

LOK SABHA DEBATES (English Version)

**Fifteenth Lok Sabha
(Fourteenth Session)**



सत्यमेव जयते

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LOK SABHA DEBATES

LOK SABHA

**Friday, September 6, 2013/Bhadrapada 15, 1935
(Saka)**

The Lok Sabha met at Eleven of the Clock

[MADAM SPEAKER *in the Chair*]

OBITUARY REFERENCES

[English]

MADAM SPEAKER: Hon. Members, I have to inform the House about the sad demise of two of our former Members, Sarvashri Bhagwan Dutta Shastri and Hari Kishore Singh.

Shri Bhagwan Dutta Shastri was a Member of First Lok Sabha from 1952 to 1956 representing the then Shahdol-Sidhi Parliamentary Constituency of Vidhya Pradesh.

Shri Bhagwan Dutta Shastri passed away on 24th July, 2013 in Rewa, Madhya Pradesh at the age of 93.

Shri Hari Kishore Singh was a Member of Fifth, Ninth and Tenth Lok Sabhas representing Pupri and Sheohar Parliamentary Constituencies of Bihar.

Shri Singh served as Union Minister of State for External Affairs during 1990-1991. He also served as Chairman, Railway Convention Committee.

A widely travelled person, Shri Singh represented India at the Commonwealth Foreign Ministers' Committee on South Africa in Abuja, Nigeria in 1991. He was also a part of Indian delegation to United Nations Conference on Trade and Development in 1976.

Shri Hari Kishore Singh passed away on 28th August, 2013 in New Delhi at the age of 79.

We deeply mourn the loss of our former Members and I am sure, the House would join me in conveying our condolences to the bereaved families.

The House may now stand in silence for a short while as a mark of respect to the memory of the departed.

11.02 hrs.

The members then stood in silence for a short while.

11.03 hrs.

PAPERS LAID ON THE TABLE

[English]

MADAM SPEAKER: Now, Papers to be laid. Shrimati Santosh Chowdhary.

...(Interruptions)

[Translation]

SHRI SUDIP BANDYOPADHYAY (Kolkata North): Please stop interference of the Central Government in Darjeeling. ...(Interruptions)

SHRI SHAILENDRA KUMAR (Kaushambi): Madam China has occupied the Indian territory. ...(Interruptions)

11.03½ hrs.

At this stage Shri Kalyan Banerjee, Shri Shailendra Kumar and some other hon. Member came and stood on the floor near the Table.

...(Interruptions)

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRIMATI SANTOSH CHOWDHARY): On behalf of Shri Ghulam Nabi Azad, I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under Section 92 of the Food Safety and Standards Act, 2006:—

(1) The Food Safety and Standards (Food Products Standards and Food Additives) Amendment Regulations, 2013 published in Notification No. F. No. 5/15015/30/2012 in Gazette of India dated 12th July, 2013.

[Placed in Library, See No. L.T. 9719/15/13]

(2) The Food Safety and Standards Authority of India (Salary, Allowances and other Conditions of Service of Officers and Employees) Regulations, 2013 published in Notification No. F. No. A-21021/01/2010-Admn. FSSAI in Gazette of India dated 30th July, 2013.

[Placed in Library, See No. L.T. 9720/15/13]

...(Interruptions)

MADAM SPEAKER: Shri V. Narayanasamy – Not here.

Shrimati Preneet Kaur.

...(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRIMATI PRENEET KAUR): I beg to lay on the Table:—

(1) A copy each of the following Notifications (Hindi and English versions) under Clause 31(2) of the South Asian University Act, 2008:—

- (i) The South Asian University First Regulations, 2013 published in Notification No. F. No. BI-321/60/11 in Gazette of India dated 7th August, 2013.
- (ii) The South Asian University First Rules, 2013 published in Notification No. F. No. BI-321/60/11 in Gazette of India dated 7th August, 2013.
- (iii) The South Asian University (Removal of Difficulties) Order, 2012 published in Notification No. S.O.136(E) in Gazette of India dated 20th January, 2012.

(2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at item No. (iii) of (1) above.

[Placed in Library, See No. L.T. 9722/15/13]

...(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI R.P.N. SINGH): I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under sub-section (3) of Section 18 of the Central Reserve Police Force Act, 1949:—

- (1) The Central Reserve Police Force, Group 'B' (Combatised Para-Medical Posts) Recruitment Rules, 2011 published in Notification No. G.S.R. 308 in Gazette of India dated 12th November, 2011.

(2) The Central Reserve Police Force, Group "C" (Combatised Para-Medical Posts) Recruitment Rules, 2011 published in Notification No. G.S.R. 220 in Gazette of India dated 30th July, 2011.

(3) The Central Reserve Police Force, Inspector (Senior Library and Information Assistant), Sub Inspector (Library and Information Assistant), Head Constable (Library Clerk) and Constable (Library Attendant) Recruitment Rules, 2011 published in Notification No. G.S.R. 608(E) in Gazette of India dated 9th August, 2011.

(4) The Central Reserve Police Force, Group 'C' (Combatised Para-Medical Posts) Recruitment Rules, 2011 published in Notification No. G.S.R. 219 in Gazette of India dated 30th July, 2011.

(5) The Central Reserve Police Force, Assistant Commandant (Ministerial), Group "A" Post, Recruitment Rules, 2011 published in Notification No. G.S.R. 652(E) in Gazette of India dated 30th August, 2011.

(6) The Central Reserve Police Force, Assistant Commandant (Private Secretary), Group "A" Post, Recruitment Rules, 2011 published in Notification No. G.S.R. 653(E) in Gazette of India dated 30th August, 2011.

(7) The Central Reserve Police Force Group "A" (General Duty) Officers Recruitment (Amendment) Rules, 2012 published in Notification No. G.S.R. 209 in Gazette of India dated 18th August, 2012.

(8) The Central Reserve Police Group "A" (General Duty) Officers Recruitment (Amendment) Rules, 2012 published in Notification No. G.S.R. 22(E) in Gazette of India dated 14th January, 2013.

[Placed in Library, See No. L.T. 9723/15/13]

...(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRIMATI DEEPA DASMUNSI): I beg to lay on the Table a copy of the Notification No. G.S.R. 511(E) (Hindi and English versions) published in Gazette of India dated 29th July, 2013 rescinding Notification No. G.S.R.408(E) dated 30th May, 2012 except as respects things done or omitted to be done before such

suppression, issued under sub-section (1) of Section 4 of the Metro Railways (Construction of Works) Act, 1978.

[Placed in Library, See No. L.T. 9724/15/13]

...(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JESUDASU SEELAM): I beg to lay on the Table:—

(1) A copy each of the following papers (Hindi and English versions) under Article 151(1) of the Constitution:—

- (i) Report of the Comptroller and Auditor General of India-Union Government (Civil) (No. 19 of 2013)- Compliance Audit Observations for the year ended March, 2012.
- (ii) Report of the Comptroller and Auditor General of India-Union Government (No. 21 of 2013) Compliance Audit Compensatory Afforestation in India, Ministry of Environment and Forests, for the year ended March, 2012.
- (iii) Report of the Comptroller and Auditor General of India-Union Government (No. 22 of 2013) Compliance Audit-Scientific and Environmental Ministries/Departments for the year ended March, 2012.

[Placed in Library, See No. L.T. 9725/15/13]

(2) A copy each of the following Notifications (Hindi and English versions) under section 74 of the Prevention of Money Laundering Act, 2002:—

- (i) G.S.R.578(E) published in Gazette of India dated 29th August, 2013 together with an explanatory memorandum making certain amendments in the Notification No. G.S.R.440(E) dated 1st July, 2005.
- (ii) G.S.R.579(E) published in Gazette of India dated 29th August, 2013 together with an explanatory memorandum making certain amendments in the Notification No. G.S.R.441(E) dated 1st July, 2005.
- (iii) The Prevention of Money-Laundering (Maintenance of Records) Amendment Rules, 2013 published in Notification No. G.S.R.576(E) in Gazette of India

dated 27th August, 2013, together with an explanatory memorandum.

[Placed in Library, See No. L.T. 9726/15/13]

(3) 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.335(E) published in Gazette of India dated 23rd May, 2013 together with an explanatory memorandum providing the facility of removal of all excisable goods from the factory of production, intended for storage in a godown or retail outlet of a Duty Free Shop in the Departure Hall or the Arrival Hall of International Airport, appointed or licensed as "warehouse" under Section 57 or 58 of the Customs Act, 1962 and for sale therefrom, against foreign exchange to passengers going out of India or to the passengers or members of crew arriving from abroad.
- (ii) G.S.R.336(E) published in Gazette of India dated 23rd May, 2013 together with an explanatory memorandum making certain amendments in the Notification No. 38/2001-C.E.(NT) dated 26th June, 2001, together with two corrigenda published in Notification Nos. G.S.R.545(E) dated 14th August, 2013 and G.S.R.553(E) (in Hindi version only) dated 14th August, 2013.
- (iii) G.S.R.337(E) published in Gazette of India dated 23rd May, 2013 together with an explanatory memorandum making certain amendments in the Notification No. 36/2001-C.E.(NT) dated 26th June, 2001, together with two corrigenda published in Notification Nos. G.S.R.546(E) dated 14th August, 2013 and G.S.R.554(E) (in Hindi version only) dated 14th August, 2013.

[Placed in Library, See No. L.T. 9727/15/13]

11.05 hrs.

COMMITTEE ON ESTIMATES

25th and 26th Reports

[English]

SHRI FRANCISCO COSME SARDINHA (South Goa): I beg to present the following Reports (Hindi and English Versions) of Committee on Estimates:—

(1) 25th Report on the subject 'Higher Education in India' pertaining to the Ministry of Human Resource Development (Department of Higher Education).

(2) 26th Report on the subject 'Malnutrition in Infants and Mothers' pertaining to the Ministry of Women and Child Development and Ministry of Health and Family Welfare.

...(Interruptions)

11.05½ hrs.

COMMITTEE OF PRIVILEGES

4th Report

[English]

SHRI P.C. CHACKO (Thirsur): I beg to lay on the Table the 4th Report (Hindi and English versions) of the Committee of Privileges (15th Lok Sabha).

...(Interruptions)

11.06 hrs.

RAILWAY CONVENTION COMMITTEE

(i) 8th Report

[English]

SHRI ARJUN CHARAN SETHI (Bhadrak): I beg to present the 8th Report (15th Lok Sabha) on Action Taken by the Government on the Recommendations contained in the 5th Report of Railway Convention Committee (2009) on 'Railway's participation in the development of backward regions'.

...(Interruptions)

(ii) Statement

SHRI ARJUN CHARAN SETHI: I beg to lay on the Table the Statement (Hindi and English versions) showing the Final Action Taken by the Government on the Recommendations contained in Chapter - I of the 7th Report of the Railway Convention Committee (2009) on Action Taken by the Government on the recommendations contained in the 4th Report of the Committee on "Pending on-going projects of the Ministry of Railways -

Commissioning of the Autokast Factory at Cherthala, Kerala -A case study".

...(Interruptions)

11.06 ½ hrs.

COMMITTEE ON EMPOWERMENT OF WOMEN

21st Report

[English]

RAJKUMARI RATNA SINGH (Pratapgarh): I beg to present the 21st Report (Hindi and English versions) of the Committee on Empowerment of Women (2012-13) on the Subject 'Working Conditions of Women in Police Force'.

...(Interruptions)

11.07 hrs.

STANDING COMMITTEE ON HUMAN RESOURCE DEVELOPMENT

257th Report

[English]

SHRI CHARLES DIAS (Nominated): I beg to lay on the Table the 257th Report of the Standing Committee on Human Resource Development on the Central Universities (Amendment) Bill, 2012.

...(Interruptions)

[Translation]

SHRI NEERAJ SHEKHAR (Ballia): The Minister of Defence should give a reply ...(Interruptions)

MADAM SPEAKER: He is coming and will give reply, he will come.

...(Interruptions)

[English]

MADAM SPEAKER: He is coming.

...(Interruptions)

MADAM SPEAKER: The Defence Minister is coming to the House to make a Statement.

...(Interruptions)

[Translation]

MADAM SPEAKER: All of you may please take your seat.

...(Interruptions)

MADAM SPEAKER: Please allow me to run the House.

...(Interruptions)

[English]

MADAM SPEAKER: He is coming.

...(Interruptions)

MADAM SPEAKER: The House stands adjourned to meet again at 11.20 a.m.

11.08 hrs.

The Lok Sabha then adjourned till Twenty Minutes past Eleven of the Clock.

11.20 hrs.

The Lok Sabha reassembled at Twenty Minutes past Eleven of the Clock

(MADAM SPEAKER in the Chair)

SUBMISSIONS BY MEMBERS

(i) Re: Reported occupation of Indian territory by China

...(Interruptions)

[Translation]

SHRI SHAILENDRA KUMAR (Kaushambi): Madam Speaker, I have given a notice on the China issue.
...(Interruptions)

MADAM SPEAKER: Shri Yashwant Sinha. You may speak as I have called your name.

...(Interruptions)

MADAM SPEAKER: Why do you stand up again and again. Please sit down.

...(Interruptions)

MADAM SPEAKER: Mulayam Singhji, you will be called after him.

...(Interruptions)

[English]

MADAM SPEAKER: Nothing else will go on record.

...(Interruptions)*

[Translation]

SHRI YASHWANT SINHA (Hazaribagh): Madam Speaker, I had raised a serious issue of national security in this House last evening. I had demanded that the Defence Minister should issue a statement in this regard, because China has infiltrated our borders and has occupied a large area of our land. I would like to ask the government, through you, as to when the government proposes to issue a statement in this regard, at what time, and it should give this information clearly. ... (Interruptions)

SHRI MULAYAM SINGH YADAV (Mainpuri): Madam Speaker, I have been saying continuously for the last 14 years within and outside this House that China is going to attack India. It has a malevolent eye upon India. I gave many examples too. It backstabbed Nehruji. Nehruji died due to the shock of the attack by China and its occupation of our land. Lohiaji had said this at that time and no one refuted him. China has occupied our land and is increasing its area of occupation. If the borders of the country are not safe then how can you keep the country safe? Leave aside our economic crisis and inflation, at least make the borders of the country secure. If you secure the borders of the country we will also sit quietly, but if its security is threatened we can never sit quietly. Madam Speaker, please clear this issue and call the Defence Minister. You got angry and accused me of disrespecting the Defence Minister on just one word of mine. Who is bigger - the person or the country? He is not able to defend our borders ... (Interruptions) Madam Speaker, I have all information, I have been speaking about this in the House for the last 14 years, but what has the government done? How did it allow occupation to take place? The fact is that if you

* Not recorded

cannot defend the borders of the country then the public will defend it. You do not have the right to retain power even for a minute, if you cannot secure the borders of the country. We are combating inflation, unemployment and poverty. We are about it? They came, planted their flags and then marked the sites. I was also Defence Minister at one time. At that time when they had marked out a kilometer of area in our territory we had marked out four kilometers of their territory. You may call the officers of the Defence Ministry or the erstwhile General to confirm this. I had ensured the security of the borders and you have undone all the work. If you had secured the borders of the country leaving aside inflation, corruption and scams, we would have been satisfied. This government is ...* and our Defence Forces are very strong.

[English]

MADAM SPEAKER: Please remove this from the records.

[Translation]

SHRI MULAYAM SINGH YADAV: This is my appeal that the government should announce a deadline for removal of the Chinese force from our land. Our Defence Forces are prepared ...(Interruptions) I have talked to them ...(Interruptions) They said that if the government gives them directions, they will chase the Chinese away. Why didn't you give directions? ...(Interruptions) When the Army Chief asked for your directions to chase off the Chinese, you did not give any. So much ...* what changes would you bring in the country while being in the Government. You are ...* our army is gallant. You ...* showing ...* and the army is displaying courage. It is the question of country's security, I would like to know what you have done in this regard.

SHRI SHER SINGH GHUBAYA (Ferozpur): Madam, the condition of farmers is pitiable in Punjab ...(Interruptions)

MADAM SPEAKER: Please sit down. Some other matter is being discussed. I will call Shrimati Harsimrat Kaur Badal ji later on to speak.

...(Interruptions)

*Expunged as ordered by the Chair.

MADAM SPEAKER: Why did you get up? Please sit down.

...(Interruptions)

SHRI DARA SINGH CHAUHAN (Ghosi): Madam, this is a very serious matter. This is a matter relating to the country's border. It has been raised in the House several times ...(Interruptions)

MADAM SPEAKER: Please sit down and allow the hon. Minister to speak.

THE MINISTER OF URBAN DEVELOPMENT AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI KAMAL NATH): Madam, the issue raised by hon. Mulayam Singh ji and reiterated by Shri Yashwant Sinha ji in the House is undoubtedly a serious matter and I would very categorically state that the Government is neither weak ...(Interruptions)

MADAM SPEAKER: Please listen to the hon. Minister.

...(Interruptions)

SHRI KAMAL NATH: This Government is neither weak nor ...* ...(Interruptions) Many a rumour is doing the round and this Government has intention neither to hush up nor conceal any facts ...(Interruptions)

SHRI MULAYAM SINGH YADAV: This is not a scam. This concerns the border of the country. Please say something about the border ...(Interruptions)

MADAM SPEAKER: Please allow the hon. Minister to speak.

...(Interruptions)

SHRI KAMAL NATH: I am coming to that. Hon. Minister of Defence will make a statement in the House at 1 pm and I believe that it will satisfy the entire House ...(Interruptions)

MADAM SPEAKER: Please let him speak, it is his time now.

...(Interruptions)

MADAM SPEAKER: Let him speak. It is his turn to speak now.

...(Interruptions)

*Expunged as ordered by the Chair.

MADAM SPEAKER: Please sit down. I have called out his name for making submission.

...(Interruptions)

[English]

SHRI SUDIP BANDYOPADHYAY (Kolkata Uttar): Madam Speaker, deliberate and motivated attempts are being made to divide West Bengal. We apprehend that the Central Government is also playing a role behind it. On the very 3rd of September, this month, when Kumari Mamata Banerjee, Chief Minister of West Bengal, was visiting Darjeeling District to pacify the situation, unfortunately the Home Minister of India was meeting the Gorkha Janamukti Morcha leaders, who were raising slogans for division of West Bengal, in the name of Gorkhaland. They were meeting here in Delhi.

I want to draw your attention to a letter that the Prime Minister wrote on 1st of August to the hon. Chief Minister, which I want to place on record. He wrote:

"Dear Mamata ji, I have had the matter looked into."

That is the previous letter. Before that also the different Central Ministers and leaders were meeting the Gorkhaland leaders from West Bengal. Prime Minister is writing:

"I have had the matter looked into. I understand that while there have been some informal working level contacts with GJMM leaders in Delhi, there was no intent or attempt to encourage them to go behind the back of the State Government or to affect the GTA working arrangements in any way. I have instructed the Central Government personnel - Prime Minister is categorically writing on 1st of August - that any meeting with the GJMM leadership should be done in consultation with the State Government and that they should keep you informed of the developments."

But on 3rd of September, the Home Minister has himself met them, because of which the hon. Chief Minister wrote a letter to the Prime Minister on 5th of September, where she wrote:

"Kindly refer to your letter dated 1st August, 2013, which I acknowledged, I am constrained to point out that in spite of your categorical instructions that no meeting will be held by the Central Government with

the GJMM leadership except in consultation with the State Government, the Union Home Minister met the GJMM delegation on 3rd September, 2013, without intimation to us.

It is most disturbing to note that the Central Government agreed to meet the GJM representatives on the date of 1st September, 2013 when I was present in Darjeeling to attend a public meeting in Kalimpong along with all my senior Government officials, Chief Secretary, Home Secretary, Director-General of Police, etc. I am constrained to state that the timing of the meeting fixed by the Central Government was unfortunate. This act deliberately provokes the divide and rule policy encouraging political turbulence in my State."

Lastly, she is writing:

"You will kindly appreciate that continuous political interference from the Central Government in the internal affairs of the State is not only encouraging political turmoil in the State but also destroying the federal structure enshrined in the Constitution. I thought it appropriate to bring this real situation for your kind information."

Madam, I want to say that West Bengal consists of 294 Assembly segments. Darjeeling has only three Assembly segments - one, Darjeeling, two Kurseong and three Kalimpong. How can three MLAs of a district area claim for a separate State? Even one Parliamentary constituency is not there. Where Shri Jaswant Singh represents, he has three from the Hills and four from the plains. So, this is an absurd idea. We want the Central Government should try to follow the assurance given by the hon. Prime Minister. We know the position of the hon. Prime Minister. Sometimes, he feels so in one way. His Government does not respond to his way. It will be a glaring example if they try to do so. Our submission is that in future, in case of a separate State, the Central Government should not give any encouragement to the demand which is being made by the GJM leader for a Gorkhaland State. They should stand by the State Government totally, fully and they should allow the State to take the decision according to their own will.

DR. TARUN MANDAL (JAYNAGAR): Madam, with your permission, I would like to associate myself with the concern expressed by Shri Sudip Bandyopadhyay regarding Darjeeling.

[Translation]

MADAM SPEAKER: Shri Jai Prakash Agarwal, please speak.

...(Interruptions)

MADAM SPEAKER: Please sit down.

...(Interruptions)

SHRI JAI PRAKASH AGARWAL (North-East Delhi): Madam Speaker, I thank you and I want to raise an issue related to the Constitution before you.

Madam, I want to know that the property which belongs to this House, and of which you are the custodian, how can any person use that property in the name of a particular private club? I want to know that the place called Constitution Club, which belonged to Parliament, how this place came under a private club? How unauthorized construction was carried out there? All this construction was carried out by the PWD. A marriage hall has been opened there. Can a marriage hall be opened in the name of Constitution Club? ...(Interruptions) Can marriage ceremonies be held at night in the name of Constitution Club? ...(Interruptions) Deals are carried out with tax officials there ...(Interruptions)

MADAM SPEAKER: OK

...(Interruptions)

SHRI NISHIKANT DUBEY (Godda): Your agenda is not correct ...(Interruptions)

SHRI JAI PRAKASH AGARWAL: Madam Speaker that property is the property of this House. Not even 5% of the Members of Lok Sabha have the membership of that club ...(Interruptions) Initially membership fee was Rs. 25, now the membership fee is up to two lakh rupees ...(Interruptions)

MADAM SPEAKER: Please sit down.

...(Interruptions)

SHRI JAI PRAKASH AGARWAL: We talk of the poor people here and there the rich are running that club ...(Interruptions)

MADAM SPEAKER: Right.

...(Interruptions)

SHRI JAI PRAKASH AGARWAL: Madam, I want to know how that property slipped away? ...(Interruptions) How was such a big construction carried out in Lutyen's zone? ...(Interruptions) Who allowed it there? ...(Interruptions)

MADAM SPEAKER: Captain Jai Narayan Prasad Nishad and Shri Panna Lal Punia associate themselves with the issue raised by Shri Jai Prakash Agrawal.

...(Interruptions)

MADAM SPEAKER: Sit down. All of you please sit down.

...(Interruptions)

MADAM SPEAKER: Why do you always show anger?

...(Interruptions)

MADAM SPEAKER: Sit down.

...(Interruptions)

MADAM SPEAKER: Virendra Kumar ji, please speak.

...(Interruptions)

SHRI VIRENDRA KUMAR (Tikamgarh): Hon'ble Speaker, through you, I would like to seek the attention of the House towards a very important issue : ...(Interruptions) The height of one-fourth of children born across the world remains less than the minimum fixed standard due to malnutrition ...(Interruptions) The most startling fact is that 38 per cent of such children are in India ...(Interruptions)

MADAM SPEAKER: Sit down.

...(Interruptions)

SHRI VIRENDRA KUMAR: This is the finding of the latest report of UNICEF, an agency of the UNO ...(Interruptions) As per the report, 80 per cent of children up to the age of 5 years who remained short due to malnutrition are in fourteen countries. ...(Interruptions) India ranks top and rest of the countries account for 42%. About 48% children i.e. every second child up to the age of five years are victim of this problem.

MADAM SPEAKER: Please sit down. Why are you standing?

...(Interruptions)

MADAM SPEAKER: Please sit down.

...(Interruptions)

SHRI VIRENDRA KUMAR: The number of seriously or commonly affected children in India by this problem is 6.17 crore. Similarly, India ranks first in terms of underweight children with unbalanced height and weight ratio due to malnutrition. Here, two and a half crore children are its victim whereas the total number of such children in the world is 5.2 crore. If we observe the children born in India, more than 20% among them are underweight. Similarly, malnutrition results in diseases, disability as well as death among the children. Due to improper development, their future education, income and productivity get seriously affected.

Madam Speaker, through you. I would like to request the House that the Union Government should immediately take steps to reduce the mortality rate taking place due to malnutrition and review the central government schemes like Anganwadi scheme, child care scheme running from the point of view of children's health and implement these schemes properly as well as take action against the culprits.

MADAM SPEAKER: Smt. Rama Devi, Shri Raosaheb Patil Danve, Shri Ashok Argal. Shri Arjun Ram Meghwal, Shrimati Jyoti Dhurve, Shri Hansraj Gangaram Ahir. Shri Lalubhai Babubhai Patel. Shri A.T. Nana Patil, Shri Mohan Jena, Shri Virendra Kashyap, Shri Naranbhai Kachhadia. Shri Jitendra Singh Bundela associate themselves with the issue raised by Shri Virendra Kumar.

...(Interruptions)

MADAM SPEAKER: Shri Ponnamm Prabhakar. Absent.

...(Interruptions)

MADAM SPEAKER: Please sit down and have some patience, everyone will be called by turn.

...(Interruptions)

SHRI NRIPENDRA NATH ROY (Cooch Behar): Madam, through you, I would like to draw the attention of the Government towards this issue. This government talks about farmers but the Union Government is sleeping. There are more than 60% farmers in the country. At present, Jute is a very profitable crop of the farmers in the entire West Bengal, some areas of Bihar, Assam, Odisha and several

other states. The MSP fixed by the Union Government this time is Rs. 2300 per quintal whereas the rate for the same last year was Rs. 2200 per quintal. Is Union Government giving alms to the farmers? The cost of jute production has gone up, the prices of fertilizers have increased and labour cost has also gone up. The farmers started selling it in market.

Madam Speaker, through you, I would like to demand from the Union Government that the institution meant for farmers called Jute Corporation of India (JCI) should go to villages for procuring jute in the interest of the farmers. The MSP fixed is very low, it should be increased from Rupees 2300 to Rupees five thousand per quintal.

MADAM SPEAKER: Shri Mahendra Kumar Roy, Dr. Anup Kumar Shah. Shri Shakti Mohan Malik. Dr. Tarun Mandal associate themselves with the issue raised by Shri Nripendra Nath Rai.

SHRI NEERAJ SHEKHAR (Balija): Madam Speaker, I am grateful to you for giving me the opportunity today to speak on the issue. Flood has caused crisis in Eastern Uttar Pradesh and Bihar. The people in my Lok Sabha constituency in Poorvanchal are stranded in floods for the last 40 days. Every single house has become an island. The State Government is doing a lot of work and distributing food-grains. The State Government is doing the work of supplying tarpaulin and medicines. But the flood water is receding slowly which is a problem due to soil erosion and it is causing lakhs of acres of land getting submerged in Ganga river. The houses of the people are falling. Crops in thousands of hectare have been destroyed. I would like the Union Government to assist the State Government in the work of giving compensation. The compensation is to be given to those people whose houses have collapsed and you can feel the pain of these people. The farmer and the poor have to demolish these houses with their own hands because he knows that next day his house will collapse due to erosion by Ganga river, therefore, he does it himself. The Union Government need to feel their pain. They always say that the State Government should give compensation. Why do they say so? Is it not the responsibility of the Union Government to conduct a survey there? The central team should visit the place. Not only in Uttar Pradesh but the floods have occurred everywhere including Bihar, Bengal, Madhya Pradesh, Punjab.

The Union Government is asking the State Government to send supplies. The State Government is doing it. The Union Government also has a responsibility, are we not the residents of India? Can the Union Government not take the pains to go and observe the situation there? The central team has not visited the place till now. The Union Government should send its team and find out what is required there and what assistance can the Union Government provide? Thousand hectare of crops have got destroyed and one lakh hectare of crops of the farmers have been destroyed in my Balia Lok Sabha constituency. When farmers will not be able to produce anything how will they be able to cultivate crops next time? The State Governments wants more and more cooperation from Central Government. All the blocks near Balia i.e. Balia, Gazipur, Revatipur, Mohamadabad, Sohaw, Bairiya blocks are submerged in water.

Madam, I want a scheme of the Central Government to be prepared for the victims of soil erosion. The constituency of hon'ble Lалуji is located here, no compensation is being paid there ...*(Interruptions)* Thousands of houses are destroyed due to soil erosion ...*(Interruptions)* I, through you, would like to request the government to send a central team there and get a survey conducted to provide substantial assistance to the State Government.

MADAM SPEAKER: Shri Devji M. Patel, Shri Danve Rao Saheb Patil, Shri A.T. Nana Patil, Shri Jagdambika Pal, Shri Gorakhnath Pandey, Shrimati Meena Singh, Shri Panna Lal Punia, Shri Kamal Kishore 'Commando' and Shrimati Putul Kumari associate themselves with the issue raised by Shri Niraj Shekharji.

SHRI HUKMADEO NARAYAN YADAV (Madhubani): Madam, I would like to draw your attention, the attention of this House, the government and especially all the Members belonging to backward class towards the fact that National Commission for Backward Classes has not been accorded Constitutional status. The rights enjoyed by other Commissions like National Commission for Scheduled Castes and Scheduled Tribes or National

Commission for Women or Minority Commission or other Commissions and their Chairmen and Members are not available to the Chairman and members of the National Commission for Backward Classes. That is why the list of backward castes or the 27 per cent reservation which should be given to backward castes in various government undertakings. Universities are not provided to them. I am a Member of that committee and the Chairman of the committee of backward castes, Handik Saheb, his committee has submitted its report that National Commission for Backward Classes should be accorded constitutional status and if there is any difficulty in providing 27 per cent reservation to backward classes the Commission should monitor it. Wherever the persons belonging to most backward classes in the category of backward class, who are almost equal to Scheduled Castes and Scheduled Tribes, are subjected to any social injustice in the country, the Commission is unable to take any notice of it. Therefore, this Commission should be strengthened and provided so much constitutional rights that it may work for the welfare of the backward classes across the country and implement 27 per cent reservation for them. The Commission may take action against the Institute which does not implement it. ...*(Interruptions)*

MADAM SPEAKER: Shri Devji M. Patel. Dr. Sanjay Jaiswal, Shri Ganesh Singh, Shri A. Sampat. Shri Panna Lal Punia, Shri Ram Singh Rathawa. Shrimati Rama Devi, Shrimati Darshana Jardosh, Shri Ashok Argal, Shri Virendra Kumar, Shri Sohan Potai and Shrimati Kamala Devi Paatile associate themselves with the issue raised by Shri Hukmadeo Narayan Yadavji.

11.43 hrs.

SUBMISSION BY MEMBERS-*Contd...*

(ii) Inclusion of Bhojpuri language in the Eighth Schedule to the Constitution of India

SHRI PRABHUNATH SINGH (Maharajganj): Madam Speaker, we raised the question of Bhojpuri in the House many times before and once when we raised a question

through a calling attention motion, the former Minister of Home Affairs Shri Shivraj Patil Sahab had given an assurance that Bhojpuri and Rajasthani languages would be included in the Eighth Schedule to the Constitution very soon. Besides it, once again Shri Prakash Jaiswal ji had given assurance on a calling attention motion. But, in spite of this assurance, Bhojpuri language has not been included in the Eighth Schedule till date. *...(Interruptions)*

MADAM SPEAKER: You speak, please.

...(Interruptions)

SHRI PRABHUNATH SINGH: Madam Speaker, there are 22 crore people in this world who speak Bhojpuri. The language spoken by 40 to 50 lakh people *...(Interruptions)* has been included in the Eighth Schedule *...(Interruptions)* Bhojpuri language is spoken by 40 to 50% of population of not only in India but also in foreign countries as in Mauritius, Suriname, Fizi, British Guiana, Trinidad and Tobago. Holland, Nepal, West Indies and many islands of South America *...(Interruptions)*

[English]

MADAM SPEAKER: Nothing else will go on record

*...(Interruptions)**

[Translation]

SHRI PRABHUNATH SINGH: In many countries Bhojpuri language is recognised as the second official language *...(Interruptions)* Apart from Bihar and U.P., M.P., Jharkhand, Uttaranchal and Chhattisgarh, Bhojpuri is spoken by 30 to 40 per cent people in all industrial cities like Delhi, Mumbai, Kolkata, Ahmedabad, Surat, Gurgaon, Faridabad, Panipat, Ludhiana, Durgapur, Chennai etc. *...(Interruptions)*

MADAM SPEAKER: What are you doing? Please let him speak.

...(Interruptions)

SHRI PRABHUNATH SINGH: The Bhojpuri speaking

* Not recorded

people are playing important roles in industrial development of major industrial cities and of the country with their hard labour, but still Bhojpuri language is a victim of negligence *...(Interruptions)* Bhojpuri is taught in the states of Bihar, Uttar Pradesh and Jharkhand from Intermediate to M.A. *...(Interruptions)*

MADAM SPEAKER: What are you doing?

...(Interruptions)

MADAM SPEAKER: Please listen to what he is saying.

...(Interruptions)

[English]

MADAM SPEAKER: Why are you standing?

...(Interruptions)

[Translation]

MADAM SPEAKER: Please sit and let him speak.

...(Interruptions)

MADAM SPEAKER: Please listen to what he is saying.

...(Interruptions)

SHRI PRABHUNATH SINGH: Rich literature, magazines, newspapers are published regularly in Bhojpuri which have crores of readers *...(Interruptions)*

MADAM SPEAKER: Please sit.

...(Interruptions)

[English]

MADAM SPEAKER: Why are you standing?

...(Interruptions)

[Translation]

MADAM SPEAKER: Please sit, let him speak.

...(Interruptions)

SHRI PRABHUNATH SINGH: Everyday songs and serials in Bhojpuri are broadcast by Doordarshan and Akashvani Kendras of Bihar, Uttar Pradesh and Jharkhand ...*(Interruptions)*

MADAM SPEAKER: Please listen to what he is saying.

...*(Interruptions)*

SHRI PRABHUNATH SINGH: The songs and cinemas of Bhojpuri language ...*(Interruptions)* have become a business ...*(Interruptions)*

MADAM SPEAKER: Shri Raghuvansh Babu, please sit down.

...*(Interruptions)*...

MADAM SPEAKER : Please listen to what he is saying.

...*(Interruptions)*...

SHRI PRABHUNATH SINGH: At present, more than two hundred Bhojpuri films are being produced ...*(Interruptions)* in which leading producers, directors and artists of the country have a major role ...*(Interruptions)*

MADAM SPEAKER: Please take your seat.

...*(Interruptions)*

SHRI PRABHUNATH SINGH: Bhojpuri cinema has gained so much popularity that these films are being shot in the country and abroad. Besides national and international level artists are participating in it ...*(Interruptions)*

MADAM SPEAKER: Why have you stood up? Please sit down.

...*(Interruptions)*

SHRI PRABHUNATH SINGH: CDs of Bhojpuri songs are doing good business being in foreign countries ...*(Interruptions)*

Hon'ble Madam Speaker, we want your protection ...*(Interruptions)* You attend the meeting of Poorvanchal Ekta Manch. People express their view points and you assure them. The government is here. The Government should assure as to when the Bill to include Bhojpuri language in the Eighth Schedule will be introduced in the House. The Government should clear its position in this regard ...*(Interruptions)*

MADAM SPEAKER: You have made your point, please conclude.

...*(Interruptions)*

MADAM SPEAKER: You have already made your point.

...*(Interruptions)*

SHRI PRABHUNATH SINGH: Madam Speaker, we want your protection ...*(Interruptions)* The Bill in respect of Bhojpuri language has not been presented in the House despite assurance given by the Government in this regard ...*(Interruptions)*

MADAM SPEAKER: You are not allowed to speak because your name is not in the list. So please sit down.

...*(Interruptions)*

SHRI PRABHUNATH SINGH: The Government is here.

MADAM SPEAKER: Shri Rattan Singh, Shri C. Sivasami, Shri Badriram Jakhar, Shri Gopal Singh Shekhawat, Shri Arjun Ram Meghwal, Shri Devji M. Patel, Dr. Sanjay Jaiswal, Shri Syed Shahnawaz Hussain. Shri Panna Lal Punia, Shri Ganesh Singh, Shri Kamal Kishore 'Commando' associate themselves with the matter raised by Shri Prabhunath Singh.

Shri Sharad Yadav ji, now your turn to speak.

...*(Interruptions)*

MADAM SPEAKER: Shri Raghuvansh Babu, please sit down.

...*(Interruptions)*

MADAM SPEAKER: Shri Jagadambika Pal ji please sit down.

...*(Interruptions)*

[English]

MADAM SPEAKER: Why are you standing? I have not called your name. Please sit down.

...(Interruptions)

MADAM SPEAKER: Nothing else will go on record.

...(Interruptions)*

[Translation]

SHRI SHARAD YADAV (Madhepura): Madam Speaker, I had given notice for adjournment motion today itself. ...(Interruptions)

[English]

MADAM SPEAKER: Alright. Just take your seat.

...(Interruptions)

[Translation]

SHRI SHARAD YADAV: I support the point raised by Shri Mulayam Singh ji and Shri Prabhunath Singh ji ...(Interruptions) I would like to raise a serious matter. The situation in the country is ...(Interruptions)

SHRI JAGDAMBIKA PAL (Domarivaganj): Madam Speaker, I have a point of order ...(Interruptions)

SHRI HARIN PATHAK (Ahmedabad East): There is no point of order during Zero Hour ...(Interruptions)

MADAM SPEAKER: Why are you speaking on my behalf? Please take your seat.

...(Interruptions)

11.50 hrs.

SUBMISSION BY MEMBERS ...Contd.

(iii) **Re: Reported instances of discouraging Indian languages as done by UPSC by amending formats of preliminary and main examinations causing hardships to the aspirants of civil services**

*Not recorded

SHRI SHARAD YADAV: Hon. Speaker, through you, I request the hon. Members to keep quiet, so that everyone could be heard. I would like to make one request that last time also the entire House was one on the question of language. I would like to cite an example of UPSC, be it any Indian language, Telegu, Tamil, Marathi, Gujarati or Rajasthani we should include all the Indian languages ...(Interruptions) and even Bhojpuri in it ...(Interruptions) It is my submission that what were the reasons that the number of competitors opting for native Indian language declined from 5083 to 4839 and finally 4156 during the year 2008, 2009 and 2010 respectively. It declined five times at 1682 in the year 2011. The number of other Indian languages across the country has declined five times. How can the students of Indian languages in schools(Interruptions).... The Chairman of UPSC, Mr. Aggarwal ...(Interruptions) The House enacts laws ...(Interruptions)

[English]

MADAM SPEAKER: Nothing else will go on records.

...(Interruptions)*

[Translation]

SHRI SHARAD YADAV: Madam Speaker, in case of UPSC ...(Interruptions) well, only one hundred out of five thousand students have qualified, I am not talking of Hindi alone. The number of students of Indian languages has declined five to ten times, it is but a small demand, Bhojpuri is spoken by a large population of the country ...(Interruptions) Rajasthani is also language of the country ...(Interruptions) I am talking of all the Indian languages ...(Interruptions) These are not being included right away ...(Interruptions)

Similarly, two Ministers speak on reservation. One Minister says that the government would not adhere to the decision of the Constitution Bench; there would be status quo on reservation. The Minister of Health has recently advertised post of only Assistant Professor in AIIMS.

SHRI PRABHUNATH SINGH: Sharad ji, please do not divert the issue. It is question of Bhojpuri, please raise a question on the issue ...(Interruptions)

*Not recorded

MADAM SPEAKER: I request all of you to sit down.

...(Interruptions)

SHRI SHARAD YADAV: It is a question of all the Indian languages ...(Interruptions)

SHRI HUKMADEO NARAYAN YADAV (Madhubani): It is question of all the native Indian languages. Injustice is being meted out to the poor ...(Interruptions)

MADAM SPEAKER: Please do not do this.

...(Interruptions)

MADAM SPEAKER: Why are you so resentful?

...(Interruptions)

MADAM SPEAKER: You have made your submission. Please sit down now.

...(Interruptions)

[English]

MADAM SPEAKER: Nothing else will go on record.

...(Interruptions)*

[Translation]

SHRI SHARAD YADAV: I have raised the issue of reservation ...(Interruptions) All Indian languages are ours ...(Interruptions)

MADAM SPEAKER: Shri P.L. Punia, Shri Shailendra Kumar, Shrimati Rama Devi, Shri Ashok Argal, Shrimati Kamla Devi Paatle, Shrimati Jyoti Dhurve, Shri Hansraj G. Ahir, Shri Sohan Potai, Shri Arjun Ram Meghwal, Shri Ramsinh Rathwa, Shri Devji M. Patel associate themselves with the matter raised by Shri Sharad Yadav during Question Hour.

...(Interruptions)

[English]

MADAM SPEAKER: Hon. Members, see, in this House, because hon. Members give so much respect to all the Indian languages, we have 22 languages. It is the only House in the world which functions in 22 languages. If we need to have more, I think, we should;

...(Interruptions)

[Translation]

MADAM SPEAKER: No, there are all the languages in addition to Hindi and English.

...(Interruptions)

MADAM SPEAKER: Now you will tell to speak in Telugu language. What type of demand is this? The language in which we are speaking are all languages of India and we are proud of it. It is part of an open discussion that more languages are to be brought under it and the House is considering it.

SHRIMATI HARSIMRAT KAUR BADAL (Bhatinda): You have given me an opportunity to speak on a very serious issue, I thank you for that. I want to thank you as I have given a notice of Adjournment motion today on a very important issue. Most of the states are affected by floods, so let us discuss about paying compensation to suffering farmers ...(Interruptions)

SHRI HUKMADEO NARAYAN YADAV: Madam, please allow Sharadji to conclude ...(Interruptions)

MADAM SPEAKER: He has concluded. How long he will speak?

...(Interruptions)

MADAM SPEAKER: Let him conclude. You have completed your speech.

...(Interruptions)

MADAM SPEAKER: I cannot force anyone.

...(Interruptions)

MADAM SPEAKER: Do not force me.

...(Interruptions)

MADAM SPEAKER: Why are you standing? Does he always need your support? Please sit down. Sharadji, please conclude.

...(Interruptions)

SHRI SHARAD YADAV: At last my request is that you told about the pride of Indian languages whereas these languages are being downgraded in a gradual manner ...(Interruptions)

MADAM SPEAKER: Well, please conclude now.

...(Interruptions)

SHRI SHARAD YADAV: The dialects of India are being downgraded day by day. *...(Interruptions)* Earlier many persons used to compete in IAS, IPS, today their number has declined from five thousand to hundred. Therefore, I want to tell the government in this regard. No one is present here. Just tell me what is the way out for it *...(Interruptions)*

MADAM SPEAKER: Well, now please conclude. I have allowed a women parliamentarian to speak. Now please conclude.

...(Interruptions)

SHRI SHARAD YADAV: Both the Ministers had replied *...(Interruptions)* in regard to reservation *...(Interruptions)*

SHRIMATI HARSIMRAT KAUR BADAL (Bhatinda): Sharadji, let me raise a very important point pertaining to farmers *...(Interruptions)*

MADAM SPEAKER: Okay, Harsimratji is standing.

...(Interruptions)

SHRI SHARAD YADAV: Today by advertizing vacancy of Assistant Professors in AIIMS, Minister of Health has *...(Interruptions)*

SHRIMATI HARSIMRAT KAUR BADAL: Sharadji issue related to farmers is very important, let me speak *...(Interruptions)*

MADAM SPEAKER: You please sit down.

...(Interruptions)

SHRIMATI HARSIMRAT KAUR BADAL: Madam, I want to thank you *...(Interruptions)*

MADAM SPEAKER: What happened now? Why are all standing?

...(Interruptions)

SHRIMATI HARSIMRAT KAUR BADAL: You have given me an opportunity to speak on a very important issue *...(Interruptions)*

MADAM SPEAKER: All of you please sit down. Hon'ble Minister is speaking.

...(Interruptions)

THE MINISTER OF RURAL DEVELOPMENT (SHRI JAIRAM RAMESH): Madam Speaker discussions have been going on for a long time about Bhojpuri and Rajasthani languages. The Home Minister has also given assurances many times on behalf of the Union Government. I will definitely apprise the Home Minister about the opinions expressed here today.

As regards the issue of Urdu language raised by Shri Mulayam Singhji, I would like to inform him that Urdu language has been included in the Eighth Schedule.

[Translation]

MADAM SPEAKER: Harsimrat Kaur ji, you speak now.

...(Interruptions)

MADAM SPEAKER: Madam Speaker: I am asking her to stand to speak. Why are you all standing up? A woman member is on her legs... please sit down.

...(Interruptions)

SHRI HARSIMRAT KAUR BADAL: Sharadji, let me speak about the farmers. *...(Interruptions)* Madam, I thank you for allowing me to raise such an important issue today. It is the need of the hour to raise the issue of payment of compensation to the farmers affected by the floods across the country. But I am sorry to say that yesterday also when this subject was lined up for discussion under Rule 193, the government pushed it back to get its Bill passed. The issue that required to be discussed the most did not get any mention in the last days of this session. On the one hand, the government pretends to be concerned about food security and other issues related to farmers, passes bills. *...(Interruptions)* but there is no Minister present here to listen or reply to the discussion about compensation to the lakhs of farmers in a number of states who suffered acute losses. I really regret this situation.

Madam, farmers in many states have suffered destruction of crops on lakhs of acres of land, the people who lived in kutchra' houses have suffered destruction of houses, they have lost their livestock and have to run here and there to save their life. You can understand what their future might be like. Today they are not only combating starvation and despair but also a bleak future.

12.00 hrs.

Madam, in this situation when we consider the manner in which compensation is paid to them by the government it would be like rubbing salt on wounds. A compensation of 20 rupees per day and 15 rupees per day for food per person is given by the Union Government. If any house is destroyed then only 3200 rupees is paid as compensation. *...(Interruptions)* Bittuji when you are not able to convey the pain of your farmers to the government atleast do not interrupt those who are trying to do so *...(Interruptions)*

Madam, the biggest matter of sorrow is that in the counting of lakhs. *...(Interruptions)* whatever the number of livestock given you will get only one animal. *...(Interruptions)*

MADAM SPEAKER: You have made your point.

...(Interruptions)

SHRIMATI HARSIMRAT KAUR BADAL: Madam, it is an important issue. Let me speak for two minutes. *...(Interruptions)* The compensation to farmers so far. *...(Interruptions)* Madam, let me speak for two minutes. *...(Interruptions)* If they are incurring a cost of forty thousand rupees per acre then at least this much amount should be paid to them as compensation. *...(Interruptions)*

[English]

MADAM SPEAKER: Now, Sk. Saidul Haque.

...(Interruptions)

MADAM SPEAKER: Nothing else will go on record except the submission being made by Sk. Saidul Haque.

...(Interruptions)

[Translation]

MADAM SPEAKER: Shri Hansraj G. Ahir, Shri Ram Singh Rathwa, Shrimati Kamla Devi Paatile, Shri Sohan Potai, Shri AT Nana Patil, Shri Lalubhai Babubhai Patel, Smt. Jyoti Dhurve, Shri Raosaheb Dadarao Danve, Dr. Sanjay Jaiswal, Shri Devji M Patel, Smt. Rama Devi, Shri Ashok Argal, Smt. Poonam Velhibhai Jat, Shri Naranbhai Kachhadia, Shri Mansukhbhai D.Vasava and Shri Gorakhnath Pandey associate themselves with the matter raised by Shrimati Harsimrat Kaur Badal.

...(Interruptions)

[English]

SK. SAIDUL HAQUE (Bardhaman-Durgapur): Thank you Madam Speaker for giving me this opportunity to speak. I would like to raise an important issue. After the Indo-Pak War in 1965, when hon. Lal Bahadur Shastri was the Prime Minister of India, many farmers and their families numbering 10,000 including 5,000 Sikh families from undivided Punjab were invited to go to Kutch area to make barren land into fertile land and do the farming. With their great effort, almost 1 lakh acre of land became fertile. Those persons have been residing there for more than 50 to 60 years now. They have become voters there; and they have got their ration cards also. *...(Interruptions)*

MADAM SPEAKER: Hon. Members, please take your seat. She has already spoken. Let Sk. Siadul Haque continue his submission.

...(Interruptions)

MADAM SPEAKER: This is not done. No. Please sit down.

...(Interruptions)

MADAM SPEAKER: Please sit down. When the other hon. Member is speaking, show some respect for him.

...(Interruptions)

Sk. SAIDUL HAQUE: Now, Madam, in 2010 the Gujarat Government had issued a Circular through the District Magistrate telling those 5,000 Sikhs families of the farmers, who have been living there as farmers since last about 60 years, that they will have to vacate their land. It has come to our notice that a new port is going to be constructed there. The land is very valuable one. That is why big corporate houses are lobbying to take that land; and the Gujarat Government is acting at the dictate of the corporate houses. That is why those affected farmers moved to the High Court, which rejected the Government Circular *...(Interruptions)*

Now, it is learnt that the Gujarat Government is going to the Supreme Court on this issue. In this case, the Chief Minister of Punjab approached the Gujarat Government but there was no result. *...(Interruptions)*

Now, those 5,000 Sikh farmers including their families are in a state of great anxiety and are in great danger about their existence.. Therefore, I would request the Central

Government to take up this matter with the Gujarat Government so that there would be no forceful eviction of the 5,000 Sikh farmers, who are living in the Katch area for about 60 years.

MADAM SPEAKER: Now, Shrimati Sumitra Mahajan.

...(Interruptions)

[Translation]

MADAM SPEAKER: Sit down please. What are you doing?

...(Interruptions)

[English]

MADAM SPEAKER: You cannot pressurize me like this. No.

...(Interruptions)

MADAM SPEAKER: Sit down please.

...(Interruptions)

[Translation]

MADAM SPEAKER: This will not be allowed.

...(Interruptions)

MADAM SPEAKER: Sit down please. Sumitra Ji is speaking, so please sit down.

...(Interruptions)

MADAM SPEAKER: You have already spoken. Yesterday hon. Member of your party had spoken and today you have spoken. After that this discussion is taking place. Please go to your seat.

...(Interruptions)

MADAM SPEAKER: Sumitraji, now you speak.

...(Interruptions)

MADAM SPEAKER: Sumitraji, do you want to speak?

...(Interruptions)

12.03 hrs.

At this stage Shri Sher Singh Ghubaya, Shri Ganesh Singh and some other hon. Member came and sat/stood on the floor near the Table.

[English]

SHRI M.B. RAJESH (Palakkad): Madam Speaker, thank you for giving me this opportunity. I would like to raise a very serious human rights violation which has taken place in Kerala day before yesterday. ...(Interruptions) The police attacked a young man brutally. ...(Interruptions) He was waving a black flag demonstration against the Chief Minister and he was brutally attacked in an inhuman manner by the police. ...(Interruptions) His genitals were stamped by the police. This has never happened in Kerala. ...(Interruptions)

12.06 hrs.

At this stage, Shri Shailendra Kumar came and stood on the floor near the Table.

So, Madam Speaker, this is a grave injustice. This is a grave human rights violation. We would like to demand the Government's response. ...(Interruptions) The Central Government should respond to this human right violation. ...(Interruptions)

I demand an inquiry into the human right violation involved in this and the Union Government should respond to this issue. ...(Interruptions)

MADAM SPEAKER: Nothing else will go on record.

...(Interruptions)*

MADAM SPEAKER: Shri A. Sampath, Shri P. Karunakaran and Shri P.K. Biju are allowed to associate with the matter raised by Shri M.B. Rajesh.

...(Interruptions)

[Translation]

SHRI SUSHIL KUMAR SINGH (Aurangabad): Madam Speaker, thank you for giving me an opportunity to speak. I want your protection ...(Interruptions) I would like to raise a matter of urgent public importance. ...(Interruptions) There is an inter-state irrigation project which is likely to provide irrigation to 1.25 lakh hectare area in three districts namely Palamu, Aurangabad and Gaya and four parliamentary constituencies in Jharkhand and Bihar ...(Interruptions) I would like to tell that the work of this irrigation project was started in the year 1975. Thousands of crores of rupees

* Not recorded

have been spent on construction of this project till date. ...*(Interruptions)* The land of the farmers was acquired and canals were dug ...*(Interruptions)* But this canal is still a rainwater canal for want of sluice gate in Kutku dam. ...*(Interruptions)* No irrigation work has been started from this dam so far. There is uncertainty regarding irrigation. Seven to eight thousand hectare area of land of the farmers has been acquired. ...*(Interruptions)* Thousands of crores of rupees have been spent on this project. The annual establishment cost of this project is 12 crore rupees but the farmers are not getting any benefits from this inter-state irrigation project ...*(Interruptions)*

Madam Speaker, the Ministry of Environment and Forests had imposed a ban on installation of iron gate in Kutku dam in the year 2007 ...*(Interruptions)* The Ministry has stated the reason to be inundation of a large area of land of Betla National Park and various other projects. On one hand the government has introduced Food Security Bill and on the other hand such important irrigation projects are lying incomplete. I would like to ask the Union Government to take steps for revival of Kutku Dam project which is an important irrigation project. ...*(Interruptions)*

MADAM SPEAKER: Now please conclude.

