got a very unique thing of having a Chief Minister, late Shri Kamaraj, who fought even as early as in 1960s that noon meal is an important part of the child. They need food for education and for skill development. Therefore, the noon meal scheme was implemented in Tamil Nadu. Subsequently, from 1991 to 1996, the Congress

Government had implemented this scheme as a national programme. The late Shri Rajiv Gandhi had made a National Policy on the child labour as early as August, 1987. These are all things made according to the thoughts of the leaders at the appropriate time.

Late Pandit Jawaharlal Nehru's birthday is being celebrated, by his wish, as a Children's Day. But how are we protecting the lives of the children? Any life is to be protected whether it is a plant life or animal, life. But here the human beings are now moving round the streets and begging for their food. This is high time where the nation can be gauged for the development not by the military force. ...*(Interruptions)*

MR. CHAIRMAN: Please conclude. The Minister is going to reply.

...*(Interruptions)*

SHRI E. M. SUDARSANA NATCHIAPPAN: Sir, I need only five minutes as still time is there for Six o' Clock. ...*(Interruptions)*

MR. CHAIRMAN: Please finish your speech within two minutes.

SHRI E. M. SUDARSANA NATCHIAPPAN: We have to protect the welfare of the children by taking into consideration the body, mind and the intellect. The Vedas have said that it has to be developed by proper training and proper protection. The society has got the obligation to protect the welfare of the nation by bringing up the child with proper growth of both mind and also the intellect and it is only when this proper growth is there, the nation can be proud that we have got a full-fledged strength, dynamism of nation where the children have got every protection to fulfil their ideas, to come out with their own intellectual ideas and also to show their skills so that the people can have a better life in the adult age.

I know that the Government has only five more days for this purpose. But, of the same time, our bureaucrats have got the system to work out in the future Governments' also. So, for children's protection and proper growth, strict implementation is necessary whether it is during the period of election or otherwise. The implementation of the laws, which are already available, if they are properly implemented, then many of the problems of the children can be solved and the grievances can be settled.

I, once again, congratulate Shrimati Renuka Chowdhury for making this nation aware of this obligation to the rights of the children.

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI JAS KAUR MEENA): Mr. Chairman, Sir, first and the foremost, I would like to congratulate the learned hon. Lady Member, Shrimati Renukaji for bringing forward this resolution in the House. With regard to the concerns expressed by hon. Member, I would like to give some information. She has clearly expressed concerns regarding orphans. In view of increasing number of orphan children, she wanted to know what arrangements have been made by the Government. Simultaneously, she had wanted to know as to what improvements have been made in the condition of children consequent upon India signing UN Convention on Rights of Children? Second concern expressed by her in the resolution is what improvements have been brought in the condition of children employed in factories, coal mines, children engaged in begging and teen age girls forced in flesh trade? Secondly, she has stated that Right to Education granted to children under Article 21 (A) of the constitution is inadequate.

The last point in the resolution is relating to National Children Policy, creation of National Commission for children at Central Level and State Children Commissions in the States. Hon. Member has expressed her concern in this resolution. Private Bill of Hon. Renukaji was also received in the Ministry wherein she had desired and also suggested for creation of National Commission for children. In this regard, I would like to clarify that with regard to the concern expressed by her she should look at the solution available with the Government at present. First of all I would like to speak on those solutions. National Children Policy was framed on 22 August, 1974. Under this policy, a need was expressed for taking care of children right from pre-birth stage till he goes to school. In addition, under this policy the Government are determined to take care of physical and mental development of the child alongwith around development. It was also suggested therein that children from 6-14 years of age should be provided free and compulsory education and other facilities for physical and mental development. The policy underlines need for special emphasis for children belonging to SC/ST community and other weaker sections. The solutions are presently available. Secondly, I would like to say that at present several schemes relating to the welfare of destitutes, orphans, children of weaker and poor families, children of farmers, rural children and also children staying in jhuggi clusters are in vogue. In this regard, I would like to say that 86th constitution Amendment Bill Passed in the House in 2002 provides for compulsory and free education to the children of 6-12 years of age. With this objective, the Government have undertaken Education for all and other important programmes. I am very happy to tell you that the Government have made arrangement for Primary and Compulsory Education to every children. The government are also properly evaluating the work done by the State Governments in this regard.

I would also like to make mention of provisions made in our Constitution for welfare of children. State Government can make special provision for the welfare of the children. It is clearly provided in Article 15 (3) of the Constitution. Secondly,

Constitution provides blanket ban under Article 39(m) to engage children in hazardous factories and mines but there are a number of rural and farmer families who are still unaware of this provision.