...*(Interruptions)*

SHRI SUSHIL KUMAR SINGH: This is an important irrigation project for 25 lakh farmers and agricultural workers but it has been lying incomplete for the last 38 years. ...*(Interruptions)* The Union Government should withdraw the ban imposed on iron gate and give a no objection certificate so that the iron gate is installed at the dam and 1.25 lakh hectare area of land gets irrigated ...*(Interruptions)* The government should pay attention to this important irrigation project in this area of barren land which is extremism affected ...*(Interruptions)*

MADAM SPEAKER: All of us in this House empathize with the problems, pain and distress of the farmers. That is why we are discussing this issue here and the discussion would be in detail.

...*(Interruptions)*

MADAM SPEAKER: What else I should do? I am telling you that there would be a discussion on this issue, please sit down.

...*(Interruptions)*

12.09 hrs.

At this stage, Shri Shailendra Kumar, Shri Sher Singh Ghubaya, Shri Ganesh Singh and some other hon.

Members went back to their seats.

[English]

MADAM SPEAKER: The 'Zero Hour' is over. Rest of the matters will be taken up at the end of the day.

12.09 ½ hrs.

MATTERS UNDER RULE 377*

[English]

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

(i) Need to expedite setting up of the proposed hi-tech Central Warehousing Godown at Puthencruz, Ernakulam district, Kerala

SHRI K. P. DHANAPALAN (Chalaky): As the Government of India is about to ensure sufficient food for all through the Food Security Act, wastage of food grains due to poor storage and transit or on account of theft remains a major issue. Over the past four years, an estimated 600,000 tonnes of food grains have been lost due to poor storage facilities. These types of wastage of food grains may adversely affect the food security of the country. However, comparing the value of the anticipated loss of food grains due to inadequate storage facility, establishment of more godown facilities even with a slight increase in lease rate is need of the hour. If we are able to conserve a considerable amount of food grains through wise measures like the establishment of a number of well equipped godowns, the food grains so saved could be utilized to meet the demand of the country for a few months. A proposal for establishing a Central Warehousing Corporation Godown at Puthencruz, Ernakulam District,

*Treated as laid on the Table.

Kerala has been forwarded to CWC New Delhi. The location of the proposed Godown is near the N.H. 85. Kochi- Thondi Road (Old NH 49, Kochi- Madurai) The location is also near the proposed Smart City and Petrochemical Complex at Ambalamugal, Vallarpadom International Container Terminal, LNG Terminal Puthuvype etc. The District Collector, Ernakulam has recommended 10% of the market price as Lease for the land proposed for the above godown at Puthencruz.

Hence, I request that Government may take urgent necessary steps for establishing proposed Hi-tech Central Warehousing Godown at Puthencruz, Ernakulam District, Kerala.

(ii) Need to take all necessary measures to assist flood affected people in Uttar Pradesh

[Translation]

SHRI JAGDAMBIKA PAL (Domariyaganj): Almost all rivers in Uttar Pradesh such as Rapti, Budhi Rapti, Saryu, Ganga, Betwa, Yamuna etc. are flooded due to which hundreds of villages of about dozens of districts such as Siddharth-nagar, Basti, Sant Kabir Nagar, Gorakhpur, Faizabad, Allahabad, Varanasi etc have been affected. The existence of the villages situated on the bank of these rivers is in danger. The crops of the farmers have been completely destroyed. Even after that, administration is doing the flood relief work very carelessly due to which there is rage and resentment in public of those areas. So, I demand immediate action of Government to help the flood affected people. About 235 people have died and 1500 villages submerged in flood this year in Uttar Pradesh. There has been a huge loss of life and property.

(iii) Need to sanction funds for construction of link roads under Pradhan Mantri Gram Sadak Yojana in Bhiwani and Mahendragarh districts of Haryana

[English]

SHRIMATI SHRUTI CHOUDHRY (Bhiwani-Mahendragarh): I would like to draw the kind attention of the Government regarding the need for construction of link roads in Bhiwani and Mahendragarh Districts under Pradhan Mantri Gram Sadak Yojna (PMGSY) Phase-II. These districts are most backward areas of South Haryana.

I had forwarded a list of link roads for construction under PMGSY in my Parliamentary Constituency Bhiwani-Mahendragarh to the Government of Haryana in April 2010, which could not be executed due to non-release of central funds for Haryana in Phase-I of this scheme. Later, I learnt that the Central Government has given its approval for release of funds for construction of the link roads in Haryana, in phase-II of PMGSY. Therefore, I have again forwarded a block-wise list of link roads in Bhiwani, Tosham, Dadri, Badhra & Loharu in Bhiwani District and Mahendragarh, Narnaul, Nangal Chaudhary & Ateli in Mahendragarh district to the Hon'ble Minister of PWD (B&R), Government of Haryana on 29.05.2013 for taking further necessary action. It is pertinent to mention that there is lack of rural connectivity/link roads in the villages. Since the link roads are a prime factor for development of any area, this most urgent work is required to be executed on priority. Recent rains have further worsened the condition in these areas. The commuters are feeling highly inconvenienced while commuting.

As such, I urge the Hon'ble Minister for Rural Development, through the Chair, to look into the matter and direct the concerned authorities for early release of Central Funds for construction of link roads and related infrastructure and repair of existing link roads in my Parliamentary Constituency, in coordination with the Government of Haryana in the larger public interest.

(iv) Need to take stringent action against pharma companies selling medicines at rates higher than the ceiling fixed by the National Pharmaceutical Pricing Authority

SHRI M.I. SHANAVAS (Wayanad): The Department of Pharmaceuticals (DoP) through its legislative order has made it clear that drug companies will not be allowed to sell old stocks of essential medicines, which are under price control, at prices higher than the ceiling set by the National Pharmaceutical Pricing Authority (NPPA). According to the new drug price control order (DPCO) around 151 drugs including the commonly used painkiller paracetamol, antibiotic azithromycin and antidiabetic insulins should have been available at the rates fixed by the National Pharmaceutical Pricing Authority (NPPA) since July 29 this year, when the 45-day period from the day of notification of the ceiling price expired. However, there has been a complete disregard of this order and many

instances of drugs being made artificially and sold at the old rate by pharmaceutical retailers across the country had come to the notice. This move by many retailers is affecting patients who found relief in the government's new order reducing the prices of drugs. Many companies have also maintained a position that only 15-20% of the 151 medicines with relabelled packs have reached the markets. I would request the Government to take strict legal action against the retailers who are creating artificial scarcity and attempting to neglect the Government's order and would further request the Government to ensure that a dedicated vigilance wing be formed to conduct random checks at retailers as well as stockists who indulge in such practices, denying the rights of patients for availing medicines at reduced rates. I would further request the Government to speed up the process by NPPA to recover over Rs. 2500 crore from pharma companies as fine for selling drugs at rates higher than the ceiling fixed by the regulator.

(v) Need to streamline the implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme in Shrawasti district of Uttar Pradesh

[Translation]

DR. VINAY KUMAR PANDEY (Shrawasti): I would like to draw Government's attention towards the existing irregularities in various development schemes of the Central Government such as land conservation of agricultural department, MNREGA, M.S.D.P. and other development schemes in Shrawasti district in my Constituency.

In Shrawasti district plantation work has been done by minor children under MNREGA scheme in Sujandeeh plant nursery of the forest department. These minors have been paid wages of Rs. 70/- for one thousand tree plantation. This has been brought to my notice that D.F.O. as well as Renger Girunt had also information about the tree plantation by minor children under MNREGA. But the child labour act was deliberately violated by hiring child labours in the said plant nursery of Girunt Forest department and the wages fixed under MNREGA have not been given to the workers.

So, I would like to request the honourable Minister to take necessary action against the culprits by holding a fair investigation of the said case.

(vi) Need to sanction funds for embankment fortification work of Cauvery and Kabini rivers in Chamarajanagar parliamentary constituency, Karnataka

SHRI R. DHYUVANARAYANA (Chamrajnagar): I would like to draw the kind attention of the Government regarding sanction and allotment of sufficient funds for embankment fortification work of Cauvery and Kabini Rivers of my Chamarajanagar Parliamentary Constituency in Karnataka under Centrally sponsored Flood Management Programme.

I would like to state that in Chamarajanagar many villages viz. Dhanagere, Mullur, Yedakuriya, Sathegala, Hampapura, Cauveripura, Nanjangud etc. come under the river bank of Cauvery and Kabini Rivers and every year they face the wrath of floods and suffer huge damage to standing crops, houses and other properties. Hence, implementation of Bank Protection works is very essential in these river banks.

In view of this grim situation in Chamarajanagar, I humbly request the Hon'ble Minister for Water Resources, to sanction and allocate sufficient funds for embankment fortification work of Cauvery and Kabini Rivers in my Chamarajanagar Constituency under Centrally Sponsored Flood Management Programme.

(vii) Need to address the problem of annual flood and drought situation in Bihar

[Translation]

SHRIMATI RAMA DEVI (Sheohar): 76% of the total population of Bihar depends on agriculture and more than one third of this population depends on rain for irrigation. But, I am sorry to tell that one part of Bihar always remains affected by flood and another part is affected by drought. The permanent measures which are to be taken by the Central Government to solve the problem of flood and droughty have not been taken so far. No concrete policy has been formulated to get rid of this problem even after 67 years of independence. This year, less than 27 per cent rain has been recorded in Bihar. In Nawada and Sitamarhi it has rained 72 per cent below normal. On the other hand, in Gaya, Vaisfml, Lakhisarai, East Champaran, Sheohar, Samastipur and Jahanabad the situation has become horrible due to 50 to 68 per cent below normal.

But many districts of the state have not been declared drought affected while in the year 2010. 21 per cent less rain had been recorded and all the affected districts had been declared drought affected. On the other hand many districts of north Bihar remain affected by flood which cause loss of crops of crores of rupees, many people and hundreds of animals die. This year 20 lakh people of 2152 villages of 43 divisions of the districts of Patna, Muzaffarpur, Kishanganj, Purnia, Araria, Katihar, Supaul, Saharsa and Gopalganj are affected from the flood. To avoid flood, necessary action has not been taken by the Government for the construction of high level dam in Koshi region, on the river Kamla in Chisapani and on Bagmati in Nunthar. The fund provided by the Government for repairing Son canal, has not been utilized for this work so far.

So, I request the Government that the problem of drought and flood which come every year in Bihar, should be solved permanently so that the life and property of people could be saved and the production of food-grains and vegetables could be increased in the country.

(viii) Need to permit cutting of dry bamboos in forests of Bharuch and Narmada districts of Gujarat

SHRI MANSUKHBHAI D. VASAVA (Bharuch): There is large forest area in Bharuch and Narmada district in my Parliamentary Constituency Bharuch and bamboo is produced in abundance there and clusters of bamboo can be seen standing there. When the bamboo flowers it means its life is over and it start drying up. But the law forbids cutting of these bamboo plants. These dried bamboo plants pose a serious fire threat. There has been possibility that anti-social elements set these dried bamboo plants on fire. Dried bamboos are a major cause of fire in forests which causes loss of wildlife and vegetation of forests. Such incidents of fire pose a threat to wild animals and human habitations. Bamboo plants should be cut down after flowering so as to prevent these bamboo plants from catching fire. With this, the raw material will be supplied to industries and there will be opportunity to produce fresh vegetation in the forest area.

I urge upon the Government to amend the existing forest laws in such a manner to permit cutting of dry bamboos after flowering so as to utilize forest produce in the national interest and to earn revenue.

(ix) Need to expedite presidential assent to Madhya Pradesh University (Amendment) Bill 2011 for setting up Maharaja Chhatrasal Bundelkhand University at Chhatarpur in Madhya Pradesh

SHRI JITENDRA SINGH BUNDELA (Khajuraho): The Government of Madhya Pradesh has set up Maharaja Chhatrasal Bundelkhand University at Chhatarpur (Madhya Pradesh) keeping in view the need for a new university in the region after the Ministry of Human Resource Development granted the status of Central University to Dr. Hari Singh Gaur University, Sagar (Madhya Pradesh) in the year 2009. so as to affiliate government/private educational institutions of the district falling under the jurisdiction of Dr. Hari Singh Gaur University, Sagar to the new university and the address the education related problems of the people.

For this the Government of Madhya Pradesh has passed Madhya Pradesh University (Amendment) Bill, 2011 without any amendment and the same has been forwarded through Department of Law and Legislative Affairs, Government of Madhya Pradesh to the Secretary, Ministry of Home Affairs, Government of India for approval of hon'ble President on 12.08.2011 but the Ministry of Home Affairs has not taken any action so far in this regard.

Hence, I urge upon the Government to expedite the process to get approval of the hon'ble President on Madhya Pradesh University (Amendment) Bill, 2011 (Serial No. 26 year 2011) dated 20.07.2011 and provide the same to the State Government at the earliest.

12.10 hrs.

STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) BILL, 2012 ... Contd.

[English]

MADAM SPEAKER: Item No. 15. Shri Anant Gangaram Geete.

...(Interruptions)

[Translation]

MADAM SPEAKER: Anant Geete ji, please continue.

SHRI ANANT GANGARAM GEETE (Raigarh): Madam Speaker, I would like to speak on this Bill. ...*(Interruptions)*

[English]

MADAM SPEAKER: Nothing else will go on record.

...*(Interruptions)**

[Translation]

SHRI ANANT GANGARAM GEETE: Madam Speaker, in regard to the matter, I wish to submit that the Bill has been brought to provide protection and security to the street vendors across the country. However, much onus lies on the organizations for the enforcement of the Act once it is enacted. And, through you, I would like to draw the attention of the hon. Minister towards it. Through this Bill the provision for registration of street vendors across the country has been made. Certificates will be issued to the street vendors. Town Vending Committee will be appointed for the street vendors which will comprise of 40 per cent of SCs, STs, OBCs. women etal from among the street vendors' community. Any action of evacuation of street vendors by the police shall be thwarted through this Bill. A small street vendor generates a type of self employment and earns livelihood for himself and his family by means of this employment. This Bill has been introduced for the protection of those street vendors and that is why I rise to support this Bill. However, while supporting the Bill I wish to add that the Bill shall be enforced after enactment. These street vendors practice their profession across small and major cities of the country including the metropolitan cities so eventually the onus of enforcement of the Act lies on these cities. It means the local civic authorities be it Nagar Panchayat or Municipal Corporations have to enforce this Act and provide all the amenities to the street vendors. Through you, the hon. Minister is requested that through this Bill we are going to enact a law for the protection of lakhs of street vendors. We are also trying to provide social security along with it. The organizations which have to enforce this Act are all local self-government institutions, local autonomous bodies. I would like to know if you have discussed it with these local autonomous bodies. Are these local autonomous bodies competent to enforce this Act? Have you made any provision in this Bill to make the local autonomous institutions competent to enforce this law? Have you made any provision in this Bill

*Not recorded.

to make the law enable the local autonomous bodies to be competent? As far as my information, there is no such provision in this Bill. Hon. Speaker, through you, I would like to submit before the hon. Minister that an hon. Member of the Congress Party was saying yesterday ...*(Interruptions)*

MADAM SPEAKER: Please conclude now.

...*(Interruptions)*

SHRI ANANT GANGARAM GEETE: I will, but there are certain important issues. Mere enactment of law wouldn't help, the enforcement also is quite important. The implementation also is necessary. I am drawing the attention of the House towards the removal of obstacles and apprehensions in regard to its implementation. I would like to cite an example. ...*(Interruptions)*

MADAM SPEAKER: This is not the time to cite examples. Your time is over.

SHRI ANANT GANGARAM GEETE: An hon. Member of this House raised the issue of Right to education during Zero Hour. She said that teachers have not been paid their salary ever since this law came in force. So. mere enactment wouldn't help.

[English]

MADAM SPEAKER: Nothing else will go on record except what Shri Syed Shahnawaz Hussain is saying.

...*(Interruptions)**

[Translation]

MADAM SPEAKER: It is enough, the time allotted to your party is over so please conclude.

[English]

Shri Shahnawaz Hussain why do you not begin?

[Translation]

SHRI ANANT GANGARAM GEETE: I am concluding. I would like to give an example.

MADAM SPEAKER: Alright. Please conclude. Today is the last day and we have a lot to do.

SHRI ANANT GANGARAM GEETE: Why is this law being enacted. It is for the safety and protection of the

*Not recorded.

street vendors. Madam Speaker, please let me put across my last point.

MADAM SPEAKER: Speak but you will stretch out your last point too long.

SHRI ANANT GANGARAM GEETE: I want to draw your attention towards Mumbai. There are around seven lakh street vendors in the city. Please give me two minutes to speak.

[English]

MADAM SPEAKER: No, I have severe constraint of time. No, please sit down. Take your seat.

[Translation]

SHRI ANANT GANGARAM GEETE: I want to say a final thing.

MADAM SPEAKER: No, now there is no time. You were given four minutes to speak and you took ten minutes.

SHRI ANANT GANGARAM GEETE: Madam Speaker, if justice is really proposed to be provided to the street vendors, if they are really to be given protection then there are more than seven lakh vendors in Mumbai.

MADAM SPEAKER: Shahnawazji please speak, he has concluded.

SHRI ANANT GANGARAM GEETE: There are more than seven lakh street vendors in Mumbai.

MADAM SPEAKER: Alright, now please conclude.

SHRI ANANT GANGARAM GEETE: How will you issue licences to each one of the street vendors? No vendor is allowed to sit on the road, no vendor can sit near a temple or masjid, I would like to know that you are talking of enacting laws then the local authorities should have the power to enforce it.

MADAM SPEAKER: Now sit down. What are you doing?

SHRI ANANT GANGARAM GEETE: Do they have this much power and would it not be an encroachment on their rights? If you don't want to do this then it is the responsibility of this government to empower the local authorities and a provision in this regard is required to be made under law.

[English]

MADAM SPEAKER: Alright, thank you so much.

[Translation]

SHRI SYED SHAHNAWAZ HUSSAIN (Bhagalpur): Madam Speaker, I am thankful to you and to my leader Sushma Swaraj ji because of whom I have got the opportunity to speak on the problems of the poor and the penurious viz. the street vendors. We say that if you want to understand India and its culture then you should look at India's villages. If you look at India's villages then you should look at the farmers. Unemployment is on the rise amongst farmers and they are in a pitiable situation. The farmers are not able to earn even the cost of production where at one time they used to produce huge yields. In fact they are burdened under debt. Farmers are migrating to cities and metropolises due to this reason. They get no place to stay in metropolises. No one believes them. So they try to earn a living by putting up rehri on roads or pavements.

During the last ten years of UPA regime cases of farmer suicides have gone up, corruptions has crossed all bounds, unemployment has become rampant. People have been forced to migrate to metropolises. They have no alternative but to hawk their wares from patris or rehri. Industrial production is going down, industries are closing down. I had come to Delhi in 1986 and used to live in West Delhi. I used to see people going about in large numbers on bicycles. It seemed as if they were taking part in a rally. These people used to go to the factories in Mayapuri. If anyone wanted to conduct a rally he would have only needed to fix a flag on the bicycles. It is not that people travelled that way because there was no metro, or petrol diesel was expensive (it was as expensive for that time as it is now) but the people went to factories on cycles and looked for employment but today they have no alternative. The rehri-patriwala is the person on the lowest rung of the society who puts up a small shop on the roadside. We have given them a lot of thought.

Today, I would like to remember my leader Atal Behari Vajpayee and the late Saheb Singh Verma who did a lot of work for the unorganised labour force. He started the social security scheme for labourers employed in unorganised sectors. I have got the pamphlet of the year 2003 in which he had expressed his concern about

the workers in the unorganized sector. After so many years of independence if anyone expressed concern about those workers, they were our honourable Prime Minister Shri Atal Behari Vajpayee Ji and ex Chief Minister of Delhi Late Shri Sahib Singh Verma Ji. They placed them in the category of unorganized sector workers. They had thought about their insurance and development. The Ministry of Labour and Employment had prepared a set of guidelines for them at that time and Madam Speaker, I have brought a copy of those guidelines with me.

Now, a plan has been prepared for employment and social security of street vendors. I would like to say about this Bill that this is the first Bill of the Hon. Minister. The Hon. Minister is our old colleague and she is good natured, she is never angry and all of us respect her. We have been debating with her whether she is in the ruling side or in the opposition but she has always replied in a simple way. This is her first Bill as a Minister. The government has made her Minister very late and this Bill has also been introduced late. Had you been made Minister earlier, you would have introduced this Bill earlier.

Madam Speaker, she has been appointed to the Office of the Minister very late to control BJP's storm in Rajasthan but it is too late now. The Congress Party has committed mistakes there by not appointing you as a Minister earlier as we expected that much earlier. You are a very senior Member. We count hon. Girija Vyas Ji among few good persons in the Congress Party. When I was the Union Minister, I did whatever Smt. Girija Ji told me to do about the weavers without any delay. She is a witness to the fact that as Ministers we were very humble and she has referred to that several times. So, Madam Speaker, I would like to say "Bahut der kardi Huzoor aate-aate".

Madam Speaker, I have no confusion because I am well aware of the powers of the Parliament and those of the government. But there is a super power over the government which is National Advisory Council (NAC) and it is a very powerful body. We know that whatever is brought for consideration in the cabinet meeting, that is decided by NAC. The Constitution of India has given all the powers to the Cabinet but the persons sitting in the Cabinet have silently delegated all those powers to NAC and UP A Chairperson is the Chairman of NAC. She is not present here today, that is why I would not refer to her

name. May God bless her with good health. NAC has prepared this draft very late.

We had initiated drafting Pension Bill and when you introduced that Bill, we supported the Bill. We are in opposition and we are generous. We have not come into politics with mean-spirited heart. Our leader Shri Atal Behari Vajpayee Ji has written a poem and I quote "Chhote man se koi bada nahi hota aur toote man se koi khada nahi hota." We do our work sincerely. The public tells us several times that we are in opposition to protect the interests of the country. We are sitting in opposition because we are less in number. The people of Vidisha, Hazaribagh, Darbhanga, Gudda and Bhagalpur have not voted for you rather they have voted in our favour. We have won those seats. Our leader Smt. Sushma Swaraj Ji has won by a huge margin. A lot of people expected that we would form the government but we did not get the required number and that is why you are in power. One seat has been won by hon. Madam Speaker and the other seat has been won by Maulana Asrarul Haq Saheb. If we look at Bihar, you have got no mandate in Bihar. But as there is democracy, whoever wins, becomes the King. You have won so you are in power and you have formed the government. This Bill introduced by you is related to the issues of the poor. Several times, I have tried to caution you as to what are you doing. You have taken several decisions in favour of the poor very late. But better late than never. First you introduce FDI and make those people jobless who are engaged in small level employments in retail sectors and give job to American people. You make efforts for opening American business. And when you see that in spite of your efforts in FDI retail no one is coming, you start showing concern for the poor. I always see your black and white picture. Sometimes you come with white policy and later come with black policy, so your firm is black and white. So in N.S.C. also, many times I think that you are running many schemes of Vajpayee Ji's Government. Madam Speaker, it is not a matter of criticism, but I, through you, want to remind the Minister that many schemes of the Vajpayee Government are being run by you, for example, Sarva Shiksha Abhiyan and PMGSY are being run by you, I thank you for that. You are running Antyodaya Anna Yojna. The scheme of our founder Chairman, Deen Dayal Upadhyay is being run by you. You are running slow in terms of the scheme formulation. You are running this scheme with speed breaker. You are moving some of our

schemes forward. It is true that you also have brought two or three new schemes, i.e. Rajeev Gandhi Electrification scheme. What to say about this scheme, it needs protection from evil eyes. Madam, board exists there but no bulb gives light under Rajeev Gandhi Electrification Scheme ...*(Interruptions)* That was 'Kutir Jyoti', its name was changed. Even today one more scheme in the name of Rajeev Gandhi is to come in Civil Aviation. Our former Minister of Civil Aviation, Shri Anant Kumar ji will speak about that, so I shall not talk about that. You came with MNREGA, but why do you formulate flop schemes in UPA Government? Today your successful schemes are those which had been started by Atal Bihari Vajpayee Ji. While being in opposition, whenever we associate with you on any issue, Speaker Madam, I am also the spokesman of my party and as per directions of our leader, Sushma Swaraj Ji, I express the point of view of our Parliamentary Party when I go out. Sometimes I feel a lot of pain due to the volume of my speech. We speak too much but even then you don't wake up. We became tired while trying to make you awake but you don't get up. It is also a fact that the issue on which there is a lot of heated exchanges, becomes a news. Yesterday, I spoke on waqf bill, but, there was no news anywhere about it and if any trivial thing or proverb comes to light with two Muslim brothers, there will be a lot of disturbances. But, sometimes good work is done, for example, the issue of waqf was mentioned on the front page of an Urdu newspaper today but at other places, it is not so. Shri Ganesh Ji has mentioned it just now, it was not published anywhere even when I spoke as a spokesman. Many times I see that even if we help you, we get adverse publicity. Our leader of opposition stands with you on several issues of the country's welfare. But, these communists compromise quietly with us and request us to let them speak. But, when their purpose is served, they allege that BJP and Congress are in collusion, but it is not the case. We are two streams of a river which can never mingle. ...*(Interruptions)* But when we accompany each other on the issues related to the country, it is said that BJP and Congress have joined hands. Many times ...*(Interruptions)* Nirupam Ji, I am senior to you in this House. I am here for 14 years. You were in that House. Don't judge me by my age ...*(Interruptions)* My party is not here for appeasement. Our leader has given me this position under the rule of opposition. Many times people may think that this is Shahnawaz, so Sushma Ji has directed him to sit in front. But I have also been a Minister

with Shri Yashwant ji and Shrimati Sushmaji. That is why I am sitting here. I am also senior Member. I may appear young in age ' but it doesn't mean you interrupt me like this. We should also be treated like Senior Parliamentarian ...*(Interruptions)* Therefore, you have considered NSC draft, the suggestion of Vajpayeeji's Government so late and I observed that you have also brought the NSC proposal so late. It means that now a days you people are not listening even to Madam, we are feeling pain at this. We thought that you will definitely listen to Madam's suggestion because a lot of issues regarding poor people have been mentioned in this proposal.

I do not come from a street-vendor family but the income of teachers is also not very high. I am the son of a teacher. Therefore, I don't need to see poverty by going to some hut. I had a thatched house in Supaul. Madam, you know what is Kharh. ...*(Interruptions)* It is not Khapra. Khapra is used by rich people in Bihar. I am young leader. I am not called a young leader by taking birth in some very big family rather I am born in the house of a teacher and have become Member of Parliament today. The people of Bhagalpur have given me this opportunity that I am speaking here. But I have seen poverty. You have brought this Bill for poor people and small retailers. Therefore, I have not risen to oppose this Bill and let Girijaji bring the Bill because Madam, if we go on praising you a lot more, your own party will become your enemy. ...*(Interruptions)* Therefore, I am doing it reservedly. ...*(Interruptions)* Joshiji I am speaking on the Bill only. The bill is for the poor vendor. The street vendor has a lot of problems like he sells his items on street and on hand cart, he is harassed by policeman particularly in Delhi and Mumbai because our Government is not in power there for the last several years ...*(Interruptions)* Your government is in power in Jaipur also from where Madam hails ...*(Interruptions)*

SHRI MAHESH JOSHI (Jaipur): You will remain on that side and we will remain here in the nations' interest ...*(Interruptions)*

SHRI SYED SHAHNAWAZ HUSSAIN: This time BJP will come to power in Jaipur. The Congress came to power by mistake ...*(Interruptions)* The more you speak, leave it. Let it go. Vajpayeeji's Government formulated National Policy for Street Vendor in the year 2004. Street Vendor should have only registration facility. Under the national policy, he should have complete registration but

through you I would like to draw the attention of the Hon. Minister towards one thing that on the one hand discussion is taking place for making the country free from license raj and hon'ble Minister keep it in your mind to avoid using your photo in case of license as the Hon. President has scolded Delhi Government for using the Photo of the Minister and the Chief Minister in every scheme formulated by Delhi Government and it is in today's newspaper. The hon'ble President has said so on telephone. Therefore, such licenses should not be issued only to those whose papers bear your photo and symbol of your party. Whenever any law is enacted in the Parliament, it is for the benefit of the poor people. We don't enact such law to further aggravate their problems. It should be kept in mind while registration and issuing licenses that poor people do not have to run from pillar to post to get license. This Bill is an important one.

Madam Speaker, you have gone abroad and even I have got the opportunity to visit foreign countries with you. When you visit a book shop in Switzerland, England or the USA and if you do not get any good book in these book stores, you will definitely find that book at the road side shop. It is a different world and there are a number of people who purchase these books. Since this Government is in favour of FDI, it will not accept the fact that street vendors are spread all over the world. In fact, you will find street vendors in villages apart from Delhi, Mumbai and Patna. Madam, you have visited Bhagalpur. I was not present there but workers of my party welcomed you. You must have seen the street vendors along the road from Circuit House to Ghantaghar. Who will think of their welfare? Policies have been formulated for big and metro cities for these people. I was born in village and there is concept of Haat for market. Now land prices in villages are rising sharply, therefore, landlords (Zamindars) are not allowing anyone to put up a stall on their land.

Madam, attention should be paid towards the points mentioned in the Street Vendors Bill. You are enacting a law, the name of your department is Urban Poverty Alleviation and you are considering for the development of villages on behalf of the Government. You have introduced the Bill on behalf of the Cabinet and the Government. There are a number of villages which have converted into major 'haat' (market). You should need to formulate a policy in this regard. The Chief Minister of Madhya Pradesh, Shri Shivraj Singh Chauhan, who is

considered as a leader of the poor, has formulated and implemented various good schemes. He has enacted a law for street vendors for villages and cities earlier. The Union Government should have to enact such a law but the Government has not enacted such law, hence, our party has enacted such a law for the welfare of the poor wherever it is in power. We people have to do this. The Chief Minister of Madhya Pradesh has enacted such a law there. Street vendors sell vegetables such as potato and onion but now a days no one is selling onions because the prices of onions are so high ...*(Interruptions)*

Madam, people are keeping onion in the locker. You are aware that I am worst affected due to rising prices of onions. As most of our party leaders do not eat onion and garlic but I relish 'Biryani' and 'Korma'. The people belonging to minority community use onion a lot. People use to say that all the onion related proverbs belonged to minority communities. ...*(Interruptions)*

SHRI SHAILENDRA KUMAR (Kaushambi): Even Dalit people relish onion.

SHRI SYED SHAHNAWAZ HUSSAIN: I am coming to the Dalits.

SHRI SHAILENDRA KUMAR: Onion, Salt and Bread (Roti) is the main food of Dalits.

SHRI SYED SHAHNAWAZ HUSSAIN: There is no difference between minority communities and Dalits. Why are you differentiating between them? The Members of Samajwadi Party keep on disturbing me since yesterday on the issue of minority. Not a single person of minority community has been elected from this party. They call BJP a communal party, but atleast there is an MP from Muslim community. Samajwadi Party calls itself a secular party but not a single Muslim MP has been elected. Even RJD does not have a Muslim MP.

I am expressing the plight of minority communities.

SHRI NEERAJ SHEKHAR (Ballia): Madam, well wishers of minority communities are sitting on that side while we have opted the middle path.

SHRI SYED SHAHNAWAZ HUSSAIN: Madam, look how I am being interrupted. ...*(Interruptions)*

MADAM SPEAKER: Please listen to him.

...*(Interruptions)*

SHRI SYED SHAHNAWAZ HUSSAIN: Madam, I associate myself. We are the actual well wishers because we love our country and people of the country who are children of Bharat Mata ...*(Interruptions)*

SHRI NEERAJ SHEKHAR: The whole world is aware as to what is going on in Gujarat ...*(Interruptions)*

SHRI SYED SHAHNAWAZ HUSSAIN: We love those people who consider the country as their motherland, therefore, we love people of minority communities ...*(Interruptions)*

SHRI NEERAJ SHEKHAR: They are struggling to get visa ...*(Interruptions)*

MADAM SPEAKER: Please let him speak.

...*(Interruptions)*

SHRI SYED SHAHNAWAZ HUSSAIN: They were unable to save the life of a Muslim DSP who was killed during his regime. ...*(Interruptions)*

SHRI NEERAJ SHEKHAR: You have false information of the matter. ...*(Interruptions)*

SHRI SYED SHAHNAWAZ HUSSAIN: He died during their rule. I have said nothing but this. Where have I made allegations? You are speaking without any reason. I have not made allegations ...*(Interruptions)*

MADAM SPEAKER: What are you doing. Please speak.

...*(Interruptions)*

SHRI SYED SHAHNAWAZ HUSSAIN: Madam, people from minority class do not become DSP or SP, there was this one DSP and he also died. I feel pain for this. Mulayamji will not feel such pain ...*(Interruptions)* Our government has worked a lot on this front. I was talking about onion that prices have gone up and therefore, street vendors are not even selling onions, now-a-days. You will say why the matter came to onion? What Shahnawaz Hussain is speaking about? I am telling it because people want to buy fresh onion. ...*(Interruptions)* Madam, please give me protection. I am such a polite parliamentarian. I never interrupt anyone but I am interrupted so much ...*(Interruptions)*

SHRI SHAILENDRA KUMAR: He speaks throughout the session like this.

SHRI SYED SHAHNAWAZ HUSSAIN: Madam. Shailendra ji is making a world record, he speaks the most and interrupts the most.

MADAM SPEAKER: You please continue, you engage yourself in conversation with all.

...*(Interruptions)*

SHRI SYED SHAHNAWAZ HUSSAIN: Madam Speaker, there, is no such system to close the ears. My problem is that when anyone speaks then sound comes to my left ear only. No sound comes from this side, now I put something in my ear only then I can speak something. Madam I put this in my ear, there is so much interruption, people from Samajwadi Party are not allowing me to speak ...*(Interruptions)* I know that their vote will decrease. Our supporters are in UP, they will become angry with them. ...*(Interruptions)*

Madam Speaker, through you, I would like to say that hon'ble Minister has introduced a very good Bill. There are certain shortcomings in it. They should think about the poor. Street vendors are mostly from the poor backward, Dalit and minorities class. You know that during the government of Bhartiya Janata Party most of the work was done for them by Shri Atal Bihari Vajpayeeji. So when the issue of street vendors came up we did not politicize it. For us politics is like worship. We serve people as we worship. Yashwant Sinha has come after resigning from the IAS. You yourself have come after resigning from foreign service. ...*(Interruptions)*

SHRI SHAILENDRA KUMAR: Madam Speaker, he gets distracted ...*(Interruptions)*

SHRI SYED SHAHNAWAZ HUSSAIN: Madam, you always reprimand us, please reprimand the other side also. ...*(Interruptions)* They don't like even the praise of our speaker.

MADAM SPEAKER: You should continue your speech.

SHRI SYED SHAHNAWAZ HUSSAIN: You yourself have come after resigning from the Foreign Service.

SHRI SYED SHAHNAWAZ HUSSAIN: Flatter will not take you far.

SHRI SYED SHAHNAWAZ HUSSAIN: Flatter will do the trick, we'll win 50 seats and you will remain on 10 seats.

MADAM SPEAKER: Please continue your speech on the subject. You please listen. What are you doing Shailendraji?

...(Interruptions)

SHRI SYED SHAHNAWAZ HUSSAIN: Our leader of opposition has joined politics despite being a big lawyer. The issue of street vendor has come, and it is my view that BJP and Samajwadi Party has confronted each other on various issues but we should not fight at least on the issue of the poor. This is not good.

Madam, now I am coming to the last point. Girijaji has provided in the Bill that there will be license, space will be created, and hygiene will also be taken care of. How will the poor maintain hygiene while putting on dirty clothes? When you will make hygiene compulsory other departments will also reach there and ask them to get the water of golgappe tested. Once such thing happened in Mumbai. If the people from Shiv Sena and BJP had not protested, today no one would have been able to sell Bhelpuri at Chaupati. In Bihar Jhalmudi is sold. If they start inquiring about the 'dibba' how will they sell Jhalmudi? Do not bring Inspector Raj once again.

The second thing I want to say that the street vendor
...(Interruptions) Let me speak.

MADAM SPEAKER: Don't listen to them. Why are you interrupting, you please continue. You are also instigating them, just think about it. You say something and they again start speaking. Please concentrate on your own speech.

SHRI SYED SHAHNAWAZ HUSSAIN: Madam, I shall not even look towards them, I shall speak while looking at you. The issue of hygiene maintenance may also be kept in mind. The health of the street vendors should also be taken care of. The health concern of the workers working in the factories should be taken care of on the lines of ESI
...(Interruptions)

Madam, when a street vendor dies, as he lives on the street, his dead body also lies there. There is no one to take care of him. He leaves his family in the village and comes to Delhi. He leaves behind him his village, house, family and siblings. No one comes to Delhi for recreation or for visiting the Lal Quila. People come here under compulsion. Even today a large number of people from

Bihar are coming here. In our state, big factories could not be established. Even today there are not many industries in Bihar and that's why a large number of people are coming here. These people are coming in search of employment. And when these people come in search of a job and erect a small shop on the footpath. But if they die, their family members even get this information very late. Their deadbodies are declared as unclaimed. I, through you, want to request Sanjay Nirupam Ji to facilitate the Minister in listening to my point of view. You may speak later, as she is from your party. You have gone to that side from our side, so please talk less. So Madam, when they die, they should get insurance of minimum five lakh rupees. If he has come for earning money it means his whole family depends on him. If he falls ill, he should be given treatment and if he dies, the Government should provide him a minimum amount of five lakh rupees.

Speaker Madam, now I am concluding. I have seen the pain of the street vendors. When I walk on the road in the morning, I see the vendors on footpath. After concluding proceeding of Parliament, I go directly to Bhagalpur via Kolkata. I have met you many times during that travel. I board the train from there, then I come to Kolkata from Bhagalpur and the train reaches at Kolkata at 5 o'clock in the morning. When I go forwards, I see those street vendors who are running tea stalls and snacks stalls. They can be seen sleeping on the footpath on which they lay their shops. They have no shelter to live in. So the Government should provide shelter to them. So, the Government should add the provision of night shelters for them. Now, Mamta .li has become the Chief Minister there, she will be doing something constructive for them. The people of Communist Party made only promises, they didn't do anything for them. They only talked about the poor and discussed about them like Congress and made the poor poorer. I have gone there in winters and many times I felt that someone should put blankets on the street vendors who have been sleeping on the pavements. So, the Government should make arrangement for their accommodation. Right to equality is provided in our Constitution, the Bill which is brought by you, mentions Article 14 of the Constitution which provides the right to equality and the principle of equality between the rich and the poor. You have brought the Bill keeping in mind these points. You have brought this Bill keeping in view the rights mentioned in the Constitution regarding the problems

of unemployment and old age. Don't do this only for publicity and like food security Bill about which you started photographing yourself even before it was passed. It means that getting votes is your priority. You want to satiate your hunger for votes but you are least concerned to satiate the hunger of the poor. You are not thinking about the street vendors. You think that you are destined to go to the streets and to get out of the power and I think that you will never come to power. But we shall tell you about your flaws. Many times people asked me why we have facilitated the passing of food security Bill and I tell that the particular Bill was brought to help the poor but it has many flaws. When we come to power we shall correct these flaws.

Madam, I am the spokesperson of the party. Being a spokesperson and an M.P. I say with great responsibility that we shall correct the improper and incomplete bills passed by them in the first six months. We shall correct the food security bill also and shall amend the flaws of street vendors bill and land acquisition bill ...*(Interruptions)*

MADAM SPEAKER: You conclude now, please.

SHRI SYED SHAHNAWAZ HUSSAIN: Now I conclude ...*(Interruptions)* Laluji is in confusion about the move of the Congress to make alliance. Whom will it make its partner – Sharadji or Laluji? This also happens in the country. Both are trying to make congress happy, they are busy in keeping Congress in good humour and are involved in making the Ministers happy. If a Minister is going to Bihar, they receive him daily and praise him daily. But I don't know with whom the Congress will make an alliance, but NDA will win there. We have won in Bihar once in 2004.

We will win all the 40 seats and the person hailing from Bihar will propose the name of Prime Minister. We can certainly say this much.

Madam, I am thankful to you ...*(Interruptions)*

[English]

MADAM SPEAKER: Item No. 3. Shri Narayanasamy.

[Translation]

SHRI SYED SHAHNAWAZ HUSSAIN: Madam, I will convey my thanks to you.

MADAM SPEAKER: OK, you carry on.

SHRI SYED SHAHNAWAZ HUSSAIN: I have learnt the etiquettes of concluding my viewpoint by conveying

thanks. I am very thankful to you. You are on the chair, so we talk before you considering you as Speaker and not the leader. Therefore, don't get influenced by Laluji's viewpoint. With great responsibility, I want to say that this Bill has been brought, now address those shortcomings which this Bill contains and work for it honestly. Whoever will work in the interest of this country, Bharatiya Janta Party stands by his side because for us the party is bigger than the individual and the country is bigger than the party. That is why, I am supporting this Bill.

[English]

MADAM SPEAKER: Members, who want to lay their written speeches, may give it at the Table of the House. There shall be no Lunch Break today.

12.53 hrs.

PAPERS LAID ON THE TABLE

[English]

MADAM SPEAKER: Item No.3. Shri Narayanasamy.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY): I beg to lay on the Table:—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of Section 3 of the All India Services Act, 1951:—

- (i) The Indian Police Service (Fixation of Cadre Strength) Third Amendment Regulations, 2013 published in Notification No. G.S.R. 80 in Gazette of India dated 6th April, 2013.
- (ii) The Indian Administrative Service (Fixation of Cadre Strength) Fourth Amendment Regulations, 2013 published in Notification No. G.S.R. 81 in Gazette of India dated 28th March, 2013.

(2) Two statements (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library, See No. L.T. 9721/15/13]

12.54 hrs.

STATEMENT BY MINISTER

**Report on border infrastructure in Ladakh submitted
by Shri Shyam Saran, Chairman National
Security Advisory Board***

[English]

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): Madam, Speaker, Shri Shyam Saran, Chairman, National Security Advisory Board visited Ladakh from August 2 to 9, 2013. He has submitted a report on infrastructure in Ladakh, a copy of which has been sent by the Prime Minister's Office to the Ministry of Defence, among others, on 2nd September, 2013. The Report is primarily focused on the border infrastructure but also deals with several aspects relating to the region covering a broad spectrum of activities and requirements.

Broadly speaking, the Report reviews the progress in development of border infrastructure required to ensure connectivity between Ladakh and neighbouring areas. ...*(Interruptions)*

[Translation]

SHRI SHAILENDRA KUMAR (Kaushambi): Madam, sound coming from the mike is causing disturbance.

MADAM SPEAKER: I will get the mike checked.

...*(Interruptions)*

[English]

SHRI A.K. ANTONY: Broadly speaking the report reviews the progress in development of border infrastructure required to ensure connectivity between Ladakh and neighbouring areas. In this context, issues such as availability of modern machinery for construction and maintenance of roads, upgradation of roads, tunnelling and alternate alignments, among others, have also been discussed. The report also deals with the requirement of air facilities in the region, as also issues relating to land acquisition and environmental and wildlife clearances. Other matters such as employment opportunities, to local youth, tourism, mobile and internet connectivity, law and order, better equipment and facilities for ITBP, certain

grievances of local people, among others, have further' been covered in the report.

I would like to state categorically that Shri Shyam Saran has not stated in this report that China has occupied, or has denied access to India to any part of Indian territory. I would like to assure the House that there is no question of India ceding to China any part of Indian territory. The Government keeps a constant watch on all developments having a bearing on India's security and takes all necessary measures to safeguard it. I would further like to assure the House that Government would continue to strengthen our capabilities in border areas to protect our national interest.

...*(Interruptions)*

[Translation]

SHRI MULAYAM SINGH YADAV (Mainpuri): Madam Speaker, it will not go on like this. ...*(Interruptions)* The house has been misled in the whole statement. ...*(Interruptions)*

[English]

SHRI SHAILENDRA KUMAR: Madam, the facts have been concealed in the Statement. ...*(Interruptions)*

[Translation]

There is no provision in the Rules. Rule 372 prohibits any clarifications.

[Translation]

You give the notice.

...*(Interruptions)*

[English]

MADAM SPEAKER: Yashwant Sinha, you are a very senior Member. You know the rules.

...*(Interruptions)*

12.57 hrs.

At this stage, Shri Shailendra Kumar and some other hon. Members came and stood on the floor near the Table.

* Laid on the Table and also placed in Library See No. L.T. 9728/15/13.

[Translation]

12.58 hrs.

STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) BILL, 2012 - *Contd.*

[English]

MADAM SPEAKER: We would now go back to Item No. 15 - Shrimati Meena Singh.

...(Interruptions)

[Translation]

SHRIMATI MEENA SINGH (Arrah): Madam, I extend my gratitude to you for giving me permission to speak on the Street Vendors (Protection of Livelihood and Regulation of Street Vending), bill, 2012 ...*(Interruptions)*

MADAM SPEAKER: You give the notice. I will call you.

...(Interruptions)

[English]

MADAM SPEAKER: I cannot do anything. I have to follow the rules and the rule says that there will be no discussion or clarificatory questions after a statement. You all know the rules, and please observe the rules. How will the House run if I am supposed to violate all the rules?

[Translation]

...(Interruptions)

SHRIMATI MEENA SINGH: Madam, on behalf of my party, Janta Dal (United) I have risen to speak in support of this Bill ...*(Interruptions)*

MADAM SPEAKER: If you want to have a discussion on this issue, give the notice. We will take up the matter for discussion.

...(Interruptions)

SHRIMATI MEENA SINGH: Madam, the reason for supporting this Bill is that myself and my party feels that the lives of lakhs of street vendors and hawkers of this country is extremely wretched ...*(Interruptions)*

MADAM SPEAKER: You give the notice. I will allow the discussion.

...(Interruptions)

SHRIMATI MEENA SINGH: These people are compelled to lead a miserable life ...*(Interruptions)*

[English]

MADAM SPEAKER: All of you know Rule 372 of the Rules of Procedure and Conduct of Business in Lok Sabha.

...(Interruptions)

[Translation]

SHRIMATI MEENA SINGH: Madam, we all know that only that woman or man does the work of street vending who is the most poor person of the society ...*(Interruptions)*

MADAM SPEAKER: Don't do like this. I am saying that I will allow the discussion.

...(Interruptions)

SHRIMATI MEENA SINGH: Most of the women earn bread for their family by street vending or selling items on hand card. ...*(Interruptions)*

MADAM SPEAKER: How can we violate the rule 372?

...(Interruptions)

MADAM SPEAKER: We cannot do this.

...(Interruptions)

SHRIMATI MEENA SINGH: Madam, with great regret, I have to say that various government agencies be it Municipal Corporation, Municipality, Nagar Panchayat or local police they treat these vendors in a bad manner. Whoever comes, humiliate them and leave. ...*(Interruptions)*

13.00 hrs.

MADAM SPEAKER: You give the notice and I will allow discussion.

...(Interruptions)

MADAM SPEAKER: It is upto me. I am saying that I will allow discussion here. You give the notice.

...(Interruptions)

SHRIMATI MEENA SINGH: These people go on feeling humiliation for the sake of earning bread for themselves and their family ...*(Interruptions)*

13.0 ½ hrs.

At this stage, Shri Shailendra Kumar and some other hon. Members went back to their seats

SHRIMATI MEENA SINGH: Madam, I know a lot of Street Vendors and hawkers ...*(Interruptions)* who do their business by taking loan from the local money lenders at the monthly rate of interest of 10% to 25% ...*(Interruptions)* because they don't have any other source of capital ...*(Interruptions)* A person sets up his shop at the pavement by taking so much costly loan ...*(Interruptions)* and after that Municipal Corporations, Municipality people and Police reach there and throw his items in the drain ...*(Interruptions)*

[English]

MADAM SPEAKER: The House stands adjourned to meet again at 2 p.m.

13.01 hrs.

The Lok Sabha then adjourned till Fourteen of the Clock.

14.00 hrs.

The Lok Sabha re-assembled at Fourteen of the Clock

(MR. DEPUTY SPEAKER in the Chair)

[Translation]

SHRI SHAILENDRA KUMAR (Kaushambi): Mr. Deputy Speaker, hon'ble Minister of Defence should be called in the House ...*(Interruptions)* Hon'ble Mulayam Singh would like to ask him certain question ...*(Interruptions)*

SHRI YASHWANT SINHA (Hazaribagh): We should get an opportunity to speak. ...*(Interruptions)* It is not correct that the Minister of Defence keeps on saying anything ...*(Interruptions)* I have been former Minister of Foreign Affairs. Should I not get two minutes to raise my point ...*(Interruptions)*

SHRI KIRTI AZAD (Darbhanga): Mr. Deputy Speaker, Sir, hon'ble Yashwant Sinha had given it in writing ...*(Interruptions)* The Government was not making reply in this regard, hence, we have asked the Government to

make a reply in this regard. Shri Yashwant Sinha has given a notice for this. Now, he would like to ask some questions...*(Interruptions)* It is the matter of the dignity of the country...*(Interruptions)*

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY): Sir, after a Minister makes a Statement, we cannot discuss it immediately in this House ...*(Interruptions)*.... The convention is that after a Minister makes a Statement, there is no clarification made on the Statement ...*(Interruptions)* That is the rule in this House ...*(Interruptions)* That is the convention in this House. If they want, let them give notice. The hon. Speaker will consider it ...*(Interruptions)*

[Translation]

MR. DEPUTY SPEAKER: Shrimati Meena Singh.

SHRIMATI MEENA SINGH (Arrah): Mr. Deputy Speaker, Sir, please ask the hon'ble Members to maintain silence ...*(Interruptions)* Sir, I had started my speech before lunch break ...*(Interruptions)* Please keep quiet. Please listen to me. ...*(Interruptions)* Please let me speak. Please don't do this ...*(Interruptions)*

[English]

14.04 hrs.

At this stage Shri Shailendra Kumar and some other hon. Members came and stood on the floor near the Table.

...*(Interruptions)*

[Translation]

SHRI V. NARAYANASAMY: All of you please give notice on the issue and demand discussion ...*(Interruptions)*

14.05 hrs.

The Lok Sabha then adjourned till Fifteen of the Clock.

15.00 hrs.

The Lok Sabha re-assembled at Fifteen of the Clock.

(SHRI FRANCISCO COSME SARDINHA in the Chair)

...(Interruptions)

[English]

MR. CHAIRMAN: I will give you time. Please take your seat.

...(Interruptions)

MR. CHAIRMAN: Secretary-General.

15.01 hrs.

MESSAGES FROM RAJYA SABHA

AND

BILL AS PASSED BY RAJYA SABHA*

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

- (i) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Constitution (One Hundred and Twentieth Amendment) Bill, 2013, which has been passed by the Rajya Sabha in accordance with the provisions of article 368 of the Constitution, at its sitting held on the 5th September, 2013."
- (ii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 5th September, 2013 agreed without any amendment to the Securities and Exchange Board of India (Amendment) Bill, 2013 which was passed by the Lok Sabha at its sitting held on the 27th August, 2013."

2. Sir, I lay on the Table the Constitution (One Hundred and Twentieth Amendment) Bill, 2013, as passed by Rajya Sabha on 5th September, 2013.

...(Interruptions)

[Translation]

SHRI YASHWANT SINHA (Hazaribagh): Sir, the hon'ble Minister of Defence had made a statement in the House. I gave a notice in writing that I want discussion on the statement. I would like to ask him certain questions. Whatever time it may take but I want the Government to assure us that there will be discussion in the House on the statement made by the Minister of Defence today itself.

SHRI MULAYAM SINGH YADAV (Mainpuri): Sir, whatever he had said is correct. Please hold atleast a brief discussion on the statement made by the Minister of Defence so as to clear confusion. The Government should clear its stand. I am not saying that whatever I or Shri Yashwant Sinha has said is correct. What proof do you have to prove your point? As far as the statement of Minister of Defence is concerned, it has no meaning. You have read it out. You don't have to clear it in the House but you must clear it personally. Is it appropriate to give such a kind of reply in the matter related to security of the country? It is the main point. The Minister of Defence has given a confusing reply.

THE MINISTER OF URBAN DEVELOPMENT AND THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI KAMAL NATH): Sir. yesterday Shri Yashwant Sinha had requested that the Minister of Defence should make a reply in the House. But on which issue should he make reply? On the issue of occupation of 640 square kilometer Indian territory by China? I had accepted that the Minister of Defence will give a statement. The Minister of Defence has given a statement in the House wherein he has clearly stated that the issue regarding occupation of 640 kilometer Indian territory as mentioned in the report of Shri Shyam Sharan is not correct. Shri Shyam Sharan has also refuted having given such statement ...(Interruptions) He has clearly stated his point in the House. He has been very clear. Hon'ble Mulayam singh ji has mentioned this just now. If there is any confusion which need to be clarified then I will request the Minister of Defence who is in the Rajya Sabha, to come to the House after conclusion of the business of the House and reply to your queries.

* Laid on the Table.

15.05 hrs.

STREET VENDORS (PROTECTION OF
LIVELIHOOD AND REGULATION OF STREET
VENDING) BILL, 2012 ... *Contd.*

[English]

MR. CHAIRMAN: The House will take up item no. 15.
Shrimati Meena Singh.

[Translation]

SHRIMATI MEENA SINGH (Arrah): Mr. Chairman. Sir, I had started my speech before lunch break but could not complete due to interruptions. I rise to support the Bill on behalf of my party Janta Dal (United). My party and I support this Bill on the ground that the life of lakhs of street vendors and peddlers in the country is quite miserable. These people are forced to live a pathetic life. All are aware that street vendors and peddlers be it female or male, they are the poorest section of society. Most of the women earn livelihood for their family by putting a shop on footpath.

Mr. Chairman, Sir, through you, I would like to say with great concern that various government agencies be it Nagar Nigam, Nagar Palika, Nagar Panchayat or local police personnel, they all ill treat these street vendors. They physically abuse these vendors. These street vendors tolerate all kinds of harassment to earn a livelihood for their family. I know a number of street vendors or peddlers, who raise loans at the rate of ten percent to twenty five percent from local money lenders to run their business as they have no other source of income.

Mr. Chairman, Sir, through you, I would like to say that my heart is filled with grief when I hear incidents when Nagar Nigam, Nagar Palika, or police personnel throw their belongings in drains and abuse them in their occasional raids. I am sure that these people would have definitely been going to bed empty stomach the day such treatment is meted out to them.

Mr. Chairman Sir. I hope that the Bill shall bring smile on the face of the poor street vendors and peddlers of the country. I congratulate hon'ble Girija Vyas ji for bringing such a Bill. The Bill provides for reserving a separate slot for such street vendors in cities. I demand that such land should be reserved which lies along the main road for the convenience of buyers. My second

demand is that provision shall be made for easy availability of finance so as to narrow down the scope of exploitation by unscrupulous money lenders. Thirdly, the provision should be made for insuring their items and lives. My last demand is that these people should be given protection against exploitation, humiliation and extortion by government authorities and police personnel because they fleece one fourth of their income.

Mr. Chairman. Sir. I conclude my speech with this belief that the said law will be enforced in a strict manner. The Bill shall bring happiness in the life of lakhs of street vendors and peddlers of the country.

[English]

*SHRI PEETHAMBARA KURUP (Kollam): This Bill is a great step in helping the poor street vendors who are exposed to untold miseries and harassment by the Police and local authorities. Street Vendors or hawkers constitute an important segment of the urban population. Street vendors are those who are unable to get regular jobs in the remunerative formal sector on account of their low level of education and skills. They earn their livelihood through their own meager financial resources and sweat equity. Unemployment is the major reason for immigration of people from rural to urban areas and engage in street vending. Street vending provides a source of self-employment, and thus acts as a measure of urban poverty alleviation without major Government intervention. Street vending also acts as an instrument to provide affordable as well as convenient services to a majority of urban population and has a prominent place in the urban supply chain and are an integral part of the economic growth process within urban areas. As per National Commission for Enterprises in the Unorganised Sectors' report based on 55th round of NSSO (1999-2000) the estimated number of street vendors in urban areas was in the range of 17 to 25 lakhs. According to National Policy on Urban Street Vendors, 2009, street vendors are estimated to be about 2 per cent of the population in several cities and women constitute a large segment of these street vendors in almost every city. It, therefore, becomes imperative that these vendors are enabled to pursue their livelihood in a congenial and harassment-free atmosphere. The Bill aims at providing a mechanism for regulation of street vending activities to avoid congestion on sidewalks and to ensure

* Speech was laid on the Table.

free flow of traffic on roads by a legislative framework to enable street vendors to pursue an honest living without harassment.

So far, only 5 States namely Jharkhand, Arunachal Pradesh, Mizoram, Madhya Pradesh and Rajasthan have enacted their State legislations for the street vendors.

The Bill provides for compulsory registration of every person intending to carry out street vending activities. A certificate of vending and identity cards will be issued to street vendors. They will have certain rights and duties. A town Vending Committee shall be constituted with minimum forty per cent representation of street vendors, out of which one-third shall be women vendors and reasonable representation of SC/STs/OBCs/minorities and persons with disabilities. The Bill envisages for redressal of grievances and resolution of disputes of street vendors. Measures will be taken to make available security for the street vendors. The street vendors shall not be prevented by any person or police or any other authority from exercising their right to vend when carrying on street vending in accordance with the terms and conditions of certificate of vending.

While the Bill is a welcome move, I would like to suggest the following for the kind consideration of the Minister:

1. There is lack of adequate regulation for vendors operating on Railway land and outside the stations and exclusion of such vendors from the provisions of this Bill duly expose them to harassment and exploitation by Railway authorities and Police. The interest of these vendors who provide essential services to the passengers and the people residing near railway stations are required to be secured in terms of provisions of the Bill.
2. The vendors who provide essential services near bus stand, taxi stand, metro stations and inside the public and private transport are equally need to be secured in terms of the provisions of the Bill.
3. Keeping in view the fact that most of the applicants, seeking vending, are not literate, they must not be asked to undergo cumbersome procedure and only one of the easily accessible documents such as voter ID card/ PAN card/Driving License/Aadhar Card/Ration Card/Electricity Bill/Telephone Bill etc. should be required.

4. All existing vendors should be invariably registered. In the absence of a specific time-line for renewal of certificate of vending, the local bodies may renew the certificate of vending as per their whims, which may lead to harassment of street vendors. Therefore, the certificate of vending should be renewed every three years and a provision to this effect should be made in the Bill.
5. A mechanism may be considered to constitute zonal grievances redressal system besides incorporating statutory time limit by which the dispute redressal Committees should give their decision.

With these words, I support this historic bill which aims to protect the livelihood rights and social security of street vendors.

[Translation]

*SHRI RAM SHANKAR RAJBHAR (Salempur): I would like to express my views on the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill which provides protection to the persons who earn their livelihood and labour hard to take care of their families.

"Chhedne se mook bhi Vachaal ho jata hai

Tutne se sheesha bhi Kaal ho jata hai

Desh ke Garibon ko itna na satao logon

Jalne se koyla bhi laal ho jata hai"

We have paid attention to these poor persons after long efforts. It is highly commendable. It is a big challenge to translate it into reality. The states should have taken effective measures but they failed to do so. It is a big hindrance in democracy that the one who remains silent is often not heard. In regard to the Bill it would be appropriate to define natural market'. The eligible category is open till the date of application for a street vendor conducting business for over 50 years, he will be eligible however, only town and city has been considered to be vending zone. The street vendors conducting business at Block Headquarters, rural crossings are being excluded which is not appropriate. It is not appropriate to exclude vendors vending in kiosks at crossings in a village or fish vendors, vendors who sell meat under a shanty or vendors selling chicken or children, women roasting corn at India Gate, Red Fort. Park, haats or temporary fairs. There is a

shortcoming even in the clause considering a person above 4 years of age eligible since women ranging from 20 to 60 years of age sell corns at India Gate. Children of the age group of 8 to 10 years help them. They take flight with their belongings at the sight of a policeman. Wouldn't it be appropriate to make a provision for them?

The state of Jammu-Kashmir is being excluded while enacting a law for 2.5 per cent poor across the country. Does the state not have any poor population? One finds a lot of poor people selling food items along the road in hilly areas. According to the Bill their entry into the Railway land will be restricted whereas they are invariably present outside every Railway Station.

Another major problem is that there is no reference to setting up different counters by the organizations concerned with their registration. They will face a lot of difficulty in registration. Such street vendors are normally aware of the legal know how. So 6 month workshop/training on the modality of their functioning and legal provisions regarding their protection should be provided to them. One of their representatives should also be included in the mechanism of dispute settlement. Rural street vendors along with most of the urban street vendors should also be covered in the five yearly review of Street Vendor Plan. Town Vending Committee should also be indicated. Police interference should be checked in the activities of street vendors. They should be legally empowered in order to make their organization more effective. Moreover, their number should not be restricted.

A street vendor earns livelihood for his family after standing at his place for the entire day and solves a major problem of the country. So, they should be provided life insurance cover, health facility and priority should be accorded in the education of their children and Urban Development Schemes. It is equally necessary to provide them legal protection and accord priority in developmental schemes, and running addiction programmes. The Bill being passed today is definitely in favour of street vendors. With the enactment of this law, the registered street vendors will enjoy protection from any evacuation and illegal extortion. Crores of all types of street vendors shall now feel relieved with the passage of this Bill.

[English]

*SHRIMATI POONAM VELJIBHAI JAT (Kutch): The Bill about the street vendors is a very important and long awaited Bill for the welfare of the poor people of India. But I would like to attract the attention of the Minister that the Bill should help the poor vendors and not become a tool of the police to harass the poor vendors already harassed by corruption and inflation. The license should be easily available to them and they should not be harassed by the local authorities for that. The Bill should also promote welfare of the vendors and a loan at low interest should be given to them. There should also be an amount of money to be given to the vendors on their death to their family members because generally they die on roads without a proper funeral even. The Government should honestly implement the Bill for the welfare of the vendors who belong to the backward communities, SCs, OBCs, STs and minorities. The whole nation is looking towards the Central Government because after bringing FDI, the Government has thought about street vendors and their welfare but both are contradictory. I have been in cities like Mumbai where vendors are harassed by local authorities and police in a combined manner. So, I hope this Bill brings a difference in the life of vendors.

*SHRIMATI BOTCHA JHANSI LAKSHMI (Vizianagaram): The Street Vendors (Protection of Livelihood & Regulation of Street Vending) Bill, 2012 is an important Bill. This Bill is aimed at protecting the livelihood rights of street vendors and also to ensure regulation of street vending through demarcation of vending zones, conditions for and restrictions on street vending.

We all are aware that street vendors life is not rosy. They lead a miserable life. Some days are very good; some days are not so good; and yet some days are very bad. It depends on season to season. Their income is vacillating, never standard income is expected from their vending in streets. It is not dependable. The tragedy is that though they take care of simple and genuine needs of people who visit market or hit the streets to buy what they want, street vendors have no place to live. The life of petty shopkeepers is not meaningful, in a sense, as they retire for the day with despair and no ray of hope when they go to sleep.

*Speech was laid on the Table.

This is the state of affairs of street vendors, to put it in a nutshell. They literally have no place to pursue their petty business. They have to depend on the mercy of police or municipal authorities. Most often they are fleeced by these very entities and the so-called profit of theirs is taken away by them. Such is the sorry state of living of street vendors.

Our UPA II Government, considering all the above factors, and much more which I have not mentioned here, have come to a conclusion and have come up with this all important Bill primarily to streamline the business of street vendors in order to give them a decent living and life. I hope the hon. Members cutting across different party affiliations appreciate this effort of the Government to bring very important Bill. I am of the firm opinion that each and every Member present here would extend their cooperation in passing this Bill.

I would be the happiest person if this Bill becomes an Act or rule which would put a stop to harassment being meted out to street vendors day in and day out. I don't want to go into the details of the delay in bringing about such an important social legislation. It would always be better late than never.

This would undoubtedly provide social security to the vast populace of street vendors across the country. Their livelihood would henceforth be ensured and their lives get a semblance of balance with the passage of this important Bill.

I have read a report of the National Commission for Enterprises in the Unorganized Sector which has given the number of street vendors, specifically in cities, to the tune of 17 to 25 lakh. This was the statistics of 1999-2000. With the completion of 20 years of liberalization, privatization and globalization and with the vast growth in every sector, this number must have multiplied.

In that sense, this Bill is very timely. Hence, I support the Street Vendors (Protection of Livelihood & Regulation of Street Vending) Bill, 2012.

*SHRI J.M. AARON RASHID (Theni): I wholeheartedly support the much awaited Bill (The Street Vendors Protection of Livelihood and Regulation of Street Vending) Bill, 2012 that is to be passed in this august

*Speech was laid on the Table.

House. A great dream of wiping out the tears of the teeming millions of poor street vendors in the country is being fulfilled now. At this juncture, I would like to thank our leader Smt. Sonia Gandhi ji for bringing this vital Bill in this august House.

If this Bill is enacted, it may improve the lives of 10 million people. That is the number of street vendors in India, according to a serve report. The serve report shows that Mumbai has the largest number of vendors at 2,50,000, Delhi has 2,00,000, Kolkata more than 1,50,000 and Ahmedabad 1,00,000.

Weighed down by a life of hard work and meager income, many street vendors are migrants displaced by the destitution of their native area. Fleeing from the poverty of their villages, they make their homes in the shanties of cities and earn a living by selling their wares on pavements. Frequent targets of harassment and extortion by police and municipal officials, often evicted without prior notice from the place where they have been hawking for years. They are occasionally seen as eyesores by ambitious town planners, particularly so when cities wish to beautify themselves into world-class cities.

Sustained and continuous efforts are needed to improve the education, health and employment conditions of the street vendors. The proper training should be given to these street vendors in preservation methods. And they can be provided with a common chilling warehousing to preserve their unsold articles.

To avoid inconveniences in crowded areas, a separate market place should be allotted specially for street vending where the street vendors can sold their articles. A vigilance team should be constituted under the headship of the city Police Commissioner to prevent the harassments on street vendors by police, Municipal officials and local things.

I would like to give a suggestion that this Bill should be applicable on Railways Vendors also. The people who travel in general compartments, most of them are poor passengers who cannot purchase the high rates food items, they can purchase food items from these vendors at low price. Railway department allow these vendor to sell only packed items not open because it is related to health.

These Railway Vendors can become messengers and middle chain between passengers and police because these vendors can notice the activity of unsocial activities like robbers, pick pocket, burglary and goondaism. Railway Department should provide proper identify cards with railway pass to these vendors so that the RPF could not ill-treat them.

I am very grateful and thankful to our beloved leader Smt. Sonia Gandhi ji who brought the NAREGA for poor villagers to avoid famine and starvation death and to entitlement of AAM AADMI she brought RTI Act for transparency in the government work and to remove the corruption. Recently, our beloved leader Smt. Sonia Gandhi ji brought a vital bill Food Security Bill to poor people with her best efforts so that nobody can live without food. And now she is bringing Street Vendors Bill to protect the rights of poor street vendors.

Again, I am grateful to our beloved leader Shrimati Sonia Gandhi ji, our young leader Shri Rahul Gandhi ji and our Prime Minister Dr. Manmohan Singh ji for bringing such crucial legislations to facilitate the common men and even street vendors. Only our UP A Chairperson Sonia ji knows the pains of poor street vendors. The Opposition should know who is the real leader of this nation. So, the people of this country know the common poor people/ destitute/disabled persons. Every one loves our Leader Soniaji who knows the pains of the poor and downtrodden of this country. With these words, I welcome this Bill.

[Translation]

*DR. KIRIT PREMJI BHAI SOLANKI (Ahmedabad West): Sir. I welcome this Bill. However, I express my regret that the NDA Government had given assurance of employment generation for the poor. Dalits and farmers long back which has now taken the shape of a Bill. Nevertheless, better late than never. I welcome it.

I represent Ahmedabad constituency. I would like to tell the House that for the last so many years a Sunday market is organized for street vendors along the banks of Sabannati river in Ahmedabad. That market is called "Gujari Bazaar". Small vendors sell various goods from these small shops. Those items are sold at very cheap prices and one can find items of entire household use, necessary household items and books at very reasonable price. One

*Speech was laid on the Table.

can buy old items, radio, gramophone etc from there. This arrangement has been put in place by the people which enjoys support from the local civic bodies.

I demand all necessary provisions for those poor persons. Attention should be paid to the fact that they are not troubled by the Police and authorities. They should not be penalized only in the name of hygiene.

I demand their health insurance, rehabilitation, child education, social security and housing.

My constituency Ahmedabad was earlier known as Manchester of India. Textile mills used to be run there. However, with the closure of mills in the last so many years, so many persons were rendered jobless. Such unemployed persons should be covered under this new policy.

*SHRIMATI JAYSHREEBEN PATEL (Mahsena): Vajpayee Government had introduced street vendor policy in the year 2004. But it could not be passed. Most of the people in our country live in villages. But farmers and other people have to migrate to urban areas due to lack of employment there. They have to work as street vendors in Mumbai, Delhi, Kolkata and Chennai like cities. They have to start a business as tea, snacks, readymade garment vendors.

There is a saying in Mumbai that one may get 'rotla' there but not 'otala' (house). Under this Bill my certain suggestions are as under:

1. Retail sector should be kept out of FDI
2. License Raj and Inspector Raj should be done away with but street vendors should be given special zone and issued I cards.
3. Unorganized labour protection scheme should be prepared.
4. Their ration and health should be taken care of.
5. The scheme of housing, night shed or shelter house should be prepared for the street vendors.
6. A life insurance scheme of Rs. 51- lakh should be implemented for them.
7. A provision should be made to facilitate

*Speech was laid on the Table.

transportation of their bodies to their houses in the event of their death.

8. The unemployment of their families should be taken care of.
9. As per the provision of equality made under Article 14 of Indian Constitution, they are also citizens of India. Their security and health should be taken care of properly because they also serve the people.

[English]

MR. CHAIRMAN: Hon. Minister, Kamal Nath ji.

...(Interruptions)

THE MINISTER OF URBAN DEVELOPMENT AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI KAMAL NATH): Mr. Chairman, Sir, I want to make a request to the hon. Members. We have said that we are going to pass some of the business today. In order to be able to pass this expeditiously, I will be requesting all the Members either not to put any speakers - it is only a request - or if they put a speaker, to put only one speaker to speak for two minutes. These are the Bills which have their own importance. These are social Bills. So, I would make that request, because the Defence Minister has also to come. In the light of my agreeing and our Government agreeing that the Defence Minister will come here after his clarification in the Rajya Sabha and on the passing of this business, it is my appeal to the Members to either not put speakers or put speakers who will speak for two minutes. ...*(Interruptions)*

MR. CHAIRMAN: The hon. Member is on his legs.

...(Interruptions)

DR. M. THAMBIDURAI (Karur): Sir, I want to respond to that. ...*(Interruptions)* Sir, just a minute. The Minister said that on the request of the Members, the Defence Minister is going to come. If on that condition, he is telling, we have to accept the Bills to be passed, we cannot accept that. He cannot put the condition. It is because we need sufficient time to discuss the Bill, you must allow our Members to speak. That condition we cannot accept.

MR. CHAIRMAN: It is a request, not a condition.

...(Interruptions)

MR. CHAIRMAN: Okay, do not waste time now; please.

...(Interruptions)

MR. CHAIRMAN: I am giving time; Shri C. Rajendran. I will give you only two minutes.

...(Interruptions)

MR. CHAIRMAN: Let your turn come. Please sit down now. When your turn comes, I will give you time.

...(Interruptions)

SHRI C. RAJENDRAN (Chennai South): Thank you, Mr. Chairman, Sir, I rise to speak on the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill.

SHRI T.R. BAALU (Sriperumbudur): Sir, kindly allow us to speak. ...*(Interruptions)*

MR. CHAIRMAN: Yes, after DMK.

...(Interruptions)

SHRI T.R. BAALU: How could you allow them first? How is it possible? ...*(Interruptions)*

MR. CHAIRMAN: I will call you.

...(Interruptions)

SHRI T.R. BAALU: After DMK, AIADMK's turn will come. Why are you flouting the rules? ...*(Interruptions)*

SHRI C. RAJENDRAN: Street vendors constitute a very important and major portion of the urban population. The people do take up street vending as profession, because of their low levels of education and skills. Street vending provides a source of self-employment; and without Government's support and help, they eradicate their own poverty through this measure. Hence, they need to be helped and it would be regulated in a way that their livelihood is not hampered and hindered in any way.

There are certain issues which are to be considered by the Government before passing this Bill. As of now, the street vending is regulated by the municipal laws which are enacted by the State Legislatures. ...*(Interruptions)*

MR. CHAIRMAN: Hon. Members, please maintain silence.

...(Interruptions)

SHRI C. RAJENDRAN: When issues of municipal zoning are involved, it comes into the State List. In 2006 and also in 2009, in reply to a question in the Lok Sabha, the Minister said that 'street vending' is a State Subject. So, I feel that it is better left to the State Governments to enact such laws.

Secondly, the Government says that this Bill would not be applicable to Railway lands, Railway premises and trains. In India, we have areas exclusively meant for Railway officers and staff. What will happen to street vendors in such areas? If they vend in such areas, will they be treated as violators and would they be punished? Hence, this Bill needs an amendment in this regard. The Standing Committee of Parliament which went into this subject made a recommendation that this Bill should be made applicable to the Railway lands, but it is not accepted by the Government.

The Bill says that the State Governments will issue vending certificates to the vendors, but does not specify the principles that are to be followed by the States. In the absence of such principles, this Bill would defeat the purpose for which it is being enacted.

The Bill says that in case of violation of the provisions of this Act, the vendors would be penalized to the maximum of Rs. 2,000. Though it does not prescribe any minimum penalty, the maximum penalty suggested is very huge for the street vendors. The Bill should have been re-drafted to say that for the first three violations, a reasonable fine would be imposed and after three violations, a maximum of Rs. 2,000 would be imposed. In the absence of this, the adjudicating authority is free to impose a fine of Rs. 2,000, even for the first violation, and the poor street vendor would be in a precarious position if that happens. The Government needs to modify and amend the provision in this regard.

The Bill requires that the street vending plan is to be framed by the local authority, in consultation with the planning authority. Though Town Vending Committee is to be involved in the process of issuing the vending certificates, for forming the street vending plan, the Bill does not require the Town Vending Committee to be consulted. Lack of consultation with the Town Vending Committee would lead to controversies in formulating the street vending plan and also in redressal of disputes that

would arise later on. Hence there is a need to make an amendment in this regard also.

With these observations, hoping that the hon. Minister would consider them and bring suitable amendments, I conclude.

[Translation]

SHRI DARA SINGH CHAUHAN (Ghosi): Sir, I thank you for giving me an opportunity to speak. Today the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012 has been introduced. I would like to congratulate hon'ble Minister Girija Vyas ji, for bringing such an important Bill though the impending elections could be the reason but better late than never. If you have introduced it, I would like to discuss it because it is a matter related to the poor.

Sir, if we have to see the real picture of the poor in this country, if we have to know about them we have to visit certain major cities of the country, like Delhi, Kolkata, Bombay, Ahmedabad or any other city as there is no need to say that in such places the truth related to the poor is clearly visible.

Sir, this Bill is related to the push cart vendors who sell peanuts, 'bhujia', panipuri, toys, new-old clothes for small children. These sellers are found in streets selling goods on push carts. Apart from metro cities they are found in small towns, everywhere in the country and the state and everyone knows in which condition they operate. Who are such people? They are the poor, helpless, landless people who do not have any agricultural land, house to live in, they are forced to drag their life as they would drag their push cart.

Sir, you know that the poor who do not have money, do not get loans from the bank ...*(Interruptions)* Mr. Chairman. Sir, please put the House in order.

[English]

MR. CHAIRMAN: Hon. Member, please maintain order in the House.

...*(Interruptions)*

[Translation]

SHRI DARA SINGH CHAUHAN: Mr. Chairman. Sir, they do not have money, they can't get loan from banks

as there are certain conditions for taking loan from banks. They are forced to knock the door of money lenders and you know that money lenders are big people who lend money to street vendors and charge not only interest but more interest than the compound interest. The poor vendors walk 12-14 hours in blazing sun and rains and half of their income goes into the pocket of money lenders.

Do you know what is their condition? You may go to Delhi's Karol Bagh, Lajpat Nagar, Sarojini Nagar or any other market. All of a sudden you will find that small shopkeepers selling their goods on footpaths are running away with their goods. Upon inquiry, you will come to know that Inspector is coming. The biggest danger faced by a vendor in my constituency or any other place across the country is from the shopkeepers, in front of whose shops they sell their goods, the shopkeepers shoo them away threatening them as to how could they park their carts before their shops? If they sell goods along road side, the persons from municipality or municipal corporations chase them away questioning their presence there? Even after getting license there is no place for them at any road or in front of any shop to stand, they do not have permission to park their push carts.

Therefore. Mr. Chairman. Sir, through you. I would like to know from the hon'ble Minister as to the measures being put in place to protect such people. The exploitation by the people every now and then the police come and beat them. They do what they like. If the vendor is selling apples, the police take away apples. They take away toys. Since the street vendors are poor, they cannot question them. Whatever they earn gets drained in interest payment.

Mr. Chairman, Sir, these street vendors are poor, shopkeepers, they sell roasted gram, peanut, vegetable, fruits and clothes, half of their earning goes in paying bribes. After that they do not get any protection. They have no house or place to live in, if you go near Red Fort, you will find poor people from Purvanchal Uttar Pradesh and Purvanchal loitering near Metro station, similarly if you visit Juhu Chaupati, Kolkatta or Ahmedabad. I got an opportunity to visit Kolkata and I realized after so many years of independence when the country is marching ahead in the 21st century, when we have progressed so much in science and technology, here a man pulls men in a rickshaw. How unfortunate is it for the poor of this country? You have also seen that. Your constituency is Goa. You

would be seeing the poor people from Purvanchal and other states selling small goods and toys on beaches. These persons do not have any Fixed livelihood. They did not get any opportunity to join an) industry or business.

Mr. Chairman, Sir, today these poor beg in front of metro station. The touts take contract to provide them a shop before the Red Fort or at any other place. I just want to say there is huge area of land lying vacant in the country and if hon'ble Minister makes such provision then I think that revenue of the country will increase and they will also get a fixed place. In my Parliamentary Constituency, whether it is Ratanpura. Mau, Ghosi. Ghindara or Dhorighat, a large area of land of railway is lying vacant and unused but if any vendor installs his ... or shop there, the railway personnel would chase him away.

Mr. Chairman Sir, I would like to tell the Hon. Minister that if his heart really pains for the street vendors and hawkers. Some provisions should be made in this regard. No shopkeeper allows them to stand on the street. The municipality and municipal corporation people don't allow street vendors to place their cart by the side of the streets. They don't have any shelter to live. Therefore. I would like to say that if the remaining unused land of railways throughout the country is allocated to them for living purposes, perhaps they can carry out their business and earn bread for them.

With these words. I conclude my speech.

*SHRIMATI DARSHANA JARDOSH (Surat): I support the Bill brought by the Hon. Minister regarding small street vendors. This Bill came at the time of Shri Vajpayeeji during NDA tenure and this Bill has come after several years which pertains to poor street vendors which is a good thing.

There should be an insurance provision for them. There should be provision of night shelter, health facilities or public conveniences for them in case they move to cities from their villages at night. This thinking for the poor street hawkers after so many years of independence and their protection by the government through this Bill by providing them facilities in order to check the adverse impact on their earning due to FDI is a first step towards

*Speech was laid on the Table.

poverty alleviation. Most of the women who do their work will get protection.

*SHRI ASHOK ARGAL (Bhind): Hon. Minister Sir, I support the Bill brought by Dr. Girija Vyas. The need for protecting the street vendors doing their business on the streets has been mentioned in the Bill. Very often, it is seen that the municipality people and sometimes the police harass them and extort money from them even in big cities like Mumbai, Delhi, Kolkata and Chennai. Sometimes their items and articles on the cart are thrown on the street due to which the poor person who does such type of business is unable to cook food on that day at home. This Bill will provide facilities to the hand cart hawkers, toy sellers, groundnut sellers, vegetables and garment sellers. The poor person does not have any caste. If he had money, he would have not moved from street to street and sold items on pavement. I would like to tell the government to provide bank loans to the people doing such business on its own guarantee. So that they can do their business with ease. I think that this Bill will provide protection to the poor people.

*SHRI ARJUN RAM MEGHWAL (Bikaner): I beg to lay some of my suggestions in the discussion on 'Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012 which are as follows:—

1. This Bill has been brought with the purpose of alleviating urban poverty. But if the process of issuing sale certificate remains complicated, there will be a scope of emergence of inspector raj once again. Thus, there is a need to remain alert in this regard.
2. Local authority has been defined in the Bill and mobile vendor as well as street vendor have also been defined. But there is no provision in the Bill to set right the situation as to how the local authorities like municipal corporation, cantonment board and the officers/employees of Panchayat behave and what change they will undergo after the formation of this Act. So, there is a need to fill this gap.
3. Clause 10 of the Bill mentions about the right to cancel the sale certificate of mobile vendor/street vendor. There is a need to make a provision to check the misuse of this right.

* Speech was laid on the Table.

4. A provision has been made in the Bill regarding social security but there is also a need to ensure the insurance coverage of mobile vendors and street vendors.

*SHRI MAHENDRASINH P. CHAUHAN (Sabarkantha): I would like to support the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012.

This Bill has been brought a little bit late. The country was feeling the need of this Bill for a long time. This Bill will give relief to crores of people in the country. The streets of all the cities of the country are not only the shelter place of lakhs of workers, poor and deprived people but also the centre of their livelihood where the shops of cheaper and attractive commodities are set up. Several men and women near the roads in the cities will be found selling clothes, toys, books, fruits and vegetables, fast food, commodities of domestic use and decoration material at the pavements. As per one estimate approximately one crore people in India earn their livelihood by selling items near the road. This Bill is significant because the small business transacted by the people at the pavement and near the roads to earn their living is normally considered illegal. A major portion of the cost of the business of these people gets spent in paying bribe to the police, municipality people and various such other government people. This is such an informal economy of the country which makes crores of Indians self-sufficient. The life of street vendors is very difficult. The survey conducted in the seven cities of the country reveals that their working condition is extremely worse. They have to work ten to twelve hours a day and they don't have any means to protect themselves from the wrath of weather. Now, when the Government is going to formulate a law for the rights of the street vendors, proper space will be kept for them in the cities. In this way, those earning their bread with a meagre capital and a lot of hard work will get necessary recognition and respect. With these words, I once again support this Bill.

DR. RATNA DE (Hooghly): Mr. Chairman, Sir, at the very outset, I would like to thank you for giving me this opportunity to speak on this Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012. This Bill aims to protect the livelihood rights of the street vendors and to regulate the street vending though

* Speech was laid on the Table.

demarcation of vending zones, conditions for and restrictions on the street vending.

Before I come back to the major features of this Bill, I would like to speak about the street vendors. As everyone here knows, the street vendors lead a normal life — we can even say they are hand to mouth - all depending on the income they earn on a given day. They are not petty shopkeepers who have a place to do their business. 'Street vendors' by the very name denote that their business is on the street. They have no place to go or do their business. Under such a trying circumstances, their life goes on. I hope, this Bill would go a long way in streamlining the street vending across the country.

The street vendors are often subjected to harassment by the Authorities and Officials. They have no protection; they have no social security; and their livelihood hangs in balance all the day. They live life of 'hand to mouth'.

Sir, as per the Report of the National Commission for Enterprises in the Unorganized Sector, we have an estimate of the street vendors in the urban areas; and they were in the range of 17 to 25 lakh in 1999-2000. This figure must have been doubled in the following decade. So, the time is ripe to regulate the street vending across the country.

There was a proposal to extend support to the urban street vendors; and this aspect has been included as a component under the National Urban Livelihood Mission. Would the hon. Minister throw more light on this and the status?

Would the hon. Minister also highlight the major features of the revised National Policy on Urban Street Vendors? Has the Ministry studied various policies at the State level concerning street vendors? If yes, would the hon. Minister state whether some of the salient features of such State policies on the street vendors are included in the current Bill?

What is more important about this Bill is that it establishes a uniform legal mechanism for the regulation of street vending across the length and breadth of the country.

The Parliamentary Standing Committee on Housing and Urban Poverty Alleviation had submitted its Report on

13th March, 2013. The Committee took more than six months to go through the Bill thoroughly; and it then came out with its recommendations.

This Committee had made suggestions, which should be considered and accepted by the Government. For example, Members of the Town Vending Committee should have a fixed tenure of five years. I think this is an important recommendation, which delineates the tenure of the Members of the TVC, which governs the whole process.

The Parliamentary Standing Committee also recommended that the vending certificate should be issued within one month. But the Bill mysteriously does not provide any time limit for the TVC to issue a vending certificate. How long should a vendor wait for a certificate from the TVC? Hence this recommendation should be included in the Bill.

Another important recommendation of the Parliamentary Standing Committee is that the vending certificate should be renewed every three years. This is also an important recommendation and it should be included in the Bill by bringing necessary amendment.

While ventilating my views, I am very careful about the TVC not getting sweeping powers to decide on everything.

It does not augur well for the country. Till now, municipal laws governed street vendors. There is no dearth of laws and Acts but when it comes to implementation and reaching out to the needy, our country is lacking. With this Bill, efforts are being made to bring the street vendors in the Concurrent List.

I am hopeful that with this Bill the street vendors would heave a sigh of relief.

[Translation]

*SHRI VIRENDRA KASHYAP (Shimla): The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012 is going to be enacted into a much needed law. I welcome it in today's time the rural populace is moving to the cities to earn a livelihood. Our country is known as an agriculture driven economy. At one time more than 90 percent of the population of the country lived in villages, now this figure has gone down to 60-65 per

*Speech was laid on the Table.

cent. This means that the people from villages are migrating to cities. How would they earn a livelihood there? This is a matter for consideration. People will take up small jobs in municipality areas and work legally. Such people are not only exploited by the local police and the local administration but atrocities are also committed against them. There was a need to provide legal protection to such people and this legislation will benefit them. I am giving some suggestions for inclusion in the said Bill. With your permission I submit some suggestions for inclusion in the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012:

1. This Bill has been brought with the objective of removing urban poverty but if the procedure of issuing a sale certificate is complicated then the likelihood of re-emergence of inspector raj becomes a possibility. There is need to remain cautious in this regard.
2. The definition of rural authority has been given in the bill in addition to the definition of hawkers and street vendors but there is no provision in the bill to ensure that the issue of mistreatment to which they are subjected to by the local authorities including the officers/staff of municipal corporations, cantonment boards and panchayats is also addressed, There is need to fill up this gap.
3. Clause 10 of the Bill gives the right of cancellation of certificate of vending issued to hawkers/street vendors. A provision to prevent misuse of this clause is required.
4. Provision for social security has been made in the Bill but there is also need for a provision for providing insurance cover to hawkers and street vendors.

[English]

SHRI ADHI SANKAR (Kallakurichi): Sir, I am very thankful to you for allowing me to participate in the discussion on the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012.

On behalf of the DMK Party I rise to support this Bill. Mr. Chairman, Sir, today street vending is an important source of employment for a large number of urban poor as it requires low skills and small financial inputs. A street vendor is a person who offers goods or services for sale

to the public without having a permanent built-up structure but with a temporary structure or mobile stall or head loaded.

Sir, the proposed Bill is aimed to regulate street vendors in public areas and protect their rights. The Bill aimed at providing social security and livelihood rights to street vendors.

Sir, the total number of street vendors in our country is estimated at around 10 million. Some studies estimate that street vendors constitute approximately three per cent of the population of the metropolitan cities. Mumbai has roughly four lakh street vendors and Kolkata is having nearly two lakh street vendors. In Chennai, there are nearly two lakh street vendors. They also ensure the availability of goods and services at cheaper rates to people.

Regarding their wages, the average earnings of street vendors are very, very low. It is ranging between Rs.40 and Rs.80 per day. They work under very bad conditions for long hours and they are frequently harassed by the municipal authorities and also by the police personnel. A large part of the vendors' income goes to bribes and protection money.

A study on street vendors estimates that the vendors pay between 10 and 20 per cent of their earnings as rent. State legislations relating to street vendors are varied. Most of the municipalities provide licences to street vendors. In some States, shops are allotted in this zone on the basis of draw of lots. Space is also reserved on the pavement for several street vendors.

The policy at the national level and implementation at the State level has been a challenge. Only three States until now have implemented this policy. Based on this policy, draft laws on the street vendors are currently under discussion. There has been significant progress in advocating for a national law on street vendors in the country. Some of the important demands of workers that have been highlighted by some of the organizations are:

- (1) The impact that multinational retail chain and Foreign Direct Investment have on the traditional retail sector in India, including the street vendors.
- (2) Protection of their right to livelihood is, perhaps, one of the most important issues over which struggles are being waged.

- (3) In addition, the right to have a share of urban space and not to be viewed as a nuisance—rather a provider of urban services—is another issue with which the movement is grappling with.
- (4) Several draft legislations are currently focussed on ensuring adequate livelihoods and protection for street vendors.

According to a recent data of the National Crime Records Bureau, of the total nearly 38,000 unidentified bodies found across the country during 2012, nearly 4,000 were found in Delhi, an average of nine bodies per day.

Other big States that have witnessed a large number of such incidents include Maharashtra which tops the list with nearly 6,000 unidentified bodies. In Tamil Nadu, it was nearly 6,000 and in Uttar Pradesh, it was 4,000 in 2012.

These are largely labourers, who cannot afford rented accommodations. They die due to harsh weather conditions and, generally, their bodies are found along the railway lines and near ISBT areas. As migrants, mainly from the labour class, they reside in these areas in large numbers. These people mainly work as beggars, balloon sellers, rickshaw-pullers and street vendors, who sleep on pavements, near flyovers or railway tracks, and die in road accidents.

As the Bill proposes to allow street vendors to operate in specified vending zone and carry identity card, I request the Government that in some places vacant plots can be identified for them and let them open for vendors to do their business during specific hours. It could work on a first-come-first-served basis. Permanent shops could eventually lead to demand for land rights.

Regarding the working conditions of the street vendors, I would say that they have little social protection. Their working conditions on the streets expose them to a variety of safety and health issues.

They often suffer from stress related diseases like migraine, hyper acidity, hyper tension and high blood pressure. Lack of toilets has an adverse effect on women's health and many of them suffer from urinary tract infections and kidney ailments. The mobile women street vendors also face security issues.

Vendors are often regarded as public nuisance. They are accused of depriving pedestrians of their space, causing traffic jams and having links with anti-social activities.

I request the Minister to regularise their working conditions and protect the street vendors.

With these words, I conclude my speech.

***SHRI MAHENDRA KUMAR ROY (Jalpaiguri):**
Respected Chairman Sir, I take the floor to speak on the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012 and I thank Hon. Minister for introducing it. I'd like to request to you that adequate time should be given to discuss this Bill threadbare as it is related to the deprived, helpless section of the society, i.e. the street vendors sir, the number of economically backward and non-educated people is increasing in our country day by day. More than one crore people are engaged in this occupation of street vending. The Central Government's policy of liberal economy, adopted in the years 1990 and 1991, resulted in the rise in their numbers by leaps and bounds. On one hand the industries are closing down, new factories and industries are not being set up. Thousands of factory workers are rendered jobless and they are steadily migrating to the metropolitan cities. On the other hand we have the doomed agriculture sector which is on the verge of collapse. Farmers are not getting the remunerative price of their produce. They cannot even recover their input cost today. Thus agricultural labourers are also crowding the towns and cities. Nobody is able to find any job. Therefore all of these jobless workers, be it from the industrial sector or from the agricultural sector, are compelled to depend on street vending. But most unfortunately, they have no rights at their disposal. The police men, the municipal officers and goons are having a field day and are exploiting and harassing these hawkers. Go to Chandni Chowk area and you will find that the police are extorting Rs. 200 per day while the municipal officers are taking Rs. 500 per month from the hapless hawkers. Even the sweepers are forced to shell out Rs.10 daily. This is the ground reality. Many Hon. Members have raised this issue and the Government should sincerely look into this problem.

*English translation of the Speech originally delivered in Bengali.

Sir, I thank Hon. Minister from the bottom of my heart as she has been kind enough to bring this Bill. Though I don't want to speak at length, I just want to mention few points. There is a provision that persons who are above the age of 14 years will be given license for vending but this contradicts the national education policy of the Government which stipulates that by the year 2020, all children will be educated. If children below 14 years are allowed to vend then the objective of universal education will be defeated. Our view is that this provision will promote child labour. My specific suggestion is that only those persons should be given vending license who are above the age of 18 years. People below that age must not be allowed to adopt this occupation of street hawking.

My second point is the Bill has not conferred any rights to the people who vend on the railway platforms or on the adjoining railway land. The standing committee has recommended that this provision of hawking on rail stations and nearby areas should be considered by the Ministry. If the hawkers are not given any right then the railway police and railway officials will continue to harass these vendors. Another point is that the penalty has been pegged at Rs.2000/- but my suggestion is that it should be reduced to Rs.200/- only. In case of issuance of certificate a time limit of one month has been fixed but I suggest that it should be only 15 days.

Respected Sir, in case of eviction and relocation, a notice of only 7 days has been provided for. However the standing committee has recommended that at least one month should be given for such eviction and relocation. I support the opinion of the committee. The last point which I want to raise is that when the vending policy is to be chalked out in the urban areas, the stakeholders, i.e. the street vendors should be taken into confidence and their representatives should be included at the stage of planning of the Town Vending Committee. This is my request to Hon. Minister.

With these few words, I thank you for allowing me to participate in this discussion and conclude my speech.

[Translation]

DR. SANJEEV GANESH NAIK (Thane): Sir, I thank you for presenting this Bill in the House today.

Sir, I remember when I was Mayor of Navi Mumbai Maha Nagarpalike in 2004 there had been an attempt to

bring this bill in form of a notice and now when I am a Member of Parliament this Bill has been brought in the House. I am happy that the suggestions given by the Maharashtra government and specially Navi Mumbai Mahanagarपालिका at the time have been included in this Bill. I thank the hon. Minister for this. I am happy that we are giving priority to two points. Not only are we giving rights to street vendors and providing relief from a long standing problem but also providing relief to the people who had to endure difficulties due to areas occupied and dirtied by the street vendors. A person who tries to sell his wares from the footpath in Mumbai has to tackle many issues. Some people take loans to start a business. Sometimes they get disheartened and leave. I feel that people from many states come to Mumbai to start business. Many started small and became big businessmen. They became rich from plying their trade on the footpath. Hence, this Bill is very important for these people. You have included many things in this Bill. I would also like to give some suggestions. The street vendors are being given the right to live through this Bill. A number of housing schemes are being implemented in the city. Assistance should be provided to them to get a small house under such schemes. The State Governments should be advised in this regard so that the interests of street vendors are addressed.

We will pass this Bill in the House. Thereafter it has to be sent to the state governments. But the state governments should identify the cities and the locations where these people are to be given a place. These people ply their wares in places where it becomes difficult to find a place to move around. Mumbai has a population of 1.75 crore. There are three lakh vendors in my parliamentary area Thane and Navi Mumbai. Today when any problem comes up and I approach the Commissioner, he says there is no space. Hence the state governments should bring a scheme which plans ahead for a 100 years because the population is rising day by day. Hence, the states have to give a clear picture.

You have talked of giving license to street vendors. The license should be applicable only for the location for which it has been issued otherwise the issue of territorial ownership leads to a number of quarrels. People make gangs to grab places which give a good custom and often the situation leads to physical fights. In Mumbai, if a person starts off with a capital of 10,000 and makes a good earning then he often sells off his space or his cart for two

or three lakhs. This causes problems. This happens more in large cities. The Minister should pay attention to this issue.

Secondly, the government is going to provide cards to them. This should be regulated through adhar cards because a lot of things are being managed through adhar cards. If any one person goes to another place for some reason then his entire record should move with him and there should be a place for him as it happens in transfer in jobs. The state government should keep certain areas free for this purpose. If a person moves to a certain area he should have space to set up his business. The government needs to keep this in mind.

As far as the question of hygienic and hygienic goods is concerned, the state governments should be told to formulate rules in this regard. The provision for insurance has been made in the Bill which is a good thing. If any street vendor violates some rules and the administration takes his goods away then he finds it difficult to recover them. This affects his business since he takes loans from the market to ply his trade. There should be some provision in this regard, which I think is missing in the Bill. If someone's goods are taken away by mistake and not returned where would he get the money to restart his business? Hence there should be a provision in this regard.

I would like to conclude by saying that this law should not remain only on paper rather the government should ask all the State Governments to implement this law and all the State Governments should implement it uniformly. One state would provide 4'x5' space while other state would provide 6'x8' space. So there should be uniformity in this regard and the size of the cart should be fixed. With this, I conclude my speech and support this Bill.

[English]

*SHRI JAYANT CHAUDHARY (Mathura): I would like to express my appreciation to the Hon'ble Minister and the Government for putting this bill for the consideration of this august House.

Street vending is an important source of employment for the poor and underprivileged sections of society in our country. This sector is largely unorganized and is estimated to provide livelihood support to approximately more than

one crore people in our country. It is the first occupation typically for those who have recently migrated from rural to urban areas and are unskilled and without an asset base sufficient to support other vocations. The landmark legislation has balanced on the one hand the desire from an urban planning perspective, the need to organize the vendors in a manner that is sanitary and sustainable with the humanistic approach of providing protection to the poorest of the poor who find relief in this work and provide a valuable service to local farmers, manufacturers and consumers.

I would like to point out the important role of the States in ensuring that this law is implemented in letter and spirit. The Bill has provided specifically under Chapter IX protection against harassment by police or any authority. This is commendable but it remains to be seen how responsive State Governments are to this proposal. I will also point out two issues which I would like the Minister to give appropriate response.

Firstly, representatives of street vendors must be part of the planning process. In the street vending plan under Chapter VI, the Bill states that "Every local authority shall, in consultation with the Planning Authority once in five years make out a plan to promote a supportive environment for the vast mass of urban street vendors to carry out their vocation." This should specifically mention the representative of street vendors to ensure that for the sake of equity, their participation is mandated in the formulation for the street vending plan.

I would also state that as public representatives, Members of Parliament and State Legislative Assembly should also be made part of the district level, planning procedure as envisaged in this Bill. We are often approached by our Constituents who believed it is our role to clean up the streets and to provide protection to the vendors who are often prosecuted by the local authorities.

With these two recommendations, I would like to thank the Government for this initiative and extend my party's support to the street vendor's protection of livelihood and regulation Street Vending Bill, 2013.

SHRI BHARTRUHARI MAHTAB (Cuttack): Mr. Chairman, I stand here today to participate in the discussion relating to Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012. Before I venture

into this Bill, I would say who a 'street vendor' is: "They are persons who offer goods and services for sale to the public from a temporary static structure or mobile stall." They fall under the purview of two authorities - the traffic police and the municipal authorities.

In 1989, the Supreme Court held that street vendors have a fundamental right to carry out their trade or business, subject to regulations and reasonable restriction. In October, 2010, that is, after 21 years, the Supreme Court directed the Governments, both Central and State Governments, to enact a law by June, 2011, to recognize the livelihood rights of street vendors and regulate vending activities.

Several States, including Chhattisgarh, Rajasthan, Madhya Pradesh, Andhra Pradesh and Odisha, have enacted laws and policies on street vending. This is followed by this Bill. I congratulate the Minister. Perhaps, this is the first Bill she is piloting today in this Fifteenth Lok Sabha after becoming a Cabinet Minister. I express heartfelt thanks to her because she has taken up a Bill after persistent advice and directions from the Supreme Court. This is something which caters to the people who migrate from rural area to urban area. In her State, in Rajasthan, in my State in Odisha, we have enacted a policy; we have enacted laws.

This Bill aims to protect the livelihood rights of street vendors as well as regulate street vending through demarcation of vending zones. Any person intending to undertake street vending needs to register with the Town Vending Committee. The Bill does not specify principles to be followed by the Governments in issuing vending certificates, allocating vending zones, and the number of vendors per zone. Absence of such norms could defeat the purpose of enacting a law to ensure uniformity in the legal framework. The Bill does not require the stakeholders to be consulted in the formation of the street vending plan. This may lead to a lack of safeguards in ensuring that the plan is determined in a fair manner. Of course, the Central law will have an overriding effect on State laws that are inconsistent with the Bill.

Currently, some States, as I had mentioned, Sir, such as Chhattisgarh, Madhya Pradesh, and Rajasthan, have passed laws empowering urban local bodies to regulate street vending. State Governments derive power to legislate on the issue from item No. 5 of the State List

that covers local government and municipal corporations. The question is whether Parliament has the jurisdiction to frame such a law. In 2006, in response to a question in this House, Government had said: "Street vending is a State subject. Central Government does not have the mandate to enact the legislation on street vending." In 2009, again, a similar position was reiterated and a proposal of drafting a model Bill was mooted. The National Advisory Council later on said: "The law on street vending should be enacted by States. Centre's responsibility may be confined to recommending a model Bill." It also said: "On the issue of livelihood and employment, Central law is justified as it was advised by the Supreme Court of India."

Therefore, this Bill tries to balance three key objectives: (1) securing the right to livelihood of street vendors. Two, ensuring congestion free public spaces and streets; and three convenience of vending services for customers. However, the Bill leaves several aspects of regulation of street vending to the Street Vending Scheme and that is to be formulated by the State Governments and implemented by the local authorities. Here I would say that there are three key issues because for the fourth one, already certain amendments have been taken. First is jurisdiction of Parliament; second is balancing objectives of the Bill - livelihood rights and Urban Planning needs; and third is lack of consultation with stakeholders in framing the Street Vending Plan.

Sir, I would draw the attention of the Minister towards two specific clauses of this Bill - proviso to Clause 35 and another Clause 20. Under this Bill, the TVC has a limited role but in States like Chhattisgarh and Rajasthan, the laws on street vending and in case of Odisha, the street vendors policy give TVC the power to identify and designate vending zones and determine the vending capacity of each zone. This is with regard to proviso to Clause 35 and when the Central law will over-reach the State law, then the problem will arise because many States already have policies in their place. I congratulate the Minister because already she is going to move an amendment in this aspect by deleting those four lines which was there in the proviso to Clause 35. I am happy the Minister is deleting that. So, this issue will not be there. Where the law is there, it will be prevalent. The Central law will not be creating any hindrance.

I would refer now to Clause 20. Under this Bill, the local authority will constitute a Dispute Redressal Committee. That will consist of a sub-judge or a Judicial Magistrate or an Executive Magistrate and other persons experienced in street vending and natural markets. However, in Rajasthan, from where the hon. Minister comes from and in Odisha from where I come from, the TVC is empowered to resolve disputes between street vendors. Under the Bill, if the State law differs from the Central law, the Central law will prevail. This means TVC's limited role will prevail and that is only to issue and renew registration and vending certificates and to keep records of street vendors. Further, I would say that there is no redressal mechanism. That needs to be corrected. Further, I would say that this Bill does not provide any tenure for the TVC members. Street vendors should not lease or rent out vending zones. The Bill does not provide for the renewal of vending certificates.

I have another issue. I hope some other hon. Members might have drawn the attention of the Minister also. This is regarding allowing anyone over the age of 14 to work as a hawker with a license. While capping their total number at 2.5 per cent of the city zone or ward, by allowing teenagers to work as street vendors does this Bill not go on the wrong side of the law?

Lastly, I would quote from one newspaper:

"Footpath is not for running shops but these there should be hawking zones in the cities - it is not a problem but a solution."

*SHRI NIKHIL KUMAR CHOUDHARY (Katihar): I would like to support the Bill introduced for protection of livelihood of the street vendors and give some necessary suggestions so that the right to life and livelihood of these street vendors and their dependants is protected.

These street vendors are those people who could not get any employment and run small shops on footpaths, roads and in streets for earning livelihood. They are compelled to do this for earning their livelihood and thus they serve the society also and are not a burden on the country.

The entire nation empathizes with these poor people. We want the government to help these poor people because they are hardworking and skilled labourers.

These street vendors are landless and poor. So there should be a provision for housing for them. Shades or shops should be provided to them at the place where they are earning their livelihood with their skills. Social pension should be provided for them. The government should enact a law for providing them low interest loans from the banks for running their shops properly. These street vendors and their dependants should get the benefit of health insurance scheme. There should be a provision for education of the children of the street vendors. The government has introduced a good Bill and I support this Bill.

16.00 hrs.

[English]

SHRI PRABODH PANDA (Midnapore): Thank you, hon. Chairman Sir, I stand to support the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012. Sir, the street vending as a profession has been in existence in our country since time immemorial.

So many speakers have mentioned about the approximate number of street vendors in our country. It may be more than one crore. As per the study conducted by the Hawkers' Sangram Samiti, in Mumbai, the number is more than 2.50 lakhs; in Delhi, it is more than two lakhs; in Kolkata it is 1.50 lakhs and in Ahmedabad it is more than one lakh. Generally, it can be said that about three per cent of the population of every town and city is engaged in street vending business. I congratulate the Minister for bringing this Bill. This was overdue. This should have been brought much earlier.

The Minister may be aware about the movements of the street hawkers. It is being done across the country by the Hawkers' Sangram Samiti. They met the Minister several times. They have already given the memorandum to the Minister and to the Department several times. At the same time, I also congratulate those workers who are fighting for this. While supporting all these things, I want to just mention some points.

It is very good that they are providing the social security, which is* lacking. So far as the street vending business is concerned, it is treated as self-employment without the intervention of the Government. But they should live in a dignified manner. So, the social security is required. They are providing that. That is why, I congratulate the

Minister.

Another thing on which I would like to congratulate the Minister is about the promotional measures for making available credit, insurance and other welfare schemes of social security for the street vendors. All other things have been mentioned. It is very good. I have got some points which have been raised by other Members also. The street vending is regulated under municipal laws enacted by the State Legislatures. So, the question is, whether it has been put in the Concurrent List or not. If it is not, how that problem would be solved, whether there would be any conflict or contradiction with the State Governments in this regard.

Another issue is that the Bill does not specify principles to be followed by the Government in issuing vending certificates, allotting the vending zones and the number of vendors per zone. Absence of such norms could defeat the purpose of enacting a law to ensure uniformity in the legal framework.

My third point is that, the Bill does not mention that the stakeholders should be consulted in the formulation of the street vending plan. This could lead to lack of safeguards in ensuring that plan is determined in a fair manner.