Reiterating the commitments of the Government regarding interests of the children in Convention on Rights of the Children, the Government expressed its deep concern regarding its duties towards children, education for them and how the schemes or provisions regarding education and health of the children can be implemented? The awareness of the society can play an important role in this connection. I would further like to say that with the help of Labour Department, the Ministry of Social Justice and Empowerment and Women and Child Development Programmes, the Government have undertaken a number of programmes to create awareness among the masses. Through these programmes, we want to ensure that the children in our country should be healthy, happy and educated and they should be well developed so that they may come forward for becoming able citizens of our country for bringing them in mainstream. The Department of Labour have envisaged a programme for abolition of child Labour wherein stringent laws have been enacted which are being implemented through State Governments.

Mr. Chairman, Sir, abolition of Child Bagging programme has been evolved for checking exploitation of children. Due to lack of awareness of stringent laws the Abolition of Child Begging Programme is not being implemented properly. I feel, that my learned colleagues who have expressed their concerns should also be concerned for creating social awareness for implementation of the law. We have law for abolition of flesh trade. For empowerment of adolescent girls, we have also implemented these laws with the help of Integrated Child Development Schemes through Anganwadi Kendras. I would like to remind hon. Member that whenever he might have enquired about such Aanganwadi Kendras in their respective constituencies, it would have surely come to their notice that adolescent Child Empowerment Scheme is being implemented there.

Sir, concern has also been expressed over sex ratio and it is really a matter of serious concern for all of us. We have to ponder over it. Hon. Renukaji has told that girl child is taken less care of. In this regard, I would like to say that son or daughter is an asset to the mother. To say that a baby girl is loved less and boy more, is a social aspect and society has put the women in such a pitiable condition. Government are aware of it. Hon. Members may be aware that Shrimati Sushma Swaraj has launched a scheme wherein a girl child is given Rs. 500 by the Government at the time of birth. It is just to create a sense of good feeling at the time of birth of a girl child. The birth of a girl is very useful. I would like to add that the birth of a baby girl or boy is very important for the parents and the society and it is the best gift of the nature and same girl or boy child take the shape of a man or woman in the future. And hence it cannot be neglected. I would like to ease the concern of the Members in this regard.

Mr. Chairman, Sir, hon. Members may be aware that consequent upon 86th Constitution Amendment, steps have

[Shrimati Jas Kaur Meena]

been taken to make primary education compulsory. Shrimati Renukaji has brought this Bill for child development. I would like to tell her that the proposal for National Child Commission was approved in 2002 and thereafter, document was prepared for creation of National Child Commission. Just now Shri Sudarshan ji had expressed his concern.

The documents pertaining to the National commission for children were laid on the Table of both the House by hon'ble Dr. Murli Manohar Joshi.

18.00 hrs.

and that charter documents were passed with voice vote. In view of her concern regarding the National Commission for children, I would like to submit that the Bill related to the National Commission for children has been introduced in Lok Sabha on 5.12.03 and once it is passed, the Commission will be set up at the earliest for the protection of the children in the country. Alongwith this, the hon'ble Member was also concerned for the constitution of the Commission in the states. I am glad to inform the House that the Government have held discussion with all the states before formulation of the Bill regarding the National Commission for children and it was also suggested in discussion that such commission should be constituted in states also. I am glad to inform him that two states have given their consent in this regard that these two states will constitute such commission.

[English]

MR. CHAIRMAN: If the House agrees, we can conclude the business today itself. If the House agrees, we can extend the time of the House by ten minutes because she has to reply to the debate.

SHRI E.M. SUDARSANA NATCHIAPPAN: Please extend the time of the House by 15 minutes because the other Resolution is also there.

PROF. A.K. PREMAJAM (Badagara): What about my Resolution? This is the last Session of this Lok Sabha and my Resolution is on a very important subject.

SHRIMATI RENUKA CHOWDHURY: She should be allowed to move her Resolution.

PROF. A.K. PREMAJAM: Actually, two hours were allotted for her Resolution, but that much time was not taken.

MR. CHAIRMAN: The time for the Private Members' Bills and Resolutions is up to six o'clock.

PROF. A.K. PREMAJAM: Two hours time was allotted for her Resolution, which was not exhausted. It means that there is extra time remaining. If the two hours have been taken for discussing that Resolution, then it could have gone beyond six o'clock.

MR. CHAIRMAN: She cannot avail that time, unless we extend the time.

THE MINISTER OF STATE IN THE MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS

(SHRI SANTOSH KUMAR GANGWAR): There is one request from our side. She can move her Resolution, but before that, there is one Repeal Bill which may please be taken up because it will not take more than a minute.

MR. CHAIRMAN: After taking the sense of the House, we will take up that.