Fourthly, the Central law will have an over-riding effect on the State laws that I have mentioned earlier. But street vendors are not just confined to the cities or the towns. A large number of street vendors are there in the rural areas. Even in the towns particularly the areas which are called the railway towns, a large number of street vendors are there. Insofar as my constituency Kharagpur is concerned, it is called a railway town. So, thousands and thousands of street hawkers are doing their business in the streets where the railways are not involved in this. What is the security for them? We are talking about the mobile hawkers, mobile vendors, those who are vending in the railways. There is no security for them. You have to think about them. If it is not possible right now, you have to think about them later on. It is known to everybody that street vendors are under threat by the local authority and the traffic police or the local police. This is not enough. This Bill does not provide the security in this regard.

I am going to mention Section 16, Chapter 4. The Town Vending Committee is there, very good. Even the Ward Vending Committee is very good. The proposal on composition of the Vending Committee is welcome. It covers all sections of people like women, Scheduled Castes, OBCs, etc., and they will issue licences. But what is written here is that where the local authority is satisfied that a street vendor has consistently failed to comply with his duties and obligations under the Act or the Rules and the Schemes made there under, he can evict such street vendors in such a manner as may be specified in the scheme. There is no provision like 'with the consultation of the Town Vending Committee'. Town Vending Committee can issue the licence but if the local authority is not satisfied, he can evict the vendors. This should be reconsidered and restructured, and this amendment should be made.

MR. CHAIRMAN: Please conclude now, Pandaji.

SHRI PRABODH PANDA: Yes, Sir, I am going to conclude.

Before making any plan for street vendors, the Town Vending Committee and the Ward Vending Committee should be consulted. The Government should assure the House about the timeframe within which it is going to extend this type of law in order to cover the rural street vendors and in order to cover the street vendors who are doing their business in the Railways.

I wholeheartedly support this Bill but with some queries and some amendments and I think the Minister will respond to that. I would urge upon the hon. Minister not to give so much power to the local authority that they can evict any street vendor without consulting the Town Vending Committee.

[Translation]

*SHRIMATI RAMA DEVI (Sheohar): Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012 was introduced by hon. Minister Dr. Girija Vyasa Ji on 5th September. I have seen their plight very closely.

India is a country in which the number of the poor is higher. The politicians have ruled the country but kept the public poor so that they could get their votes while distributing some money among the poor. The present

*Speech was laid on the Table

condition is the outcome of such politics. These poor people sell their goods on roadside for earning their livelihood and rearing their families and children. For this, they have to take care of so many persons. They have to take care of the police personnel and commission agents and they try to resist them, their shops are removed from the roads or their belongings thrown away. As a result raw-material and food items get wasted. The small vendors are always under fear because they have to run their houses. They are financially so weak that they have to borrow loans from money lenders. They spend their lives on the roads. Their children do not get education and so their future also remains dark.

I demand that a certain space should be fixed and provided to these vendors. Shades should be provided for them. The government should provide capital for them. They would feel safe if night shelters are provided for them.

They are citizens of our country and it is the duty of the government to stop ill treatment being meted to the street vendors and make them feel secured. Their children lose every hope and they are not able to improve their condition in future when they witness such ill treatment with their parents. I request the government to take care of the families and the future of these street vendors.

Hon. Minister has provided for improvement in life style and better living standard of lakhs of people by introducing this Bill. I would like to thank you for this. This Bill may appear small but it carries the pain of lakhs of people. By introducing this Bill you have tried to share their grief. I would like to thank you for that also.

[English]

SHRI NAMA NAGESWARA RAO (Khammam): Thank you, Mr. Chairman, for giving me this opportunity to speak on Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012.

[Translation]

First of all I want to thank the honourable Minister Girija Vyas Ji that she has brought the Bill giving consideration to the poor at least before the elections. After becoming the Minister she has brought the Bill through her own efforts. This is a very important Bill. In present economic situation many people from villages have started

migrating to the cities. This percentage has increased ever since the UPA Government came to power. About more than two percent population of India is coming to the nearby towns for selling their goods. The Bill has been brought today to protect these people. We are supporting it but also want to give some suggestions.

Sir, in the period of Chandrababu Naidu of Telugu Desham Party some location was identified in the cities for Right to Bazar and Kisan Bazar for the street vendors in the cities near to the village. Provisions were made for street vendors therein. Zones were located at important places in each district headquarter and city like Hyderabad. Recently, the present Government has made a very good system in Bhubaneshwar. In this system, 52 street vending zones have been identified for entire Bhubaneshwar. The number of markets in the zones was fixed, located and worked out systematically. This is very good. I want to suggest that please do something like this. I want to say many things but time is limited. You must see the Right to Bazar model.

Sir, there should be a time bound limit for issuing the certificates. The most important point is that its time limit should be fixed. Likewise, the period for renewal should be mentioned. They should be told the way to release the goods which have been taken away or confiscated. First thing is that the goods should not be confiscated, if the goods of street vendors will be taken away, it is very difficult for them to live. You can fine them but their goods should not be taken away.

Sir, at last I want to say that vending fees has been mentioned in chapter 3, item no. 8 of the Bill, it should be nominal. If you lay this provision openly, there may be problem for paying more fees. Besides, a large amount of finance is needed to implement the Bill. About finance State Government and Central Government have said that we will provide the finance. In my opinion percentage to be borne by the State Government and the Central Government should be fixed.

Sir, in my constituency Khammam, several times we have to go to zonal street for the street vendors. The police and the authority create so much trouble. When we are in the constituency, the street vendors come to us with their problems and we talk to them. The street vendors are already vending in temporary markets in railways and

municipal land at many places. They should be made permanent by giving license. If they made to vacate the place, a shop should be allocated to them before making them evacuate the place. Otherwise it is very difficult for them to live. The Government should have such a provision.

With this, supporting the Bill, I conclude.

[English]

*SHRI M. KRISHNASSWAMY (Arani): The Bill is another welfare oriented legislation brought before the House by the UPA Government headed by Dr. Manmohan Singh and in the fulfillment of the vision of UPA Chairperson Madam Sonia Gandhi ji. The UPA Government have in both their innings brought several path breaking legislations which have changed the life of the common man for the better and this legislation will be another landmark in the process of positive change. I congratulate the Hon'ble Minister. The Bill is to protect the most vulnerable, neglected people in the society. I know the plight of the street vendors because I meet them everyday during morning walk on the road. I see how much they are toiling. They go to each house in the street carrying and selling the variety of vegetables or fruits or any other goods.

The people's mindset is that when you go to their houses for selling, then they will bargain. The vegetables are fresh because they get up early in the morning at 2 or 3 am and go to the wholesale market. With this Bill you can avoid the money lenders exploitation of earning more exorbitant interest for small loan. Suppose they borrow Rs.800, they will have to repay Rs. 1000 in one day.

Vendors are pushing the cart or tricycle with goods but traffic police harass them and corporation officials also give them trouble. The street vendors should be given bank loan like education loan. Because of education loan, thousands of students are benefited. They are also repaying. Likewise, the vendors also will repay and their life will be comfortable. There may be some defaulters which does not matter. If any person dies in the family of vendors, the Government should come forward to help them by paying some substantial amount. I congratulate the Hon'ble Minister.

There is hardly a person who may not have had an interaction with the street vendors and acknowledges their

helpful role in our daily lives. They are one section of our society whose immense contribution in our day to day lives is mostly forgotten or unacknowledged. It is their entrepreneurial skill which helps them earn their livelihood. It is for the betterment of the lives of such large section of our population that this Bill aims to achieve. Street vendors who are self employed have a rigorous life. They toil from early morning or should I say from late night often working for more than 16 hours. Their routine starts from early in the morning when most of us are still in deep slumber. They reach the wholesale markets, buy their wares, come to their place of business, segregate their goods and arrange them for retail sale. By the time most of us open our eyes they have already put in three to four hours of labour and start their efforts for actual earnings from sale of their merchandise. It is their great service to us that makes one's life comfortable and easy to a great extent and we are saved from unnecessary botheration. This Bill seeks to achieve a better placement for the street vendors and ease their harassments which they face in course of earnings their livelihood in a decent manner. We all know that the street vendors belong to the comparatively poor sections of our population and are largely unorganized. The Bill by providing for a mechanism for regulating their activities and with a view to cause minimum obstruction to the movements of the public at large, makes provision for the street vendors to pursue a honest living with ease.

It guarantees certain protection to the street vendors. In so far as making compulsory registration of every person carrying out street vending activities and issue of certificate of vending and proper Identity Cards to them is concerned, it provides for the constitution of a Town Vending Committee in each local authority with 40% representation of street vendors wherein different sections of the vendors are adequately represented. Social security to the vendors is one important aspect which is essential for the welfare of these sections. The Bill aims to undertake promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors.

If safeguards the rights of the registered vendors and protects them from any person or police or any other authority from preventing them from exercising their right to vend on the designated street. This measure will no doubt be a source of great relief to the law abiding street vendors. The Bill also makes provision for enforcing of

cleanliness and public hygiene in the vending zones and the adjoining areas.

While a majority of us would pay an exorbitant sum for a product sold in a Mall or public showroom while for the same product sold by an ordinary street vendor we would bargain and at times not be read to pay the reasonable cost. Madam has introduced a very good Bill.

I am also hopeful that the present legislation would bring some discipline and stringent following of ethical norms on the part of the vendors also. We have to realize that the common public and the vendors are made for each other. One cannot survive without another and this Bill seeks to achieve the well being of the street vendors.

I whole heartedly support and commend this Bill.

[Translation]

*SHRI SATPAL MAHARAJ (Garhwal): I support the street vendor Bill. Lakhs of people from not only the cities of our country but also from the villages and the towns are doing small scale business with limited resources on the road to take care of their family respectfully. People are earning their livelihood on roads in the absence of money and education.

Not only in metro cities, when you go to other cities, you will see that people are selling goods on road. You would also see that the policemen, people of municipal corporation/municipality and local bullies also collect extortion (hafta) and take their goods away without paying them. And those helpless people cannot say anything and cannot do anything because they have to feed their family by doing this type of work respectfully.

In Kotdwar under my constituency, which is in the district of Pauri Garhwal. Hundreds of people are working in Kiosk in Kainal market and earning a living. They have been working in this market since 1980. Irrigation department has been collecting revenue from them as lease since 1980. But suddenly since 2000 the department has stopped collecting revenue from them. Because the departmental officers are not taking lease they are harassing these people by giving them notice for moving their goods. The irrigation department is not taking lease from the kiosk owners but still collecting house tax regularly. The kiosk of these people neither hinder the traffic nor

*Speech was laid on the Table.

cause any other type of problem because the place where these kiosks are situated is so congested that only persons on foot or two wheeler vehicle can go through the place. In this situation the people who are working there should be given such facilities so that they could continue the work at the place where they are working for years. Likewise in Pauri and Ramnagar of district Nainital, the street vendors are dislodged anytime without any intimation or their goods are confiscated.

Good provisions have been made by the Government in the Bill but I have some suggestions which must be noted by the Government.

Shops should be developed for these street vendors. These shops should be water proof so that they can work smoothly even during rainy season and their goods also remain safe.

Credit card and insurance facility should be provided to them. Along with it their registration should also be done. Women, handicapped persons, scheduled castes, scheduled tribes, minorities and other backward classes should be given priority.

Free education should be provided to the children of the street vendors by formulating scheme in this regard. Schemes should be formulated for their social and professional welfare. Welfare schemes should be formulated and implemented for them and their children. A cell should be constituted to placate their troubles and problems, which could address their problems and find a quick redressal.

An action plan should be prepared to raise the living standard of the street vendors and the members of their families.

Along with these, guidelines should also be made for the street vendors by which they will have to submit an affidavit that they will keep clean the nearby areas of their workplace. In the rainy season, it should be ensured that water does not get collected there so as to prevent the spread of any epidemic there.

With these words, I conclude my speech and support the Street Vendor Bill 2012.

SHRI JAGDANAND SINGH (Buxar): Hon'ble Chairman Sir, I rise to support the Street Vendors

(Protection of Livelihood and Regulation of Street Vending) Bill, 2012. It is the fundamental right of the people of the country to do any business and trade for their livelihood. Earlier it was meant for rich people but now even poor people will have the right to do business in a dignified manner.

Sir, who are these people for whom this Bill has been introduced? They are street vendors who work hard for twelve hours a day to earn their livelihood even in adverse weather conditions, be it summer, winter or monsoon. The provision to provide them health and social cover has not been made in the country so far. Their earning is even below the minimum wages. As per an assessment made across the country, the average earning of a person with the said occupation is Rs. 70 per day and in case of women it is Rs. 40 per day. They don't have any capital to start their business and not a single bank, government institute, co-operatives etc. provide them any loan on interest. Only those people provide money to these street vendors on interest who charge principal amount with interest the very same day. Sometimes these helpless people have to pay 110 per cent interest rate. Apart from this they have to pay bribe to policemen and the administrative officials for allowing them to use footpath to put up a stall to earn their livelihood in absence of the said rule. These people neither have any capital nor does any bank provide them loan and all their earnings are spent in paying bribe.

Sir, whenever a township is planned then space for parks, hospitals, offices, residential colonies, bus, rail terminals as well as shopping malls is earmarked in such town planning but any such space is not earmarked for poor people where they can earn their livelihood. These people form two per cent of the total population in cities. Who are these people, these people are self-employed persons and the government has no role or contribution in setting up their occupations. Whereas it is the policy of the Government to promote self-employment. But these people generate capital with their own efforts and struggle against adverse weather conditions and work very hard to set up their business with minimum wages. These people provide services to all. These people provide easy and economical services to the poor people living in urban areas. They are the integral part of our society. They may be orphan but they provide services to everybody as they provide services at your doorstep. They earn their livelihood

by selling their goods as peddles on footpaths. These people earn their livelihood with little capital. They are not ordinary men. This situation is the result of the consistent efforts of the unorganized street vendors. It is alright that they would now be given a legal status under this rule. They would also be provided civic amenities. There would be transparent regulation by the Town Vending Committee. The hawkers would now be permitted by law to be organized. The town vending Committee would comprise of representatives of police, associations and citizens which envisages to lay down participation procedures and self regulation. They would be able to practice their profession and would not interfere with the civic amenities.

Sir, this Bill is hanging for the last three years. National policy was formulated in the year 2004 and amendment was made in the year 2009. Directions were given to the Government by the hon. Supreme Court in the year 2010 and this Bill has been introduced today to take the shape of a law. They have a population of more than one crore in the country who are struggling for their livelihood. There are only 55 thousand persons out of one crore population who have managed to obtain a certificate or license in order to work, rest of the helpless lot gets harassed by others. The concept of town vending committee which would comprise of 50 per cent Government employees is quite sound. 40 per cent of the representatives would be elected by the vendors. However, there would be only 10 per cent of the vendors. I request the hon. Minister to review it. Those who have been orphans, who have faced harassment politically and socially, would now definitely be given a certificate and identity card. You will be making a vending zone. Their certificate would also mention the time period for which they will be allowed to work. Penalty of Rs. 250/- shall be imposed on them if they commit a mistake somewhere. These people are actually worthy of your forgiveness. The penalty perhaps means whatever little they earn would be taken away from them by harassment. As per the rule they would be given only 15 days time if they are asked to evacuate the vending place. It is requested that they should at least be given 3 months' time in case they are asked to shift to another place.

Secondly, it is requested that when a kind of legal recognition is being given to them so they should also be

covered under the ambit of the legal provision on self employment, they should also get some support from banks, since they are being regularized and are now being provided a base, they should also get some financial protection so that they can also gain some capital and do not remain restricted to road side, they may make progress by doing their business, so they should also get support from banks. They should also get some support for the service being rendered by them against all odds. With these words I strongly support the Bill *...(Interruptions)*

MR. CHAIRMAN: This will not go on record.

*...(Interruptions)**

SHRI GANESH SINGH (Satna): Mr. Chairman. Sir, I rise to speak about the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012. After a long period of time the government has shown concern about the poor. A large part of the population of the country is forced to earn their livelihood as street vendors.

The people from villages are migrating to the cities in largest number. I think the traditional occupations have ceased to exist in villages. That is why people are migrating to cities in search of livelihood. When they do not get job anywhere they start small businesses as street vendors to earn their livelihood.

Sir, in fact, theirs is an unorganized sector. They have no organization. Therefore, they are subjected to severe exploitation. The Supreme Court has also accepted this fact that they have a right to earn their livelihood and the government should provide certain facilities to them. Today no place is earmarked for them in any city. There is a fear of the police and it is more, especially in big cities. In big cities like Mumbai, Kolkata, Bangalore and Delhi etc. the police are extorting "hafta" even today. They have to give money also to the local bullies. The fear of municipal bodies always looms large as municipalities have their own law. Those areas are given on contract and they extort money from street vendors. They are subjected to weekly extortion. These are the problems before them. During rainy season their goods get spoiled, they keep on sitting with umbrella to earn their livelihood. When their goods get destroyed, there is no system of compensation.

I would like to say one thing that provisions have been made in this Bill to solve so many problems related to it but it appears to me that there is a need to go deeper into it. Arrangements are likely to be made for their registration etc., if a survey is conducted after removing all the street vendors from their existing places then most of them will be excluded from the survey. This should be kept in mind that no injustice is done to them. Similarly, the provision regarding the committee which is to be constituted is that 40 per cent representatives are to be taken from amongst such street vendors, but I think 40 per cent is low; it should be around 50 per cent. Half of the representation should be from among them and another half would be from among other public representatives and the members of Municipal Committees.

I think justice will be done to them only by doing such things. The place reserved for them should at least have CCTV cameras installed from security point of view, arrangement of drinking water, electricity, toilets etc. should be made for them. Often they are found sleeping at their work place. There should be arrangement of 'rain basera' (night shelter) for them, I think all these facilities should be added in this Bill. Insurance of their goods is essential to ensure their security. They earn their livelihood by borrowing loans with great difficulty but if their goods are spoiled then how they will be compensated, this is the biggest question. There should be arrangement for education of their children and for their accommodation and they should also be provided loan on affordable rate of interest.

I would like to draw the attention of the hon'ble Minister that she has introduced this Bill now but in the year 2012 our government in Madhya Pradesh enacted a law for the poor. A provision was made in that law under which identity cards have been issued after conducting survey of 82 thousand beneficiaries so far. We must learn something from that. Hawker zones have been set up, they set up three hawker zones, one green shed, one yellow shed and one red, shed. Green shed is a place where a piece of land will be given to them, where they will open their shops, that place would be their reserved place and they cannot be evicted from that place as they would be given title rights. Similarly, time has been fixed in yellow shed. The vendors will be allowed to sell their goods for a fixed time during the day and at night in this zone. The red zone has been exempted, these are crowded

*Not recorded.

places, national highways or areas near any school, college, hospital, at these places they are barred from entering and at remaining places efforts have been made to provide them all the facilities. They are providing them loan of Rs. 5 thousand at a subsidized rate of interest and they are being provided subsidy of two and half thousand rupees. Only Rs. 250/- is deposited as their premium and the remaining amount will be provided to them as loan and they will be provided a credit card of Rs. 5 thousand for the first year. After that they will be given a credit card with a limit of Rs. 25 thousand during second year. The State Government will take full guarantee for this. Such facilities have been provided to them. I want you to include all these provisions in this Bill also. Similarly, to develop and to secure such places in cities where vendors sell their goods, they have provided Rs. 14 crore so far. There should be such provisions in this Bill also.

I would like to request the hon'ble Minister if the provisions made by the Madhya Pradesh Government are also included in this Bill it will prove to be more useful and meaningful. They did not do only this, they also made provision to make wheat available at Rs. 1/- k.g. and rice at Rs. 21- k.g. to these poor. Provision has also been made to pay Rs. 15,000/- for the marriage of their daughters. Arrangements have also been made to provide them medicines, other medical treatment free of cost. Arrangements have been made for the education of their children. They have made all these facilities available. Even if anyone in their families fell ill and suffer from any serious illness then the government bears the cost of their treatment through 'Rajya Bimari Sahayata Nidhi'. All these facilities should be given to them. The government has also made provision to ensure that their funeral is carried out in a respectful way. I just want to submit that you are bringing FDI in this Bill on one hand. The FDI will come in big cities and there are four crore families across the country whose business is likely to shut down. You are showing concern for them at such a time. There is a need to give them more guarantee. Making provisions like preventing their evacuation in the name of security, will not do the trick. Many other measures should also be added to secure their business, only then this Bill will be meaningful. Supporting this Bill, I thank you.

*SHRI JAGDAMBIKA PAL (Domariyaganj): The Bill presented by the Hon. Minister will legally protect crores of people of the country. The said Bill is regarding 2.5% urban population of the country who set up their temporary shops on the pavement along the roads for the livelihood of their family. Most of them are those people who migrate to the cities in the absence of employment in the villages and earn bread for their family by setting up shops on the push cart at the pavement in the cities. It is an irony that most of the street vendors do not have any place for living. As a result, they peddle and set up their shops in the daylight and sleep at night on the same footpath. The Police personnel don't allow them to have proper sleep after getting tired whole day. Even they have to pay bribe to the police personnel, municipality and anti-social elements for setting up shops. Even then they are not safe. Sometimes, their items on sale for which they have invested their total money, are seized by local bodies and administration which leads to the absence of capital with them. In the absence of recruitment, they are compelled to do labour work. At present, it is the tradition that the poor person of the rural area migrate to cities and metros leaving his village on not getting work in the village for earning bread for his family. Today, lakhs of people of the districts of Siddhartangar, Balrampur, Basti, Maharajganj, Bahraich, Gorakhpur, Sant Kabirnagar, Barabanki, Gonda, Deoria, Jaunpur, Varanasi etc. in eastern part of Uttar Pradesh in India are living on the pavements in Mumbai and its suburbs. Footpath is the part of both their earning and living. By running small shops in summer, rainy and winter season, they become bread earner for their family. Therefore, the Congress and UPA Government has made an effort to provide protection of living to the crores of people and give them the rights by formulating laws. Till now, the street vendor does not get protection for his livelihood. So, the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012 has been introduced for street vendors. After passing of this Bill, the registration of street vendors will become mandatory. Each street vendor should be issued registration certificate. In such a situation only that person will be able to set up his shop who possesses registration certificate. Thus, protection of rights will be ensured to the street vendors.

After the enactment of this law, each street vendor will have the right to transact street vending business as

* Speech was laid on the Table

per the sale certificate in the allocated selling zone and terms and conditions prescribed under the schemes formulated by the government. Each street vendor having the sale certificate will be entitled to get a new place or area as the case may be for transacting sale activities in case of resettlement under section 18 as per the allocation made by the local authority. There are several vendors under the street vending activities, first one is immovable vendor, movable vendor or some other category as may be prescribed. If there will be no scheme for the street vendor, how will he be able to carry out his responsibilities towards his family. Because, the housewife bundles up food for his husband who goes to city for supporting his family. She has only one dream in her eyes that her husband after going to city will do some small work for earning bread and send money, only then the family will survive. This Bill will provide protection to all such people. One person from each family of the entire Siddhartnagar district goes to the outer cities of Mumbai, Ahmedabad, Surat, Chennai and Kolkata. Today, the livelihood of the people in the entire Siddhartnagar district depends on money order economy. Therefore, this historic Bill pertains to the street vendors who are an important segment of the urban population.

Street vendors are those people who are not capable of getting regular job in the primary sector for remuneration due to lower standard of education and skill. They earn their livelihood through very small financial resources and hard working jobs. Street vendor provides a means of self employment and in this way acts as a medium of alleviating urban poverty without any major intervention of the Government. Street vendor acts as a source of providing cheaper and easy services to the major urban population. He is an integral part of the process of economic growth in urban areas.

Therefore, I support the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012 introduced by the hon'ble Minister.

SHRI SANJAY NIRUPAM (Mumbai North): Hon. Chairman, thanks a lot. Street vendor means the last person on the financial pedestal of our society. At the outset, I salute the topmost House of the country for making laws for such weaker, poorest section of the society. I also express my gratitude to our sister Kumari Girija Vyas ji, who has brought this first bill for the welfare of street

vendors viz. the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill after assuming the office of the Minister.

Sir, the issue of street vendors is considered to be a matter of big dispute at least in Mumbai. These people conduct their business along road side facing vagaries of Nature. A question was raised as to why the Union Government never framed any law on the subject of street vending despite the fact that law to this effect has been made by various states but not so by the Central Government as it was repeatedly stated that it was a state subject. The then hon. Minister stated during Question Hour in the years 2006 and 2009 that he was unable to do anything in regard to hawkers since it was a state subject, whereas the hon. Supreme Court of India has repeatedly observed that hawking was a fundamental right and a matter of livelihood and everyone had that right. A national policy on hawking was formulated after the intervention of the hon. Supreme Court. Thereafter laws were formulated by various states on that ground. Then National Advisory Council came to the fore. I would thank our Congress Chief Shrimati Sonia Gandhi that she addressed the issue of the poor. She opined that it could be a state subject as per constitutional framework, but the matter is associated with the livelihood of people. It is a issue of social security and thus appears in the concurrent list of the Constitution and the Union Government can make laws on this basis and on the basis of that concurrent list the Union Government started making law and today, our hon. Minister has brought this Bill, so first of all I would thank the hon. Chairperson UPA, hon. Minister and the Government on behalf of all the street vendors.

I would like to draw the attention of the hon. Minister towards two-three major issues. Firstly, you have discussed the issue of natural market. I will not go through the definition of natural market, because of paucity of time. Markets such as fair, haat, markets organized in front of temples and mosques for ages should also be included in that definition. As per a prior order of the Supreme Court of India hawking was banned within the radius of 50 metres of public places like temples, mosques, schools, colleges. The police, traffic police and the municipal officials kept such hawkers at bay by taking such a stringent action against them as against a criminal. I feel that the proposed law shall clarify and provide for special arrangement for the street vendors who have been conducting their

business for ages now in front of temples like the vendors selling flowers, vegetables or items of prasada or offerings near Siddhivinayak temple in Mumbai.

The Standing Committee recommended two important things. One was to include the Railways under this law. Vending is a big business inside and outside all the railway stations of the country. You will come across all such vendors at all the local stations of Mumbai. Railways has not been included under this law. It is requested that Railways should be included in its ambit. There is a need to regulate the vending which takes place within the Railways complex, in view of the fact that almost all the blind persons in Mumbai sell something or the other in front of various railway stations here. They are chased away by RPF personnel. I have intervened there several times and even tried to save them. Now, how many times an MP or MLA would intervene and there is a need to pay attention to the manner in which those hawkers could be included who are conducting business within the Railways Complex.

The registration of all the hawkers will be done under the Town Vending Committee constituted by you and certificate shall also be issued to them. You have given good representation to the hawkers in the Town Vending Committee (TVC). You will find a kind of tussle going on between the residents in buildings in metropolitans like Delhi and Mumbai and the hawkers. You cannot do hawking outside a building. I understand the viewpoint of the residents of buildings. But why it is taking place? Because there was no provision for them earlier. Hawking has always been illegal. And it is in the interest of some people that it should remain illegal. Illegal hawking is a very big racket. So if a law is being passed with the objective of busting this racket and regulating the hawkers so the residents of local buildings who are in the Town Vending Committee should also have a participation and their opinion should also be taken care of.

Supreme Court has ordered for creation of 110 no-hawking zones in Mumbai. No-hawking zones have been created but hawking zones are not being created. The people working as hawkers for several years were driven away forcibly from there. The people had been doing their business there for the last 30 to 40 years and they were told that they could not carry on their business as per the said order. But the court had also asked for creation of

hawking zones which have not been created till date. I think that there should be emphasis on the proposal of creation of vending zones because creation of vending zones is not very easy. We have to consult with the local people of any area if any vending zone is to be created there.

I would like to say something related to penalty. I will have to read it because there are mistakes in penalty clause. I would like to draw hon. Minister's attention towards the provision made in Section 3 in Chapter-IV.

[English]

In Chapter II - Relocation of Street Vendors - it has been stated that Every street vendor who fails to relocate or vacate the site allotted to him after the expiry of the said period of notice shall also be liable to pay, for every day of such default, a penalty which may extend up to rupees five hundred as may be determined by the local authority.

Further, in Chapter X - Penal Provisions - If any street vendor indulges in vending activities without a certificate of vending; he shall be liable to a penalty for each such offence which may extend up to rupees two thousand as may be determined by the local authority.

[Translation]

A poor tomato-seller hardly takes ten kilograms of tomatoes in his basket for sale and his total earning is likely to be between 200 rupees to 300 rupees. If he commits any mistake and action is taken against him and the State Government or municipality has liberty to levy a penalty upto 2000/- rupees, I think it would be a great injustice to him. The amount of penalty should be less than 250/- rupees because his total earning is likely to be around 300/- rupees. There must be a clarity regarding penalty.

Hon. Minister. I would like to draw your attention to my last point. There should be time-limit for providing the certificate. The Standing Committee had also said that the certificate should be provided to any vendor applying for it otherwise he would be harassed. He would have to go to people like us for recommendation of his name. I would like to request you to fix the time limit for issuing the said certificate. The most important thing is what would be the status of existing street-vendors. All of them should be regulated under this law. For example, there are seven

lakh hawkers in Mumbai. Brihanmumbai Municipal Corporation has not regularized them. I would like the Union Government to issue directives for regularization and registration of the said seven lakh hawkers of Mumbai and providing certificates to them so that the ongoing dispute between the hawkers and the police and exploitation of street vendors comes to an end. New certificates are to be issued but I would like to request that the old existing street vendors should be regulated first and only after that new vendors should be inducted.

*SHRI P.L. PUNIA (Barabanki): Street Vendors or hawkers are an important part of the urban area. They are those people who could not get any regular employment and they have to bring up their families through this unorganized sector. They provide goods at fair prices in all the areas of a city. They are being given some rights for the first time. The public should get the facilities and the street vendors should not create any traffic problem. This Bill is designed to address the complaints of the said class of street vendors. There is a provision for formulating plans for the street vendors after every five years so that there is no traffic problem. There is a provision for registration of the said class and providing the benefits of loan, insurance and social security for them. This class would get respect in the society.

It is a good proposal and a social law. I support this Bill proposed by the hon. Minister.

SHRI NRIPENDRA NATH ROY (Cooch Behar): Chairman Saheb, first of all I thank you and hon'ble Minister that after much deliberation this Bill was introduced for the poor and the labourers.

Before me several of hon'ble Members have discussed a lot about it. Whatever time has been allotted to me. I'll conclude accordingly. I support this street vendor Bill. For the first time the government has introduced a good Bill for the poor. This Bill will be passed without any voting. Street vendors are subjected to maximum atrocities in cities. If you go to Delhi, Mumbai, Kolkata and the metropolitan cities, you will find that the person engaged in street vending are poor. Some vendors belong to cities. The number of farmers is decreasing due to slow progress of agriculture in villages. Agricultural activities are declining. People are settling down in cities after abandoning

agriculture. They are also engaged in vending. But there is problem in it. Many persons have come to the cities in search of work. In cities most of the labourers are from villages. The problem is that people come from villages and get associated with street vending. There is no problem for local people. They have their acquaintances. Influential people back them. Our Constitution confers to all the people the right to livelihood. The persons who come from villages and start street vending in cities are subjected to atrocities. The persons from cities who are already engaged in this profession inflict atrocities on them. Against there are the police and traffic police who also do injustice to them. I want the new vendors who are going to start work, they should also be given proper facilities as older vendors terrorize the new ones. At times, I walk through various areas of the city. If you go to Delhi, the police also terrorize them because in any zone there is no limited shop. Seeing the police, the vendors wrap up their shops in haste. If you walk there you may see this. The vendors again open their shops when the policemen leave that place. This is what I see. This type of atrocity on the poor should not continue.

Sir, our mission is for literate India. We want to impart universal education to all children. But, this Bill stipulates that in order to survive, all the persons above the age of fourteen years have right to select their livelihood. I would like to request hon'ble Minister that it is not correct. We want to impart education. We want India to become the biggest educated state of the world. Our children should not remain illiterate. Therefore, this age limit of fourteen year should be removed and vendors up to the age of fourteen years should not be issued any licenses. It would increase child labour and the poor children will opt for this work leaving everything behind. Therefore, hon'ble Minister and our Standing Committee should think over it. Hon'ble Minister should take corrective steps in this regard.

Sir, the big shopkeepers, and businessmen get loans, facilities and policies. But you may find it across the country whether in cities or villages that the vendors do not get any facilities from the banks because they do not have any identity, address or house. You may see they do vending at one place and pass their nights at some other places. They sleep under flyovers, below the stairs of metro bridge. Therefore, a survey should be conducted to find out the vendors who do not have houses. A survey should be conducted to ensure that vendors get their own zone and their family members get their own houses. There is lot of

space in towns and residential areas. There is lot of space in Delhi. If we visit villages connected with Delhi city, we find that mafia dominates in residential areas like Vasant Kunj and trans-Yamuna. They provide space to these people and extort money from their families, they demand 'hafta' and unless they pay it they are forced to leave that space. What is the fault of these poor people?

Sir, the Government has for the first time, introduced this Bill after independence. I support this Bill. There is consensus regarding vendors. You gave me an opportunity, so I conclude by thanking you and the hon'ble Minister.

[English]

*SHRI S. GANDHISELVAN (Namakkal): This Bill is very timely as it aims to regulate street vending activities across the country.

While going through the Bill, I could see a proposal to extend support to urban street vendors and this aspect has been included as a component under the National Urban Livelihoods Mission. Would the Minister throw more light on this and the status?

What are the various important features of the revised National Policy on Urban Street Vendors? I would like to suggest to the Centre should make efforts to go through the policies at the State level concerning street vendors, which would help the Central Government to come out with a comprehensive Bill.

Another important aspect of this Bill is that it aims at establishing a uniform legal mechanism for the regulation of street vending across the length and breadth of the country.

The Bill was introduced on September 6, 2012 after which it was referred to the Department-Related Parliament Standing Committee on Housing and Urban Poverty Alleviation on September 9, 2012. The Committee has submitted a Report which contained many recommendations.

One of the recommendations is Members of the Town Vending Committee (TVC) should have a fixed tenure of 5 years. I hope this recommendation is made with the intention to streamline the Committee which governs the whole process.

Another vital and in a sense very important is the recommendation to the effect that vending certificate should be issued within one month. I will not go why the original Bill has excluded this all important aspect of fixing the time frame. I hope the Government would accept this recommendation of the Standing Committee.

Renewal of vending certificate every three years is a routine one and I hope there would not be any problem in accepting this recommendation too.

In a sense, for street vendors, independence has dawned on them after 66 years of Independence. It is a good sign that at least now the Government is taking effective initiatives to streamline the livelihood of street vendors across the country.

Hence, I support this important Bill.

[Translation]

SHRI ASADUDDIN QWAISI (Hyderabad): Sir, I am very thankful to you for giving me the opportunity to speak. Sir, I would like to welcome the Bill, that has been brought. My view point is that the category of people who strongly upheld the parliamentary democracy still have faith in this parliamentary democracy. All these people belong to the poor category. These people who are carrying out street vending business whether in scorching heat or heavy rains or chilling winter, continue to do their business sitting on the pavement near the road. As the Hon. Minister has said in the beginning remarks that two per cent population of our country has adopted this business.

My viewpoint is that at least one and a half to two lakh people in my city carry out this business. The urban areas in the whole of Andhra Pradesh and Maharashtra which is our neighbouring state and where I get the opportunity to visit, have more than 60% Muslim minority doing this business. Whether they sell dry fruits or sell small items after making them. I appreciate this law being enacted. In our state also, such laws exist, but despite this these people are frequently harassed particularly by the traffic police and the people in the administration. In this context, through you I would like to request the Hon. Minister that after passing this Bill, she should visit mega cities of India and hold programmes there so that the local administration come to know that this is an issue related to employment and if we displace them, we compel their

family members to remain starved or take up some wrong activity.

Sir, I want to give an example related to my constituency particularly the area of Kothi. There was a very big market of old books here. Children from various areas in the city used to visit to purchase books. Then came the High Court decision and the market was displaced and set up at a place where business does not take place smoothly. We must see that if these people do their business sitting at that place, the purpose is that the people visit that place. If we say that remove them because the traffic has become more. Of course, the volume of traffic has gone up but if we restore them to far away places, they cannot do their business. So, it is necessary to seek some middle path. Therefore, I would request the Hon. Minister to visit Hyderabad also. I am giving the example of Nizamabad. The team of Medical Council of India was coming to Nizamabad because a new medical college was being started there. By cheating, the collector removed more than 200 people from there who used to do fruit business. Indeed, we are formulating law but how will it be implemented? We will succeed in its implementation when the people in the state administration will enforce this law with sheer honesty. I expect the Hon. Minister to visit the urban areas of the whole of India and tell the administration that this is a big issue and only these people do such type of business. On the day of polling, these very people are the first one to stand in the queue. Therefore, we welcome this law which is being formulated. I hope that it will be implemented in its true spirit.

DR. TARUN MANDAL (Jaynagar): Hon'ble Chairman, Sir, you gave me an opportunity to speak, I thank you for this. After going through this Bill and hearing about this Bill it appears that it would be beneficial for our street vendors. But doubt crops up in my mind because the government introduced various Bills but the persons who were intended to be benefitted did not get any benefits. They are unable to get benefits.

Mr. Chairman, Sir, through you, I would like to request the government, hon'ble Minister, whatever provisions are contained in this Bill should at least be properly and timely implemented. The persons, for whom this Bill has been introduced, may get certain benefits from this Bill. It is an important issue, the poor of our country live at a smaller scale, they are associated with street vending and hawking.

It is not an issue of one-two crore people, I think the number would be more than three crore. The people are not getting work and employment in villages, the government may be implementing NAREGA, livelihood mission, but people are coming to cities in search of job. They have nothing to eat, no place to live in, there is no arrangement for sanitation in cities for them and to rub salt on their wounds there are police and other officials who continue to subject them to atrocities. I want to submit that all this comes under unorganized sector. All of you know that all these come under self employment. For that what the Supreme Court has ruled, the government must ensure their human rights and implement that properly.

The third point. I would like to raise is related to FDI. The government has talked about FDI in multibrand retail. With the introduction of FDI in this sector our street vendors and hawkers will be hit horribly, therefore, FDI should not be allowed in multibrand retail otherwise our street vendors and hawkers will cease to exist. The introduction of Pension Fund Regulatory and Development Authority has made the future of pensioners uncertain and their comfort and peace of mind have been taken away.

Sir, street vendors are subjected to a lot of atrocities. On the one hand, there is police and the Municipal Corporation officials are on the other and in addition to these there is local mafia which operates in separate areas. They extort money from them. The ruling political party get separate 'hafta'. All these things must stop. They should be issued license and there should not be any kind of discrimination on this count. It goes like this that those who get associated with the Labour Unions affiliated with the ruling political party will only get license and the remaining labourers will not get it. This should never happen, all should get license.

Sir, it happened in our state West Bengal, you know as you live adjacent to it. You know under operation sunshine, during the Government of the left front CPM regime of West Bengal all the goods of the street vendors were destroyed using bulldozers at night and shops were set on fire. Protests were held across the country. We had also participated in that protest. Our trade union. All India United Trade Union, the Centre all participated in it. There were civil societies also and the left front government was forced to stop that. The present government made so many promises, but most of the promises have not been kept. It should keep its promises.

Sir, the last point, social security cover must be provided for this unorganized sector. For example, there should be facility of ESIC health facility, there should be provident fund for them. There is no housing facility for persons employed in the unorganized sector. There should be small houses for them, like a scheme the Indira Awas Yojana should be launched for them. If anyone falls ill, there is nobody to offer them employment. If anybody becomes disabled, compensation should be paid to them. They should be made to live like human beings and not as animals. They should be given respect and dignity like human beings. This is my demand from the government.

SHRIMATI PUTUL KUMARI (Banka): Sir, I would like to congratulate hon. Minister, Girija Vyasji and support this Bill as well.

Sir, this Bill appears to be small but its aim and objectives are great. This Bill is related to the lives, livelihood and self-respect of lakhs of those people who set up their small stalls, carts or shops on footpath or at roadsides or sell mangoes or blackberries in a basket on their heads. They had no protection till date. All of us are public representatives and well aware of the importance of the fact that it would be almost impossible to lay down a law for providing employment opportunities to lakhs of people in this country.

On the other hand, 70 per cent of the population of this country engaged in agriculture are running away from agriculture day-by-day because agriculture is getting costlier and there is shortage of resources needed for agriculture. Agriculture is not only becoming costlier but unprofitable also. We have not been able to provide skill-oriented education which is likely to provide new employment opportunities. Whatever we may say but it is a fact that there is no such education system in our country. In such a situation the educated, less educated, uneducated and laborious people have no other option but to go to a city or elsewhere and set up small stalls or sell small things on roads for earning their livelihood.

Sir, the profession of street vendor is not a new one. They are found not only in India but in every nook and corner of the world. If we go to visit Eiffel Tower, we can see these vendors selling their goods even there. In fact these street vendors are part and parcel of life and culture of any place. Be it Amritsari Chhole or Bada Paav of

Mumbai or Murhi of Bengal or Bhunja and Litti of Bihar - all these things are related to our culture. So due importance is given to them everywhere in the world because they reflect the culture of that place.

There was no law for protection of these people in our country due to which they were harassed by the local bodies, municipality, nagar panchayat or the local police. Earlier we were talking about that fact that there are groups or gangs of extortionists who take a weekly out from them and if the street vendors do not pay up, they inform the police or municipal officials who come and take away or destroy the goods and belongings of the street vendors. Thereafter, the street vendors have to go to the police station and pay money to them for getting back their belongings. It is an issue related to honour and livelihood of lakhs of people. Today the Parliament is going to take a historical decision which is likely to provide protection to these people.

Mr. Chairman, Sir. I would like to request the government not only to get this Bill passed but also to implement it sincerely so that the intended beneficiaries of this Bill get all the benefits.

*SHRI GORAKHNATH PANDEY (Bhadohi): I would like to give some suggestion on Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill 2012, presented by Dr. Girija Vyas.

This Bill is necessary in public interest. This Bill is beneficial for the poor. Any business is necessary for the downtrodden and depressed poor to earn their livelihood. The poor take money from moneylenders on interest, do small business, earn for their families doing self employment by peddling on footpath.

Unorganized street vendors earn their livelihood by self employment, peddling, selling vegetables, fruits, kulfi and pani puri. Crores of people in the country have been engaged in this business. The Government while understanding their pain, their problems and helplessness has formulated a scheme to make provisions in this regard in this Bill.

Crores of people of the country are migrating to the cities in search of employment. They run small business on footpath but the police, municipal corporation and other

*Speech was laid on the Table.

people extort money from these peddlers. More than half of their earned money is extorted from them.

The provisions you have made in this Bill for such peddlers, hawkers and street vendors, needs to be improved. They need more facilities for employment. There is need to provide food, low cost free education, free medicine and shelter home for their families. Provisions should be made to provide wheat and rice at rupees 1 per kg to such poor.

More such necessary amendments should be made on the principle of 'better late than never' to protect these poor, helpless and those engaged in unorganized section from exploitation. They should be allowed to put a stall on footpath to sell their goods on the occasions of festivals. They should be protected from illegal extortion of money and should not be beaten with stick. They should not be beaten out.

The penalty amount on petty businessmen, peddlers and vegetable and fruit sellers should be reduced. They should be provided more facilities by simplifying the process of issuance of registration certificates of their registration. While supporting the Bill I want to say that these poor, unorganized, self employed people should be provided protection from police atrocity in small towns, markets and cities and their condition should be improved.

[English]

*SHRI R. THAMARAISELVAN (Dharamपुरi): I congratulate the Hon'ble Minister for bringing this historic Bill for the benefit of the street vendors.

I am sure that while drafting the Bill in question the Government has taken utmost care to take care of this section of our society who totally depend upon the daily income from the street vending.

However, I would like to make submission concerning few aspects of the Bill which is the centre stage of the business of the House. The Street vendors are mostly not literate and this is a fact known to all very well. Therefore, I am afraid how the Government is going to guide these illiterate street vendors with regard to various restrictions imposed in the said Bill such as application for registration, registration of street vendors and issuance of certificate of registration. The street vendors are always at the mercy of

the police personnel and this section of our society always is in the midst of fear that when their bread earning avenue is blocked by police personnel. Therefore, I feel the Bill in question will take care of these aspects.

Another thing which I noticed in the Bill is that the Bill does not include significant clauses of the National Policy for Urban Street Vendors as recommended by the National Commission on Enterprises in the Unorganized Sector. If passed in its present form, it will constitute a mockery of street vendors' rights. If the Government is serious about protecting the livelihoods of the urban working poor, it must incorporate not only the clauses of the national policy but also the progressive steps taken in this area by State Governments.

At the end, as I stated earlier, our street vending community is very illiterate amongst most of them, the government should make the procedures for making applications and for obtaining registration as street vendor in a simple and easy manner and time frame should be fixed for the authorities to issue certificates to the persons, and at the same time the government should also take care of exploitation of the illiterate conditions of the street vendors by so called agents, etc. Any exploitation, if noticed, should be viewed seriously and dealt with accordingly.

I congratulate the Hon'ble Minister again for bringing the historical Bill. With this I support the Bill.

[Translation]

THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION (DR. GIRIJA VYAS): Mr. Chairman, Sir, at the outset, I would like to congratulate and thank all the Hon. Members of for supporting this Bill. N.C.A. was mentioned and Shahnawaz Bhajji himself mentioned about it. In reply. I would like to say that the way NCA, this council expressed their opinion on this issue and the guidelines of the Supreme Court in this regard became the basis of the said Bill. The action in this regard started in the year 2004, but from the year 2004 to year 2007, year 2009 and year 2010, this Bill came in new form as revised model Bill and the progress in this regard continued which has finally culminated in the form of relief as this Bill has been introduced in the Parliament again. I am fully convinced that the said Bill will be passed.

Sir, this Bill was sent back by the Standing Committee on 13th March and now a law is going to be enacted, a

* Speech was laid on the Table

law for those people who are poor, for those who don't have any say and for those who live in the shadow of fear. This is a law for those people particularly women who can be evicted anytime from anywhere. You have talked about their jujube fruit but nobody cares about the uncertain condition in which they proceed with their trade. This law is committed to protect them. Therefore, I would like to thank the August House. I would also like to heartily thank our former Hon. Minister Kumari Shailja Ji and former Hon. Minister Shri Ajay Makanji.

17.00 hrs.

I would like to thank the Prime Minister, particularly UPA Government, Madam Chairperson of UPA, leader of opposition, Hon. Advaniji who are listening so patiently for long and to the sensitivity of all our leaders. But those street vendors also seem to me to be worthy of receiving greetings who constantly expressed their viewpoint in a non-violent manner. They never resorted to any agitation, never took anybody's life, never beat anybody but continued to express their grievances. Therefore, by saluting them I want to thank them from the core of my heart in this regard.

Today, I was listening to you. If I count, 21 members upto Putul Kumariji put forward their opinion. The figure of 21 is good. I feel fortunate because I got the opportunity to learn. Had some more ideas came up, perhaps some more points could have been included. But if you had attentively read the amendments brought by us. You would find that we have included in our amendments at least one half of the views expressed by you. For this, I want to give many congratulations and thanks to the Chairman of the Standing Committee and all the members.

Bhartruhariji, I will talk to you later on. You told that this was not the problem but the solution. It is alright that our hawkers are not problems. Through their upliftment, we are providing a solution. I also fully agree with this opinion of Shri Shahnawazji that we join politics taking it as a means of worship. I don't know, two-four exceptions may be there but worship contains pain and the pain has many forms. I have experienced pains in various forms.

17.02 hrs.

(SHRIMATI SUMITRA MAHAJAN in the Chair)

Madam, you have just sat in the Chair. You are deeply connected with the women. I have profoundly felt

their pain. But when I see this pain of the street vendors that they are uprooted from the place where they live, when they are beaten after snatching items from their hands, even the women are not spared, then I realize that this pain is much more. Neeraj ji had said:

"Dard tha diya gaya ki har dukhi ko pyar doon,
Aur aas yeh ki swarg bhumi par utaar doon."

It cannot be done many times. But if the government has intention, as Owaissi ji has rightly said that the government should have right intentions, it can be done. UPA government had right intentions. I would also like to tell the House that this House has also right intention that through this Bill we are going to give right to live with respect to these self-respecting people who have never been able to voice their feelings properly. I would like to give an example of self-respect of these people in which I felt ashamed. If I write my autobiography ever, I would have rare occasions of shame.

Madam, I would like to share an incident. Once the stall of a differently abled child was removed. He came to me but I could not do anything. I offered him live thousand rupees as help so that he may arrange something for himself. He used to set up his stall in an authorized colony. He stood up slowly and I thought perhaps he wanted to thank me but he gave back the money and said he did not want money, he wanted business or employment. He needed my help for his employment. Then he turned and told me that he knew that I am a poetess. He further said-

"Tera jauk bhi, leva shauk bhi,
Mere clard-e-dil hi clawa nahi."

I still remember his statement. That is why the day I took over charge of this ministry. I threw myself in this ministry. Once I had a chat with Rahman Bhai who used to sell bananas. I saw him and realized his sensitivity. Once woman came to sell mosambi in a basket on her head. The banana seller had got a permanent license, so the personnel did not say anything to him but starting beating and pushing that woman. Then the banana seller shared his space with the woman. Seeing this I stopped my car and stepped down to thank him and then he said a couplet. Now he is a renowned poet (shayar) and his two books have been published. He had said:

"Hamare gharon me mitti ke diye jalte hain

Log chhote hi so hi dil ke bade bote hain."

These people are self-reliant. They have a great heart and keeping their feelings and struggle since the year 2004 and in view of the Supreme Court's directives in this regard and the positive and negative response of the states, this Bill has been introduced and put in concurrent list. Today I may not be able to answer all the queries of honourable Member but I will definitely reply to all your queries separately. I would try to convene a meeting and discuss the matter with you at the earliest. The Union Government has brought it in the concurrent list as per entry 20, 23 and 24 because only two to four states including my state have implemented this. Most of the State Governments were indifferent towards this issue. In this scenario this universal Bill has been introduced.

I would like to tell specially Shri Mahtab ji that it has been brought under concurrent list as per entry 20, 23 and 24. Some questions were raised in this regard. The question was that the number of representatives in the Committee is less. I would like to submit here that there are street vendors, market associations and ten percent NGOs in TVC, Thus, the number of those people is almost 60 to 70 per cent. Even if we exclude market associations, their number is 50 per cent who can express their views.

Just now a question was raised that who will be included in it? I make it clear that all existing vendors who already have the certificates will not be excluded. They will neither be registered nor be evacuated till zones are set up. All existing vendors will be included in it and covered under it till a mandatory survey is conducted. In every five years there will be a survey. This license will be given practically to each person out of 2.5 per cent population. Vending zones will be fixed liberally. You have raised the question and expressed your apprehension lest the shops should be allotted in remote areas. I remember that in my constituency Udaipur once the vegetable sellers were allotted vegetable shops 8 kilometer away from Udaipur. Fortunately, now, they have been allotted in the middle. But at that time very few people went as far as 8 kilometers and at night those women would put their vegetables in front of my house and asked me to respond. This type of problem should not recur. Where there is huge population and demand, the shops will be allotted there. Somewhere there is a demand of vegetable, somewhere there is a demand of milk and curd, at some

other places other things are in demand. The shops should be allotted keeping in mind all these things and we shall try to include this matter in the rules.

Just now an honourable Member mentioned something regarding Mumbai that the market of Mumbai should be in the concept of natural market. I wish to tell the honourable member that all the areas will be covered under it. It will include small business and tourism related fairs. If you talk about farmer's market, I have seen such a market at some places abroad where there is only women's market, and which opens between 5 p.m. to 7 p.m. Such type of market should also be evolved here where women could also do their work smoothly. Keeping in mind all this we shall see to it and consider it later.

You should be free from the fear that without any reason anyone would be evicted anytime and one who is not willing to go, will be given license at another place. Evictions in extreme cases only. That is also his zone. There will be no eviction except the place where there is school, this guarantee has been given in it. As far as penalty is concerned, it is Rs. 250/- only.

Both the points of the hon. Member, which were separately mentioned by him, I think both points have been covered under separate provisions and separate reasons have been adduced. However, penalty is only Rs. 250/-. If anyone is without license, the penalty is of Rs. 2000/-. I think that we shall also keep your point in mind. As far as property and their goods are concerned. I have already submitted that it will take maximum of two days time to process their application. If there is any edible substance, it will be released with him whenever he says. You have raised a doubt in it, your doubt is appropriate, I welcome it. Insurance and credit both are added in it. On one hand we said that the N.L.U.M. of 5 per cent is included in it but besides it we shall help with funds also so that they could get solution of their problems. That is admissible. As far as facility is concerned, I think, as Shri Dara Singh Ji had submitted or you had mentioned about application of the rule of cleanliness on it. But cleanliness means that the surroundings should be kept clean and its responsibility is not on him, it is on the municipality. You had rightly stated it. It is the responsibility of the municipality to keep the surroundings clean. There is a proverb in our Rajasthan:

"We should not be afraid of torn clothes and poor relatives but there should be cleanliness in that poor cloth too. Perhaps this saying is applicable at that time when we have money in pocket and bread in stomach."

When they will get to eat, cleanliness will automatically come out. I agree with you regarding the matter that it should not be imposed on them.

So far as police protection and Municipality are concerned, this is the very basis of this Bill. The daily process of physical assault by administration and eviction is too much and now those people have the right to live. Therefore, they should be with them completely. So Owaisji, I agree with your point. The five pillars are quite necessary. First is law and strictness of law. There was no law in this regard till date. Now there is a strict law. The second thing is execution of law and for that I seek your help. We will make such provisions in law, it is my thinking, my desire. How can it be taken personally. You may specially invite MPs and MLAs for this but their elected representatives should also be invited so that they can play their roles in execution. You may execute it in a better way, I myself am scared of municipalities etc. There is a need to hammer it. The third is the awareness programme. It should be done by the government, the municipalities and by us so that it reaches to the people as Owaisi ji said we should set up committees and organize awareness programmes at various places and make them aware of their rights. The fourth is the role of civil society. I received several calls at night. Sushmaji, I especially request you because people make phone calls to women. The first call came from Gulmarg Park, which is in front of my house. Because where should they express their pains? They express their pain and suffering at that very place, one woman wanted to know whether they would place "Khadiya" at Gulmarg Park also? I somehow pacified her. The other phone was from a disabled persons he wanted to know whether the issue being discussed would actually happen? They are yet to believe it. The third phone was from a street vendor, they wanted to know whether their dream will be realized? All these phone calls are indicating that when the House stands united, when the intention of the House is right, as Shah Nawaz ji rightly said that they had come with the feeling of worship. Today's worship is for the poor who did not have any say, but know they have got voices. In this regard I have 21 questions from you, there are certain

solutions also, I'll reply you in writing. There is a couplet. I have just written, with that I'll conclude:

"Khauf Dekh, Khauf ki Tabir Dekli Dardper lagaya hai Marham, to uski jar a Tamir Dekh."

SHRI DARA SINGH CHAUHAN (Ghosi): Madam Speaker, I had requested to give the railway land lying unused to the poor people after taking railway into confidence so that their livelihood flourishes ...*(Interruptions)*

DR. GIRIJA VYAS: That would be taken care of, but I want an inter-ministerial meeting to be held, and we are trying for that. ...*(Interruptions)*

SHRIMATI SUSHMA SWARAJ (Vidisha): Madam Chairperson, hon'ble Minister replied in a poignant manner. I think by dedicating these four lines to the hon'ble Minister and this House, it would be better if we pass this Bill. Addressing you and the House, I would like to convey:

"Kisi majboor hi majburiyon ko sochkar dekho,
Prem ko in Jhopadiyon ke beech Khojkar dekho,
Agar Insaniyat ko phir se dharti par bulate ho,
Kisi rote hue ke ansuon ko pochkar dekho,
Kisi role line ke ansuon ko pochkar dekho"

To wipe these tears you have introduced this Bill and without any party politics the entire House is going to pass it.

[English]

MADAM CHAIRMAN: The question is:

"That the Bill to protect the rights of urban street vendors and to regulate street vending activities and for matters connected therewith or incidental thereto be taken into consideration."

The motion was adopted.

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

Clause 2 Definitions

Amendments made:

Page 2, for lines 8 to 18, substitute —

'(a) "appropriate Government" means in respect of matters relating to,—

- (i) a Union territory without Legislature, the Central Government;
- (ii) the Union territories with Legislature, the Government of the National Capital Territory of Delhi or as the case may be, the Government of Union territory of Puducherry;
- (iii) a State, the State Government;
- (b) "holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone and has been determined as such by the local authority on the recommendations of the Town Vending Committee;". (3)

Page 2, for lines 28 to 30, substitute —

'(e) "natural market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;'. (4)

Page 2, line 38, after "Municipal Act" insert ",as the case may be". (5)

Page 2, omit lines 44 and 45. (6)

Page 3, line 4, for "private area or" substitute "private area,". (7)

Page 3, line 11, after "local authority" insert "on the recommendations of the Town Vending Committee,". (8)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 2, as amended, stand part of the Bill".

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3

MADAM CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The motion was negated.

Clause 4 Registration of street vendors and issue of certificate of registration

Amendment made:

Page 3, for lines 25 to 37, substitute —

"Survey of street vendors and protection from eviction or relocation.

4. (1) The Town Vending Committee shall, within such period and in such manner as may be specified in the scheme, conduct a survey of all existing street vendors, within the area under its jurisdiction, and subsequent survey shall be carried out at least once in every five years.
- (2) The Town Vending Committee shall ensure that all existing street vendors, identified in the survey, are accommodated in the vending zones subject to a norm conforming to two and half per cent, of the population of the ward or zone or town or city, as the case may be, in accordance with the plan for street vending and the holding capacity of the vending zones.
- (3) No street vendor shall be evicted or as the case may be, relocated till the survey specified under sub-section (1) has been completed and the certificate of vending is issued to all street vendors.". (9)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

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

The motion was adopted.

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

Clause 5 Persons not to engage in street vending without obtaining certificate of vending

Amendments made:

Page 3, for lines 38 to 43, substitute -

"Issue of certificate of vending.

5. (1) Every street vendor, identified under the survey carried out under sub-section (1) of section 4,

who has completed the age of fourteen years or such age as may be prescribed by the appropriate Government, shall be issued a certificate of vending by the Town Vending Committee, subject to such terms and conditions and within the period specified in the scheme including the restrictions specified in the plan for street vending:

Provided that a person, whether or not included under the survey under sub-section (1) of section 4, who has been issued a certificate of vending before the commencement of this Act, whether known as licence or any other form of permission (whether as a stationary vendor or a mobile vendor or under any other category) shall be deemed to be a street vendor for that category for the period for which he has been issued such certificate of vending.

- (2) Where, in the intervening period between two surveys, any person seeks to vend, the Town Vending Committee may grant a certificate of vending to such person, subject to the scheme, the plan for street vending and the holding capacity of the vending zones.
- (3) Where the number of street vendors identified under sub-section (1) or the number of persons seeking to vend under sub-section (2) are more than the holding capacity of the vending zone and exceeds the number of persons to be accommodated in that vending zone, the Town Vending Committee shall carry out a draw of lots for issuing the certificate of vending for that vending zone and the remaining persons shall be accommodated in any adjoining vending zone to avoid relocation.

Conditions for issue of certificate of vending.

- 5A. (1) Every street vendor shall give an undertaking to the Town Vending Committee prior to the issue of a certificate of vending under section 5, that —

- (a) he shall carry on the business of street vending himself or through any of his family member;
- (b) he has no other means of livelihood;
- (c) he shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person.

- (2) Where a street vendor to whom a certificate of vending is issued dies or suffers from any permanent disability or is ill, one of his family member in following order of priority, may vend in his place, till the validity of the certificate of vending—

- (a) spouse of the street vendor;
- (b) dependent child of the street vendor:

Provided that where a dispute arises as to who is entitled to vend in the place of the vendor, the matter shall be decided by the committee under section 20.". (10)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 5, as amended, stand part of the Bill".

The motion was adopted.

Clause 5, as amended, was added to the Bill.

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

DR. GIRIJA VYAS: I beg to move:

"That this House do suspend clause (i) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No.41 to the Street Vendors (Protection of Livelihood and

Regulation of Street Vending) Bill, 2012, that that this amendment may be allowed to be moved."

The motion was adopted.

New Clause 5A Conditions for issue of certificate of vending.

Amendment made:

Page 3, after line 43, insert—

5A. (1) Every street vendor shall give an undertaking to the Town Vending Committee prior to the issue of a certificate of vending under section 5, that —

- (a) he shall carry on the business of street vending himself or through any of his family member;
- (b) he has no other means of livelihood;
- (c) he shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person.

(2) Where a street vendor to whom a certificate of vending is issued dies or suffers from any permanent disability or is ill, one of his family member in following order of priority, may vend in his place, till the validity of the certificate of vending—

- (a) spouse of the street vendor;
- (b) dependent child of the street vendor:

Provided that where a dispute arises as to who is entitled to vend in the place of the vendor, the matter shall be decided by the committee under section 20." (41)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That New Clause 5 A stand part of the Bill."

The motion was adopted.

New Clause 5A was added to the Bill.

Clause 6 Issue of certificate of vending

Amendments made:

Page 3, for lines 44 to 47 substitute —

"Categories of certificate of vending and issue of identity cards.

6 .(1) The certificate of vending shall be issued under any of the following categories, namely:—

- (a) a stationary vendor;
- (b) a mobile vendor; or
- (c) any other category as may be specified in the scheme.

(2) The certificate of vending issued for the categories specified in sub-section (1) shall be in such form, and issued in such manner, as may be specified in the scheme and specify the vending zone where the street vendor shall carry on his vending activities, the days and timings for carrying on such vending activities and the conditions and restrictions subject to which he shall carry on such vending activities.

(3) Every street vendor who has been issued certificate of vending under sub-section (1) shall be issued identity cards in such form and manner as may be specified in the scheme." (11)

Page 4, omit lines 1 to 12. (12)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7 Criteria for issuing certificate of vending

Amendment made:

Page 4, for line 17, substitute "specified in the scheme." (13)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clauses 8 and 9 were added to the Bill.

Clause 10 Cancellation or suspension of certificate of vending

Amendments made:

Page 4, line 24, *for* "(10) (1)" *substitute* "10.". (14)

Page 4, line 31, *for* "as it thinks fit." *substitute* "as it deems fit:". (15)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11 Appeal from decision of Town Vending Committee

Amendments made:

Page 4, line 35, *omit* "registration under section 4 or". (16)

Page 4, for line 38, *substitute* "prescribed.". (17)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12 Rights of street vendor

Amendment made:

Page 4, **for** lines 43 to 45, **substitute** —

"12. (1) Every street vendor shall have the right to carry on the business of street vending activities in accordance with the terms and conditions mentioned in the certificate of vending .". (18)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clause 13 Right of street vendor for a new site or area on relocation

Amendment made:

Page 5, line 3, after "local authority.", insert "in consultation with the Town Vending Committee.". (19)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

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

The motion was adopted.

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

Clauses 14 to 17 were added to the Bill.

Clause 18 Relocation or eviction of street vendors

Amendment made:

Page 5, *for* lines 16 to 31 *substitute* —

"Relocation or eviction of street vendors.

18. (1) The local authority may, on the recommendations of the Town Vending Committee, declare a zone or part of it to be a no vending zone for any public purpose and relocate the street vendors vending in that area, in such manner as may be specified in the scheme.
- (2) The local authority shall evict such street vendor whose certificate of vending has been cancelled under section 10 or who does not have a certificate of vending and vends without such certificate, in such manner as may be specified in the scheme.
- (3) No street vendor shall be relocated or evicted by the local authority from the place specified in the certificate of vending unless he has been

given thirty days notice for the same in such manner as may be specified in the scheme.

- (4) A street vendor shall be relocated or evicted by the local authority physically in such manner as may be specified in the scheme only after he had failed to vacate the place specified in the certificate of vending, after the expiry of the period specified in the notice.
- (5) Every street vendor who fails to relocate or vacate the place specified in the certificate of vending, after the expiry of the period specified in the notice, shall be liable to pay for every day of such default, a penalty which may extend up to two hundred and fifty rupees, as may be determined by the local authority, but shall not be more than the value of goods seized.".(20)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19 Confiscation and reclaiming of goods

Amendment made:

Page 5, for lines 32 to 36, substitute —

"Seizure and reclaiming of goods.

19. (1) If the street vendor fails to vacate the place specified in the certificate of vending, after the lapse of the period specified in the notice given under sub-section (3) of section 18, the local authority, in addition to evicting the street vendor under section 18, may, if it deems necessary, seize the goods of such street vendor in such manner as may be specified in the scheme:

Provided that where any such seizure is carried out, a list of goods seized shall be prepared, as specified in the scheme, and a copy thereof, duly signed by the person authorised to seize the goods, shall be issued to the street vendor.

- (2) The street vendor whose goods have been seized under sub-section (1) may, reclaim his goods in such manner, and after paying such fees, as may be specified in the scheme:

Provided that in case of non-perishable goods, the local authority shall release the goods within two working days of the claim being made by the street vendor, and in case of perishable goods the local authority shall release the goods on the same day of the claim being made by the street vendor.".

(21)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 19, as amended, stand part of the Bill."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

Clause 20 Redressal of grievances for resolution of disputes of street vendors

Amendment made:

Page 5, for lines 39 to 42, substitute —

- "20. (1) The appropriate Government may constitute one or more committees consisting of a Chairperson who has been a civil judge or a judicial magistrate and two other professionals having such experience as may be prescribed for the purpose of deciding the applications received under sub-section (2):

Provided that no employee of the appropriate Government or the local authority shall be appointed as members of the committee.".(22)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Clause 21 Preparation of street vending plan

Amendment made:

Page 6, for lines 17 to 23, substitute —

"Plan for street vending.

- 21. (1) Every local authority shall, in consultation with the planning authority and on the recommendations of the Town Vending Committee, once in every five years, prepare a plan to promote the vocation of street vendors covering the matters contained in the First Schedule.
- (2) The plan for street vending prepared by the local authority shall be submitted to the appropriate Government for approval and that Government shall before notifying the plan, determine the norms applicable to the street vendors." (23)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 21, as amended, stand part of the Bill."

The motion was adopted.

Clause 21, as amended, was added to the Bill.

Clause 22 Town Vending Committee

Amendment made:

Page 6, for lines 34 to 43, substitute —

"(b) such number of other members as may be prescribed, to be nominated by the appropriate Government, representing the local authority, medical officer of the local authority, the planning authority, traffic police, police, association of street vendors, market associations, traders associations, non-governmental organisations, community based organisations, resident welfare associations, banks and such other interests as it deems proper;

(c) the number of members nominated to represent

the non-governmental organisations and the community based organisations shall not be less than ten per cent;

- (d) the number of members representing the street vendors shall not be less than forty per cent, who shall be elected by the street vendors themselves in such manner as may be prescribed:

Provided that one-third of members representing the street vendors shall be from amongst women vendors:

Provided further that due representation shall be given to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities from amongst the members representing street vendors." (24)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 22, as amended, stand part of the Bill."

The motion was adopted.

Clause 22, as amended, was added to the Bill.

Clause 23 Meetings of Town Vending Committee

Amendments made:

Page 7, line 1, for "23." substitute "23.(1)". (25)

Page 7, after line 3, insert —

- "(2) Every decision of the Town Vending Committee shall be notified along with the reasons for taking such decision." (26)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 23, as amended, stand part of the Bill."

The motion was adopted.

Clause 23, as amended, was added to the Bill.

Clauses 24 and 25 were added to the Bill.

Clause 26 Constitution of Ward Vending Committees

MADAM CHAIRMAN: The question is:

"That clause 26 stand part of the Bill."

The motion was negatived.

Clause 27 Publication of street vendor's charter and database and carrying out social audit

Amendment made:

Page 7, line 15, omit "certificate of registration and the". (27)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 27, as amended, stand part of the Bill."

The motion was adopted.

Clause 27, as amended, was added to the Bill.

Clause 28 Duties of local authority

MADAM CHAIRMAN: The question is:

"That clause 28 stand part of the Bill."

The motion was negatived.

MADAM CHAIRMAN: Clause 28 is dropped from the Bill.

Clause 29 Prevention of harassment by police and other authorities

Amendment made:

Page 7, line 34, for "No street vendor", substitute

"Notwithstanding anything contained in any other law for the time being in force, no street vendor". (28)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 29, as amended, stand part of the Bill."

The motion was adopted.

Clause 29, as amended, was added to the Bill.

Clause 30 Penalty for contraventional

Amendment made:

Page 7, omit line 42. (29)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 30, as amended, stand part of the Bill."

The motion was adopted.

Clause 30, as amended, was added to the Bill.

Clauses 31 to 33 were added to the Bill.

Clause 34 Research training and awareness

Amendment made:

Page 8, for lines 24 and 25, substitute —

"(a) organise capacity building programmes to enable the street vendors to exercise the rights contemplated under this Act;" (30)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 34, as amended, stand part of the Bill."

The motion was adopted.

Clause 34, as amended, was added to the Bill.

Clause 35 Act to have overriding effect

Amendment made:

Page 8, omit lines 33 to 36. (31)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 35, as amended, stand part of the Bill."

The motion was adopted.

Clause 35, as amended, was added to the Bill.

Clause 36 was added to the Bill.

Clause 37 Power to amend schedules

Amendment made:

Page 8, line 45, omit "or the Third Schedule". (32)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 37, as amended, stand part of the Bill."

The motion was adopted.

Clause 37, as amended, was added to the Bill.

Clause 38 Power to make rules

Amendments made:

Page 9, for lines 1 and 2, substitute —

"38.(1) The appropriate Government shall, within one year from the date of commencement of this Act, by notification, make rules for carrying out the provisions of this Act." (33)

Page 9, for lines 5 to 7, substitute —

"(a) the age for street vending under sub-section (1) of section 5;

(b) the form, period and manner of filing appeal with the local authority under sub-section (1) of section 11;" (34)

Page 9, after line 22, insert —

"(ja) the manner of elections among street vendors under clause (d) of sub-section (2) of section 22;" (35)

Page 9, omit lines 33 to 35.(36)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 38, as amended, stand part of the Bill."

The motion was adopted.

Clause 38, as amended, was added to the Bill.

Clause 39 was added to the Bill.

Clause 40 Scheme for street vendors

Amendment made:

Page 10, for lines 16 to 18, substitute —

"40. (1) For the purposes of this Act, the appropriate Government shall frame a scheme, within six months from the date of commencement of this Act, after due consultations with the local authority and the Town Vending Committee, by notification, which may specify all or any of the matters provided in the Second Schedule." (37)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That clause 40, as amended, stand part of the Bill."

The motion was adopted.

Clause 40, as amended, was added to the Bill.

Clause 41 was added to the Bill.

First Schedule

Amendment made:

Page 11, for lines 1 to 26, substitute —

"THE FIRST SCHEDULE

(See section 21)

Plan for Street Vending

(1) The plan for street vending shall,-

(a) ensure that all existing street vendors identified in the survey, subject to a norm conforming to two and half per cent, of the population of the ward, zone, town or city, as the case may be, are accommodated in the plan for street vending;

(b) ensure the right of commuters to move freely and use the roads without any impediment;

(c) ensure that the provision of space or area for street vending is reasonable and consistent with existing natural markets;

- (d) take into account the civic facilities for appropriate use of identified spaces or areas as vending zones;
 - (e) promote convenient, efficient and cost effective distribution of goods and provision of services;
 - (f) such other matters as may be specified in the scheme to give effect to the plan for street vending.
- (2) The plan for street vending shall contain all of the following matters, namely:
- (a) determination of spatial planning norms for street vending;
 - (b) earmarking of space or area for vending zones;
 - (c) determination of vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones;
 - (d) making of spatial plans conducive and adequate for the prevalent number of street vendors in that city or town and also for the future growth, by adopting such norms as may be necessary;
 - (e) consequential changes needed in the existing master plan, development plan, zonal plan, layout plan and any other plan for accommodating street vendors in the designated vending zones.
- (3) Declaration of no-vending zone shall be carried out by the plan for street vending, subject to the following principles, namely:—
- (a) any existing market, or a natural market as identified under the survey shall not be declared as a no-vending zone;
 - (b) declaration of no-vending zone shall be done in a manner which displaces the minimum percentage of street vendors;
 - (c) overcrowding of any place shall not be

a basis for declaring any area as a no-vending zone provided that restrictions may be placed on" issuing certificate of vending in such areas to persons not identified as street vendors in the survey;

- (d) sanitary concerns shall not be the basis for declaring any area as a no-vending zone unless such concerns can be solely attributed to street vendors and cannot be resolved through appropriate civic action by the local authority;
- (e) till such time as the survey has not been carried out and the plan for street vending has not been formulated, no zone shall be declared as a no-vending zone." (38)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That the First Schedule, as amended, stand part of the Bill."

The motion was adopted.

The First Schedule, as amended, was added to the Bill.

Second Schedule

MADAM CHAIRMAN: The question is:

"That Second Schedule stand part of the Bill."

The motion was negatived.

Third Schedule

Amendments made:

Page 13, for lines 1 to 39, substitute —

"THE SECOND SCHEDULE

[See section 40]

Matters to be provided in the Scheme for Street Vendors framed by the appropriate Government:

- (a) the manner of conducting survey;
- (b) the period within which certificate of vending shall be issued to the street vendors identified under the survey;

- (c) the terms and conditions subject to which certificate of vending may be issued to a street vendor including to those persons who wish to carry on street vending during the intervening period of two surveys;
- (d) the form and the manner in which the certificate of vending may be issued to a street vendor;
- (e) the form and manner of issuing identity cards to street vendors;
- (f) the criteria for issuing certificate of vending to street vendors;
- (g) the vending fees to be paid on the basis of category of street vending, which may be different for different cities;
- (h) the manner of collecting, through banks, counters of local authority and counters of Town Vending Committee, vending fees, maintenance charges and penalties for registration, use of parking space for mobile stalls and availing of civic services;
- (i) the period of validity of certificate of vending;
- (j) the period for which and the manner in which a certificate of vending may be renewed and the fees for such renewal;
- (k) the manner in which the certificate of vending may be suspended or cancelled;
- (l) the categories of street vendors other than stationery vendors and mobile vendors;
- (m) the other categories of persons for preference for issue of certificate of vending;
- (n) the public purpose for which a street vendor may be relocated and the manner of relocating street vendor;
- (o) the manner of evicting a street vendor;
- (p) the manner of giving notice for eviction of a street vendor;
- (q) the manner of evicting a street vendor physically on failure to evict;
- (r) the manner of seizure of goods by the local authority, including preparation and issue of list of goods seized;
- (s) the manner of reclaiming seized goods by the street vendor and the fees for the same;
- (t) the form and the manner for carrying out social audit of the activities of Town Vending Committee;
- (u) the conditions under which private places may be designated as restriction-free-vending zones, restricted-vending zones and no-vending zones;
- (v) the terms and conditions for street vending including norms to be observed for up keeping public health and hygiene;
- (w) the designation of State Nodal Officer for co-ordination of all matters relating to street vending at the state level;
- (x) the manner of maintenance of proper records and other documents by the Town Vending Committee, local authority, planning authority and State Nodal Officer in respect of street vendors;
- (y) the manner of carrying out vending activities on time-sharing basis;
- (z) the principles for determination of vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones;
- (za) the principles for determining holding capacity of vending zones and the manner of undertaking comprehensive census and survey;
- (zb) principles of relocation subject to the following:
 - (i) relocation should be avoided as far as possible, unless there is clear and urgent need for the land in question;
 - (ii) affected vendors or their representatives shall be involved in planning and implementation of the rehabilitation project;
 - (iii) affected vendors shall be relocated so as to improve their livelihoods and

standards of living or at least to restore them, in real terms to pre-evicted levels.

- (iv) livelihood opportunities created by new infrastructure development projects shall accommodate the displaced vendors so that they can make use of the livelihood opportunities created by the new infrastructure;
 - (v) loss of assets shall be avoided and in case of any loss, it shall be compensated;
 - (vi) any transfer of title or other interest in land shall not affect the rights of street vendors on such land, and any relocation consequent upon such a transfer shall be done in accordance with the provisions of this Act;
 - (vii) state machinery shall take comprehensive measures to check and control the practice of forced evictions;
 - (viii) natural markets where street vendors have conducted business for over fifty years shall be declared as heritage markets, and the street vendors in such markets shall not be relocated.
- (zc) any other matter which may be included in the scheme for carrying out the purposes of this Act." (39)

Page 14, omit lines 1 to 8. (40)

(Dr. Girija Vyas)

MADAM CHAIRMAN: The question is:

"That the Third Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Third Schedule, as amended, was added to the Bill.

Clause 1 Short title, extent, commencement and provisions

Amendment made:

Page 1, line 5, for "2012" substitute "2013". (2)

(Dr. Girija Vyas)

MADAM 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 "Sixty-third Year" substitute "Sixty-fourth Year". (1)

(Dr. Girija Vyas)

MADAM 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.

MADAM CHAIRMAN: The Minister may move that the Bill, as amended, be passed.

DR. GIRIJA VYAS: I beg to move:

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

MADAM CHAIRMAN: The question is:

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

The motion was adopted.

[Translation]

SHRIMATI SUSHMA SWARAJ: Hon. Madam Chairman, three women have helped in passing this Bill. The woman Minister, the woman Chairperson and woman leader of opposition.

MR. CHAIRMAN: The woman leader of opposition has vehemently supported you.

DR. GIRIJA VYAS: Thank you ...(Interruptions)

[English]

MADAM CHAIRMAN: Hon. Members, in the Bill that we have just passed, three Clauses and one Schedule

have been negated. Also one new Clause has been added.

I, therefore, direct that wherever required, the subsequent Clauses and Sub-clauses may be re-numbered accordingly.

...(Interruptions)

[Translation]

SHRI SHAILENDRA KUMAR (Kaushambi): Hon. Madam Chairman, it is 5:30 pm now and I have given a notice for half-an-hour discussion. This matter is related to the farmers. I seek your protection. Hon. Minister is also present. ...(Interruptions)

THE MINISTER OF URBAN DEVELOPMENT AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI KAMAL NATH): Hon. Madam Chairman, there is no doubt that Hon. Member's point is correct. Next Bill is very short.

SHRI SHAILENDRA KUMAR: Yesterday also, I had patiently waited. I was told that it would be taken up today. It is 5:30 pm now. Please take up half an hour discussion ...(Interruptions)

SHRI KAMAL NATH: Please take up the Bill now and afterwards we will have it. This is my request ...(Interruptions)

[English]

MADAM CHAIRMAN: Now we shall take up Item No. 16.

17.42 hrs.

RAJIV GANDHI NATIONAL AVIATION UNIVERSITY
BILL, 2013

THE MINISTER OF CIVIL AVIATION (SHRI AJIT SINGH): Madam Chairman, with your permission, I beg to move*:

"That the Bill to establish and incorporate a national aviation University to facilitate and promote aviation studies and research to achieve excellence in areas of aviation management, policy, science and

technology, aviation environment, training in governing fields of safety and security regulations on aviation and other related fields to produce quality human resources to cater to the needs of aviation sector and to provide for matters connected therewith or incidental thereto be taken into consideration."

Madam, the Bill proposes setting up a National Aviation University as a Central University under an Act of Parliament at Indira Gandhi Rashtriya Uran Akademi Campus at Fursatganj, District Raebareli, Uttar Pradesh.

In 2006, Kaw Committee had recommended setting up of a National Aviation University in India. The 12th Five Year Plan Document also made a similar recommendation to augment qualified and trained manpower for aviation sector in India.

India is poised to be amongst the top three aviation markets in the world within next two decades. Its implied demand requires skilled human resources to upgrade and operate infrastructure across segments such as airlines, airports, ground-handling, cargo operations, maintenance, repair and overhaul etc. There is a virtual vacuum in the field of operational research in civil aviation and absence of credible institutions imparting specialized technical and managerial training in air transportation, safety, security and regulatory areas. There is lack of standardization of the quality of such education and training. Affiliation and academic supervision by a Central University is, therefore, a necessary investment in human resources and is critically required for civil aviation sector in India at this juncture.

It is proposed to set up National Aviation University on a piece of land available with Indira Gandhi Rashtriya Uran Akademi. Prime reason for selection of location is availability of the land of 26.35 acres and infrastructure in IGRUA campus.

The object of the proposed legislation is to establish a Central University as a society set up as an autonomous body under the administrative control of Ministry of Civil Aviation to promote aviation education, training, research and extension work. It shall be the endeavour of the University to maintain an international character and the highest possible standards of teaching and research. The Central Government will support the cost of setting up the proposed university with an estimated Central Government funding of Rs.202 crore in Phase-1, 2014-2019, on the

* Moved with the recommendation of the President.

land available with IGRUA. The capital expenditure would be Rs.145 crore, recurring expenditure is Rs.170 crore, revenue generated is Rs. 113 crore, project outlay total is Rs.202 crore. The academic session of the NAU is proposed to be started by September 2014.

Madam Chairman, I believe and most hon. Members believe that it is time to set up a world-class university in the aviation sector. I would also like to request the hon. Members to pass this Bill without discussion so that many more members may get an opportunity to participate in the business to be conducted in the next two hours today.

PROF. SAUGATA ROY (DUM DUM): Madam, I want to make a five-minute submission on this.

MADAM CHAIRMAN: Motion moved:

"That the Bill to establish and incorporate a national aviation University to facilitate and promote aviation studies and research to achieve excellence in areas of aviation management, policy, science and technology, aviation environment, training in governing fields of safety and security regulations on aviation and other related fields to produce quality human resources to cater to the needs of aviation sector and to provide for matters connected therewith or incidental thereto be taken into consideration."

Shri Ananth Kumar.

SHRI ANANTH KUMAR (Bangalore South): Madam, I think this is a very important Bill and it merits a debate in the House.

I am really surprised why our hon. Civil Aviation Minister has brought this Bill so hurriedly. We thought that before bringing the Aviation University Bill, he would be bringing a Bill for setting up a civil aviation authority in the country. When there is no civil aviation authority in India and suddenly he brings this Aviation University Bill, it is like putting the cart before the horse.

We want to have a regulatory authority in place first. We have the Medical Council of India, we have the University Grants Commission, we have the AICTE first before starting universities, engineering and medical colleges. And here the hon. Minister of Civil Aviation is indulging in a vice versa activity and I am surprised at this.

Our hon. Parliamentary Affairs Minister Kamal Nathji is here. There are many other important Bills, more

important than this Bill, which are pending. Today being the last day of the session, I do not know what is the priority of Chaudhary Ajit Singhji for bringing this Bill? We have the Indira Gandhi National University for Women Bill which is listed for today. We have the Seeds Bill which is a very important piece of legislation for the protection of farmers from exploitation by seed manufacturing and marketing companies, which is not getting any priority. We also have Child Labour (Prohibition and Regulation) Amendment Bill pending since 2012. We have the Lokpal Bill pending. We have the Women's Reservation Bill which our leader Shrimati Sushma Swarajji has incessantly fought for. But unfortunately, Ajit Singhji, before bringing a Bill on civil aviation authority has brought this Bill of Aviation University.

I am also amazed and surprised that this Aviation University is slated to be established in Fursatganj of Raebareli. Raebareli is an aviation desert. We cannot have an aviation university there. If at all there is a place in this country where you should have an aviation university, it is the aerospace capital Bengaluru. *...(Interruptions)* Why Bengaluru? *...(Interruptions)* There are 2-3 important factors. Firstly, we need to have an airstrip; we need to have an airport; we need to have a training command; we need to have air force command; we need to have all those facilities. Bengaluru has four airstrips - we have HAL airport; we have Jakkur airport; we have Yelahanka airport and we have a new international airport, which has been named after Nadaprabhu Kempegowda. If there is one city where we have four airstrips of international standards, it is Bengaluru.

I want to draw the attention of the Civil Aviation Minister that Bengaluru being the aerospace capital of India, we have ISRO there; the headquarters of Indian Space Research Organization is in Bengaluru. The only aircraft manufacturing facility, Hindustan Aeronautical Limited, HAL is situated in Bengaluru. We have the National Aeronautical Laboratory, NAL, which tests R&D in modern aircraft and helicopters is in Bengaluru. We have three Defence and Air Force Organizations in Bengaluru - one is Defence Research and Development Organization, DRDO, Aeronautical Development Agency, ADA, and Aeronautical Development Establishment. That means, the entire country's aeronautical prowess, aeronautical capability is situated in one city, Bengaluru. When Bengaluru is the aerospace capital of India, Fursatganj

and Rae Bareilly are aviation desert. You even do not have proper airstrip there. *...(Interruptions)*

[Translation]

MADAM CHAIRMAN: You can express your viewpoint later.

...(Interruptions)

[English]

MADAM CHAIRMAN: Please be seated.

...(Interruptions)

[Translation]

MADAM CHAIRMAN: When your turn comes, put across your opinion.

...(Interruptions)

[English]

MADAM CHAIRMAN: Take your seats.

...(Interruptions)

SHRI ANANTH KUMAR: Shri Ajit Singh Ji knows and understands that for development of backward area, you need not have Aviation University there; you need to have schools, colleges, roads and others. Rae Bareilly and Amethi do not have the basic infrastructure. *...(Interruptions)* Madam, to establish Aviation University, you require trained manpower. In Bengaluru, we have IISc, IIT, many engineering and IT colleges, and also the IT giants. You know that after year 2000, Y2K, the entire aviation systems have been transferred to terrestrial, to CNSATM - Air Traffic Management, Communication, Navigation and Surveillance, etc. *...(Interruptions)*

...(Interruptions)

[Translation]

MADAM CHAIRMAN: Seek it for Bengal afterwork.

...(Interruptions)

[English]

SHRI ANANTH KUMAR: Therefore, I urge the hon. Minister. *...(Interruptions)*

MADAM CHAIRMAN: You can demand for your place also.

SHRI ANANTH KUMAR: Madam, my request to the hon. Minister and the Government is that he may change the location of the University; and from Rae Bareilly and from Fursatgang, you can bring the Aviation University to the aerospace capital of India, Bengaluru. That is my request.

One more strong objection that I am raising is that the Aviation University is being named after our late Prime Minister Shri Rajiv Gandhi. I have nothing against Shri Rajiv Gandhi but at the same time I want to bring to the knowledge of the entire august House that in the Central Government schemes, there are six schemes named after Shri Rajiv Gandhi *...(Interruptions)* In State Government Schemes, there are 25 schemes named after him; 23 sports and tournaments are named after Shri Rajiv Gandhi. Stadiums, airports, universities, awards, scholarships, national parks, sanctuaries, museums, hospitals, medical institutions, roads. *...(Interruptions)*

MADAM CHAIRMAN: This is not the way. Please sit down.

...(Interruptions)

[Translation]

MADAM CHAIRMAN: When your turn comes, you can speak.

...(Interruptions)

MADAM CHAIRMAN: Please sit down.

...(Interruptions)

MADAM CHAIRMAN: Please have patience.

...(Interruptions)

[English]

SHRI ANANTH KUMAR: I am not yielding.

Madam, I want to clarify that I have nothing against Shri Rajiv Gandhi but at the same time 444 institutions, universities, roads, bridges, canals have been named after Shri Rajiv Gandhi. *...(Interruptions)* I understand if Shri Kamal Nath ji, Shri Veerappa Moily ji and Kumari Selja ji indulge in ...* and ...* but I do not understand why Shri Ajit Singh ji is indulging in ...* because Choudhary Charan

* Expunged as ordered by the Chair.

Singh ji always fought against Congress. He was one of the top leaders of the non-Congress Movement in this country. Having that legacy, I do not understand this!

I want to humbly suggest to the hon. Minister that if at all we want to name, we can name it after Mahatma Gandhi, Swami Vivekananda, Bhagat Singh, Chandra Shekhar Azad, Sardar Vallabhbhai Patel, Subhash Chandra Bose, Baba Saheb Ambedkar, Rani Jhansi Laxmi Bai. ...(*Interruptions*)

[*Translation*]

MADAM CHAIRMAN: Please sit down. Standing up like this again and again is not good. Please sit down.

...(*Interruptions*)

MADAM CHAIRMAN: Interruptions like this is not good. Please sit down.

...(*Interruptions*)

[*English*]

SHRI ANANTH KUMAR: Madam, at the same time, if at all our hon. Civil Aviation Minister wants to name the university with an aviator politician he can name the university after Biju Patnaik. Biju Patnaik was such an aviator who even flew aircraft with President Sukarno on board but unfortunately I do not understand this mentality of...*

Today, I am urging the hon. Minister that we really need to have the university in Bengaluru because of the faculty, training facilities, atmosphere and because of various other factors that are there. I genuinely feel this because you require people from Singapore to come in; people from US to come in and you require people from boeing and airbus to come in. You have to work on simulators. I do not know how all these faculty members can come to Raebareli! They can easily come to Bengaluru and impart education.

Not only that, in all these organizations, from HAL, NAL, ADA ADE, DRDO, Indian Institute of Science to HIT, if you want to take faculty for the university, it is a matter of great ease. But in any other destination, in any other location, it is very difficult. At the same time, I also want to tell our hon. Civil Aviation Minister that we had a great engineer statesman, Sir M. Visvesvaraya.

* Expunged as ordered by the Chair.

18.00 hrs.

Sir M. Visvesvaraya, whose centenary was in 1959 was attended by none other than Pt. Jawaharlal Nehru, as Prime Minister of India. Sir M. Visvesvaraya was awarded Bharat Ratna. He was the pioneer of Indian aviation industry. He laid the foundation for HAL. Therefore, the University should be dedicated to Sir M. Visvesvaraya's memory. That is my request... (*Interruptions*). We had started an aerospace club and that aerospace club is also working in Sir M. Visvesvaraya's name only.

When the hon. Minister is moving this Bill, I do not want to go into the details of Director-General of Civil Aviation; what the Standing Committee has said; how the DGCA is working; how many vacancies are there; and what are the pitfalls in that regarding safety, maintenance and airworthiness.

[*Translation*]

MADAM CHAIRMAN: Ananth Kumarji sit down for a minute. It is already six o'clock. How much more time you would like to extend?

SHRIMATI SUSHMA SWARAJ (*Vidisha*): Till it is finished. ...(*Interruptions*)

[*English*]

THE MINISTER OF URBAN DEVELOPMENT AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI KAMAL NATH): Madam, we have three more Bills.

[*Translation*]

MADAM CHAIRMAN: Let us extend the time up to 9 o'clock for now. Till then we will take up all these Bills.

Those Hon. Members who want to give their written speeches, they can place it on the table of the House.

...(*Interruptions*)

MADAM CHAIRMAN: Hon. Members, please don't speak among yourself.

...(*Interruptions*)

[*English*]

SHRI ANANTH KUMAR: Madam, I do not want to go into the details of Standing Committee regarding the functioning of DGCA.

SHRI AJIT SINGH: We are not discussing these things.

SHRI ANANTH KUMAR: We are not discussing this but at the same time, in the Objects of this Bill, you have said that you require a Civil Aviation Authority and to have a Civil Aviation Authority, you require a civil aviation Bill. But without bringing the Civil Aviation Bill, you have brought this Aviation University Bill.

The hon. Minister also knows that aviation industry is growing with 130 per cent growth rate. When 130 per cent growth rate is there, I would request him to change the location from Fursatganj Raebareli to Bengaluru and name this Aviation University in the name of Dr. Mokshagundam Visvesvaraya.

[Translation]

SHRI SHAILENDRA KUMAR (Kaushambi): Hon. Madam Chairperson, I will speak very briefly. I am very grateful to you for giving me the opportunity to speak on Rajiv Gandhi National Aviation University Bill, 2013. The Minister of Parliamentary Affairs is sitting here. He had stated that we will not have any discussion on the Bills which are being taken up. It was also agreed by the BJP's side. We had become convinced. Now when discussion has started, while vehemently supporting this Bill. I would like to put across the point that Railway Coach Factory, Rajiv Gandhi Petroleum Technology Institute, Indira Gandhi Women University and several more institutes have been set up in the past. I do not oppose their setting up but there are several areas where universities and airports should be set up. My suggestion is to set up these institutions in the backward areas. This Bill gives boost to the business and tourism sector and the people will get employment. You should carry out expansion by selecting more areas and not restrict to Raibareilly and Amethi. At least this needs to be taken care of.

With these words. I conclude my speech.

* SHRI SATPAL MAHARAJ (Garhwal): At present, the need of the hour is to give opportunity to our children in our country and they should utilize their talent in the aviation sector. Today, several countries of the world like America are on the path of development with the help of Indian brain. If our children receive international level

modern technical aviation education in our country itself, our country will certainly touch the new heights of success.

On this occasion. I also want to say that education imparted at Rajiv Gandhi Aviation University should be employment oriented so that students get employed after receiving education from there. Today, it is being observed that jobs are not available for the trained pilots of the country. When the job is not available after completing such an expensive studies, the morale of the trained youth of the country goes down. The youngest pilot of the country Kumari Ilimangi Oberoi hails from my Parliamentary Constituency who is roaming about in search of job. Not only Himangi but many such youth are there who are wandering for employment after receiving the training of pilot. Due to shutting down of Kingfisher airlines recently, many pilots, cabin crew and other technical assistants have been rendered jobless. In such a situation, the Government should consider to provide jobs for these trained pilots and technical members.

The government should operate air taxis in the remote areas so that our trained youth get the jobs. The government should develop India as a hub in the aviation sector. And the Government should make an all out effort in this regard. The maintenance and repairing of aircrafts and the manufacturing of their parts should be ensured in the country itself. The planes from other countries should come to our country for repairs. Australia has made substantial progress in this sector. Even the doctors there take their planes to visit their patients. There is a lot of scope in this regard in our country. We also have a lot of talent and if we have will power then we can achieve this objective.

I would also like to add that if this Aviation University is set-up in Uttarakhand then it would be able to make use of the three airports in Haridwar, Dehradun and Pant Nagar which will facilitate training. Capt. Satish Sharma ji had written a note about this earlier.

Today the Union Government has mobilized the means for quick travel to countries such as Australia by using Dreamliner airplanes. I would like to thank the government for this. I would also like to suggest that direct air service should be started from India to Panama so that India becomes the aviation hub in Asia.

*Speech was laid on the Table.

Pilots and technical trainees should be provided training through flight sculptures. This would enable them to get flying experience without wasting petrol and they would be able to learn the skills required for flying.

I would also like to suggest the construction of airports to enhance connectivity. Sometimes we see that AAI is sharing airports with the Indian Airforce which affects our military strength. If AAI constructs large airports then not only would our civil aviation presence become strong globally but our military strength would also be augmented.

Not a single large plane was able to land on the hills for undertaking rescue work during the Uttarakhand calamity because the airports in Gochar, Chilyanisaur and Pithauragarh are small airports where only small planes can land. If we construct large airports in remote hill regions also then we would be able to undertake rescue and relief operations with much more speed.

I would also like to suggest that a large international airport should also be constructed in Meerut from where international flights can be operated. I hope that the Minister would execute this work speedily.

International flights should be started from Dehradun, for example there can be a direct flight to Nepal from there.

We should make efforts to provide world class aviation educational programme in India so that the country makes a name in the aviation sector globally. Today corporate have their own airplanes and this trend will rise in future thereby leading to a jump in the need for pilots.

In the end, I would like to conclude by saying that I hope you will set new records in the aviation sector. I support the bill.

[English]

* SHRI R. THAMARAISELVAN (Dharmapuri): At the outset I congratulate the Hon'ble Minister for bringing the Bill titled the Rajiv Gandhi National Aviation University Bill, 2013. The government has brought the Bill at an appropriate time when the country is witnessing indiscipline in our aviation sector. We have been reading in newspapers frequently of the aircrafts skidding off the runway, recurrences of near collusion, indiscipline within

the aircrafts during flying, etc. So, the present Bill is in the right direction to bring in accountability in our aviation sector.

Why I said the Bill is in the right direction is because India would be the third largest aviation market by 2020 and it is expected that the country's airports would be handling 336 million domestic and 85 million international passengers with projected investment to the tune of US\$ 120 billion by 2020.

The Civil Aviation Sector is facing acute manpower shortage, especially in the technical cadre. As per estimates of the sub-group on Human Resource Development for the Civil Aviation Sector, India would need 5,400 pilots.

Similarly, the demand for Aircraft Maintenance Engineers and Air Traffic Controllers would rise with the increasing number of flights and the new airports. Given a population of more than one billion plus, the requirement for the technical manpower appears inconsequential, but the low supply churn out rate of quality technical grade personnel might perpetuate an undermanned Indian aviation sector.

There are around 40 approved flying training institutes in the country out of which 17 are functional. The training of commercial pilot is a time consuming process. At present, only 100 pilots graduate from these flying schools every year. On the short term demand basis there would be requirement of at least 150 pilots per year as replacements for retirements and normal attrition.

Therefore, the country must be ready or equipped to face the above challenge and I hope the present Bill will meet the above aspirations.

Clause 3 (3) of the Bill provides for establishing or maintain campuses and centers. What I wish to mention here that one such regional centre may please be established at Chennai, to cater to the needs of the students of the southern region of the country who are interested to study in aviation sector. I would like to stress upon the Hon'ble Minister that all the centers which the government intends to set up, should be under the direct control of the government and no affiliation should be granted for establishing institutions under the said Bill.

When we are talking about our aviation sector, how can I ignore our national carrier, Air India. I am happy that

the Hon'ble Minister is taking special attention to make Air India a profitable organization and I am sure that the Air India is showing the signs in this regard. However, I would like to bring to the kind notice of the Hon'ble Minister that Air India is still not operating in profitable routes both domestic and international. I have heard that if Air India operates some international routes which are not presently used by Air India, Air India can earn handsome revenue. Therefore, I urge upon the Hon'ble Minister to direct the Air India to undertake a study to find out the feasibility of operating aircrafts to routes which are not operated as of now. With this I conclude and support this Bill.

[Translation]

SHRI GORAKHNATH PANDEY (Bhadohi): Mr. Chairman Sir, the hon. Minister has presented the Rajeev Gandhi National Aviation University Bill, 2013 and I have stood to support it. But I would like to put two or three points first. I belong to Uttar Pradesh which is a large state and Poorvanchal region in the state is an extremely backward region. It is devastated in turn by floods and drought. The State Government and the Union Government provides a separate fund for education called the Poorvanchal Development Fund. I would like to say that there are large tracts of land available in the rural areas in Bhadohi lok sabha constituency. If the University is set-up there then the rural people would also be benefitted and get opportunities through the aviation sector. The people in this rural belt who are not aware of the strides in the technological sector would become more aware and clued-in. This is a good bill and I am standing in its support. I would like to request the hon. Minister that the university should be established in Bhadohi Lok Sabha constituency where abundant land is available and it would also enable to rural population to get technical knowledge.

[English]

PROF. SAUGATA ROY (Dum Dum): I shall be very brief. I have nothing against the Bill to set up the Rajiv Gandhi National Aviation University at Fursatganj, Raebareli. Our late Prime Minister, Rajiv Gandhi, was a commercial pilot who had obtained a Boeing licence. When he was Prime Minister he had set up the Indira Gandhi Rashtriya Uran Akademi at Fursatganj, Raebareli. There is a basic infrastructure there. The new University would be set up on that land at a cost of Rs. 202 crore. There is a need to standardise aviation training in this country.

I represent a constituency, which has the Kolkata airport. There are many fly-by-night operators. Somebody teaches you maintenance of the aircraft; and somebody teaches you how to be an airhostess. So, there is no standardisation in training and education as far as civil aviation is concerned.

It has many aspects, like cargo handling, airport handling, flight safety, etc. I do not want to go into that. There is a need for very specialised training. For instance, take the job of air traffic controllers. They perform a very technical work. But there are no institutions to train people in that.

So, an idea of an aviation university is a modern and forward-looking idea, considering that India is soon going to be the third largest market for airlines in the world. ... (Interruptions) Please allow me another two minutes to put forth a small problem.

There is this Airports Authority of India. It runs many airports. The Government has already given four airports to the private sector. Two companies, the GMR and the GVK, made a loot in these airports. We know from the CAG report what looting has gone on by the GMR in the Delhi airport. In Kolkata, there is the Netaji Subhash Chandra Bose International Airport. This was modernized by the Airports Authority of India at a cost of Rs. 2,300 crore. The new modernized airport was inaugurated by the President of India. The Minister of Civil Aviation was also there. Our Chief Minister was also there. It was inaugurated on 20th January this year.

The Chennai airport was also modernized by the Airports Authority of India at a cost of Rs. 2,150 crore. Now, the Minister of Civil Aviation is thinking, under pressure from the Deputy-Chairman and other members of the Planning Commission that these airports are to be privatized. These two airports were modernized at the cost of the exchequer. He is also planning to privatize Guwahati, Lucknow, Jaipur and Ahmedabad airports. I am totally opposed to handing over these airports, built at State cost, to private parties.

As far as maintenance is concerned, you can outsource them. But the management, ownership and operation in these airports must be in the hands of the Government.

Madam, please permit me to speak for one more minute. Any asset built with the State money should not be

given to the GMR, GVK-type private entities. On behalf of the workers of the Airports Authority of India, I want to inform this House this thing. I seek the support of all of you to oppose the plan for airport privatization. The workers of the Airports Authority will ultimately have to go in for a straight confrontation, total strike from November if the hon. Minister does not give up the anti-people policy and if he goes on to privatize State Airports.

With these words, I conclude.

SHRI SHARAD YADAV (Madhepura): Madam, I support Prof. Saugata Roy on this issue. ...(*Interruptions*)

[*Translation*]

*DR. KIRIT PREMJBHAI SOLANKI (Ahmedabad West): I welcome this Bill because the aviation sector is progressing rapidly. India is at the top in the world in this sector. So state of art university of excellence is required in aviation sector.

Several institutions are presently engaged in aviation sector providing training for pilots, air-hostess and other staff.

Keeping in view the pace at which this sector is growing, I welcome this University Bill for this sector. This university would be providing scientific training to the pilots, airhostess, security staff, health staff, cargo staff and staff in hospitality sector. This training will be uniform and it will help in further growth of aviation sector.

I would like to suggest that this university may be set up in Ahmedabad-Gandhinagar region in place of politically motivated proposal of setting up in Raibareli.

SHRI SUSHIL KUMAR SINGH (Aurangabad): Madam Chairman, I would like to thank you for giving me an opportunity to speak on Rajiv Gandhi National Aviation University Bill, 2013.

Madam Chairman. I would like to submit that this Bill is very good and has been drafted beautifully. Its objectives are also good. I would not like to repeat other points stated by my colleagues. But I would like to say that Ex-Prime Minister Late Shri Rajiv Gandhiji was a good pilot. I have no objection if this university is named after Sh. Rajiv Gandhi but this university should be set up at such a place which has the required facilities and infrastructure

* Speech was laid on the Table

...(*Interruptions*) Fursatganj may be a big location but keeping in view the type of education and training in aviation science, management and security proposed to be provided in this university and the infrastructure required therefor this university should be set up at a place which has the required infrastructure and facilities. I would like to say that whenever we start a new-work we talk about international norms and international level facilities.

Hon. Minister, I would like to tell you that Gaya is the nearest airport from my Parliamentary Constituency in Bihar. Gaya airport is an international airport just for name but I would like to give a few examples of the facilities available there. There is no facility for night landing at Gaya airport. The second thing is you would not get a single napkin or tissue paper in the toilets and still this airport is called an international airport. There should be uniformity in our intention and policy. Any work should not be done only for getting cheap popularity or obliging any specific region or pleasing any special person. There must be a clear policy and right intention for any work. Only then we are likely to succeed in what we want to do.

Madam, I welcome this Bill and support this Bill. But at the same time. I would like to say that first a survey should be conducted and this university should be set up at a place which has required infrastructure. I do not have any objection to its name. Rajiv Gandhi Ji was a good pilot. I would also be pleased if this university is named after him but this university should be set up only at a place having all the infrastructure. You need roads, electricity, water, schools, hospitals etc for developing a backward area. We can develop an area by providing these facilities.

Madam, I thank you for giving me an opportunity to speak.

[*English*]

MADAM CHAIRMAN: Shri T.R. Baalu, do you want to speak?

SHRI T.R. BAALU (Sriperumbudur): Yes, Madam, I want to speak.

Madam, at the very outset, I would like to say that I would like to support the Bill brought forward by my friend Shri Ajit Singh, the Civil Aviation Minister pertaining to the establishment of a National Aviation University at Raebareli

in the name of one of the greater leaders, the late Shri Rajiv Gandhi.

While supporting the Bill, I would only say that a proposal of Greenfield airport in my constituency in Sriperumbudur for which even though land is available, the Government of India is simply glossing over the issue for more than four or five years. Madam, I demand from the hon. Minister to set up a University campus in Sriperumbudur where the Rajiv Gandhi Memorial is there.

Secondly, as far as Chennai airport is concerned, there is a lot of hue and cry as if it is going to be privatised. In this regard, I would request the Minister to react while replying.

Thirdly, the most important issue which is pending for more than four or five years is that many NGOs, the Government and the local representatives of State Legislature and the Members of Parliament have tried to convince the Government of India to see that Madurai airport is named after Muthuramalinga Devar, who was the then Member of the Constituent Assembly, a great patriot. I want to know whether the Minister would name Madurai airport after Muthuramalinga Devar. These are my submissions. I would request the hon. Minister to respond.

[Translation]

*SHRI ARJUN RAM MEGHWAL (Bikaner): I would like to lay my statement on the Rajeev Gandhi National Aviation University Bill, 2013:

1. The aviation university will also undertake research in environment (aviation environment) sector. It is my request that the study of the environmental causes due to which MIG-21 aircrafts are being damaged, should be conducted by the university.
2. This university will also conduct research with regard to aviation security, regulations and impart training, but the study to find out factors responsible for accidents of MIG aircrafts should also be conducted.
3. There is need to increase the budget for R and D sector.
4. A centre for excellence in aviation sector should also be set up under the aegis of the university.

* Speech was laid on the Table

[English]

SK. SAIDUL HAQUE (Bardhaman-Durgapur): Thank you, Madam. My first submission to the hon. Minister is that the University should be established in Kolkata and in the name of Netaji Subhas Chandra Bose.

My next submission is this. Whose interest this University is going to be established? A large number of private institutions are there which provide aviation education and training, which are not up to the mark. This University is being established to give recognition because the Statement for Objects and Reasons states that this would give affiliations to the private institutions. Whose interest would be served by this?

The other submission is this. Why not this University be under the Ministry of HRD? Who will assess and accredit this University? If this University is giving accreditation to other universities, who will do its accreditation? What would the Ministry of Civil Aviation do accreditation? Giving accreditation would be regarded as substandard. Experience shows that in Sriperumpudur, the Rajiv Gandhi National Institute of Youth and Sports was established. The UGC declared it as substandard and blacklisted. Now, they are going to make it as a centre of excellence.