SHRI SANTOSH KUMAR GANGWAR: After Shrimati Renuka Chowdhury's reply, Prof. Premajam can move her Resolution.

MR. CHAIRMAN: Only when the Minister concludes, she can reply.

If the House agrees, till the business before the House is over, the time of the House will be extended.

SOME HON. MEMBERS: Yes.

[Translation]

SHRIMATI JAS KAUR MEENA: Mr. Chairman, Sir, I would like to inform the House that the present Government have taken concrete steps in this direction. The hon. Member has enquired, about the children charter and the commission for child welfare. Earlier sex determination test was being done without any restriction. The House has passed a law in this context also and now it is banned completely. Besides the Government have enacted legislation regarding the survival, health, overall development, security of children and development oriented activities for their future. I feel that the present government have taken steps that were not taken since independence. 56 years have elapsed since independence. It is different thing that the same party ruled this country for 50 years, however, special attention has been paid to the children by this Government only and the Government have sought the opinion of the children in the country on occasion of children's day regarding the Government's performance. Till now there was one way traffic. Earlier policies and charters were prepared by the Government on its own. However on 14th of November we have asked children in each of the districts of the country as to what do they expect from the Government their parents and the society. I am glad to inform you that seven thousand children have sent their reply in writing. The Government would incorporate their suggestions in the children policy and children welfare activities. The children have given their precious opinion that they expect something from their parents, from society and also from the Government and the environment.

18.04 hrs.

(DR. LAXMINARAYAN PANDEYA *In the Chair*)

I would also like to submit that the Government is concerned about the very important resolution introduced in the House by hon'ble lady Member, and during last 6 years the Government have taken many steps and have passed resolution concerning the constitution of children commission and have approved the resolution of children's charter. I am confident that she will be glad to know all these things and I

would also like to extend my thanks to her that she has raised such an important issue in the House and made the Government aware about all these things. I would like to submit with confidence that the Government is vigilant in this regard. Children are the future of the country and it is not only the responsibility of the Government but also the responsibility of the society to develop and secure the future of the children.

With these words, I would like to submit that the desires and aspiration of the hon'ble Member in this regard has already been fulfilled by the Government. So, I request the hon'ble Member to withdraw the Bill.

[English]

SHRIMATI RENUKA CHOWDHURY: Sir, I thank the hon. Minister for having given me a very patient hearing as well as a very elaborate reply.

Having said that, I would also like to caution the Government not to rest on what we assume are adequate measures. If you look at the history of India and the social bias against the girl child, despite all the progress and so-called development that we have made, the situation of the girl child and her status in the society has never been as worse as it is today. There is gender discrimination, laws and legislations that inadvertently reinforce that discrimination, as well as social norms, cinemas, depiction of women in advertisements, and various other areas where women have come in. On the one hand, we have women on the plus side where we have them in competitive examinations, excelling in all fields, breaking into male bastions and shattering the glass ceiling. On the other hand, more and more discrimination is being seen and science and technology is being used against even the birth of a girl child. We have amniocentesis with horrifying results. You look at the situation. It has never been a worse scenario for a girl child in India.

So, we must look into this social disease and find a way by which we can interpret, translate and transform India, if you really want a 'Shining India' to be a safe place. Mahatma Gandhi said that the day when a woman can walk fearlessly in the middle of the night on the streets safely is the day when India truly becomes independent and liberated. We cannot even sit in a train without chains being snatched. We cannot get married without being burnt for dowry. So, there is somewhere a social disorder. All of us must collectively work towards recognising, respecting and accepting a girl child. Today, for unfortunate reasons, boys are equally sexually exploited in various areas.

Having said that and having cautioned the Government, I will now thank all my colleagues for all the support that they have lent me and seek leave of the House to withdraw my Resolution.

MR. CHAIRMAN: Does the hon. Member have the leave of the House to withdraw her Resolution?

SEVERAL HON. MEMBERS: Yes.

The Resolution was, by leave, withdrawn.

18.06 hrs.

RESOLUTION RE: PASSING OF WOMEN'S RESERVATION BILL

[English]

MR. CHAIRMAN: Prof. A.K., Premajam to move her Resolution.

PROF. A. K. PREMAJAM (Badagara): Sir, I beg to move:

"This House expresses its serious concern over the delay in passing the Constitution (Eighty-fifth Amendment) Bill, 1999 regarding reservation of seats for women in the House of the people and the Legislative Assemblies of the States and urges upon the Government to take necessary action to get the Bill passed."

MR. CHAIRMAN: Now, the House will take up Government Business. Hon. Minister.