What is happening in civil aviation industry and sector? It is totally destroyed because now Air India is almost dead, functioning under a massive debt burden and huge loss. Who is responsible for that? The Ministry of Civil Aviation is responsible for that. We had to spend Rs.50,000 crore for buying 68 aircraft. My point is this. Air India, which is the market leader in India with 42 per cent share, has totally been damaged and destroyed. Foreign players are coming into the civil aviation sector. Now, the Minister is inviting FDI in civil aviation industry. What is the ground reality? At present, in handling, cabin crew, pilots, etc. outsourcing is there; there is a source of privatization.

My hon. submission is this. As has been dealt by other hon. Members, this Ministry is going to privatise Kolkata, Chennai and other airports. Still we oppose that. What will happen is that in this University also, which was built with so much of public money Rs.202 crore would be given to the private players. That will be the reason. So, I would request the hon. Minister of Civil Aviation, do not go to run the University, run the flights on right time because flights are not flying on time. If such university is to be built,

let HRD Ministry do that. There are so many universities. These kinds of new courses can be taught there. You need not go in for setting up this university. You please run your Ministry in a competent manner so that this profitable PSUs can compete with others.

With these words, I oppose this Bill.

[*Translation*]

* SHRIMATI DARSHANA JARDOSH (Surat): It seems that the Rajeev Gandhi National Aviation University Bill, 2013 has been brought by the Government in a hurry. There are many such amendments in the Constitution which were necessary to be brought in the national interest for Aviation department.

But the other infrastructure facilities in support of an aviation university like an international airport and national aeronautical education facility have not been made available in Raibareli. If such university is there in the city, a large number of students could be imparted education there. If there is international connectivity in that city, more technical benefit can be availed. Educational facility should be made available by providing necessary infrastructure. Students should be provided employment oriented education. I welcome the establishment of university but it should be established at such place where infrastructure is available.

* SHRI MAHENDRA SINGH P. CHAUHAN (Sabarkantha): I welcome the Rajeev Gandhi National Aviation University Bill, 2013 proposed by honourable Minister Shri Ajeet Singh. Through this Bill there will be much progress in aviation sector. On the other hand, this Bill will be helpful in promoting aviation study and research in aviation sector besides improving aviation management policy, science and technology, aviation environment as well as in providing training in aviation sector on security and regulations and to attain excellence in other related sectors.

Sir, the National Aviation University will produce trained good pilots and staff for the country. There is a possibility of exploitation of the trainers in private institutions.

Sir, I oppose the way in which our airports are being privatized. I appreciate that this university is being named

*Speech was laid on the Table

alter Rajeev Gandhi because he himself was a good pilot, before joining in politics.

Sir, the university should be established at that place in the country where good facility and infrastructure is available.

*SHRIMATI JAYSHREEBEN PATEL (Mehsana): I would like to put forth my view on Rajeev Gandhi National Aviation University Bill, 2013. The Bill has been brought to facilitate study and research regarding aviation sector which require better infrastructure facility to upgrade quality and human resources for aviation sector and we shall have to make all out efforts to develop this infrastructure. I demand that the name of this university should be named after Sardar Patel. Proper connectivity is a must for civil aviation. We will have to draft a curriculum framework for this university. We will have to provide employment oriented education. Here we often talk also to connect customer sector. We should notice that the local people particularly youth of the area where this university sets up, connect themselves with this idea. As a result, a large number of people will be benefitted from this.

For establishing this university, qualified technical training will be required. More and more people will be connected with technology and consequently the country will be developed. I support this proposal.

[*English*]

SHRI S. SEMMALAI (Salem): Madam Chairman, the setting up of a Central University exclusively in the Aviation sector is very much needed to enhance the image of the Indian Aviation sector. But I would like to point out one aspect to our hon. Minister of Civil Aviation.

I would like to emphasize that the proposed university should have included a provision for a real tie-up between the university and the industry. This is very important so that the students coming out of this university would have a sound practical knowledge of aircraft maintenance.

Madam, as per this Bill, this university would confer degree and diploma to students. But there is a provision in this Bill which states that at any time, on evaluation, the given degree and diploma can be withdrawn. Can any university withdraw the degree given to students? On what parameters can this be done? I would like to know whether

*Speech was laid on the Table

any such provision exists in any other university today. The hon. Minister should reply to this question.

I would like to say that there is nothing wrong in establishing a university in the name of illustrious leaders or in the memory of departed leaders. But while doing so, we will have to ensure that such institutes should be Centres of Excellence. I would like to draw the attention of the hon. Minister that the university started in Sriperumbudur in the name of our late Prime Minister Rajiv Gandhi is one of the institutions which has been derecognized by Tandon Committee for want of quality education and lack of infrastructure and last year we have passed a legislation to convert it into an institute of national importance. The same fate should not happen to this university also. This is my concern. So, it must be ensured that the proposed Rajiv Gandhi National Aviation University excels in all fields. As far as privatisation is concerned, we oppose privatization of the Indian Aviation sector.

[Translation]

SHRI NAMA NAGESHWARA RAO (Khammam): Hon'ble Chairperson, Madam, I thank you for giving me an opportunity to speak. Madam, by introducing this Bill hon'ble Minister has raised two important points. One important point is the lack of quality of education. He told about the quality of education. The second point raised by him is that 26.35 hectares of land is already available there. I respect hon'ble Minister a lot. We have followed him whenever anything has been introduced about the farmers during the last five years.

Madam, through you. I would like to request hon'ble Minister that the first thing is that regarding quality of education Hyderabad. Andhra Pradesh is number one. About 20 to 25 per cent of the students in IIT, IIM come from Andhra Pradesh. About 40 per cent students come from the South. Therefore, regarding quality of education South India is quite suitable and even in the South Hyderabad is most suitable for that.

The second point raised by him is related to land. There is already a gold airport in Hyderabad. During the last three-four times whenever an aviation trade show is held, it is held in Hyderabad. Total infrastructure is ready there. If the State Government is not giving land, we'll provide 50 acres of land to the University on behalf of Telgu Desham Party. We want this University to be set up

in Hyderabad in the infrastructure which is ready in an area of 500 hectares of land and other facilities can be provided alongwith that. Saugata Roy Saheb raised an important issue regarding Delhi Airport, I agree with you on this point. Initially, this project was likely to cost two thousand nine hundred crore rupees. The cost has gone up to ten thousand crore rupees at the time of its completion.

I have requested to set up an airport at Khammam.

[English]

Once again, I am requesting.

[Translation]

This is a backward district. If you have given a University in the-North, then I demand one more University for the South in Hyderabad.

*SHRI ASHOK ARGAL (Bhind): We welcome the proposal introduced by Shri Ajit Singh, Minister. Civil Aviation regarding Rajeev Gandhi National Aviation University Bill, 2013, but I object that it is a very small place - the location is Furshatganj Raibareli in Uttar Pradesh - that is not a proper place -- the student who will take admission in that institute will have to face difficulty because there is no direct light for this place from anywhere. It is not at the main line. Students from each nook and corner will take admission and they will face a lot of difficulties and if it would be located at places like Bangalore. Agra, Lucknow, Bhind, Murena near Gwalior I would be more happy since late Rajiv Gandhi has been the Prime Minister and was also a pilot. It has been his constituency state. It is a right step on your part that you are also naming it. It would have been better had you selected the name of great persons like dalits Messiah Bahrat Ratna Dr. Bhimrao Ambedkar, Swami Vivekanand ji. Amar Shahid Subhash Chandra Bose. Ram Prasad Bismil, Chandrashekhar Azad. Rani Jhansi Laxmibai. On the one hand you are opening National Aviation University and on the other hand closing small training institutes which is not justifiable. I want that this location should be changed from lursatganj of Rai Bareli.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY (Kokrajhar): I am grateful to you for giving me this opportunity to express my views about this Bill. I thank the Minister for bringing this Bill and I support it. But there are three points that I would like to raise regarding this Bill.

*Speech was laid on the Table

I have been Member of this House since 1998. A domestic airport for Bodoland area has been a longstanding demand. Three or four civil aviation ministers have come and gone during this period. They gave assurances in this regard in the House but we haven't got an airport so far. Why are these people such misers? Will an airport in the Bodoland region cause India to break apart? Would it spell an end of Ramayan-Mahabharat, or Bhagavad Gita? ...*(Interruptions)*

[English]

Wonderful! It is very unfortunate. So, Madam, I would like to appeal to the Government of India, particularly, the present Union Minister of Civil Aviation. Shri Ajit Singh, to set up a domestic airport at Kokrajhar immediately.

[Translation]

MADAM CHAIRMAN: I will definitely give this consideration.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY: The second issue is that which was mentioned by Saugat Roy Sir, that the Guwahati airport is also going to be entrusted to a private company.

[English]

There is a very serious kind of campaign going on. I strongly oppose this kind of detrimental policy decision. Guwahati Airport should never be allowed to be privatised.

MADAM CHAIRMAN: Thank you. Now. Mr. Minister.

...*(Interruptions)*

[Translation]

MADAM CHAIRMAN: Please speak one by one so that all can be heard and understood.

[English]

SHRI T.R. BAALU (Sriperumbudur): Madam, I would like to know whether the Government of India will come forward to set up a university campus in Sriperumbudur in the name of Rajiv Gandhi. ...*(Interruptions)*

MADAM CHAIRMAN: The hon. Member. Mr. Bwiswmuthiary has not completed. You may continue please.

[Translation]

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY: Air India flight was started from Guwahati to Bangkok at the time of the NDA government but it was discontinued after a year. It should be started again.

[English]

I would request the hon. Minister to restore the Air India flight from Guwahati to Bangkok immediately ...*(Interruptions)*

[Translation]

MADAM CHAIRMAN: You have had your say, Please sit down now.

...*(Interruptions)*

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY: There is need to start an Air India flight from Guwahati to Bangkok. ...*(Interruptions)*

MADAM CHAIRMAN: It does not happen like this. Please sit down.

...*(Interruptions)*

[English]

MADAM CHAIRMAN: Please sit down. This is not the way. Nothing will go on record.

...*(Interruptions)**

[Translation]

SHRI ANANT KUMAR (Bangalore South): The Parliamentary Affairs Minister should tell us ...*(Interruptions)*

[English]

DR. M. THAMBIDURAI (Karur): Madam, I would like to ask one question to the hon. Minister. Our hon. Chief Minister has written a letter to the Prime Minister and to him also requesting that the new Domestic Terminal (T3) is named after our beloved leader Dr. MGR, Puratchi Thalaivar. I would like to know whether he is going to consider it. ...*(Interruptions)*

[Translation]

SHRIMATI SUSHMA SWARAJ (Vidisha): The Parliamentary Affairs Minister requested you and got the

*Not recorded.

House extended upto 9 p.m. from 6 o'clock. It was extended upto 9 p.m. on the understanding that today the House would be finally adjourned. Even if we have to work upto 9.30 p.m. or 10.00 p.m. instead of 9.00 p.m. we would adjourn only after finishing the work. Just now circular has come from security that the House will sit tomorrow. The Parliamentary Affairs Minister may please stand up and tell us the actual position? He had held discussions with us and reached a consensus that the House would be adjourned sine-die today. So you took the sense of the House at 6 p.m. and extended it till 9 p.m. with the understanding that it might be extended even to 9.30 p.m. and thereafter adjourned sine-die. So why has this confusion been created. First give clarification in this regard and then we will listen to the reply. *...(Interruptions)*

[English]

SHRI SUDIP BANDOPADHYAY (Kolkata North): We also support it *...(Interruptions)*

SHRI T.R. BAALU: Madam, we would like to associate. *...(Interruptions)*

[Translation]

THE MINISTER OF URBAN DEVELOPMENT AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI KAMAL NATH): Madam, this is correct that this issue was discussed over the day with everyone and decision had been taken. Sushmaji had not mentioned that the Bill upto item number 19. *...(Interruptions)*

SHRIMATI SUSHMA SWARAJ (Vidisha): You have talked of four bills and the second bill is under discussion now... *(Interruptions)*

SHRI KAMAL NATH: If Item No. 19 concludes today then we do not have any objection in adjourning the House sine die *...(Interruptions)* This was what had been decided and I am repeating that only.

SHRIMATI SUSHMA SWARAJ: You had talked of four bills and now you are talking of 18th also. We will take up the 18th also but you had talked of four bills and the second one is under discussion now. *...(Interruptions)* The other two bills will also be taken up *...(Interruptions)*

SHRI SHAILENDRA KUMAR (Kaushambi): 'Half an hour' discussion also remains to be done. *...(Interruptions)*

SHRIMATI SUSHMA SWARAJ: Manual scavenging and after that RP remains. *...(Interruptions)*

SHRI KAMAL NATH: I am not going back on my word. *...(Interruptions)* I should speak very clearly. *...(Interruptions)*

SHRIMATI SUSHMA SWARAJ: The House will not sit tomorrow, we will not be available here. *...(Interruptions)*

SHRI ANANT KUMAR: Madam, we will have to take the sense of the House. The Parliamentary Affairs Minister and the government cannot decide this on their own. *...(Interruptions)*

[English]

SHRI T. R. BAALU: It has to be today itself. There was an understanding. *...(Interruptions)*

[Translation]

MADAM CHAIRMAN: It has to be completed today itself.

...(Interruptions)

SHRIMATI SUSHMA SWARAJ: You have to complete today itself *...(Interruptions)*

MADAM CHAIRMAN: I think that the Minister has said that two more bills have to be passed today.

SHRI KAMAL NATH: There are three bills - Scavengers and the Representation of People's Act. *...(Interruptions)*

*SHRI JAGDAMBIKA PAL (Dumariyaganj): Setting up Rajeev Gandhi National Aviation University through this Bill is likely to be a milestone of development. Some years ago one has to go abroad for training of pilot. India has made unprecedented progress in aviation sector in competition with other countries of the world during the last few years. Earlier Air India and Indian Airlines were only two national carriers. But now with the entry of private sector airlines in aviation sector India has been attracting a large number of tourists in the world. Earlier only affluent people used to travel by air in our country but now common people are also travelling by air. This university is likely to become a centre of education, training, research and other works in aviation sector. Extensive training in aviation

*Speech was laid on the Table

sector is likely to provide better safety and use advanced technology. This university is being set up for improving and promoting quality education and research in aviation sector, providing training in governance of aviation policy, aviation science and technology, aviation environment, aviation safety and security rules and achieving excellence in other related fields. Setting up this university in Fursatganj in Raibareli is a proper step because Rajiv Gandhi Rashtriya Uran Akademi has been functioning in Fursatganj for more than the last twenty years. A large number of pilots are being trained for several years in that academy who are operating flights not only in India but also in other countries. So now turning that training centre into a university is likely to become a leading centre in preparing pilots at international level. This university is likely to provide good quality pilots. Setting up this national aviation university in Fursatganj is likely to become an international level university.

With these words. I support Rajiv Gandhi National Aviation University Bill 2013 introduced by hon. Minister.

*DR. VINAY KUMAR PANDEY (Shrawasti): Supporting setting up Rajeev Gandhi Aviation University in Fursatganj, I would like to say that whatever hon. Anant Kumar Ji has said just now reflects double standard of Bhartiya Janta Party. I agree that Bengaluru is a prominent place not only in India but also in the world but backward areas like eastern Uttar Pradesh, Bihar and Jharkhand need and require to be developed which BJP does not want. I am grateful to hon. Minister and UPA Chairperson hon. Smt. Sonia Ji for providing an opportunity of employment to the youth in aviation sector keeping in view backwardness of Uttar Pradesh.

It is likely to promote international tourism related with Buddha Circuit. The airport in my constituency Shrawasti should be upgraded and linked with this university so as to provide an opportunity to the youth and tourism of that region to grow further.

[English]

THE MINISTER OF CIVIL AVIATION (SHRI AJIT SINGH): Madam Chairperson, I would like to thank all the Members who participated in this debate. I know civil aviation is a sector where there are so many issues that people want to discuss. Although this was regarding setting

*Speech was laid on the Table

up of an University but some other issues have been raised. I know, many Members want to raise many other issues. But I would like to thank the Members because, more or less, they have stuck to this University thing.

Firstly, I would like to say that Mr. Ananth Kumar, my old friend and previous Civil Aviation Minister, mentioned that this Bill has been brought in a hurry. I would like to mention that in 2006, Kaw Committee had recommended that a Civil Aviation University be formed; 12th Planning Commission also mentioned it. We did not set it up just like that; we hired a world renowned consultant KPMG. This is a world-class consulting company and they have examined and found that all the necessary infrastructure is available at Fursatganj. They also have IGRUA there which runs an excellent pilots' training institute and there is an airport also there.

So, first, it was not brought in a hurry, a management consultant was hired and Fursatganj has all the infrastructure. I can understand demand for other places that this university should be set up. I would like to say that this is probably first amongst many such universities, which may be set up.

Second thing is this. Mr. Ananth Kumar was very worried as to why we have brought this Bill and ignored the Civil Aviation Authority Bill. First, I would like to say that these two Bills have nothing common that this has to be first and that has to be second. The Civil Aviation Authority Bill replaces DGCA, gives it more financial operational autonomy. That is all. That function is already carried out by DGCA. So setting up a university does not cause any problem that the Bill has not been brought or why this Bill is being brought now. There is no connection. That Bill was introduced and we had requested you also that the Standing Committee has already recommended this Bill and there is no need to send it again to the Standing Committee. But as you insisted that it may be sent to the Standing Committee, so it has been sent to the Standing Committee.

There is another thing that Fursatganj is a backward area and Bengaluru is a developed area. I agree that Bengaluru is a very developed area. I went to a school, IIT Kharagpur when IIT was set up in Kharagpur in a building which was a former prison and you know what has happened to this whole town and IIT today. So please

do not say that Fursatganj is a backward area, therefore, do not set up any university of excellence there.

Now, I will come straight to the concerns, many Members have - my friend Professor Saugata Roy and my very old friend Shri Sharad Yadav - that we are privatising these airports built by Airports Authority of India. I would like to say categorically that all these airports will continue to be owned by Airports Authority of India. We are not giving them away. We are not privatising the airports. It is the management operations and future developments - maybe five years later they want to built a terminal or extend something -that are being done through PPP mode but we are not giving away the airports which were built by Airports Authority of India. *...(Interruptions)*

PROF. SAUGATA ROY (Dum Dum): What will happen to the AAI workers? Will they lose their job? That is very important. *...(Interruptions)*

MADAM CHAIRMAN: No question-answers please.
...(Interruptions)

SHRI AJIT SINGH: Now, Shri Baalu had raised some questions about Greenfield Airport. We have not yet received the land there. They are in the process. There are notified areas but the Government does not have it yet. They have just issued the notification. The Government has every intention of making another airport there. In fact, you might have mentioned that PPP, that this airport is being built, and we may take that into consideration while bidding for the Chennai Airport.

The second thing is about naming. For naming an airport, there is a well-established procedure. We need a unanimous recommendation from the State, from the legislature and then the Cabinet takes it up. So for Madurai, you send a thing *...(Interruptions)*

SHRI T.R. BAALU: Madam, I want to have a campus, a campus after the name of Shri Rajiv Gandhi.
...(Interruptions)

MADAM CHAIRMAN: No, this is not a question-answer session. I am sorry. Nothing will go on record. Only hon. Minister's speech will go on record.

...(Interruptions)

SHRI T.R. BAALU: I want a campus at Sriperumbudur Constituency to be named in the memory of Shri Rajiv Gandhi. *...(Interruptions)*

MADAM CHAIRMAN: It is not a Question Hour. No, sorry.

...(Interruptions)

SHRI AJIT SINGH: Madam Chairperson, my friend Baalu knows that we just do not deny anything that he requests. *...(Interruptions)*

SHRI T.R. BAALU: I could not get the hon. Minister.
...(Interruptions)

SHRI AJIT SINGH: I said, my friend Baalu knows that we cannot deny anything that he requests. *...(Interruptions)*

MADAM CHAIRMAN: Mr. Minister, you please address the Chair.

...(Interruptions)

SHRI AJIT SINGH: So, we will certainly look into setting up the campus. *...(Interruptions)*

SHRI T.R. BAALU: That means you are assuring the campus at Sriperumbudur. *...(Interruptions)*

SHRI AJIT SINGH: We will certainly look into it.
...(Interruptions)

SHRI T.R. BAALU: Hon. Minister has given us an assurance. *...(Interruptions)*

MADAM CHAIRMAN: This is not fair, Mr. Baalu. Please be seated.

...(Interruptions)

SHRI T.R. BAALU: Hon. Minister, you assured us to set up a campus. *...(Interruptions)*

SHRI AJIT SINGH: I said, Mr. Baalu, I will take your request very seriously and we will certainly look into it.
...(Interruptions)

SHRI T.R. BAALU: Mr. Minister, there is a slip for you. *...(Interruptions)*

MADAM CHAIRMAN: This is not the way.

...(Interruptions)

DR. M. THAMBIDURAI (Karur): What about the Tamil Nadu Assembly's Resolution for naming the new Terminal after MGR? *...(Interruptions)*

SHRI AJIT SINGH: Madam, I know that there are many requests for airports, and many of those places

deserve an airport, I will say that. ...*(Interruptions)* The Airports Authority is going to build 50 smaller airports in the next few years. I hope that many of those requests can be fulfilled during that time. ...*(Interruptions)* My friend from Uttar Pradesh, Shri Shailendra Kumar ...*(Interruptions)*

DR. M. THAMBIDURAI: Sir, you have not answered my question. Here, the procedure has been followed. ...*(Interruptions)* What about naming the new terminal after MGR? ...*(Interruptions)*

SHRI AJIT SINGH: There is a procedure. ...*(Interruptions)* Madam Chairman, I explained to the hon. Member before hand. Personally also I have explained to him. I will again explain to him personally. What I can say here is that there is a question of changing name of the existing terminal and all that, and so you have to look into many such things. ...*(Interruptions)*

MADAM CHAIRMAN: Dr. Thambidurai ji, please sit down. Yes, Mr. Minister.

SHRI AJIT SINGH: One of my friends wanted an airport in Bhadohi. ...*(Interruptions)*

[Translation]

SHRI MULAYAM SINGH YADAV (Mainpuri): What will be of airport in Safai?

SHRI AJIT SINGH: There is shortage of airports in Uttar Pradesh. Uttar Pradesh has only two airports of Airport Authority of India. ...*(Interruptions)* I have also talked to Shri Mulayam Singh Ji and the State Government. ...*(Interruptions)* I have written to Chief Minister on regard to setting up ten new airports or new terminals in existing airports of defence in Uttar Pradesh. ...*(Interruptions)* If you are ready to hand over the four airports of State Government to Airports Authority of India, we would be glad to accept that and develop these airports. ...*(Interruptions)*

[English]

Madam Chairman, I would request the House to pass this Bill. ...*(Interruptions)*

MADAM CHAIRMAN: The question is:

"That the Bill to establish and incorporate a national aviation University to facilitate and promote aviation studies and research to achieve excellence in areas

of aviation management, policy, science and technology, aviation environment, training in governing fields of safety and security regulations on aviation and other related fields to produce quality human resources to cater to the needs of aviation sector and to provide for matters connected therewith or incidental thereto be taken into consideration."

The motion was adopted.

...*(Interruptions)*

18.43 hrs.

At this stage, Shri P. Kumar and some other hon. Members came and stood on the floor near the Table.

MADAM CHAIRMAN: Please go back to your seats.

...*(Interruptions)*

SHRI AJIT SINGH: Madam, I would request Dr. Thambidurai and my other colleagues. I will discuss with you how we name the terminal and what can be done. ...*(Interruptions)*

DR. M. THAMBIDURAI: Already the Chief Minister has written a letter in this regard. ...*(Interruptions)*

SHRI AJIT SINGH: Please come and we will discuss how we name a Terminal. ...*(Interruptions)* It cannot be done in the House. The proposal has to go to the Cabinet and the Cabinet considers it. ...*(Interruptions)*

MADAM CHAIRMAN: You please go back to your seats.

...*(Interruptions)*

SHRI AJIT SINGH: Dr. Thambidurai is a very reasonable person. I know that from my experience. He is a very reasonable person. I will discuss with him and I will consider. ...*(Interruptions)*

DR. M. THAMBIDURAI: I do not want to have any discussion. ...*(Interruptions)* It is a known fact that our Chief Minister has followed the procedure and written a letter. ...*(Interruptions)*

SHRI AJIT SINGH: I will consider it very sympathetically. ...*(Interruptions)*

18.44 hrs.

At this stage, Shri P. Kumar and some other hon.
Members went back to their seats.

MADAM CHAIRMAN: The House will now take up
clause-by-clause consideration of the Bill.

The question is:

"That Clauses 2 to 48 stand part of the Bill."

The motion was adopted.

Clauses 2 to 48 were added to the Bill.

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

MADAM CHAIRMAN: Now, the Minister may move
that the Bill be passed.

SHRI AJIT SINGH: Sir, I beg to move:

"That the Bill be passed."

MADAM CHAIRMAN: The question is:

"That the Bill be passed"

The motion was adopted.

18.45 hrs.

MESSAGE FROM RAJYA SABHA

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

"In accordance with the provisions of rule 127 of the
Rules of Procedure and Conduct of Business in the
Rajya Sabha, I am directed to inform the Lok Sabha
that the Rajya Sabha at its sitting held on the 6th
September, 2013 agreed without any amendment to
the Pension Fund Regulatory and Development
Authority Bill, 2013 which was passed by the Lok
Sabha at its sitting held on the 4th September,
2013"

18.46 hrs.

PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION BILL, 2012

[English]

MADAM CHAIRMAN: Now, the House will take up
Item No. 17. Hon. Minister.

THE MINISTER OF SOCIAL JUSTICE AND
EMPOWERMENT (KUMARI SELJA): Madam Chairman, I
beg to move*

"That the Bill to provide for the prohibition of
employment as manual scavengers, rehabilitation
of manual scavengers and their families, and for
matters connected therewith or incidental thereto be
taken into consideration."

I also beg to move the amendments in the Bill for
which I have already addressed notice to the Secretary
General, Lok Sabha.

Madam, the Prohibition of Employment as Manual
Scavengers and their Rehabilitation Bill, 2012 was
introduced in Lok Sabha on 3.9.2012. The Bill was referred
to the Departmentally Related Standing Committee on
9.9.2012, by the hon. Speaker Lok Sabha for examination
and report. The Committee laid its report on the Table of
the House on 4.3.2013. After careful consideration, it was
considered appropriate to introduce certain Amendments
to the Bill.

18.47 hrs.

(Dr. M. THAMBIDURAI in the Chair)

[Translation]

SHRI SHAILENDRA KUMAR (Kaushambi): Madam
Chairman we were given an assurance. ...*(Interruptions)*
The problem of the farmers is not being discussed.
...*(Interruptions)*

[English]

MR. CHAIRMAN: The hon. Minister is on her legs. Let
her conclude her speech. Then, you may raise it.

KUMARI SELJA: Elimination of dry latrines and
manual scavenging and the rehabilitation of manual
scavengers in alternative occupations has been an area
of high priority for our Government. Despite the concerted

* Moved with the recommendation of the President.

efforts made in the past to eliminate the dehumanizing practice of manual scavenging, the practice still persists in various parts of the country.

Existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging. These evils are inconsistent with the right to live with dignity, which is an essence of the Fundamental Rights guaranteed in Part III of our Constitution.

It is also felt that the existing laws are not stringent enough to eliminate these evil practices. In view of the above, there is a need to make comprehensive and stringent provisions for the prohibition of insanitary latrines and employment of persons as manual scavengers, rehabilitation of manual scavengers and their families and to discontinue the hazardous manual cleaning of sewers and septic tanks by the use of technology and for matters connected therewith.

With a view to eliminate manual scavenging and insanitary latrines and to provide for the rehabilitation of manual scavengers, a multi-pronged strategy has been worked out in the provisions of the Bill, which consists of legislative as well as programmatic interventions.

Madam, I would request the hon. Members from all parties, all the Members of this House – because I know that they feel very strongly about this issue – to support this Bill. I know that we have a limited time at our disposal. But I hope that the hon. Members will understand that; and try to make their intervention and speech as little as possible and make all the relevant points that they wish to make.

MR. CHAIRMAN: Motion moved:

"That the Bill to provide for the prohibition of employment as manual scavengers, rehabilitation of manual scavengers and their families, and for matters connected therewith or incidental thereto be taken into consideration."

...(Interruptions)

MR. CHAIRMAN: I would request the hon. Members to be very brief in their speeches as we have paucity of time.

SHRI YASHWANT SINHA (Hazaribagh): Sir, if the House agrees, let this Bill be passed without discussion.

MR. CHAIRMAN: You see, a few hon. Members have already sent their requests to speak.

...(Interruptions)

MR. CHAIRMAN: Those who want to lay their speeches, in writing, they may send them at the Table; and they will be treated as laid.

...(Interruptions)

MR. CHAIRMAN: If at all the Members want to speak, let them speak briefly for one minute and let them not take so much time. Now, Shri Arjun Ram Meghwal.

...(Interruptions)

MR. CHAIRMAN: Let the Members make only the points, if any, very briefly.

...(Interruptions)

MR. CHAIRMAN: He is on his legs. Mr. Meghwal is on his legs.

[Translation]

SHRI ARJUN RAM MEGHWAL (Bikaner): Honourable Chairman, I am standing to speak on the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Bill, 2012. I have discussed this issue many times in this House. I had also brought a calling attention motion in this House. That time I was assured that a survey in this regard would be conducted soon about the number of scavengers in the country and a rehabilitation package would be brought for them. This Bill has been presented here in this regard and it has four purposes - to check dry latrine and if there is a dry latrine, it is to be removed, to prohibit manual scavenging, to rehabilitate them and to search new jobs for them. There is one more purpose which is mentioned in Article 21 of the Constitution and that is to promote Right to live with dignity.

I thank the honourable Minister for bringing this Bill for the people standing at the bottom of the social ladder, who are known in the society as cleaning staff or Valmiki. This Bill provides for imposing a complete ban on scavenging activities and rehabilitation of scavengers. For this, I thank the honourable Minister a lot.

The Prime Minister had called a conference of the Ministers of Social Justice and Empowerment in June 2011. In that he said that we would end the practice of scavenging in six months. Since time is limited, I shall speak in brief, though I have come in the House with full preparation. Though the Prime Minister had spoken in the

conference of Social Justice and Empowerment Ministers that we would end this practice within six months, this practice is still continuing. Besides this Bill, there was another Bill which was brought in 1993, but this work couldn't be done because your rehabilitation package was not good.

I only want to say on this matter that there are some good NGOs in the country which are working in this direction. I belong to Rajasthan. There is an NGO Sulabh there the in-charge of which is Prabhari Bindeshwar Pathak Ji. He has done very good work in this direction. But you did not involve NGOs much in this matter. I would say that this NGO made the women scavengers of Alwar free from this work and in return, arranged their visit to the United Nations Organisation after training them in works like tailoring and papad making. These women of Alwar once did scavenging, and when they asked for bread, people gave them bread in a disrespectful manner by dropping the bread from a distance. I am using this word that "used to drop the bread from a distance". Now these women make food items and distribute those in general public. Such change can only come from feeling of dedication and service alongwith duty. This work has been done by Bindeshwar Pathak Ji from Sulabh Complex. These women had met our leader of opposition in Lok Sabha Sushma Swaraj Ji and have also met Speaker Madam Meira Kumar Ji.

Honourable Chairman, I would like to say one more thing. This is a matter of the welfare of people from the lowest class of society. You will arrange for their rehabilitation. Today there is a very big problem of their housing in the country. If through this Bill, the arrangement for housing is not done in cities and villages where these people live through HUDCO, the purpose of this Bill will not be fulfilled. You want to improve their fate, but they enter into the septic tank without any device. This is a work of their bravery. They are cleaning workers, they should not be looked with disgust, people's mindset should also be changed.

Inka andaaz hi niralai hai ki inhone har gham ko khushi me dhala hai,

Inka andaaz hi niralai hai, log jin hadason se darte hain,

Un hadson ne inhe paala hai.

Honourable Chairman, I want to say to the Minister that please improve the fate of these people through this Bill. You have brought a good Bill and we support it.

*SHRI SATPAL MAHARAJ (Garhwal): Today even in this era of so much progress when cleaning is being done through modern technique all over the world but in this era of modern revolution our workers are still engaged in manual scavenging.

Often we come across news published in newspapers that three persons fell unconscious while cleaning so and so gutter, out of which one died while being taken to hospital. In our country even today thousands of workers go inside sewer, mainhole, septic tank for cleaning them without any safety gear and die from poisonous gas or suffocation.

It should be our effort to provide modern facilities to our workers. They should be trained to work with the help of new techniques, modern equipments should be made available so that they do not face any kind of difficulty. The equipments being used all over the world should be purchased and provided to them to secure their lives and to ease their work.

The responsibility of district administration, municipalities/municipal corporations and gram Panchayats should be fixed to do away with manual scavenging. Failing this there should be provision of penalty and punishment.

In the end I conclude and support this Bill.

[English]

*SHRI BHARTRUHARI MAHTAB (Cuttack): This Bill to eliminate manual scavenging and rehabilitate scavengers which is before us today in the Lok Sabha, is another legislative attempt to eliminate this inhuman and shameful practice. But it is not lack of law that the practice has continued in the country. Supreme Court has admonished the government a number of times. There are lakhs of dry latrines in the country which are cleaned by scavengers. Septic tanks and sewers are also cleaned manually in many parts of the country. The practice will not go away by just banning it. Among those guilty of engaging manual scavengers are government bodies, corporations and panchayats. Railways are a big offender and it is doubtful if it can put an end to the extensive practice in a

* Speech was laid on the Table

short time. When this Bill has made the offence non-bailable and prescribes summary trial of offenders, the Government should have the will to make officials accountable for their offence.

The existing legislation, passed by this Parliament in 1993, was almost farcical. Even though two decades have passed since its enactment, no convictions have yet taken place under that law. This being the case, will the new law work? The current law was conceived erroneously and solely as a corrective to a public health and sanitation problem, rather than as a guarantee of justice, equality and a life of dignity. This legislation was enacted under the Constitution's State List. The same had to be adopted and enforced by various State Governments.

The 2011 decennial population census findings stated that there are as many as 2.6 million insanitary latrines in the country.

This Bill addresses manual scavenging under Entry 24 (Welfare of Labour and Working Conditions) of the Concurrent List. While this may be an improvement over the current law, the real point is to recognize this debasingly inhuman and iniquitous practice as such. The Government must incorporate this all-important modification. The Indian Railways, the largest single employer of this country has helped perpetuate this caste-ordained practice for decades. Handling some 8.4 billion trips per annum and adding about 3000 coaches it should not be beyond its capacity to equip trains with systems to manage faecal waste. I would like to mention here that this new Bill dilutes the significance of the clause that prohibits the employment of persons for hazardous cleaning of sewer and septic tanks. It selectively mandates that a person handling excreta with the help of 'protective gear' shall not be deemed a manual scavenger.

This is problematic in so far as such 'protective gear' becomes a mediating technology that helps sustain, if not perpetuate, the employment of persons for hazardous cleaning. 66 years after independence, an estimated 1.3 million people from Dalit communities continue to be employed as manual scavengers across the country in the Railways, in the Army, in municipalities and in private homes.

Manual scavenging is violative of the spirit of Article 14 (equality before law), Article 17 (abolition of

untouchability), Article 21 (Right to life), and Article 23 (Right against exploitation) of the Constitution besides the SC & ST Prevention of Atrocities Act, 1989. Dr. B.R. Ambedkar had said, 'In India, a man is not a scavenger because of his work. He is a scavenger because of his birth irrespective of the question whether he does scavenging or not. The Directive Principles of State Policy mandate the Government to prohibit manual scavenging. But neither the Union Government nor State Governments have shown any seriousness in introducing appropriate legislation. To circumvent the law, civic bodies are outsourcing such work to contractors.'

A national shame is a national responsibility but nobody wants to own up this responsibility. Because of the census data we now have the actual statistics on dry toilets. It is no longer about general ignorance, it is about awareness being defeated by the persistence of a casteist mindset that is rooted in patriarchal value. We can change our toilets only when we change our mindsets. Earlier nobody talked about it. Now manual scavenging is in the news. But all this is lip service. How else can we explain the fact that although the Union Government had allocated Rs.100 crore in 2011-12 for eradication of scavenging and rehabilitation of manual scavenger, not a single rupee was spent out of this Budget. The Planning Commission has refused to enhance the budget for the scheme citing lack of demand. No ripples caused. No question raised. The Government has discovered the recent census data. This is stranger still because the census figures are only for unsanitary latrines: 7,94,390 dry latrines across the country where human excreta is cleansed by humans. Of these 73 per cent is in rural areas and 27 per cent in urban locations. In another 13,14,652 toilets, human excreta is flushed into open drains. Incredibly the census adds that there are 4,97,236 toilets where the job of cleaning human excreta falls to animals. Now how can we estimate the number of manual scavengers from this data. Number of State Governments filed fresh affidavits in the Supreme Court in last November stating that the census data is not accurate. Presumably no data is accurate. It is against this background that this new Bill has come. Is it different? Will it help? Not likely. This Bill is terribly gender insensitive. Its language assumes that all manual scavengers and public authorities are men. The rehabilitation scheme must respond to the needs, problems and issues of women. The Bill delegates the responsibility of identifying manual

scavengers, or conducting a fresh survey to the local bodies. These local bodies have always been in denial and have in fact filed false affidavits in the Supreme Court. Does it make sense to assign the job of fixing the numbers to State Governments and local bodies that have challenged the existence of manual scavenging and insanitary latrines in their areas? The focus of this Bill must be on liberating manual scavengers. The identification, demolition and conversion of insanitary latrines must be from this perspective.

The new Bill was introduced in Lok Sabha in March, 2012. It clearly states no person, local authority or agency shall, after commencement of the Act construct an insanitary latrine, engage or employ manual scavenger and every unsanitary latrine shall be demolished or converted into a sanitary one within 9 months. Any offence committed under the Act shall be cognizable and non-bailable offence. The Act aims to tackle open defecation problem through Nirmal Bharat Abhiyan. Indian Railways would introduce environment friendly bio-toilets on all trains by 2021-2022. Yet the soul of the Law is Clause 13 which stresses upon the implementation of the rehabilitation package. I hope after this legislation is passed with certain amendments, rules will be framed for effective and speedy implementation of the law to uphold the dignity of sanitary workers who are mostly a product of the country's iniquitous caste system.

Before I conclude, I am reminded of Dr. Ambedkar, when he rose to speak on 25 November, 1949 in the Constituent Assembly - He had warned about the course of Indian democracy and had observed "On the 26th January, 1950, we are going to enter into a life of contradictions. In politics, we will have equality and in social and economic life we will have inequality....we shall by reason of our social and economic structure continue to deny the principle of one-man-one-value. How long shall we continue to live this life of contradictions?"

Does not this question still rings in our ears? How long we will continue to live this life of contradictions? How long?

The liberation of manual scavengers should begin in the spirit of the final words of Dr. B.R. Ambedkar "...ours is a battle not for wealth or for power. It is a battle for freedom. It is the battle of reclamation of human personality."

SHRI RAJIAH SIRICILLA (Warangal): Thank you, Mr. Chairman, Sir, for giving me this opportunity. I rise today in support of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012.

At the outset, I want to congratulate Shrimati Sonia Gandhi, Chairperson, National Advisory Council, who has taken a lot of pains for eradication of manual scavenging. Most of the SCs and STs, particularly women, are engaged in this activity. Since Independence, several efforts have been made but we could not eradicate the manual scavenging. For the first time, during 1993, when the Congress Government was in power, the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act was taken up. But, still due to lack of political will and bureaucratic apathy, we could not declare our country free from manual scavenging.

Several movements emerged, several voices were raised, but we could not achieve the target. Later several organisations made representations before the National Advisory Council. It is all with their efforts that this Bill was introduced on 3rd September, 2012.

In this regard, I will give three suggestions. My first suggestion is regarding the survey. Only 3546 statutory towns were taken up for survey under Prohibition of Employment as Manual Scavengers Bill. But, I would say that 70 per cent of manual scavenging is practiced in rural India and 18 per cent in urban areas. Since there was a report based on the survey from only 3546 statutory towns, they say that there is no manual scavenging. If again we ask them to get the report, they will report the same because it was reported and recorded in the Supreme Court of India. But, the reality is different and we have to take the reality into consideration. I would say that we should again get a survey done by involving the Government agencies as well.

My second point is about the Explanation given under 2 (g) where only 'regular' or 'contract' employees have been covered. There are many casual labourers, who are working under contractors in private and Government firms. I would say that these people should also be covered under this Explanation to achieve the real goal.

My third point is this. It has been mentioned in the Bill that if a person is engaged or employed in scavenging

with the help of such devices and using such protective gear, he is exempted from the scope of this Bill. If such loopholes remain there, we would not be able to achieve our goals and the whole purpose of it would be defeated. So, we will have to delete this clause and we will have to cover all types of manual scavenging in it.

I would like to say that by just allowing them to use these devices; we cannot say that they are exempted from manual scavenging. With the help of science and technology, the Government can develop such devices and instruments to prohibit manual scavenging. I also request the Government to announce a special package for this purpose.

[Translation]

* SHRIMATI DARSHANA JARDOSH (Surat): Welcoming the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012, conducting a survey to find out the number of manual scavengers in which supporting their right to live with dignity ensuring their proper rehabilitation through NGO, providing them proper employment and liberating them from this practice, making such provisions in this bill, improving the fate of this lower strata of society we also must ensure their health and safety at work places. Several women are related to this Bill. They should also be associated with some other work related to self-reliance.

*SHRIMATI JAYSHREEBEN PATEL (Mahesana): I want to express my views regarding the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012. Even today the practice of manual scavenging is going on. These people are not getting the technical facilities which should have been provided to them. The government has not been able to conduct a - proper survey to ascertain the exact number of manual scavengers. The introduction of this Bill is commendable. A Bill was introduced in 1993 also but at that time the work related to their rehabilitation was not carried out properly. We should think about women and see that they get connected with the main stream. We should encourage them. The biggest problem is related to housing and we must solve that. Wherever the ill practice of manual scavenging continues we must end it.

19.00 hrs.

SHRI SHAILENDRA KUMAR (Kaushambi): Mr. Chairman. Sir. I am grateful to you for giving me the opportunity to speak on the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012.

Sir, as per the year 2011 census, there are seven lakh people out of whom 5.86,000 are from rural areas. The Government has shortage of funds for protecting human beings from doing the job of manual scavenging. The Government could not spend even hundred crore rupees in the year 2011-12. Just now my colleague Arjun Meghwalji was saying that those working in the overflowing sewers and soak pit risk their lives. They work at hazardous times in an illegal manner after consuming liquor. They are not given any training.

It the entire budget is not getting spent, only the government is responsible for it. I want to say that the redressal Act formulated to check the inhuman atrocities against scheduled castes and scheduled tribes should be strictly implemented. I would like to congratulate Dr. Bindeshwar Pathak of Sulabh International Social Service Organisation for making a provision of Sulabh toilets by setting up the organization which is a means of great relief. If the record of 15 states is observed. 225 districts have been surveyed in which 80 thousand people from Uttar Pradesh. 30 thousand from Bihar. 5 thousand in Uttarakhand and 20 thousand people in Madhya Pradesh are the victim of this evil practice.

Through you. I would like to demand from the government that the job given to them on the basis of caste based profession should be made permanent. Till now, these people do service on daily wages or contract basis. Today, 60% people in India defecate in open areas. A slogan "Jharu Chhoro Aur Kalam Uthao" through all the Members should come out for these people. No one from any other caste except Dalits does this work. Sweepers have been recruited in the Government of Uttar Pradesh in which Dalits should have been recruited but the people from other castes have been included for the job and upper caste people have also been recruited whereas Dalits should be recruited. At some places, the children of primary and junior schools have been seen doing sweeping. Today, the garbage of 13 lakh 14 thousand families get discharged into open drains which are cleaned by these workers. 7 lakh and 94 thousand families are

* Speech was laid on the Table

compelled to do manual scavenging. I strongly support this Bill but the amount of two thousand to two thousand five hundred rupees given in the rural areas for Sulabh toilets should be more than five thousand upto 10 thousand rupees so that more number of Sulabh toilets can be set up and the filth gets cleaned. Filth leads to diseases so this issue needs serious attention.

With these words. I conclude my speech.

[English]

* SHRI BHAKTA CHARAN DAS (Kalahandi): I support the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012.

In spite of so many Acts and measures taken by the Government, we have unable to provide justice to the scavengers.

This Bill was warranted much earlier, somehow the Bill is going to be passed today. It would be a great relief to the hard working suffering class people.

I thank the UPA Government, and the Honourable Minister Seljaji that she could make it possible in the interest to give social justice to a large section of poor people.

[Translation]

*SHRI VIRENDRA KASHYAP (Shimla): The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012 is being discussed today. I am sad and angry to be saying that even after 66 years of independence although we have formulated laws for prohibition of manual scavenging but this practice is still prevalent in small cities and towns. As per the 2011 census there were 7.94 lakh toilets in the country which were cleaned through manual scavenging. Under the *National Scheme for Liberation and Rehabilitation of Scavengers* 7.70 lakh manual scavengers and their dependents were identified in states/Union Territories from 1992 to 2005.

When we look at the data of review meetings conducted by the Ministry we see that out of 25 crore households in the country 13 crore houses do not have toilets. Manual scavenging is done in 2 lakh households in cities and 5.9 lakh households in villages. There is need for rehabilitation of such people so that they can be

liberated from this unhygienic occupation. Enactment of a law in this regard is a matter of happiness. No doubt after the formulation of this law it will be the first priority of the government to abolish dry toilets and manual scavenging as well as rehabilitate those engaged in this occupation in some other occupation. But it should be seen that despite many efforts we are not able to end this practice completely. The reason is that there are loopholes in the implementation of all the laws made in this regard. The laws would have to deal strictly with people who encourage this practice if there is real intent to abolish the practice of manual scavenging, unhygienic toilets and rehabilitation of sanitation employees. The people who are working in the sanitation sector should be given every facility possible through some liberal scheme by the government. In fact the government should provide interest free loan for taking up other occupations, free education to their children and some scheme for other employment. Not only this, the people of this category are still not given house on rent in cities hence the government should construct housing for such people. The Valmiki Ambedkar Awas Yojana (VAMBAY) formulated by the Union Government in 2001 which was started with the objective of providing shelter to the BPL population and upgrade their current shelter should be implemented properly. The Union Government should allot more funds to the states for the said purpose.

Although the government has discouraged such unsanitary occupations through enactment of laws, on ground the fact is that people have chosen this occupation because they do not have any alternative which is deeply saddening. As per the figures released by one NGO under Sanitation Workers Campaign in 1989 the number of persons engaged in such occupation was 6,00,000 which rose to 787,000 in 1995-96. that is there was a rise of 31.6 percent. Similarly the number of dry toilets which was 720,500,000 in 1989 rose to more than 9,600,600 in 2000. The main reason for this was urbanisation and lack of facilities which would discourage the said practices. This needs deep consideration. I am giving some suggestions in the form of rehabilitation package for consideration. The Minister may give them due consideration and implement them.

If the authorities under rehabilitation package including bank, finance corporation, housing board, HUDCO etc. do not work properly, the National Commission for Safai Karamcharis should have the power to call their officers and to take action against them.

* Speech was laid on the Table

It is necessary because according to a study 80% of sewer staff die before attaining the age of retirement. Their retirement age is 60 years but they die at the age of 45-50 years. Besides, there are many other people who die in accidents during cleaning. So, there should be a separate health insurance policy for them and such insurance policy should not be linked with BPL list.

- I also want to submit that the implementation of rehabilitation package is hardly possible till officers of implementing agencies change their mindset because all have in their mind the story of the death and compensation of the cleaning staff in accident who worked under a contractor in Delhi Jal Board. The case went to the Supreme Court, was discussed in this House, then the amount of compensation was given.
- So, it is my suggestion that the provision of adequate budget for septic tank cleaners and gutter cleaners should be done at Government's level.
- The biggest problem of the people of Valmiki caste is that new colonies are not being developed in the cities. For this, HUDCO or Housing Board should develop low cost houses and there should be some scheme to provide loans upto 10-12 lakhs from banks without guarantee.
- The system of hiring cleaning staff in the name of general attendant in Government bank or any PSU organization or system of hiring cleaning staffs on contract basis should be done away with.

DR. BALIRAM (Lalganj): Honourable Chairman. I welcome and support the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012, brought by the honourable Minister. This bill should have been introduced long back, because Kaka Kalelkar Commission was formed in 1953 and it had submitted its report in 1955. It was mentioned in that report that this is an inhuman practice and any new technology should be developed so that the people do not have to scavenge manually. Likewise, Malkani Committee was formed on 12 October, 1957 and it gave the same report.

This is the irony of this country that those who spread filth are regarded as higher class and those who clean are regarded as lower class. Right now our friend was saying that cleaning staff was recruited in Uttar Pradesh with an

intention that people from every caste could become the cleaning staff so that no one could call the other higher or lower. The recruitment was made there with this intention. But today I would like to say that the public toilet constructed by Shri Bindeshwari Prasad Pathak has not even live percent of those who should have been posted there. Some other people have been recruited there ...*(Interruptions)* Because someone else is there to collect money. They get the work of cleaning done by giving Rs. 50 to other people. So, I would like to say that the workers are on contract, whether it is town area or municipality. They are working on Rs. 200-300. Government should appoint them permanently and should give them full salary. Alongwith this I would like to say that we should give honour and respect to our cleaning staff. No one is high or low here. So we should consider even one equal and make arrangement for their rehabilitation also so that they could live at decent places.

*SHRI MAHENDRASINH P. CHAUHAN (Sabarkantha): I strongly support the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012. Sir, even after six and half decades of independence if a class of society is forced to do manual scavenging then it puts a question mark on all the claims of development. What is the place of such people stand in development who are leading such humiliating life on the margins of society?

It should be a matter of shame for any society which claims to be civilized that it is unable to take out human beings from such a work to imagine which is quite horrible for a sensible person. Any work does not imply certain wages only, it should also be human and respectful. Today the surprising thing is that even in this age when high powered space planes are launched after every two three months and T.V., mobile towers and internet like facilities have been provided in rural areas also the bane of manual scavenging continues. This social bane should be immediately done away with and each human being should be given the right to live a dignified life. With this I again support this Bill.

*PROF. RAMASHANKAR (Agra): Supporting the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012 introduced by hon'ble Minister Kumari Saileja I submit that the persons on the lowest

* Speech was laid on the Table

strata of society have no respect as human beings. It is matter of great regret. After so many years of Independence they are leading a humiliating life and life like untouchables.

I demand complete ban on manual scavenging. All such safai karamcharis should be provided new equipments with full salary of government employees and accommodation.

SHRI MAHESHWAR HAZARI (Samastipur): Mr. Chairman, Sir. I thank you for giving me time to speak. Hon'ble Minister has introduced the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012. On behalf of my Party. I support this Bill and thank hon'ble Minister for introducing a Bill which is related to persons of lowest strata of society and their rights and gives voice to them. But with regret I have to say that even after 66 years of Independence the poor, dalits who were employed as manual scavengers by the society and today when we are in the 21st century this is quite unfortunate that they are still doing the same job. I think this is unfortunate for India.

Therefore. I would like to request hon'ble Minister to make arrangements for their employment and their accommodation by identifying the manual scavengers. With this I demand from government of India that the reservation was given to dalits on the basis of their social, economic and educational level but well off persons of society are to be included in this category but the limit for reservation remains the same and you are including more and more people in this category. I regret that all the governments which come to power do only Bhajan for dalits but no facilities are being provided to them. So far as service is concerned, posts remain vacant and persons from general category are appointed.

I think issues related to dalits are raised but no good is done to them. You have introduced this Bill. I welcome it. But along with this I want to say that arrangement for their housing education should be made and all possible help should be extended to them. You have employed them in Sulabh Sauchalayas, for this you pay Rs. 1500/-. Rs. 1500/- is only in name. The funds sent should reach the poor for whom it is meant.

With these words, I conclude.

[English]

DR. RATNA DE (Hooghly): Mr. Chairman, Sir, thank you for allowing me to speak on this Bill. I feel that this Bill is long overdue. No amount of debate would justify manual scavenging. It is a scourge on a human being. It is so degrading that I would not hesitate to say that we should be ashamed of ourselves for letting humans to clean human excrement even after 65 years of Indian Independence.

I would like to quote here the growth of scavengers over the years. In 1989, we had six lakh scavengers, but by 1995-96, it rose to 7.87 lakh scavengers, a clear growth of over 31.76 per cent. No right thinking person would deny the stark reality that manual scavenging is increasing with rapid urbanization. The deprived and distressed strata of society are forced to take up the job of manual scavenging as they find nothing else to eke out their living.

Though the Employment of Manual Scavengers in Construction of Dry Latrine Act was enacted in 1993, it failed to bring in elimination of manual scavenging from our country. Way back in 2003, C&AG had reported that only 16 States have adopted the said Act, but no State had implemented the same.

A whole lot of other rehabilitation measures were put in place in the Bill. I do not want to dwell deep into them. It would be a great day for the country when we abolish and eliminate manual scavenging. Of course, the financial implication for implementing elimination of manual scavenging is mammoth. It is about Rs. 4,825 crore. No amount would be too big for erasing such a disgraceful and shameful employment of manual scavengers being practised in our country.

It is estimated that nearly 1.3 million people from Dalit communities are in manual scavenging. It is a shame. Failure is not only on the part of the Government, we as people of this country should feel sorry for allowing manual scavenging to continue all over these 65 years, in spite of our growth story and over 20 years of liberalization, privatization and globalization. We all have a role to play in ensuring the dignity of sanitary workers.

Sir, in the past, genuine efforts were made to replace manual cleaning process with Mechanical Pumping Scheme, for example, cleaning of septic tanks. The

Planning Commission wanted such a scheme to be dovetailed with the Jawaharlal Nehru National Urban Renewal Mission. Would the Minister state what happened to the Mechanical Pumping Scheme?

I am now concluding, Sir. A word of caution here: the Government while banning manual scavenging should draw up a clear roadmap for the rehabilitation of those who worked as manual scavengers. Even our Madam Speaker lamented that caste systems and untouchability had given rise to the practice of manual scavenging.

Time has come to get rid of manual scavenging; time has come to liberate those who are in manual scavenging. Let us all come together to say adieu to the manual scavenging by passing this Bill. I fully support the efforts being made by the Government with the hope that manual scavenging would be erased from the map of India.

SHRI ADHI SANKAR (Kallakurichi): Thank you Sir for allowing me to participate in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012.

On behalf of the DMK Party, I rise to support this Bill. In India, a man is not a scavenger because of his work. He is a scavenger because of his birth, irrespective of the question whether he does scavenging or not. Gandhism preached that scavenging is a noble profession.

Scavenger means one who is partially or wholly engaged in the obnoxious and inhuman occupation of manually removing night soil and filth.

Cleaning of water borne toilets, removal of bodies and dead animals is a third most common practice of manual scavenging. The socio-economic and educational levels of workers were so bad that it is prevalent predominantly in Arunthathiyar Community in Tamil Nadu.

MR. CHAIRMAN: Please be brief and come to the point.

...(Interruptions)

SHRI ADHI SANKAR: The scavengers and sweepers are both an occupational category and the caste unit. Most of the sweepers are exclusively from Arunthathiyar community. The ideology of pollution-purity is intertwined with the urbanization and the political economy of sanitation

has invariably resulted in that caste becoming the victims of this inhuman practice. Instead of spending money on technologies that can remove human beings from direct contact with the excreta of others, the local Government relies on human beings from these caste and communities to bear the social costs.

Sir, the Scavengers do not get safety equipments, like gloves, masks, boots and brooms while on job. Many scavengers reported parasitic infections, gastro diseases and skin ailments. They do not even know that manual scavenging is constitutionally illegal.

We filed an RTI with the Tamil Nadu Adi Dravidar Housing Development Corporation to find out as to how many manual scavengers were rehabilitated and how many manual scavengers are still working. They said that there were no manual scavengers in Tamil Nadu. The survey shows that only 174 scavengers are there at the time of scavenging in Tamil Nadu Housing Corporation. Those scavengers were also rehabilitated in December, 2008.

Sir, manual scavenging is still practiced in Madurai, Pudukkottai, Tiruvarur and Dindigul in Tamil Nadu. The DMK in its election manifesto had promised to abolish the abhorrent practice of manual scavenging by providing alternative jobs. In the 2006-07, an amount of Rs. 50 crore was allocated by the Government of Tamil Nadu under the leadership of Karunanidhi Kalaignar to provide vocational training and rehabilitate 12,000 manual scavengers. In the following year's budget in 2007-08, Rs. 59 crore was allocated to provide alternative jobs. *...(Interruptions)*

MR. CHAIRMAN: You highlight the main points.

...(Interruptions)

SHRI ADHI SANKAR: During the time of Kalaignar regime in Tamil Nadu, he extended the full support for socio-economic development of sanitary workers and those who were engaged in the abhorrent practice of manual scavenging. It is only the Government of Tamil Nadu, under the leadership of Kalaignar, has established a separate welfare board for them. They continued to implement schemes for their rehabilitation and alternative livelihood. We have given special concession to Arundhatiyars, as they are still at the lowest rung in terms of socio-economic status.

MR. CHAIRMAN: Now, Shrimati Susmita Baud will speak.

...(Interruptions)

SHRI ADHI SANKAR: The Kalgan Government proposed to consult all political parties and arrive at a decision on the possibility of providing special reservation for them within the quota of reservation for scheduled castes.

I request the Government of India to identify scavengers and their dependents and provide the subsidy and loan for undertaking self-employment ventures.

MR. CHAIRMAN: Nothing will go in record.

...(Interruptions)*

[Translation]

SHRIMATI SUSMITA BAURI (Bishnupur): Mr. Chairman. Sir. I would like to thank you for giving me the opportunity to speak on this Bill. This Bill pertains to those people about whom the Government is discussing after such a long time. This Bill was introduced in the year 1993 and twenty years have passed since its inception. Today, Hon. Seljaji has spoken on this Bill and all the hon. Members are also taking part in the discussion. But with regret I want to say that more time should have been allotted for this Bill because it is a very important Bill. Several hon. Members have expressed their viewpoints here about the manual scavengers. I remember that Mahatma Gandhiji had also thought about these people. Baba Ambedkar had also spoken about them that when Dalit mothers of our country gave birth to babies, they used to think as to whether her son or daughter would become a sweeper. They never thought that their son or daughter would become an officer or a doctor. With great regret, we are compelled to say here today that such people still exist throughout the country. But the figures presented by the government are not correct. Therefore, if the government is considering rehabilitation today, I would like to urge it to make a correct assessment of the figures, otherwise those who are really entitled will not get the facility. The Government is saying that they will get some relief. The facilities of education, health, housing etc. should be provided to them. These people are extremely marginalized. We also observe in the Railways that so

many people also work as manual scavengers. We went to Bangalore and saw some people doing manual scavenging in the Railways on contract basis. They get seven thousand rupees from the Railways but their contractors who engage them, give them only three thousand rupees. They are not even able to speak. When we asked them, they told that they got three thousand rupees. I feel much shameful it is that even when the Railways give seven to seven and half thousand rupees, those actually doing their job are unable to get their wages. It is a very sad thing. Several women are also attached to this work. I observe that today the number of women sweepers is more than men. Hon. Minister is a woman. The Minister prior to her. Shri Mukulji had brought this Bill in the year 2012. Today, I want to tell the Hon. Minister that after such a long time, we have got the opportunity to do something for them. Regarding their rehabilitation, it has been stated that their children will get money in the training period. But this money will be given till the training period. However, there is no provision which mentions as to whether they will get the job after training or not. Therefore, I want more funds to be allocated for them because they need jobs to come to the forefront. This job is disgraceful. Supreme Court has reprimanded the government several times in this regard. The government should pay attention to their plight. Without taking much time, I conclude my speech.

*SHRI JAGDAMBIKA PAL (Dumariaganj): The hon. Minister has brought a Bill relating to the Prohibition of Employment as Manual Scavengers and the rehabilitation of them and their families and provisions on related issues. This Bill will not only abolish manual scavenging but start a new chapter in the history of India. Today India has earned a place amongst the developed nations in the world. Still manual scavenging is prevalent in India. In fact you can see manual scavengers in cities also. Complete abolition of manual scavenging has not become possible even today. There is no proper system for the rehabilitation of scavengers. Till the time alternative employment is arranged for the manual scavengers how can they be rehabilitated. This Bill would be an important step in this direction. Even now there are no latrines in many houses. First of all the local agencies would have to identify dry latrines. This Bill will make provision for alternative employment for the Valmiki community. The Prime Minister,

* Not recorded.

Dr. Manmohan Singh has also resolved to eliminate this practice from the country. The local bodies of all the states are the biggest employers of manual scavengers. Even now the sanitation workers work in unhygienic conditions to clean sewers. A large number of people are employed in the railways for such jobs whereas Article 46 provides for protection of the poor, the scheduled castes and the scheduled tribes from exploitation.

Article 46 - State shall protect the weaker sections, particularly the Scheduled Castes and Scheduled Tribes from social injustice and all forms of exploitation.

Till now the actual number of manual scavengers in the country has not been identified. In fact the local bodies have not been able to identify insanitary latrines also so far. A number of committees have been constituted in this regard. First Kaka Kalekar Committee was constituted wherein the Committee recommended complete abolition of practice of manual scavenging and construction of public latrines so as to promote sanitation and hygiene. When Amir Khan took up the issue of the grim reality of the life of manual scavengers in the tenth episode of Satyamev Jayate. Once more India found it difficult to face the world. This Bill aims to improve the standard of life of such people. Wilson who initiated the Safai Karmchari Andolan says laws have existed in this regard for the last 19 years but not a single person has been penalized and a new law is unlikely to have much effect. As per the Bill manual scavenging is to be categorized as hazardous work and people employing others for this work would be termed to be criminals.

Hence, I strongly support this historical Bill. The passage of this Bill would herald a new era in the country.

[English]

SHRI MOHAN JENA (Jajpur): Sir, at the outset, I would like to congratulate the hon. Minister for bringing this Bill. On behalf of my Party Biju Janata Dal, I support this Bill.

Sir, manual scavenging is the degrading and illegal task of cleaning human excreta from dry latrines. This is mainly a hereditary occupation for Dalits. They are the worst victims of untouchability as they are considered unclean, impure and placed at the lowest level of caste hierarchy. Even within Dalit category, they represent the lower rung of the Scheduled Castes.

I can say emphatically that in independent India, these people are living in slavery. After 66 years of Independence, an estimated 1.3 million people from Dalit communities continue to be employed as manual scavengers across the country. This inhuman profession is against human rights and human dignity. It is against the spirit of Article 14; it is against the spirit of Article 17; it is against the spirit of Article 21 which says about Right to Life with Dignity; and it is against Article 23, that is, Right against Exploitation. This inhuman practice is against the Act enacted by this Parliament, that is, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules, 1995.

Not only is the Government, but the total system, even the present caste-minded society responsible for their plight. Here, I would like to quote Bharat Ratna Dr. Baba Saheb Ambedkar. He has said that in India, a man is not a scavenger because of his work. He is scavenger because of his birth irrespective of whether he does scavenging or not. This is the real picture of our society.

Against this backdrop, I would like to highlight some important issues. Previously, this august House enacted one Act - Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 which provides punishment and fine for employing manual scavengers or constructing dry toilets. I would like to say that the Government as the largest employer of manual scavengers is guilty of violating this Act. Even today, the Act enacted by this Parliament is not implemented. Now under the pressure of the hon. Supreme Court, under the pressure of the human rights movement and international community, the Government is going to pass this new Bill.

No doubt this is a good endeavour and I, on behalf of my party, wholeheartedly support the Bill. The present Bill - the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012 - contains eight chapters and 39 clauses, but this Bill is very soft. The duties and responsibilities of the implementing authority are very important, but the Bill is silent on that. In this context I would like to cite a recommendation of the Standing Committee.

On 4th March, 2013, the Standing Committee recommended that duties and responsibilities of the officials concerned should be fixed and some penalty be imposed on them for delay in implementing the Act. Similarly the

Government should make provision for participation of Members of Parliament belonging to Scheduled Castes in the District-level Vigilance and Monitoring Committee, which will create space in the Committee for the Zila Parishad member. Government should not forget the recommendation of the Standing Committee in this regard.

On 4th March, 2013 the Committee noted that the successful implementation of the new Act would largely depend on how the Corporations, Municipalities and the local bodies like Gram Panchayats would be motivated and geared up for meeting the challenges to be thrown up by the new Act.

I have already submitted some amendments to the Bill and I do not want to elaborate upon them again. With these words I support the Bill wholeheartedly.

[Translation]

DR. SANJEEV GANESH NAIK (Thane): Sir, I would like to thank the government as well as hon. Minister. I am standing here to speak in favour of this Bill on behalf of my party, NCP. I would like to thank the government for meting out justice to our Dalit people, especially the people belonging to Balmiki Society, who were being oppressed for the last several years, by introducing such a Bill after so many years.

I would not take much of your time and speak about only two things. As an honourable Member has just said that one has to face most of these problems especially in gram-panchayat, nagar-panchayat, municipality, mahanagarpalika. For this they need to be included in the municipality as Members or Corporators because problems crop up in day-to-day functioning which includes collection and disposal of human waste. The people call the corporators more than the officers in regard to routine problems of sanitation. I think that these people need to be included. I would like to request the government to include these people in this system.

The second thing which I would like to say is related to their health. I would give you an example that there are several people who have been traditionally doing this work for generations. When we ask them to send their children to the schools, they reply that their children have to do their traditional job so there is no need for sending them to school. I think that it is a very wrong thing. The

government should pay attention to their education and provide for education nearby. I think that if they are educated, they will progress. Several Bills are introduced but those Bills should not remain only on paper. I support this Bill on behalf of my party and would like to thank you.

[English]

SHRI M. ANANDAN (Viluppuram): Hon. Chairman Sir, I thank you for giving me an opportunity to speak on Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill. This bill has been brought to eradicate the practice of manual scavenging in the country. I welcome this bill. After 66 years of independence, it is very significant to bring a bill of this kind that aims to prohibit manual scavenging. It is a shame to have manual scavengers in the country. People belonging to economically backward classes, Scheduled Castes and Arunthathiyar community are mainly involved in such manual scavenging work. They live in a pathetic condition and employment of a person as manual scavenger should be prohibited at any cost. Hon. Chief Minister of Tamil Nadu *Dr. Puratchithalaivi Amma* has been implementing various welfare schemes meant for the upliftment and rehabilitation of sanitation workers. These Schemes are implemented for ensuring socio-economic development of sanitation workers. *Dr. Puratchithalaivi Amma* has introduced schemes meant to eradicate social inequality, improve the economic status of sanitation workers and to provide free and quality education to their wards. In Tamil Nadu, bicycles, notebooks and education are provided free of cost to the wards of sanitation workers. Hon. Chief Minister has taken several far-reaching initiatives for the welfare of sanitation workers particularly through the Tamil Nadu Adi Dravida Housing Development Corporation. Loan applications are being forwarded to banks along with the recommendation of the government officials and with subsidies. But even after that, the banks do not provide loans to the applicants. Banks ask for collateral security for disbursal of loans. How these sanitation workers can provide collateral security to avail loans from banks? In my constituency, particularly people working as manual scavengers are not provided bank loans for engaging in self-employment even after my recommendation. I urge the government that interest free loans should be provided to scavengers without collateral security. In all the Panchayats of Tamil Nadu, particularly for women who are using insanitary latrines, the State government led by Hon.

Chief Minister *Dr. Puratchithalaivi Amma* has built sanitation complexes with all facilities including 24-hour water supply. Hon. Chief Minister has taken initiatives to prohibit manual scavenging in the State of Tamil Nadu. People belonging to Arunthathiyar community, who are mainly involved in scavenging work, are given due representation in legislative bodies besides improving their economic status. As per statistics received from the States, 7,70,338 scavengers and dependants are there in India. Under NSLR Scheme, 4,27,870 scavengers are provided assistance and the remaining 3,42,468 scavengers are yet to be rehabilitated in the country. Such rehabilitation work should immediately be started. Identified scavengers should be provided skill development training, loans and subsidy. Union government should provide education to wards of scavengers and ensure that their standard of life is improved. Union government should also provide adequate funds to the States. In Tamil Nadu, even though people belonging to Scheduled Castes are in large number. NSFDC, a Public Sector Undertaking is ready to provide financial assistance to them but banks do not cooperate in this regard. Banks do not provide loans on the recommendation of a Member of Parliament. Bank officials even say that they do not have any order in this regard. Other States in the country should also try to emulate Tamil Nadu which has done a commendable work for upliftment of scavengers. People belonging to Scheduled Castes, Backward classes and Arunthathiyar Community are being benefitted by various schemes implemented by Hon. Chief Minister of Tamil Nadu *Dr. Puratchithalaivi Amma*. Not only that I can also say that the living standard of sanitation workers has improved a lot in Tamil Nadu. With this, I conclude my speech.

[Translation]

*DR. KIRIT PREMJBHAI SOLANKI (Ahmedabad West): I welcome this Bill and would like to say that such an important Bill has been introduced very late.

I think it is a thing of national shame. It is very disgusting for the society and the country that some person still do manual scavenging.

It is injustice to the Dalit society, the 'safaikarmi' society who are the most backward people. I think all of us should atone for this. All of us are responsible for this.

*Speech was laid on the Table

I would like to bring the fact to your notice that a safai karmchhari often dies due to poisonous gas while going down in manhole. I demand that this practice should be discontinued immediately and new technique or scientific technologies should be used for carrying out this work. I salute those people carrying out this work and demand for their rehabilitation and care for their health. They should be provided with housing and education facilities.

This heinous practice should be discontinued immediately. The railways should take the responsibility of cleaning the rail tracks.

Once again. I support this Bill.

[English]

SHRI NAMA NAGESWARA RAO (Khammam): Thank you. Chairman, Sir, for giving me this opportunity to participate in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012.

[Translation]

Sir, this Bill should have been brought earlier but though its late, the honourable Minister Shailja Ji has brought this Bill. I want to thank her for this. The Government remembers the farmers and the poor before one year of election. Similarly, the Bill is being brought by the Government keeping in view the elections. This indication is being given by the Government. We have discussed about manual scavengers many times in this House during the last 9 years. All of us had said that if any Bill comes in this regard, we all shall support it.

While supporting this Bill I want to lay some points. The bill will be passed today and will become an Act, but the biggest challenge is its implementation. The honourable Minister should do campaigning for its implementation. Meetings should be organized for its implementation by educating corporations, municipalities, local bodies and Gram Panchayats in this regard. The worst problem this time is at railway stations. Mechanical Automation System should be brought at railway stations. Today there is the problem of funds in the Railways. The Government should have the provisions to allocate the required funds to all sectors which are included specially under this Act. Automation should be done everywhere and technology should be utilized. The people who do this work by doing automation of the technology should be given double

wages. Their children should be taken care under Sarva Shiksha Abhiyan. Alongwith it. I want to say that whichever monitoring committee is there in district headquarter, in corporation in municipalities, they should be involved, corporators should be involved, MPs and MLAs should be involved in district level.

*SHRI P.L. PUNIA (Barabanki): Today even in the 21st century a man is doing the work of scavenging of a man in the country like India. In the year 2006, 7.73 lakh cleaning workers were doing this work, whose number decreased and remained 3.42 lakh in November, 2012.

This work is regarded as stigma for the society in Indian culture. No one is happy doing this work, this is to be done in compulsion due to poverty. This work is being seen as a tradition. Though the states confirm about the end of this tradition, but it is not so in reality. Necessary action is required to be taken in this regard so that people could not be involved in this work in compulsion in future. Central and State Governments formulated many schemes in this regard but the result of these schemes is not seen in practical life. To identify manual scavengers and dirty toilets, the work of cleaning of railway tracks, open drains, manholes, dirty toilets etc. have been included in this by extending the definition of manual scavenging through this Bill so that the people connected to this work could be benefited. This is a very serious social problem and the entire society would have to cooperate to root it out completely.

The Employment of Manual Scavengers and Construction of Dry Latrine (Prohibition) Act has been implemented since 1993, in which there is no provision for security devices, rehabilitation and survey of cleaning staffs. According to the Ministry of Social Justice and Empowerment, thousands of people in 14 states are doing the work of scavenging even today. According to media report 2012, there are 5530 Manual Scavengers in 42 districts of Uttar Pradesh.

Till the year 2008. 78000 persons associated with this work have been rehabilitated which is not sufficient. As per the census of 2011, there are still 23 lakh pit latrines and insanitary latrines. The Ministry has decided to conduct a survey to know the exact number and condition of these persons and it is essential to start it immediately.

*Speech was laid on the Table

National Commission for Safai Karamcharis has been set up to protect the interests of Safai Karamcharis which is carrying out its duties with full responsibility. The responsibility to implement this Act has been entrusted to this Commission.

The Central Government has also prepared several welfare schemes for Safai Karamcharis. In 1993 under Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act. Provisions for jobs had been made in Article 15, 16 and 17 of the Constitution.

The scheme for rehabilitation under self employment scheme by providing them financial assistance (The Self-Employment Scheme for Rehabilitation of Manual Scavengers - SRMS) was started in 2007, on which an amount of Rs. 173.50 crore has been released and Rs. 147.61 crore has been spent during the last three years.

Under Total Sanitation Campaign, now known as Nirmal Bharat Abhiyan, an amount of Rs. 4009.25 crore has been released to the states during the last three years with the aim of providing toilets in rural areas out of which an amount of Rs. 3844.86 crore has been spent.

Under Integrated Low Cost Sanitation Scheme an amount of Rs. 215.16 has been released to the states for the urban poor to convert dry latrines into low-cost pour Hush latrines and to construct new ones where none exist and an amount of Rs. 113.91 crore has been spent in this regard.

Various Bills related to the welfare of Scheduled Castes/Scheduled Tribes are pending in the Parliament awaiting clearance, out of which one is Manual Scavengers and their Rehabilitation Bill, 2012 which has been introduced in Lok Sabha on 3rd September 2012 on which standing committee submitted its report on March. 2013. This Bill was included several times in the list of business for discussion, today this important Bill is being discussed.

The UPA Government has decided to end dry latrines and manual scavenging on priority basis, to rehabilitate persons engaged in manual scavenging and protect their health and ensure their safety by completely banning works like manual scavenging and cleaning septic tanks and sewer line without any safety gear. The provision of punishment has been made for violating and forcing anyone to violate the provisions of this Bill and the responsibility

to ensure it has been entrusted to the local bodies. Cantonment Board and the Railways. The government has made provisions in this Bill for setting up of Central Monitoring Committee along with state monitoring committees, vigilance commissions for districts and appointment of Inspectors to conduct essential enquiries.

As per this Bill the responsibility to implement this Bill and award punishment in case of its violation has been entrusted to a single person i.e. Executive Magistrate, which appears improper.

There is a provision for five years of punishment after a summary trial whereas only cases which have a provision of two year sentence can be disposed of with a summary trial under CrPC.

I request that a survey for evaluating the number and the living conditions of persons engaged in the work of manual scavenging is held immediately. Arrangements for alternative business or employment should be made for them in collaboration with the Ministry of Housing and Urban Poverty Alleviation. It is observed that people engaged in this work do not understand the importance of education and put their children to work at an early age. There is need to raise awareness amongst them and provide them skill development training and necessary steps need to be taken to provide education to their children and residential schools should be opened through the SCP fund. Upto 50 per cent seats can be reserved for these children under the Right to Education. The government needs to give attention to them. The number of sanitation workers in the urban areas is very large. I also thank the entire team of Satyamev Jayate and actor Amir Khar for bringing this issue before the country and helping with finding a solution to this problem.

Hence, I support this Bill.

[English]

SHRI PRABODH PANDA (Midnapore): Sir, I support the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012.

Sir, manual scavenging is an inhuman caste-based practice which involves manual clearance of human excreta with bare hands. Generations and generations of *dalits* and Muslim *dalits* have been employed in scavenging work and among them 98 per cent are women. So, the

time has come, though it is long overdue, to eliminate this sort of inhuman practice. This is not only for promotion or rehabilitation, but this is the question to be focused on human dignity.

So, in this connection, I would like to put some suggestions for the consideration of the hon. Minister. Firstly, a viable and a formidable rehabilitation scheme should be made. The scheme should have adequate provisions for compensation, education, accommodation and employment. The Bill should also provide for imprisonment and financial penalties against the officials of the urban local bodies, Panchayats and Government offices responsible for the existence of dry latrines either in their own premises or within their jurisdictions. A national scholarship programme should be initiated for the children of liberated families. Adequate land should be provided by the Government to the families liberated from manual scavenging. Self-employment with adequate training for skill development should be provided. Loan and subsidies should be replaced by pure grant of no less than Rs.3 lakh each to be provided to the victims to help them re-skill and re-employ themselves according to their free will. A complete audit of all schemes made after 1993 for rehabilitation and abolishment of manual scavenging by the Government of India should be done.

I do not know why the Railways sector has not been covered. A large number of employees are engaged in manual scavenging in Railways. So, it should not be excluded.

Sir, there are some Ministries like Ministry of Social Justice and Employment, Ministry of Drinking Water and Sanitation, Ministry of Rural Development, Ministry of Poverty Alleviation, Ministry of Urban Development, Ministry of Railways, etc. Like this, eight Ministries are there. So, my proposal and my request is that, please constitute a Coordination Committee of eight Ministries to monitor everything so that all these programmes can be implemented.

I congratulate the Minister for bringing such a Bill. I thank her and I support this Bill.

[Translation]

SHRI JAGDANAND SINGH (Buxar): Mr. Chairman, Sir, I strongly support the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill. 2012.

Sir, this is the need of the hour. Even today the practice of manual scavenging remains a national shame. The country needs to eliminate it. Merely making laws is not a solution. ...*(Interruptions)*

[English]

MR. CHAIRMAN: Order please.

...*(Interruptions)*

MR. CHAIRMAN: Let him finish.

...*(Interruptions)*

MR. CHAIRMAN: He is the last Member to speak on the Bill.

...*(Interruptions)*

MR. CHAIRMAN: He is the last Member to speak on the Bill. Then the Minister will reply. And then you can raise this issue.

...*(Interruptions)*

MR. CHAIRMAN: Hon. Members, please take your seats.

...*(Interruptions)*

MR. CHAIRMAN: Everybody feels that this is a very important Bill. So, we can pass this Bill. Then, you can raise the issue.

...*(Interruptions)*

[Translation]

SHRI JAGDANAND SINGH: Sir, till the time that there is political unwillingness to tackle this issue the practice of manual scavenging will not be eliminated from the country. ...*(Interruptions)*

[English]

MR. CHAIRMAN: Okay, please sit down.

...*(Interruptions)*

[Translation]

SHRI JAGDANAND SINGH: Mr. Chairman, it was decided in 2011 to hold a survey to find out the number of persons engaged in this work. Till date a proper survey has not been conducted. ...*(Interruptions)* The biggest issue

is that manual scavenging is not only a means of livelihood but also a means of perpetuating untouchability.

[English]

MR. CHAIRMAN: Please wind up.

...*(Interruptions)*

[Translation]

SHRI JAGDANAND SINGH: Sir, till the children reach schools they cannot be prevented from working to support their homes or be made capable of taking up other occupations.

[English]

MR. CHAIRMAN: Hon. Minister.

...*(Interruptions)*

MR. CHAIRMAN: Please take your seat.

...*(Interruptions)*

[Translation]

SHRI JAGDANAND SINGH: Mr. Chairman. Sir nearly seven lakh and seventy thousand people are still engaged in the work of manual scavenging ...*(Interruptions)* Nearly thirty thousand people in Bihar are engaged in this work. ...*(Interruptions)*

Sir, I would like to mention a final point and the hon. Minister may perhaps give a reply to it too. An amount of 100 crore rupees had been allocated for this work during the year 2011-12 but not a single paisa was spent thereon. Not a single paisa out of the funds provided for educating the children of manual scavengers was spent for the purpose. Hence, I would like to request you to display political willingness.

[English]

MR. CHAIRMAN: Silence please.

...*(Interruptions)*

MR. CHAIRMAN: Okay hon. Minister.

...*(Interruptions)*

MR. CHAIRMAN: Please wind up.

...*(Interruptions)*

[*Translation*]

SHRI JAGDANAND SINGH: Sir the law would be seen to be unsuccessful till the time that a single person is left doing this work in the country.

[*English*]

KUMARI SELJA: Mr. Chairman. Sir, thank you. I am grateful to all the hon. Members who have participated in this discussion, in this debate ...(*Interruptions*)

[*Translation*]

SHRI SHAILENDRA KUMAR (Kaushambi): Please speak in Hindi. The Dalits of the country will be listening to you ...(*Interruptions*)

KUMARI SELJA: I shall speak in both the language – Hindi and English. I can speak also in Haryanvi.

[*English*]

MR. CHAIRMAN: She will speak in both the languages.

[*Translation*]

KUMARI SELJA: I am very thankful to all the honourable Members who expressed their views on this Bill. There was scarcity of time but even then, many important points and suggestions have come here.

Sir, first Bill was brought in the year 1993 and it became a law. But we noticed that this tradition should already have ended long ago, but it did not end. As some Members including Meghwal Ji said that there should have been a mindset ...(*Interruptions*) There is a lot to speak ...(*Interruptions*) I know that you are in support of this Bill and I am very thankful to you for this. I would like to keep this point on record that it was felt after 1993 that this could not be implemented completely and properly. We brought this again, my predecessor Shri Mukul Wasnik Ji had introduced this Bill here and then the Bill went to the standing committee. I would also like to keep this point on record, although Anant Kumar Ji is saying that he is giving full support. All the sections of the House are supporting it. I would also like to keep this point on record that it may not come in 2012. if our UPA president. Smt. Sonia Ji. ...(*Interruptions*) Smt. Sonia Gandhi was the driving coach behind this, no doubt my friend, honourable Member, Shri Anant Kumar Ji has problem with her name and he

may have problem from my saying so. But I don't know with which of your leader you have attached your commitment, but our commitment is with our leader Smt. Sonia Gandhi Ji. We acknowledge her points. This Bill has been brought here only due to her efforts.

In brief I'll say that earlier in spite of getting enacted, this Bill could not be enforced because we had given option of states for its enforcement. But now, when we have come here with this proposed Bill, this will be a central Bill.

[*English*]

This will be under the Seventh Schedule of the Constitution - Entry 97 of the List-III of Seventh Schedule,

[*Translation*]

under which it will be enforced in all states. The Supreme Court undoubtedly said this but almost all states said in writing that there was no such tradition in their states. They are in denial mode and this mind set of all the states can be reflected through their action. Are they in a position to accept and recognize this point? This is a stigma on us, on the society and on the country. I studied that when our country and Singapore got their independence at the same time and this tradition was also there. But they had a mindset in which they identified, accepted and recognized it and ended it. But what is the reason that we have not been able to wipe out this tradition till now and usually say that this is not a tradition and don't accept it. When I was in the Ministry of Housing and Urban Poverty Alleviation, we had a scheme to implement the scheme of converting dry latrines. We became tired of writing to states to take fund from us and end this tradition and convert dry latrines. But we didn't get proposal because all states have sent their replies in writing and gave affidavit, then how can they accept that this tradition is going on even now. So, it is required to change this mindset. Where mindset is required to be changed, a strict law is also required there. That's why we have brought this law here.

I would like to say in brief that this law addresses all the points raised by honourable Members in detail, whether it is the matter of rehabilitation, or of survey. I would also like to speak about survey. According to the survey of 2011 we have found that there are 26 lakh insanitary

latrines in our country today. This is not a small number. It has been assumed but we don't have the data of the survey about the number of people still engaged in manual scavenging and doing this work. This is not clear to us. The survey in this regard is going on. The Minister of Rural Development is also present here. We do correspondence with him in this regard and we discuss this matter. The survey is going on now. The socio-economic survey also will be conducted in rural areas and it is being conducted. More data will come before us from this and all matter will be clear. But this is not the real matter, this is not that what we are waiting for. This will become a law. A survey will be conducted at every place, in every city where there is municipality, in every town and village. There are provisions in this Act for penal action, stringent punishments, fines and imprisonment.

Besides this, a major issue of rehabilitation has come to notice ...*(Interruptions)* Section 13 deals in detail about education and rehabilitation of these persons. It talks of mechanization, why are we so backward in areas although the country has taken giant strides in other sectors. We are paying attention to this issue also, a number of hon'ble Members have expressed concern about septic tanks and sewage. I would like to inform you that these issues have been kept under the heading of regulated activity so that they are given due consideration and proper steps in this regard are decided upon.

Ministry of Labour is bringing a new Bill

[English]

for regulating the activities of those who are engaged in the sewage and septic tanks. These concerns are genuine and I share this concern with all the other Ministries.

[Translation]

We have to talk to the Ministries and form committees to ensure representation of all stakeholders. Merely depending on officials would not be of any use. All manner of provisions have been made in this Bill.

Although this proposal had also come before us that we should pass it without discussion and a large number of hon. Members had supported this proposal but I am happy that despite this a number of hon. Members have been able to express their views. A lot of your concerns have been addressed in the Bill but if some points have

been overlooked we will add them in the guidelines framed in the rules.

With these words. I thank you all for taking part in the discussion. As for those who did not take part in the discussion

[English]

I know you feel very strongly about this Bill.

[Translation]

Crores of our countrymen are looking towards us to see how we show our commitment towards those to our brethren who are still engaged in this shameful work and how we manage to provide them relief and remove this mark of shame from the image of our country. With these words I thank you all.

[English]

MR. CHAIRMAN: The question is:

"That the Bill to provide for the prohibition of employment as manual scavengers, rehabilitation of manual scavengers and their families, and for matters connected therewith or incidental thereto be taken into consideration."

The motion was adopted.

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

Clause 2

Definitions

Amendments made:

Page 2, line 29,—

after "fully decomposes",

insert "in such manner as may be prescribed". (3)

Page 3, line 2,—

after "fully decomposes",

insert "in such manner as may be prescribed". (4)

(Kumari Selja)

MR. CHAIRMAN: Shri Mohan Jena, are you moving your Amendment Nos. 23, 24 and 25 to clause 2?

SHRI MOHAN JENA (Jajpur): Mr. Chairman, Sir, in this amendment, I want to insert the words, "physically entering or diving or using bare hands for".

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (KUMARI SELJA): Mr. Chairman, Sir, the hon. Member has just made an important point and even other hon. Members have mentioned very important points. We will consider them under the Rules.

SHRI MOHAN JENA: Sir, as the hon. Minister has assured, I am not moving my amendments.

MR. CHAIRMAN: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Clause 4 Local authorities to survey in sanitary latrines and provide sanitary community latrines

Amendment made:

Page 4, after line 27, insert—

"Explanation.- For the purposes of this section, "community" in relation to railway authorities means passengers, staff and other authorized users of railways.".(5)

(Kumari Selja)

MR. CHAIRMAN: Shri Mohan Jena, are you moving your Amendment No. 26 to Clause 4?

SHRI MOHAN JENA: I request the hon. Minister to assure me on this also.

MR. CHAIRMAN: Are you moving your amendment or not?

SHRI MOHAN JENA: Sir, I am moving my amendment.

I beg to move:

Page 4, line 18,—

after "community latrines"

insert ", with adequate and uninterrupted water supply and such other fixtures as are necessary to ensure that such sanitary community latrine do not become insanitary latrines."*.*

(26)

MR. CHAIRMAN: I shall now put Amendment No. 26 to clause 4 moved by Shri Mohan Jena to the vote of the House.

The amendment was put and negatived.

MR. CHAIRMAN: The question is:

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

The motion was adopted.

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

Clause 5 Prohibition of insanitary latrines and employment and engagement of manual scavenger

MR. CHAIRMAN: Shri Bhartruhari Mahtab, are you moving Amendment Nos. 13 and 14 to clause 5?

SHRI BHARTRUHARI MAHTAB (Cuttack): Yes, I am moving.

I beg to move:

"Page 4, for line 38 to 45,—

substitute "(2) Every insanitary latrine existing on the date of commencement of this Act, shall either be demolished or be converted into a sanitary latrine, either by the appropriate Government or by the occupier and the cost of such demolition or conversion shall be borne by the Central Government and the concerned State Government in such proportion as may be prescribed by the Central Government in consultation with the concerned State Government.".

(13)

Page 5, omit lines 1 to 11.

(14)

Sir, I would like to mention that a national shame is a national responsibility. I could hear from the Members who participated in the debate on this Bill that they were harping on this point. It is definitely a national shame. How many of us are conscious of the national responsibility? That is why the amendment that I have moved is deleting it because there is no specification and no responsibility is fixed on those authorities who are in-charge to find out and demolish those latrines and penalize those persons who are still continuing to use them. ... *(Interruptions)* It is not there in the Bill. Please read it. That is the fault which lies with us. In 1993, we passed a legislation and I was going through the records. How many of us have actually moved certain amendments at that time? That is the reason why after 20 years, again we are bringing a Bill in the Concurrent List. So, my amendment states that every

insanitary latrine existing on the date of commencement of this Act shall either be demolished or be converted into a sanitary latrine either by the appropriate Government or by the occupier and the cost of such demolition or conversion shall be borne by the Central Government and the concerned State Government in such proportion as may be prescribed by the Central Government in consultation with the concerned State Government. This is my amendment.

MR. CHAIRMAN: I shall now put Amendment Nos. 13 and 14 to clause 5 moved by Shri Bhartruhari Mahtab to the vote of the House.

The amendments were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

20.00 hrs.

MR. CHAIRMAN: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

**Clause 7 Prohibition of persons from
engagement or employment for
hazardous cleaning of sewers and
septic tanks**

MR. CHAIRMAN: Shri Mahtab, are you moving your Amendment Nos. 15 and 16 to Clause 7?

SHRI BHARTRUHARI MAHTAB: Sir, I am moving my Amendment Nos. 15 and 16 to clause 7.

I beg to move:

Page 5, line 21,
for "7."

substitute "7.(1)". (15)

Page 5, after line 24,—

insert "(2) The appropriate Government and the concerned local authorities shall set up mechanised system of cleaning of sewers and septic tanks within

one year from the date of commencement of this Act." (16)

Sir, I want to remind this Government that the Union Government had allotted Rs.100 crore in 2011-12 for eradication of scavenging and rehabilitation of manual scavengers. You will be surprised to know that not a single rupee has been spent and the Planning Commission also has refused to enhance the budget for the scheme citing lack of demand. No ripple has been caused, No question was raised and I would say that is the reason why I am harping again and I would request the hon. Minister to look into this.

KUMARI SELJA: Sir, it is the right of the hon. Member to move the Amendment, but I would like to place on record that we have not received proposals from the States.

MR. CHAIRMAN: Now, I shall put Amendment Nos. 15 and 16 to Clause 7, moved by Shri Bhartruhari Mahtab to the vote of the House.

The amendments were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clauses 8 to 10 were added to the Bill.

**Clause 11 Survey of manual scavengers in urban
areas by municipalities**

MR. CHAIRMAN: The Hon. Minister to move the Amendment No. 6 to Clause 11.

Amendment made:

Page 6, line 5,—

after "Municipality",

insert "and fulfilling the eligibility conditions as may be prescribed". (6)

(Kumari Selja)

MR. CHAIRMAN: Mr. Mahtab, are you moving your Amendment No. 17 to clause 11?

SHRI BHARTRUHARI MAHTAB: Sir, I am moving my Amendment No. 17 to clause 11.

I beg to move:

Page 5, after line 43,—

insert "Provided that a person shall not be eligible to be identified as a manual scavenger unless he has been working as a manual scavenger for not less than two years prior to the coming into force of this Act.".

(17)

Sir, here I would like the hon. Members, at least, present in this House to refer to a speech given by Dr. Baba Saheb Ambedkar on 25th November 1949 in the Constituent Assembly. He had warned about the course of Indian democracy and had observed and I quote:

"On the 26th January 1950, we are going to enter into a life of contradiction. In politics we will have equality and in social and economic life, we will have inequality..."

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY): What is your Amendment?

SHRI BHARTRUHARI MAHTAB: He should please listen to what Dr. Ambedkar has said. I do not know whether he has gone into the Constituent Assembly's debate or not.

"We shall by reasons of our social and economic structure continue to deny the principle of one man one value. How long shall we continue to live this life of contradiction?"

Does this question still ring in our ears? How long we will continue to live with this life of contradiction? How long? Today, I reiterate by moving this Amendment.

MR. CHAIRMAN: Now, I shall put Amendment No. 17 to Clause 11, moved by Shri Bhartruhari Mahtab, to the vote of the House.

The amendment was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12 was added to the Bill.

Clause 13 Rehabilitation of persons identified as manual scavengers by a municipality

MR. CHAIRMAN: Mr. Jena, are you moving your Amendment Nos. 27 and 28 to Clause 13?

SHRI MOHAN JENA: Yes, Sir, I beg to move:

Page 6, lines 42 and 44,—

for ",subject to eligibility and willingness of the manual scavenger, and the provisions of the relevant scheme of the Central Government or the State Government or the concerned local authority",

substitute "by the Central Government or the State Government or the concerned local authority on priority basis.".

(27)

Page 6, line 47,—

for "rupees three thousand",

substitute "rupees five thousand".

(28)

MR. CHAIRMAN: I shall now put Amendment Nos. 27 and 28 moved by Shri Mohan Jena to the vote of the House.

The amendments were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14 to 17 were added to the Bill.

Clause 18 Authorities who may be specified for implementing provisions of this Act

MR. CHAIRMAN: Mr. Jena, are you moving your Amendment No. 29 to Clause 18?

SHRI MOHAN JENA: Yes, Sir. Sir, this is a new Clause to implement the recommendations of the Standing Committee. The Standing Committee recommended that duties and responsibilities of the official concerned should be fixed and some penalty be imposed on them for delay.

I beg to move:

Page 7, after line 44, insert,—

"(2) Where the District Magistrate or any other subordinate officer fails to perform his duties, he shall be liable to appropriate disciplinary action and a fine of rupees fifty thousand." (29)

MR. CHAIRMAN: I shall now put Amendment No. 29 moved by Shri Mohan Jena to the vote of the House.

The amendment was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Clause 19 was added to the Bill.

Clause 20 Appointment of inspectors and their powers

MR. CHAIRMAN: Mr. Jena, are you moving your Amendment Nos. 30 and 31 to Clause 20?

SHRI MOHAN JENA: No, Sir, I am not pressing.

MR. CHAIRMAN: The question is:

"That clause 20 stand part of the Bill."

The motion was adopted.

Clause 20 was added to the Bill.

Clauses 21 to 23 were added to the Bill.

Clause 24 Vigilance Committees

Amendments made:

Page 9, line 42,—

for "District Magistrate",

substitute "District Magistrate, two of whom shall be women". (7)

Page 10, lines 21 and 22,—

for "District Magistrate",

substitute "District Magistrate, two of whom shall be women". (8)

(Kumari Selja)

MR. CHAIRMAN: Mr. Jena, are you moving your Amendment Nos. 32 and 33?

SHRI MOHAN JENA: Yes, Sir, I am moving. This is an important amendment. In Vigilance Monitoring Committee, we, the MPs, should be included. The Members of Parliament belonging to Scheduled Castes should be included. This is important. MLAs are there. I beg to move:

Page 9, line 23,

for "all members of the State Legislature",

substitute "all members of the Parliament and the State Legislature". (32)

Page 10, after line 3, insert,—

"(j) one elected Zila Parishad member belonging to the Scheduled Castes to be elected by the *Zila Parishad* of the concerned District." (33)

MR. CHAIRMAN: I shall now put Amendment Nos. 32 and 33 moved by Shri Mohan Jena to the vote of the House.

The amendments were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 24, as amended, stand part of the Bill."

The motion was adopted.

Clause 24, as amended, was added to the Bill.

Clause 25 was added to the Bill.

Clause 26 State Monitoring Committee

Amendment made:

Page 11, lines 25,—

for "State Government",

substitute "State Government, two of whom shall be women".

(Kumari Selja)

MR. CHAIRMAN: The question is:

"That clause 26, as amended, stand part of the Bill."

The motion was adopted.

Clause 26, as amended, was added to the Bill.

for "2012",

Clauses 27 and 28 were added to the Bill.

substitute "2013".

(2)

Clause 29 Control Monitoring Committee

(Kumari Selja)

Amendment made:

MR. CHAIRMAN: The question is:

Page 12, lines 30,—

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

for "Chairperson",

substitute "Chairperson, two of whom shall be women". (10)

The motion was adopted.

(Kumari Selja)

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

Enacting Formula

MR. CHAIRMAN: The question is:

Amendment made: Page 2, line 1,—

"That clause 29, as amended, stand part of the Bill."

for "Sixty-third",

(1)

The motion was adopted.

substitute "Sixty-fourth".

Clause 29, as amended, was added to the Bill.

(Kumari Selja)

Clauses 30 to 35 were added to the Bill.

MR. CHAIRMAN: The question is:

Clause 36 Power of appropriate government to make rules

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

Amendments made:

The motion was adopted.

Page 13, *after line 41, insert,—*

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

"(aa) the manner in which the excreta fully decomposes under clauses (e) and (g) of sub-section (1) of section 2;" (11)

The Preamble and Long Title were added to the Bill.

Page 14, line 1,—

KUMARI SELJA: I beg to move:

for "(e) publication"

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

substitute "(e) the eligibility conditions for identification of manual scavengers and publication". (12)

MR. CHAIRMAN: The question is:

(Kumari Selja)

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

The motion was adopted.

MR. CHAIRMAN: The question is:

"That clause 36, as amended, stand part of the Bill."

The motion was adopted.

[English]

Clause 36, as amended, was added to the Bill.

SHRI ANANTH KUMAR (Bangalore South): Sir, hon. Minister is here, he should reply on China issue. ... (Interruptions)

Clauses 37 to 39 were added to the Bill.

Clause 1 Short title, extent and commencement

Amendment made:

MR. CHAIRMAN: No. We have to extend the House further.

Page 2, line 5,—

... (Interruptions)

MR. CHAIRMAN: We have got two Bills to be passed.

...(Interruptions)

SHRI ANANTH KUMAR: Sir, first of all China issue should be taken. ...(Interruptions)

MR. CHAIRMAN: Hon. Members, please take your seats.

...(Interruptions)

MR. CHAIRMAN: First, I want to take the sense of the House as to whether we are going to take two Bills or not and then we will take Half-an-Hour Discussion.

...(Interruptions)

MR. CHAIRMAN: I have to take the sense of the House whether we are going to take up Half-an-Hour Discussion or we have to take up two Bills. That has to be decided first. Then we will take up what you want.

...(Interruptions)

SHRI ANANTH KUMAR: Sir, first of all China issue should be taken. ...(Interruptions)

[Translation]

SHRIMATI SUSHMA SWARAJ (Vidisha): ...(Interruptions) If the next two bills are cleared without discussion then the Prevention of Disqualification for removing the Chairman from office of profit also does not need discussion. The amendment regarding police custody in the second Bill regarding RP Act also has consensus and may be passed and the China issue may be raised thereafter. The House will adjourn sine die today and will not sit tomorrow. If a motion is brought, we will oppose it.

20.15 hrs.

PARLIAMENT (PREVENTION OF DISQUALIFICATION) AMENDMENT BILL, 2013

[English]

MR. CHAIRMAN: Now, we shall take up Item No. 18. Hon. Minister.

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY AND MINISTER OF LAW AND JUSTICE (SHRI KAPIL SIBAL): Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959, as passed by Rajya Sabha, be taken into consideration."

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

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

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

MR. CHAIRMAN: Now, the hon. Minister may move that the Bill be passed.

SHRI KAPIL SIBAL: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

20.17 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT AND VALIDATION) BILL, 2013

MR. CHAIRMAN: Now, we shall take up Item No. 19. Hon. Minister.

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY AND MINISTER OF LAW AND JUSTICE (SHRI KAPIL SIBAL): Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Representation of the People Act, 1951, as passed by Rajya Sabha, be taken into consideration."

...(Interruptions)

SHRI BHARTRUHARI MAHTAB (Cuttack): Sir, this Bill needs to be discussed. We cannot pass it without discussion. ...(*Interruptions*)

MR. CHAIRMAN: At the stage of third reading, you can speak. I will allow you to speak at the stage of third reading.

...(*Interruptions*)

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Representation of the People Act, 1951, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

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

The question is:

"That clauses 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

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

MR. CHAIRMAN: Now, the hon. Minister may move that the Bill be passed.

SHRI KAPIL SIBAL: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRI BHARTRUHARI MAHTAB (Cuttack): Mr. Chairman. Sir. I am really disheartened about the manner in which actually this Bill is getting passed. No doubt there is unanimity to get this Bill passed but the manner in which we are rushing this Bill will automatically invite criticism to ourselves. This is something which has been interpreted in the Apex court. Two days back, the Apex court has agreed to review the petition. But still I would say this amendment which has been moved in the Rajya Sabha and which is before us after some wise men in the Upper House have deliberated on that, and it would have been better if, cutting across the Party line, we would have discussed this aspect because one issue is still there. I am not a lawyer by profession. One issue is still there. On the

face of it, if somebody is convicted, he is in prison, if somebody is apprehended, he is in a police station, and though his name is in the voters' list, our law says that he cannot come out to vote. Taking that clause from the Representation of the People Act, the court interpreted that a person, who is unable to vote, how can he be a candidate? All of us, at least the persons who have little knowledge of law can say: "My name is still there in the voters' list. If my name is there in the voters' list, how can someone debar me to be a candidate?" A glaring example was Shri George Fernandes in 1977. He was in prison and he fought election being in jail. Nobody raised that issue. But peculiarly it was from the Patna High Court, where this decision came and it had been confirmed by the apex court. After this, in an All-Party meeting, a decision was taken; opinions were taken. And, the Government thought that 'we will move a Review Petition and also we will bring in this type of Amendment. But the question here is this. Yes with the provision that is there in this Amendment Bill, those persons who want to contest can contest. But the greater issue is still there; and I would like to be educated by our hon. Minister of Law and Justice. When two under-trial prisoners were allowed by the Apex Court, sent by the Indian Government to Italy to go and cast their votes, how can we deny our citizens from casting their votes? Is that being answered in this amended Bill? No.'

Yet, we are rushing this Bill without batting an eyelid. That is my concern. This will be raised outside. I would not be surprised if some conscious persons will also raise it in the court of law. This is my concern. That is why, we are not here only to protect our interest; we are not here only to protect the political class; we are here to protect every citizen of this country and his rights. Adult Franchise gives us the right.

With these words, I would say, Sir, that the Government needs to consider all this. Thank you. ...(*Interruptions*)

MR. CHAIRMAN: Hon. Member, you may tell your apprehension. The hon. Minister will reply to that.

[*English*]

SHRI KIRTI AZAD (Darbhanga): Sir, thank you very much for giving me the opportunity.

[Translation]

Mr. Chairman, Sir, it was decided in all party meeting when ruling of Patna High Court had been given. I'll cite just one example. It has happened to each person of this House dozens of times. 50 times or 100 times whenever he/she had represented his/her constituency. I wanted that this Bill to be discussed and we get an opportunity to speak. A new area has been added to my constituency namely Beraul, it is a sub-division. I have organized a dharna in front of that sub-division on the next 11th of the month. I respect all the courts as each law abiding person of India does. I am going to hold a dharna on the next 11th as I talked to SDO of Beraul three times. The order of hon'ble Patna High Court has been violated. Maheshwar Hajariji is present here who represents Samastipur parliamentary constituency which is adjacent to my constituency. A road goes there via Supaul bazaar. Hon'ble Patna High Court had issued an order regarding that road in the year 2011. The road passing through Supaul bazaar is getting narrower as some goon type people have encroached upon that road. This goes to that area which is called Kusheshwar Asthan. That area remains under water even without rains. I talked several times in this regard. I am talking repeatedly in this regard with the hope that they accept and remove encroachment. But this has not been done. People are angry.

[English]

MR. CHAIRMAN: Kindly tell your point briefly.

SHRI KIRTI AZAD: Yes, Sir. I am just saying it very briefly. It is a very important matter. I think everybody has gone through it and you to have. Many times, you had also come into the Well for a lot of matters that pertain to your Constituency. So, I am giving an example exactly of what is happening in my Constituency; and what everybody is going through in his Constituency.

So, Sir. I may kindly be given a patient hearing. I shall be very grateful to you.

[Translation]

I want to say ...*(Interruptions)* This is the discussion on the Bill. If Bills are passed like this, people will laugh. Media will laugh on us. So, it is necessary to know this. I want to inform about that dharna to be held on the 11th I may be detained and put in jail from morning to evening.

If I am put behind the bar from morning to evening then under this law I cannot contest elections. If an altercation breaks out between me and my neighbour and I am put behind the bar under section 711 then probably I cannot contest elections.

I do not know law as hon'ble Sushmaji who herself is a famous lawyer or Kapil Saheb. Vijay Bahadurji or Kalyan Banerjee know law. But I'll demonstrate there because people are suffering there. There is a referral hospital there having 30 beds. The referral hospital which should have been used for the treatment of people has been converted into the residence of SDO and DC. The inspection bungalow located at Beraul where I want to stay and meet people. DSP resides. I am not such a capitalist that I construct a house in each block of my constituency. But if I want to stay in that inspection bungalow I cannot do that and it keeps me away from people. So I'll hold demonstration in this regard. Playing cricket I was an aggressive batsman and player and in political life also. I am an aggressive person but I'll hold peaceful dharna and if people get angry and take up lathis and damage public property then the case will be filed against me. There is a lot of difference between individual crime and public movement. Movements have been taking place even before independence. I don't consider myself Mahatma Gandhi or Shaheed Bhagat Singh but if you look at the history, you will find that when Mahatma Gandhi carried out 'Quit India' movement on 8th August, 1942, he had said "do or die". If it is observed in this way or compared with this order of today, forgive me for saying that the biggest criminal during the Britishers time was Mahatma Gandhi himself because he had to go to jail. Just as the people are talking about Telangana. Poorvanchal or some other place, similarly a big movement is building up at my place regarding the state of Mithila. I hail from the sacred birth place of Mata Sita which is Mithila and I will take to agitation for the formation of the State of Mithila. I may have to go to jail not only once but several times and I will go to jail. Carrying out public movement and this public agitation of mine cannot be connected with any criminal act such as murder or kidnapping. Therefore, I wanted to say that criminal cases and public movements are separate things and they should not be weighed on the same balance and should not be seen in a similar way. You did not allow me to speak more but I would like to say that there should be a discussion on this issue and our

voice should reach the top level. You gave me less time to speak but I want to thank you for the same.