...(Interruptions)

SHRIMATI RENUKA CHOWDHURY (Khammam): Sir, it is really sad that this Government never passed the Women's Reservation Bill after all the song and dance and noise that has been made. This is very sad. ...(Interruptions)

PROF. A. K. PREMAJAM: Sir, this is a Private Members' day and this happens to be the last Friday of this Lok Sabha. I must be permitted to speak on this. ...(Interruptions)

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF TOURISM AND CULTURE (SHRIMATI BHAVNABEN DEVRAJBHAI CHIKHALIA): Mr. Chairman, Sir, our Government had made effort to pass the Women Reservation Bill unanimously however, other parties did not support the Government and it was due to this that the Bill has been referred to the Committee. The Speaker had also called all party meeting for this purpose however the Bill could not be passed. The Government want to get this Bill passed. ...(Interruptions)

[English]

PROF. A. K. PREMAJAM: Sir, this is Private Members' time.

MR. CHAIRMAN: You have moved your Resolution. Please sit down. The time for Private Members' Resolutions is over now. Two and a half hours have already passed. I have called the Minister.

...(Interruptions)

PROF. A. K. PREMAJAM: Sir, this is sheer discrimination against women and the cause of women's reservation. ...(Interruptions)

MR. CHAIRMAN: You cannot say like this. I am going as per the rules.

...(Interruptions)

PROF. A. K. PREMAJAM: It is a sheer discrimination.
...(Interruptions)... I am a woman. ...(Interruptions)

MR. CHAIRMAN: You cannot say like this.

PROF. A. K. PREMAJAM: Please allow me to speak.

MR. CHAIRMAN: Rules are not allowing me.

...(Interruptions)

MR. CHAIRMAN: Nothing will go on record except what the hon. Minister speaks.

(Interruptions)*

MR. CHAIRMAN: I have called the hon. Minister.

...(Interruptions)

MR. CHAIRMAN: Prof. A. K. Premajam, please take your seat. Whatever you are speaking now is not going on record. Kindly cooperate.

(Interruptions)*

MR. CHAIRMAN: I am going as per the rules.

...(Interruptions)

MR. CHAIRMAN: The time allotted for Private Members Business today, is over now. We have now gone to the Government Business.

...(Interruptions)

PROF. A. K. PREMAJAM: This is the last Friday for Resolutions in the 13th Lok Sabha. ...(Interruptions)

MR. CHAIRMAN: I am going as per the rules. Please cooperate. Let the Minister speak now.

...(Interruptions)

SHRI P. RAJENDRAN (Quilon): The hon. Minister of State of Parliamentary Affairs is present here. She may react on this Resolution.

MR. CHAIRMAN: I know that. I am going as per rules and procedures. Now, let the hon. Minister speak now.

...(Interruptions)

PROF. A. K. PREMAJAM: Then, what about the quorum?

MR. CHAIRMAN: You have already moved your Resolution.

...(Interruptions)

18.13 hrs.

BRITISH STATUTES (REPEAL) BILL, 2003

[English]

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. C. THOMAS): Sir, I beg to move:

* Not Recorded.

"That the Bill to repeal the British Law Ascertainment Act, 1859, the Foreign Law Ascertainment Act, 1861, the Colonial Probates, Act, 1892, in so far as they apply to India and the India (Consequential Provisions) Act, 1949, as passed by Rajya Sabha, be taken into consideration."

...(Interruptions)

Sir, these are four Bills which have been recommended by the P.C. Jain Commission. ...(Interruptions)

PROF. A. K. PREMAJAM (Badagara): There is no quorum in the House. ...(Interruptions) Let there be a quorum.

MR. CHAIRMAN: By raising the issue of lack of quorum, your Resolution will not come. You are not cooperating with the Chair:

...(Interruptions)

MR. CHAIRMAN: I am going as per rules and procedures.

All right, let the quorum bell be rung.

...(Interruptions)

MR. CHAIRMAN: The bell is being rung.

...(Interruptions)

MR. CHAIRMAN: No discussion is allowed during ringing of quorum bell. So, nothing is going on record.

...(Interruptions)

MR. CHAIRMAN: Prof. A.K. Premajam, whatever you are speaking is not going on record.

...(Interruptions)

MR. CHAIRMAN: Shri S.S. Palanimanickam, please take your seat. Nothing is going on record. The quorum bell is being rung.

...(Interruptions)

MR. CHAIRMAN: Quorum bell is being rung and so, nothing is going on record.

(Interruptions)*

MR. CHAIRMAN: Hon. Members, there is no quorum in the House and therefore, the House cannot be continued.

The House stands adjourned to meet at 11.00 hours on Tuesday, the 3rd February, 2004.

18.21 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, February 3, 2004/Magha 14, 1925 (Saka).

* Not Recorded.

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