[*English*]

SHRI P. KARUNAKARAN (Kasargod): Sir, I am not against passing this Bill but at the same time when we discuss a Bill in the Parliament and pass the Bill, it is our responsibility to convince the people also. Otherwise, we would be sending a wrong message that it is for some other interests. Now we have taken the decision that without any discussion we are going to pass each and every Bill. In the other Bill, really I had wanted to seek some clarifications but you have not given me chance. But as the Parliament, it is our duty to discuss. If we are not fully convinced, how can we convince the people? There are a number of discussions that are going on. So, it is the duty of the Parliament to discuss. So, when I say that there is no objection in passing the Bill but at the same time sufficient time should be given for a detailed discussion.

SHRI KALYAN BANERJEE (Sreerampur): Sir, I respect the speech that has been made by Mr. Bhartruhari Mahtab. I want to tell you one thing.

MR. CHAIRMAN: It is third reading stage. Therefore, please be very brief.

SHRI KALYAN BANERJEE: I am supporting this Bill. But I am saying it is not unknown to us that the Supreme Court passes inconsistent orders and judgements. That is only possible in our country. It is not that the Supreme Court is infallible. It is infallible. But there is no other Supreme Court. Therefore, the Supreme Court judgements and orders are final. There are orders and judgements which are inconsistent with that. But, the case which Mr. Mahtab has referred to, was an intelligence case. That was an order and that was not a judgement. But, the Patna High Court judgment, which has come, has to be rectified so that people can cast their votes as voters. I again appreciate the statement of Mr. Mahtab. But, as citizens of this country, let us come to this conclusion today that our Supreme Court is really famous for having there inconsistent views altogether from different Benches, different orders and different judgements. The judgement of Supreme Court is final and we have to accept it.

SHRI T.K.S. ELANGOVA (Chennai North): Thank you, Chairman, Sir. Many of the judgements by the Supreme Court are more born out of anger towards politicians than out of legal sanctity. ...(*Interruptions*) A man, who cannot vote, is not a man who is not eligible to vote. That is a difference. A man, who is not a voter, cannot contest. But, a man, who could not vote, can contest. But, there are many other loopholes in the Representation of People Act. The Government has brought this amendment only for this purpose. I would say that the entire Representation of People Act should be studied thoroughly and more amendments should be brought in so that it is perfect and the Supreme Court's anger cannot be shown through this Representation of People Act.

[*Translation*]

SHRI SHAILENDRA KUMAR (Kaushambi): Mr. Chairman. Sir, the Bill brought by Hon. Kapil Sibalji is a Bill of far reaching consequences. A consensus was built up in this regard to pass the Bill without taking it up for discussion. But since the question has arisen. I want to give a latest example of my area. Elections to Kshetra Panchayat were held. The candidate in the election was slapped with charges under scheduled caste and scheduled tribe Act and was sent to jail. ...* He is Block Pramukh at present. He was sent to jail and he could not cast his vote. Had he remained out of jail, he would have surely won in my opinion. ...(*Interruptions*)

[*English*]

MR. CHAIRMAN: Please do not take anybody's name. Names are not allowed to be taken.

[*Translation*]

SHRI SHAILENDRA KUMAR: Demonstrations and protests are held while fighting for public interest. Our voice is suppressed. We are taken into custody in the morning and released in the evening or sent to judicial custody for 14 days the next day. In such a scenario, judiciary is angry with all the politicians. We should consider that this Bill does not become obstructive.

[*English*]

SHRI DINESH TRIVEDI (Barrackpur): Sir, thank you very much. I know that everybody is in a hurry to pass this Bill. I just very humbly want to register my protest. We

*Expunged as ordered by the Chair.

talked about the hon. Supreme Court. But, the most supreme in democracy are the people of this country. We are the people, who have given us this Constitution. While talking about the people, my only objection is that by passing this Bill, without getting an opportunity to discuss, we would be sending a wrong signal. I personally feel that we should reconsider it ourselves and we should discuss this Bill. ...*(Interruptions)*

MR. CHAIRMAN: Please conclude.

Shri Dara Singh Chauhan.

...*(Interruptions)*

SHRI DINESH TRIVEDI: Sir, please do not be in a hurry. It is my right to speak. ...*(Interruptions)*

MR. CHAIRMAN: Why do not you speak, Mr. Dara Singh Chauhan? I have already taken your name. Mr. Dara Singh Chauhan, when I am calling your name, you must speak.

Trivedi ji, you have already spoken. Please sit down.

...*(Interruptions)*

MR. CHAIRMAN: I have already given him time to speak.

...*(Interruptions)*

SHRI DINESH TRIVEDI: Sir, it is my right to speak. ...*(Interruptions)* You are not letting me speak. ...*(Interruptions)* Sir, I am walking out in protest. ...*(Interruptions)*

20.34 hrs.

At this stage, Shri Dinesh Trivedi left the House.

...*(Interruptions)*

[Translation]

SHRI DARA SINGH CHAUHAN (Ghosi): Mr. Chairman. Sir, some directions were given by the Supreme Court regarding certain cases and particularly the politicians against whom conspiracy is hatched to prevent them from contesting elections by implicating them in some false cases out of political vendetta. Regarding this, it was decided in the All Party meeting that when the government will bring an amendment Bill, all the members will support the Bill and give it a legal shape. I am myself the witness of what happened with me in Uttar Pradesh and I don't

want to disclose the name as to whose Government was there? I was in a meeting at that time. I was in a meeting at that time. A false case was slapped on me in various political matters. If this Act is implemented, people like me will be deprived of political service and contesting the elections. There are many people who do political work, support in political movement and demonstration. There is an apprehension of conspiracy against such people. Therefore, I support this Bill.

[English]

SHRI KAPIL SIBAL: Sir, I am very happy that distinguished Members of this House have participated in this debate. I just want to say two or three things.

[Translation]

if this Bill and this amendment Bill has been brought because of this decision of Supreme Court, then in case the leaders of this House are taken into custody by the SHO one day before the elections, they would not be able to file their nomination papers. This would be the result because as per Supreme Court

[English]

whoever is in lawful custody cannot vote and if he cannot vote, he cannot be an elector.

[Translation]

Hence, it does not require much discussion since this is wrong in itself.

[English]

The Supreme Court is right because it is final; it is not right because it is right. That is the reality. It is right because it is final. We are all mortals; we can make mistakes.

[Translation]

We can also commit mistakes in the House and the Supreme Court can also commit mistakes and if it has committed any such mistake it is our constitutional duty to correct it. Today we are going to correct it ...*(Interruptions)*

SHRI MULAYAM SINGH YADAV (Mainpuri): Mr. Chairman. Sir. I concur with this. Are the judges a higher authority than the makers of the Constitution? ...*(Interruptions)* Do the judges have more stature than Baba Bhimrao Ambedkar and Pandit Jawahar Lal Nehru ...*(Interruptions)* Do you think so ...*(Interruptions)*

SHRI KAPIL SIBAL: Netaji, that is why I am saying that we should bring Judicial Appointment Bill at the earliest tomorrow and pass it ...(*Interruptions*) I would be a big step. We should send out the message that we all stand unitedly in the House. ...(*Interruptions*)

SHRI MULAYAM SINGH YADAV: You are a Member of the Parliament as well as an advocate ...(*Interruptions*) Why are you beating around the bush ...(*Interruptions*) They do not have the right ...(*Interruptions*)

SHRI KAPIL SIBAL: That is what I am saying. I was surprised to read this judgment. ...(*Interruptions*)

SHRI MULAYAM SINGH YADAV: Say it clearly that it won't be stopped. Bring this law ...(*Interruptions*)

SHRI KAPIL SIBAL: This has been done. We did this under this law and added a clarification. This has been done. This clarification has also been given that if any voter is not able to vote due to being in custody it does not mean that he is not an elector. We have corrected this. It is for the court to decide if the person is in custody rightfully or not. But the judge will not decide alone whether the custody is rightful or not. This is why I have brought this Bill ...(*Interruptions*)

SHRI VIJAY BAHADUR SINGH (Hamirpur, UP): If that person has been sentenced and debarred, then his election is cancelled and thereafter he wins ...(*Interruptions*)

SHRI KAPIL SIBAL: No, no it is not like this. Let me tell you. There is no need for a discussion even for that because the question of a sentencing comes later on. This judgment says that if the person is in custody and does not have to right to vote then he is also not part of the electorate. This is wrong. Hence there is no need for much discussion. I would request you to pass it at the earliest.

[*English*]

MR. CHAIRMAN: The question is:

"That the Bill be passed"

The motion was adopted.

20.39 hrs.

MESSAGE FROM RAJYA SABHA*Contd.*

[*English*]

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

"In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 6th September, 2013 agreed without any amendment to the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2013 which was passed by the Lok Sabha at its sitting held on the 24th August, 2013."

20.40 hrs.

SUBMISSIONS BY MEMBERS ... *Contd.*

(iv) **Re: Report by Shri Shyam Saran, Chairman,
National Security Advisory Board**

[*Translation*]

SHRI YASHVANT SINHA (Hazaribagh): Hon. Chairperson, I had raised an issue in this very House yesterday evening that China has occupied our territory which is a serious issue related to national security. I had referred to a report submitted by Shri Shyam Sharan, special envoy of Prime Minister, after his visit to Laddakh. I had made a demand, which was perhaps a mistake because the Defence Minister has given a different statement. I thought that I had made a mistake because several facts haven't been disclosed in the statement of Defence Minister and the truth has been kept under cover. All of us know that English is such a deceptive language that if anything is stated without disclosing the truth, it would be difficult to prove anything wrong. In the same way here English language has been used to hide the truth.

Sir, I have gone through the said statement carefully. I would like to draw the attention of hon. Minister, through you, to a sentence in his statement –

[English]

"I would like to state categorically that Shri Shyam Saran has not stated in this report that China has occupied, or has denied access to India to any part of Indian territory."

20.42 hrs. (SHRI P.C. CHACKO in the Chair)

China has not occupied or denied access to India to any part of Indian territory. On the face of it,

[Translation]

it seems that he has stated the fact. China has not declared anything in writing rather China has implemented in fact. All of us know that we have an understanding regarding line of actual control and perhaps China has another line of control. China considers eastern Laddakh actual line of control, which is being referred to in this debate. China considers that line of actual control which was referred to by the then Chinese Prime Minister Chao N Lai in his letter dt. 07.01.1959 to our Prime Minister Late Shri Jawahar Lal Nehru. We have a Chinese study group consisting of government officers as well as military officers. This group had decided the line of actual control in the year 1976 on the basis of facts of Indo-China war in the year 1962. We cannot call this line of actual control as line of control like the line of control is between India and Pakistan. In fact this is line of actual control where the army of both the countries stood after the war. It has been very long since I handed over charge of that ministry and so far as I remember line of control is ours. China's line of control is of the year 1959. Indo-China war happened in the year 1962. Thereafter several agreements have been signed. An agreement was signed in the year 1966. A protocol was signed in the year 2005 which provides for the situation if the armies of both the countries come face to face while patrolling the border. This protocol provides that the soldiers of both the countries would not resort to violence, attack each other and both the parties would withdraw and tell the representatives of their respective countries who would discuss in this regard. The thing which is more important in that border protocol of 2005 is that no construction would be carried out by both the countries in the said area. Recently, in April, the Chinese army had intruded into Dipsang. All of us are aware that the Chinese army had entered 20 to 25 kilometres into our territory and they camped there, built a structure which

was in violation of the said protocol. We kept on hesitating and we did not fight back and after several days they withdrew on their own. We did nothing to remove them. The Chinese army entered into our territory and gave us a message that they could do whatever they wanted and challenged us to counter them we did not show courage to counter them and they went back when they wanted.

Sir, I want to know from the honourable Minister that whether China has made incursion attempt in Depsang Bulge. As I know this type of area in the map is called a bulge. That area belongs to us, but now it is not under Indian jurisdiction. And today I want to know from the honourable Minister on the floor of this House seriously and responsibly that whether Depsang Bulge is in control of India or we have lost it? Let it go, whether the area was 570, 540 or 640 square kilometers, I was wrong yesterday. I had said yesterday that China has occupied the area of 640 square kilometers. When I cross-checked it, I came to know that they have taken such action on the Line of Actual Control that 750 square kilometers area is no longer accessible to Indian Army Patrols and they have also violated the protocol of 2005. I want to know from the honourable Minister that there is a track junction near Daulat Beg Oldie, wherein they have constructed a road in that track junction which is not motorable. The Chinese army use that road in motorized transport and as a result as I mentioned our army is unable to patrol the area of 750 square kilometers. How and when did all this happen? Besides, Indian troop used to patrol in the area of Chumar. These points given in the map as 10, 11, 11A and 13, but today Indian troops can't go there because China has stopped and set up the army post there. There is a Pakinala point and they have prevented us from going ahead of Pakinala, so we cannot go to those points.

Since all of us know that there is Pangong TSO lake, in which there is a swijap area where China is dominating today. China has strengthened its position all along on the Line of Actual Control. China has become more aggressive. The incursion inside our land and border is happening again and again because the Chinese army has strengthened its position there and we haven't. Hence, the Prime Minister has asked Shri Shyam Saran, who is his Special Messenger to visit the area from Ladakh to North East along the Line of Actual Control. It is right, as the honourable Minister has said the issue was to consider it in terms of infrastructure. All of us know that when we were

in power, we had taken initiative to strengthen the infrastructure. When Shri Mulayam Singh was the Defence Minister, he tried to strengthen the infrastructure there. But China has strengthened its infrastructure with a fast pace and we are far lagging behind even today. What would be the consequence of the same? China has created more facilities due to its infrastructure. They can move anywhere easily wherever they want to go. We do not have means. Even now we depend on mule trains in several areas. It takes us 15 days to reach these places but they can reach there in couple of hours. Shri Shyam Saran ji was sent to inspect the infrastructure in the area of eastern Ladakh. The honourable Minister had submitted that Shri Shyam Saran had visited the area from 2-9 August, 2013 and after he returned he had submitted a report in this regard, which was sent to his Ministry from the Prime Minister Office on 2nd September, 2013, almost after one month. But I would like to know that after returning from there Shri Shyam Saran Ji had met the Prime Minister and discussed the matter on 10th August that

[*English*]

there is Chinese domination at Line of Actual Control.

[*Translation*]

our patrolling area is not accessible to Indian troops now. When we talk about 750 kilometer, we mean that the area of 750 kilometer where the Indian troops used to patrol is no longer accessible because China has prevented us to move beyond that point. We are silent and we are not ordering our army to fight. The policy of china is called nibbling in English, as a rat nibbles slowly, likewise

[*English*]

Chinese are nibbling at the Line of Actual Control and they are re-drawing that Line. This is a very serious issue and in all humility, I will say that there is no politics. There is no politics because this is a matter of grave national importance. I, therefore, appeal to the government with folded hands. Please come clean and please tell us what the truth is. Please tell us what is the challenge that we are faced with on the Line of Actual Control and the whole nation will be with you, will stand with you, if you take the strong-action.

[*Translation*]

It is said here that our army is not weak. It is regarded as one of the bravest armies of the world. They just need an order.

[*English*]

Therefore, it is not a question of any physical strength; it is a question of mental strength and it is a question of will power, political will power. I am appealing to the Government, Sir, through you, to the Defence Minister who is present in the House, to please develop that capacity, that courage to be able to meet the Chinese aggression headlong; give instruction to our Army to give them headlong. I am quite sure, our very great and glorious Army will distinguish itself in this as they have done in the past. So, I want the Minister to tell the House what the truth is and assure the House that he will ask the Indian Army to do whatever it takes to meet the Chinese threat along the LAC. We will not sit quiet. This is my appeal to him and this is what I expect from him.

SHRI MULAYAM SINGH YADAV (Mainpuri): Sir, honourable Yashwant Sinha Ji has explained it. I have been telling this question not from today but for fourteen years continuously inside and outside the House. I have discussed this matter with all, I'll take the names, I have talked to high officials or ministers who are in power or to the Prime Minister on this matter and have alerted them. Honourable Minister, you used to sit here. I alerted you daily and told you about this matter ...(*Interruptions*) It is right, the Minister is telling the truth. We said about China that no other country in the world is as deceitful as China. I am saying this ...(*Interruptions*) I had said here that the only reason behind the death of Nehru Ji was China. I had said this here. You must remember that Lohia Ji had written in an article that Nehru Ji was deceived by China and Chau-en-lai, it shocked him and he could not tolerate this shock and he died. China is behind his death but they do not understand this. Many times I warned them to take this matter seriously. This is the matter of the country and its self-respect and you are going to humiliate India across the world in this manner. Our country has respect and it was being enhanced, our country is big and huge and as I say many times that our army is the bravest army of the world. We are proud of the army of our country. We had several rounds of talks with the General of army. He said

that we are not ordered to take any step. Honourable Defence Minister, reply clearly. The meeting regarding defence and border is held in every week. Did you hold it every week or not? When I was the Minister of Defence, it was held every week. Prior to me, the Defence Minister was from Congress and he held the meeting every week, when the Defence Minister was from BJP, the meeting was held every month. One officer had accepted before me that the meeting is held. Then I asked a very senior army officer whether it was true. It happened one and a half years ago, we had met in a function and he said that it was true. I asked as to what they were doing, then he told that they are not ordered to do anything. I said that a meeting is held every month and there is a General in it. Then he said that I remain present there and speak also. I asked that what reply he get because Prime Minister and Defence Minister also remain present there. He said that there is silence, we did not get any instruction till date. He said that we lay this point in every meeting that China is occupying our area. The matter is known to all. Which type of weakness is this, please tell about this. I am saying that the entire House is with the public of India on this matter. What is the point of weakness? Our army is not weak.

21:00 hrs.

I have also been the Defence Minister. You can get information calling your old officers. When China made mark on one kilometer, I called the three Generals and said them to be alert and made mark on four kilometers and we made the mark on four kilometers. You can ask. After that China could not move even an inch forward anytime, it did not say anything. I have told about China today. On the other hand, it is entering Arunachal Pradesh and from Kashmir side. It has planned to enter from several places, I have told this in the House. It is surrounding us. In spite of that, this Government is purchasing all the goods from China. India is making China strong economically. Even small toys in the markets are from China.

[English]

MR. CHAIRMAN: Mulayam Singhji, please take your seat for a while.

Hon. Members, the time now is 9 p.m. If the House agrees, we will extend the time of the sitting by an hour.

SEVERAL HON. MEMBERS: Yes.

MR. CHAIRMAN: Mulayam Singhji, please continue.

[Translation]

SHRI MULAYAM SINGH YADAV: I want to say something. Sinha Sahab did very well and you have supported well. I told that China has deceived all including Nehru Ji. Today I am telling the House again that China has prepared itself completely to attack India and whenever it gets an opportunity, it will attack India. Mr. Defence Minister please tell that whether it is right or wrong. If it is right, what did you do? You will say that there is no danger. You told so in the morning and again you'll say so but we, the people in the House, will not agree with you. There are many persons sitting here from your side also. They also know it and they too are worried about it. Why did you not get worried? We have been telling you for many years that I respect him very much. Sinha Sahab has told here, we gave you suggestion also. Sitting with you, we told you to take action in this regard. I want to know what your compulsion is. I want to know the ground of your compulsion. This compulsion was not from the commanders. When the meeting was held in every month and they laid their points in every meeting, then why did you not follow them? Sinha Sahab, a meeting regarding country's defence is held every month. I have been the Defence Minister. Any other meeting may be postponed but this meeting should not. The Generals lay all points honestly and those are followed. Please tell whether the general said it in the meeting or not that we are in danger from China and China is moving towards us. If they have not told you it will be found out. And if they have told, what did you do in this regard and if not, what is the reason behind it?

Sir, today the situation is such that China marched forward and it has already occupied 1 lakh square k.m. of area, it should be kept in mind and I had cautioned that the people in the camp backed off before China. But they surveyed the whole area how will they attack, from where will they enter, how will they come through mountains and occupy India. This is what I had said here in this House and it is recorded in the proceedings. Do not think that they have backed off. When roads were constructed I had cautioned. When China is constructing roads I also asked what happened to our roads which we had constructed.

Just tell us had we constructed roads or not? When we constructed roads and we are no longer in power and the roads were incomplete, what you did about that? How much repair work has been carried out by you? If you did not undertake repair work why did not you do that? These roads must have been in dilapidated condition. No attention was paid to them. If no care is taken of all these things how the affairs of the state will be handled?

Our Army is brave and it is right ours is the bravest army in the world, it is the army which makes supreme sacrifices. It was sent to various countries of the world for defence and it made its name in the world performing its duties bravely. Our Army has been sent all over the world. If Army is strong and brave then from where the weakness came. I am telling this because senior officers of the Army have said that government never gives any clear order in confusion. You may ask any officer after taking him in confidence and he will tell that government has not given any clear instruction till date. You will keep the Army in dilemma. And if you keep the Army in dilemma you cannot save the country. The Army should get clear message what our Minister of Defence, Prime Minister and our government want? The government has not given any clear message, Sinha Saheb, whether we want to keep our borders safe and ensure that no one dare to violate our territorial sanctity. I want to ask what kind of clear instruction has been given. When instructions have not been issued what our Army will do? The army is ready and we'll chase them. One of the Generals told me to just ask in the House what happened to the roads constructed by us? At his behest I had asked one and half-two years ago, you may see the action taken thereon. What happened to those roads? We just caution you and we are also supporting you. On this issue the people of this country and the entire House is with you, even then what is the weakness of hon'ble Minister of Defence? Why this weakness is? Will you fight, you will make them fight. If you are afraid it is other thing. The Army will fight, you will not fight. Whatever takes place there, it is the Army who will make sacrifice, will be martyred or also kill the enemy. What is this, you are not taking it seriously. If people like you will not take it seriously, then how you will save the country? That is why I am speaking strictly and in 'desi' language to make you awake. There was no need for me to speak. I have also been the Minister of Defence. What Pakistan did not do? We chased them away. Within their

own territory up the plains of Lahore our Army had taken all kinds of action. You may find it out. They had shot down helicopter of our soldiers. I termed it an accident in the House. I replied in such a way and all the seven Members of Parliament from Kashmir came to congratulate me for giving a befitting reply to Pakistan for the first time. After that day Pakistan could never raise even a finger towards us. Our helicopter was shot down within our territory, then what did we do, you may find out, I said that it was an accident I did not tell that Pakistan has shot down our helicopter, I publicized it as an accident. The Army has the courage, if our Minister of Defence, the Prime Minister and government show courage then even China cannot push us behind. Our one soldier is equal to their three soldiers. Equal to three soldiers ...(*Interruptions*) Our Army is so brave. If they want to do wrestling, each of our soldiers can beat three of them. Yes, such incident has taken place when there were less weapons in the war of 1962, they had to fight with hands ...(*Interruptions*) My brother was there, that is why I know all these things. He had escaped. Ask me about the Army, four members of my family are in the Army at present. So I appeal you, there is still time, the entire House is with you, the public is with you. Never trust China and reply China with courage, this is the only way now. We are with you. Whatever help you want, we are ready to extend that. We will instill confidence in the public. On the issue of country, we are with you. I would request hon'ble Minister of Defence and the Ministers of the government present here to give a courageous befitting reply to China. If you counter China then China will not come near your border. More will you fear China, more will they infiltrate our territory. This is the culture of China for the last five thousand years when China sees weakness, it attacks, if they will realize that India stands united, China will retreat. This is the history of China for the last five thousand years.

Therefore, show courage and face China with courage one time. We are with you.

[*English*]

MR. CHAIRMAN: Thank you, Hon. Members, please be very brief. Prof. Saugata Roy.

...(*Interruptions*)

PROF. SAUGATA ROY (*Dum Dum*): Mr. Chairman, Sir, I shall be very very brief since I am neither a former

External Affairs Minister nor a former Defence Minister. I shall also not indulge in competitive jingoism saying that we are ready to go to war. It is very irresponsible to make a statement in this Parliament to say that, "Ask your soldiers to go and clear the Chinese." We are a big nation and we have to take all decisions carefully.

I am sure, knowing Shri Antony that I know for a long time, that he will not take any hasty action. This whole discussion is regarding the reported Report by Shri Shyam Saran, former Foreign Secretary and Chairman of the National Security Advisory Board. I want to know from the hon. Defence Minister whether Shri Shyam Saran had really said that China has occupied 640 sq. kms. of our territory or it is the figment of some reporters' imagination.

The second question is this. ...*(Interruptions)* The whole discussion is about the preparation of infrastructure along the border. Does he, as Defence Minister, feel that our infrastructure on the Chinese border, in Ladakh, is up to his satisfaction, up to the mark? Or does it need more improvement?

Lastly, we have a large border with China. In the west, starting from Ladakh, Aksai Chin right up to Uttarakhand, we have a border with China. If you come to this side, starting from Sikkim, Bhutan up to Arunachal we have a border with China. Now, there have been continuous border talks with China, both in Beijing and in Delhi. Shri Shiv Shankar Menon was heading our team for border discussion. I want to know from the hon. Defence Minister whether the border has been delineated. If not, by when he hopes, that through these talks, the border will be delineated?

India and China are two big nations. Both are nuclear nations. We cannot clearly afford to fight. We cannot also afford to make irresponsible statements.

Our great leader, Jawaharlal Nehru, made a one small statement, which I do not think was irresponsible and historians also do not think it was irresponsible. To a question in this very Lok Sabha about Chinese incursion, he just said: "I have told my soldiers to drive them out." What happened? On 20th October, 1962, China launched the massive invasion and Bomdila Sela Pass fell. It is all known to us. It has been called a colossal failure, a Himalayan blunder. We should not get into any action which will weaken India's prestige. Every action should be thought out.

I am sure, knowing the Defence Minister that I do, that he will take considered decision in keeping with India's position as a big nation, as a responsible and as a peace-loving nation.

[Translation]

SHRI DARA SINGH CHAUHAN (Ghosi): Mr. Chairman Sir, I would like to thank you for giving me an opportunity to speak. A serious issue is being discussed ...*(Interruptions)* this discussion started only when hon. Jaswant Singh Ji informed this House yesterday in this regard because he had got information from media sources that the Chinese army had intruded 640 kilometers into our territory.

Mr. Chairman, Sir, this is not only a question of intrusion or encroachment but a question of pride of our country. The history of this country shows that whenever any foreign forces have tried to encroach the border of this country, our soldiers have protected our country by sacrificing their lives. There are rare occasions in the House when the entire House stands together for security of the country. Today the entire country is united.

Mr. Chairman Sir, through you, I would like to say to the Hon. Minister that the questions regarding Chinese encroachment on Indian border have been asked several times and the hon. Minister has replied. Even after this if our neighbouring countries encroach upon our territory, as reported by media, I want to know from the hon. Minister as to what action is likely to be taken in coming days. We do not want only reply but we want action. This House as well as the country wants to know in this regard.

[English]

DR. M. THAMBIDURAI (Karur): Mr. Chairman, Sir, we are discussing the nation's security. We are discussing the Chinese attempt to encroach upon our border area.

Sir, there are many reports in this connection. We are reading in the newspapers and we come to know from the media that China is making an attempt to encroach upon our territory. Also, recently, the hon. Defence Minister said - I read two days back in the newspapers - that the territory issue between China and India is not yet settled. Somewhere in a function, the hon. Minister said this. I read yesterday in the newspapers.

In this connection, I want to know from the hon. Minister the real situation. What is our stand? What is our position now regarding the territory? Are we still having dispute with China? I pose this question because China is claiming so many areas of our Indian territory as its territory. We are against that.

Also, Sir, it is not only the territorial issue. For example, on the economic side also, China is entering our Indian market. A lot of goods are coming from China to India. In the name of trade, they are dumping all the goods here. As the British came once, China is also doing the same thing. ...*(Interruptions)*

MR. CHAIRMAN: Please confine to the issue that we are discussing.

DR. M. THAMBIDURAI: I want to tell how China is moving. It is moving in the same way the British people came for trade. Afterwards, they conquered India, ruled this country for about 200 years. We struggled for freedom. Therefore, apart from the military action, China is encroaching upon the Indian market also. That is a very serious and dangerous thing. Further, we have to know how China is developing friendship with the neighbouring countries like Pakistan and Sri Lanka. We know very well that after the dispute started about Katchatheevu and other things, what Sri Lanka is doing is that it is threatening India by way of extending an invitation to China to establish certain bases in Sri Lankan area also. That is another way of coming. In Pakistan, they are moving. In Bangladesh also, they are trying it. They are trying in Myanmar also. Why I am telling is that apart from the military action, China is developing friendship and it is trying to surround India. That is a serious matter. That is why I am requesting the hon. Defence Minister to take all these kinds of facts seriously. At the same time, Sri Lanka also must not exploit the situation.

China is behaving like a friend but at the same time, they are trying to indulge in incursion in the Indian territory. Therefore, I would request the hon. Minister to make a clear statement as to what is the position. What is the intention of China? Is China really a friend? In the name of friendship, China is indulging in all sorts of inimical activities. It is a very serious matter. Hence, I would request the hon. Minister to clarify.

[Translation]

SHRI NAMA NAGESHWARA RAO (Khammam): Mr. Chairman Sir, the fifteenth Lok Sabha has discussed the issues involving China several times. Border issue has been discussed several times. After discussion hon. Minister has issued statements earlier also and the government has also assured the House and the country. There is no border issue with China. Recently three to four days ago when the issue relating to occupation of 750 sq. kilometer was discussed in this House, we had demanded a statement from hon. Minister. Finally hon. Defence Minister gave a statement. Hon. Defence Minister Mr. A.K. Antony is a respectable person. We hoped that the statement would reflect the actual position. This statement is very clear. There are three paragraphs in this statement. The first para describes that Shri Shyam Sharan had gone to see and review the infrastructure.

The second paragraph describes the requirements of roads, tunnels and other things after the said review of infrastructure.

The third paragraph is not related to China. Shyam Sharan Ji had gone there to review the infrastructure. If he has submitted any report regarding the particular issue discussed in the House, the government has not disclosed that in its report. There is need for informing the country as well as this August House in regard to factual position through a white paper. We have great faith in Mr. Antony. We demand a reply with open heart through the release of white paper.

[English]

SHRI PRABODH PANDA (Midnapore): Yesterday, hon. Defence Minister made a statement and the question arises out of some news published in the newspapers with regard to Shri Shyam Saran's report. Even today, after the Statement by the Minister, some doubts have been raised. So, I think, the Minister should clear everything. But I want to mention three points.

Firstly, what about the construction of infrastructure in the border area of our country? What are the defects? How far are they going to implement their programmes? What are the programmes?

Secondly, we are proud of our military forces; we are proud of our Armed Forces. We should see that their

morale should be protected; they should not be demoralized. But that does not mean that jingoism is the answer. We should ask our military forces to combat the Chinese forces.

This question has arisen at a time when both the Armies are talking with each other on the border dispute. I think the Government is also initiating a discussion on the border dispute and we are very hopeful in this regard.

My last point is that the Minister should clearly state the position to remove the doubts of the hon. Members of this House as to what is the status on the Line of Actual Control at this moment so that all sorts of confusion can be removed.

SHRIMATI BIJOYA CHAKRAVARTY (Guwahati): Mr. Chairman, Sir, I will just take two minutes only. I want to add to what hon. Member Shri Yashwant Sinha said. He referred to the Ladakh area. But I want to mention about Arunachal Pradesh about which I raised earlier also on the 18th of August. China intruded eastern Arunachal Pradesh in the Pompom area which is 400 kms. from Tinsukia. There is motorable road from Tinsukia which goes only up to Changlang area. Beyond that there is no motorable road and the soldiers have to walk 105 kms. up to the border. Our BJP volunteers, after this intrusion of China on 10th August, occupied the First Outpost, then the Second Outpost, the Third Outpost and also the Fourth Outpost. They covered 55 kms. of Arunachal Pradesh and then they returned on their own. There is no proper border, only ITBP forces are there. Very rarely they visit the area and then they come back. There is no road and our Army jawans have to walk for 15 days covering 105 kms. On the Chinese side, there are roads, there is an airfield etc. After 51 years of Chinese aggression of 1962 and Hindi-Chini Bhai Bhai days, China crossed 400 kms. into Arunachal Pradesh just entering Assam border and then they went back. After 51 years of Chinese aggression in 1962, why is there no proper border? The people of Arunachal Pradesh are in a very terrible state. Are you going to present Arunachal Pradesh to China? Why is there no proper Border Post? Why have you not allowed the Army to work and fight there? I request the hon. Minister to answer these points? ... *(Interruptions)* The Chinese Army entered in the Pompom area of Arunachal Pradesh and he knows it. I am not going to politicize this issue. The Minister should answer my question.

DR. THOKCHOM MEINYA (Inner Manipur): Mr. Chairman, Sir, keeping in view the circumstances at the moment, I would like to say that there is an international border intrusion in Manipur by the Myanmar Army. Recently, a team from the Government of Manipur has gone there and the Government of India also has sent its team. But now it is reported that the people of Holenphai village near the International Border Pillar No. 76 are asked to vacate the area as the Myanmar Army wants to have a Post there. I want to draw the hon. Minister's attention to this fact.

[Translation]

MR. CHAIRMAN: Shri Shailendra Kumar ji, do you want to ask a question?

SHRI SHAILENDRA KUMAR (Kaushambi): Yes, I will ask only one question.

Hon. Chairman Sir, I associate myself with Yashwant Sinhaji, hon. Mulayam Singhji, Saugat Royji, Thambidurai ji and all the other hon. Members who expressed their views and would like to ask one question. At the time when hon. Mulayam Singhji was Defence Minister, at that time when the border was under threat he went and met the brave soldiers to boost their morale. Through you, I would like to ask the hon. Defence Minister if he went to meet the soldiers at Ladakh where continuous infiltrations by the Chinese army are taking place. Did you go there to boost the morale of the forces? Will you go there or have you lost the will to do so? Please answer this.

THE MINISTER OF STATE IN THE MINISTRY OF MINORITY AFFAIRS (SHRI NINONG ERING): Mr. Chairman, I will not take up much time...*(Interruptions)*

Mr. Chairman, Sir I would like to thank you for giving me the opportunity to speak. I know that the Defence Minister would give a proper reply. But since the question is related to my area I would like to say a few words about the infiltrators. A few days earlier the news had come that infiltration had occurred in my region Chakhalang. It contains Anjau district which is situated at a remote location. Even now it lacks road and transportation facilities. I thank all the Members of the House for their support, for their care and I especially thank the ex-Defence Minister and the Leader of Opposition. Still I would like to say that all the defence personnel posted at the borders, be it ITBP, Sarv Shiksha Abhiyan or the Army are all on the

alert and ready. I have myself inspected the area and talked to the district administration. Some Chinese soldiers had purportedly infiltrated the area. But it takes at least two days for them to come and the same time to go. Perhaps, it took them few days. The area consists of extremely dense jungle. We want to extend a hand of friendship to China. But it does not mean that we will let China dominate us or intimidate us. I know that our army is fully ready and we are safe. But I request all of you to salute the patriots posted there. I would like to thank all of you for the inspiration to be patriotic and also salute Pandit Jawahar Lal Nehru, Lal Bahadur Shastri, Late Indira Gandhi, Rajiv Gandhiji and the members of the opposition. We are all a part of India and we will always remain deeply patriotic.

[English]

MR. CHAIRMAN: Now, the hon. Defence Minister.

...(Interruptions)

SHRI P. KARUNAKARAN (Kasargod): Sir, please allow me to speak for a minute. *...(Interruptions)*

MR. CHAIRMAN: Mr. Karunakaran, we had a long discussion. You were absent in the House; I was looking for you. Please cooperate. All the important points have been brought before the House.

...(Interruptions)

MR. CHAIRMAN: All right. Please be brief.

SHRI P. KARUNAKARAN: Sir, I am really thankful to you. The hon. Defence Minister had made the Statement in the House. I think that hon. Defence Minister has got the records and evidence which he has corrected and placed before the House. At the same time, there are reports that China has crossed the Line of Control and whether it is correct or not is not possible to say now. No doubt, the security and safety of the nation is the most important, but at the same time, we should not take a hasty step and we have to realize whether it is correct or not. So, such a patient stand has to be taken. I am sure the hon. Defence Minister is capable of doing that. *...(Interruptions)*

MR. CHAIRMAN: Yes, the hon. Defence Minister, please.

...(Interruptions)

[Translation]

DR. BALIRAM (Lalganj): Mr. Chairman, please give me a moment to speak also. *...(Interruptions)*

[English]

MR. CHAIRMAN: No, please. Mr. Dara Singh has already spoken. Please take your seat.

...(Interruptions)

MR. CHAIRMAN: Please take your seat. Now, the hon. Defence Minister, please.

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): Mr. Chairman, Sir, I am thankful to all the hon. Members for giving the valuable suggestions regarding protection of our border. While discussing, naturally, some of the Members became a little annoyed with the Government. I can understand that.

One thing I would like to say at the very beginning. Today's discussion is not an extensive discussion on India-China border. My statement was to a limited issue raised regarding a reported report given by Shri Shyam Saran to PMO. The report came in some of the Mediums. According to the media reports, Shri Shyam Saran, after visiting Ladakh, gave a report to PMO that China encroached and occupying 640 kms. of Indian territory. That was the question raised, I gave a very factually hundred per cent honest factual report. That report was like this: "I would like to state categorically that Shri Shyam Saran has not stated in this report that China has occupied, or has denied access to India to any part of Indian territory." That is factually correct. That is the report; there is no mention about that in the report. I can corroborate that.

Even the author of the report, Shri Shyam Saran himself issued a statement yesterday. The Chairman of NSAB, Shyam Saran, has denied media reports that he has submitted an official report to the PMO accusing the PLA of occupying 640 sq. kms. of Indian territory. So, Shyam Saran himself said, I don't have such a report and the Government has no such report. So, without getting a report like that, how can I discuss about alleged Chinese occupation of that area? That is why, I gave factual report. There is nothing like changing the report; it is a genuine report.

Another thing is this. Shyam Saran himself said, "NSAB does not concern itself its operational matters. His concern was something else, how to improve the border infrastructure and other issues." That was in the report. So, I gave a brief report, a *suo motu* statement in the Rajya Sabha, here, in this House, as per the enquiry. It is a very brief report about a particular issue. My statement is not an elaborate statement about the India-China border. You see, India-China border issue is not a new one. India has a long border with China. Even though India has border with many other countries, our longest border is with China. Every one of you knows that our border with China is not settled. My friend, Prof. Saugata Roy asked me whether it is delineated. It is not delineated. India-China border is not delineated. The entire area is unsettled. But, even though this entire area is unsettled, for vast areas, there is an agreement between China and India about the Line of Actual Control. There are some areas, in which, even today, there is no agreement between India and China about the line of actual control. These areas are known as disputed areas. In these areas both countries are sending their troops to patrol. China thinks that up to a certain areas their army should patrol. India thinks up to a certain area, it is theirs. In some pockets ITBP also used to patrol.

As Shri Yashwant Sinha ji mentioned in the beginning, it is correct that the patrolling limit was decided ultimately in 1976 by the Government of the day as to how to patrol and how far you must go. All these things were decided in 1976. After that, many Governments came and gone but, basically, this 1976 patrolling limit continued. Even, now our own troops are carrying regular patrolling up to that LoC. Then, some of my colleagues told me: "Does that mean that China does not occupy any Indian territory?" Yes, it is not now. Everybody knows that in the year 1962-63, in two years, there was occupation of Indian territory; in 1962, in Arunachal Pradesh and in 1963, in PoK. This is our legacy. It is occupied not now. It has happened 50 years ago. This dispute is going on. But that dispute is unsettled. After long years of negotiations, with both Governments, both Governments have decided that this long pending India-China boundary dispute should be settled. For that purpose two people were nominated, NSA from Indian side, and his counterpart from Chinese side. They are continuing with the negotiations to find solution

to the border disputes. That negotiation continued during the NDA period and it has been continuing during UPA period also. It is continuing on the same pattern. Nobody has changed the pattern. The Governments change but not the pattern. Attempts are going on to find an everlasting solution to this long pending India-China border dispute. But it will take some time. You cannot expect miracles. In between a lot of things have happened. I have no hesitation in admitting the reality. China is much advanced in the area of building infrastructure in comparison to India. Their infrastructure development is superior to India. We are only catching them. That is also a history. What is it? The independent India had a policy for many years that the best defence is not to develop the border. Undeveloped borders are safer than developed borders. So, for many years, there was no construction of roads or air fields on the border areas. By that time, China continued to develop their infrastructure in the border areas. So, as a result, they have now gone ahead of us. Compared to us, infrastructure-wise, capability-wise in the border areas, they are ahead; I admit that. It is a part of history. But, of late, in the last 20-25 years, the Indian Governments also realised the mistake and changed its policy. Now, we are also strengthening our capabilities in the border areas. I do not dispute it. When Mulayam Singhji was the Defence Minister, he had also done a lot of things for developing the capabilities in the border areas, strengthening the Armed Forces. When NDA was there, they had also done a lot of things to strengthen the border areas and capabilities, and modernise the Armed Forces.

But I can tell you, without any exaggeration, that only during the last nine years, as the UPA Government, we have done the maximum to strengthen the capabilities in the border areas. In times of UPA-I & UPA-II, it is being done; and may be the future Governments also will continue the same thing; whoever comes, they will continue the same thing.

I cannot give all the details but I can tell you that after 29 years, our Government, four years ago, formed two Mountain Divisions in the border areas. So many airfields, so many ALGs and so many other developments are taking place. Of late, a few months back, our Government sanctioned strengthening of the border areas, another Force Accretion Project. People are calling it by many names. But actually, the idea is the Force Accretion.

So, in the last many years, continuously, we are strengthening our Armed Forces.

So, the morale of the Indian Armed Forces, at the moment, is very high. That is why, when you talk about Depsang incident, that incident took place on 17/04/2013 and it continued up to 05/05/2013 for many days. But the Indian Army stood the ground. They did not withdraw. Ultimately, the issue was resolved when the Chinese PLA disengaged from the general area of Depsang Bulge.

So, our Army is now in a better positions; their morale is very high. But unfortunately, one thing is happening. What is happening is that in the earlier times, infrastructure development of both the countries was very slow. But over the years, China moved very fast. But now we are also catching up. So, India also is catching up in the infrastructure development. As a result, now in almost all the border areas, the Indian Army and the Chinese Army coming closer. Earlier it was not there. They were at a distance of about 1000 kilometres, but now, they are coming closer.

When the Chinese side comes to the areas of our perception, we say incursion; when our people go there, they say: "Our people are going there." Our patrols are also going up to the mandated areas everywhere. About some of the areas you mentioned that our patrols are not going. It is not true and factually correct that whether it is Depsang, or Pangong or Chumar, our patrols are going regularly. Even in Depsang, there was face-off. Now, our people are going there. We have not stopped the patrolling there. Our patrolling is decided by a Group consisting of various stakeholders, in which the Army is a main voice. It was decided in 1976. That is continuing now. So, now both the sides are developing their capabilities. Even though earlier China had gone ahead, India is also catching up. So, there are many occasions. In the last many years, even face-off is taking place. They are coming closer but luckily for us, all these face-offs are peaceful. But both the Governments are now discussing how to avoid this. Both the armies are coming closer, face to face. How to avoid this kind of tensions? So, our understanding now is, let the Special Representatives continue their talks for finding a longstanding solution to the border dispute. Let them handle that part. Till a final settlement of the border issue is reached, our one point agenda is to maintain peace and

tranquillity and stability in the India-China border without sacrificing an inch of our land which is protected.

So, the present negotiation, apart from Special Representatives, that we are having, our military is having is, how to maintain peace and tranquillity in the border areas. So, there are many mechanisms now but still this kind of incidents happen. It is not now, but for the last many years it has been happening. So, now we are discussing to find out new mechanism which can be more effective so that whenever an incident takes place, immediately both the militaries can intervene and solve the issue. That kind of confidence building discussion the military is having. Apart from diplomatic channel discussions, now we are encouraging from both the countries to have more military to military discussions for confidence building so that whenever issues are coming on the ground, the military, the local field officers can immediately intervene and sort them out.

I do not want to have a dispute with my respected colleagues. But the Government of India has not given any direction thereby our armed forces do not act. Whenever a situation arises in the border areas, they are free to handle it as per the situation demands. The local situations are handled by them only. Every year, every month lot of incidents are taking place. They are handling them. We are not giving direction. Even the Army Headquarters have not given direction. The local field people are handling. That is how, they are handling. Now, we are trying to find some more mechanisms, effective forums so that we can avoid this kind of unpleasant and unfortunate face-offs or other incidents.

So, our approach is three-fold. One is to find a longstanding solution to this border dispute between India and China through the mechanism of Special Representatives. Second one is to develop more mechanisms so that whenever dispute of incursions or occasional face-off takes place, immediately both the sides can intervene and sort it out. That is another part. While doing this, our Government is very clear on that. Since China has already gone ahead in infrastructure building, one thing we are very clear we will continue the process of strengthening our capabilities in the border areas. That is a clear policy. There is no question of compromising on our ability of strengthening our capabilities. We will not

compromise on that. So, this is a three-fold strategy. We are going like that way.

There are issues. I agree with you but we have to find solutions. But we cannot, as responsible people, immediately overreact on the basis of a media report. Actually, that media report is not correct, according to the author of the report. Even Shyam Sharan says that I have not given such a report. So, how can a responsible Government of the day react over such a media report? That is why, we have acted like that. But I can assure the House that even though India is anxious to find the everlasting solution of the border issue; even India is anxious to avoid unpleasant incidents in the border areas, at the same time, at no point, Indian Government will compromise with the process of strengthening the capability and we will not compromise that an inch of Indian land be encroached by any foreign country. Regarding national security we are one. Let us send a message to the country and to the whole world that India is one regarding national security. It is what I meant.

MR. CHAIRMAN: Thank you very much. Now, we take up Item No.7 - Shri Shailendra Kumar ji.

...(Interruptions)

MR. CHAIRMAN: Shri Mulayam Singh, please sit down. We will now go the next item.

...(Interruptions)

MR. CHAIRMAN: Shri Yashwant Sinha ji, please sit down.

...(Interruptions)

SHRI YASHWANT SINHA: Is the Depsang Bulge is under our control, under our occupation or not?
 ...(Interruptions) The Minister is not answering.
 ...(Interruptions) The bulge was beyond the LAC.
 ...(Interruptions) The LAC included the bulge.
 ...(Interruptions) Now, what is the position of the Depsang Bulge? Are the Chinese coming in the Depsang Bulge; are they patrolling it? That is our territory. This is what I want to ask? ...*(Interruptions)*

MR. CHAIRMAN: Please, do not make a noise. Before the hon. Minister reply this question, Mulayam Singh

Yadav ji also wants to ask one question. And, that is all. Then, there is no other question.

...(Interruptions)

SHRI A.K. ANTONY: First of all, I would like to answer the point raised by Shri Yashwant Sinha, regarding the Depsang Bulge, where the incident took place. We have told the China to maintain the status quo. The issue was resolved. The PLA disengaged itself from the area of Depsang Bulge. Our people have started going on. They are patrolling as per the mandate. I want to tell the House that actually this year itself our Army has gone to this area 27 times.

And, Shri Mulayam Singh is concerned. China is claiming vast areas of Indian land. But, not from now. As Yashwant Sinha ji said, in 1959, they had written a letter to the Indian Government. Since that time they are claiming on these areas. But, in 1959 itself, after receiving the letter, the Government of the day totally rejected their claim. So, they are still standing on their claim; we are rejecting their claim. Now, both sides are trying to find a solution to the issue.

[English]

MR. CHAIRMAN: Thank you very much. Before I take the next item, that is, item no.27 - the 'Half an Hour Discussion', if the House agrees, we will extend the time of the House.

...(Interruptions)

MR. CHAIRMAN: We will extend the time of the House for of half an hour. This is 'Half an Hour Discussion'.

Shri Shailendra Kumar ji.

22.00 hrs.

HALF-AN-HOUR DISCUSSION

Compensation to Farmers for Crop Loss

[Translation]

SHRI SHAIENDRA KUMAR (Kaushambi): Hon. Chairman Sir, I thank you for giving me the opportunity to take up a discussion about the points raised from the reply given by the Minister of Agriculture to Starred Question

No. 241 on 27.08.2013 regarding grant of compensation to farmers for damage to crops ...(*Interruptions*) The hon. Minister has said on flood and drought ...(*Interruptions*) Sir, the House is not in order. Sir, please get the House in order ...(*Interruptions*)

[*English*]

MR. CHAIRMAN: Order in the House, please.

...(*Interruptions*)

MR. CHAIRMAN: Hon. Members who are standing in the aisles may please take their seats.

[*Translation*]

SHRI SHAILENDRA KUMAR: The hon. Minister said in his statement that the small and marginal farmers would be provided all possible assistance in case of damage to crops due to flood or drought. As far as the question of where the damage has occurred due to excessive rain and where due to flood or drought; where large scale damage to standing crops was caused due to heavy rains; which areas received good rainfall; the extent of irrigated and unirrigated land in the country, these questions will be answered by the hon. Minister.

Secondly, in reply to this question the hon. Minister said that the farmers would be given assistance to tackle the damage caused by hailstorm, flood, drought, cyclone, cloud burst, landslide, locust attack, tsunami, cold wave and frost. The farmers association of the country has been asking for compensation. I would like to tell the hon. Minister through you that had Pawar ji been the Minister it would have been an ideal situation. But now our Minister of State for Agriculture is present here, he will reply. Not only foodgrains but fruit orchards where guavas, pastures for sericulture and other crops have also suffered damages. What steps is the government taking in this regard? What proposals do the government have? Please tell us.

22.03 hrs.

(*SHRI JAGDAMBIKA PAL in the Chair*)

Thirdly, what are you going to give to the small and marginal farmers as compensation for their loss? Please tell about this in your reply. The guidelines for National Disaster and Annapriya Kosh of the Centre and the States have been prepared. The Finance Commission has often

referred to it in review amendment but there is no provision for compensation of loss of life and property in this fund. But the compensation for the crops has been increased in June, 2013. I would like to say that my honourable friends in this House Shri Shahnawaz Ji, Shri Neeraj Shekhar Ji, Shri Ram Kishun Ji, Shri Toofani Saroj Ji, Shri Radhe Mohan Ji and other friends have made demands in this regard as the entire north India including Madhya Pradesh, Uttar Pradesh, Bihar and Bengal has been devastated. The Ganga and the Yamuna rivers have been extensively flooded. As a result, crops standing in lakhs of acres of land of all the farmers have been drowned. The orchards have been destroyed. The crops of pulses, oilseeds and paddy have been destroyed. More than 50 crops of moong, urad, arhar, baajra etc. have been destroyed completely. I would like to demand, through you, that as per hon. Minister's statement full compensation should be provided to those farmers who have suffered total loss or more than 50 per cent loss of crops. I would like to ask, through you, whether hon. Minister would reply all the questions raised from time to time. The farmers are very much poor and helpless. The small farmers and the marginal farmers grow crops, vegetables and fruits for the whole year ...(*Interruptions*)

MR. CHAIRMAN: Please keep quiet, hon. Shailendra Ji is speaking. Hon. Members are requested to keep silence.

SHRI SHAILENDRA KUMAR: Mr. Chairman Sir, thank you very much. I would like to say that there were supplementary questions also. I had also asked a supplementary question and hon. Sharad Pawar Ji had stated that if the State Government requested in this regard, full compensation would be provided for the loss of crops, vegetables, pulse or oilseed crops after conducting survey of the loss by central teams.

I would like to know from hon. Minister, through you, whether central teams have been sent or not and whether figures of loss have been received regarding the states from where Chief Ministers have sent requests. If figures of loss have been received, what is your assessment of the loss? What is being done for providing compensation for the said loss? I am winding up to give opportunity to others as my other friends would also like to ask questions in this half-an-hour discussion.

SHRI VIJAY BAHADUR SINGH (Hamirpur, Uttar

Pradesh): Sir, there are three points. Our friend Shri Shailendra Kumar Ji's question may be divided into three parts. The first one is what is your mindset? I think that if you want to provide relief, then the question is whether you really intend to compensate those poor farmer. If you do not really intend to provide relief and you want to complete only formalities, we have seen people receiving cheques of hundred rupees and twenty rupees as compensation after three years.

The second thing which I would like to state is that the process of assessment is not correct. Everything depends on Lekhpal/auditor and the auditor throws the ball into the Collector's court....

MR. CHAIRMAN: What's your question and suggestion on this matter?

SHRI VIJAY BAHADUR SINGH: I suggest that the process for it should be transparent and the estimates should be told firstly to the public representative of that area especially to the MP and MLA.

The second point is about the process. I would give an example. If the crops of the whole year is destroyed, the State Government demands that ten thousand rupees per hectare should be provided; even though it is also very meagre amount. One hectare consists of two and a half acres, so ten thousand rupees should be given on the damage of crops of one hectare. It means if the whole crop is destroyed, the farmers should be given ten thousand rupees as compensation.

MR. CHAIRMAN: Please ask your question.

SHRI VIJAY BAHADUR SINGH: You are giving amount of only four thousand rupees, why are you giving this amount in the form of formalities. When the loss is of 100 per cent and a minimum amount of Rs. ten thousand is demanded, then why are you giving only four thousand rupees? I will request that the rate should be changed.

My last point is that there should be time bound process for it. If you do not give it to the farmers before the yield of November and December, it will be useless because he will be unable to make preparations. So, firstly, make this process time bound, secondly make it transparent and thirdly, have a mentality to give them relief and to heal them up. I want to say only that.

MR. CHAIRMAN: Now, when the honourable Minister will reply, he'll tell that the memorandum in this regard was received from the state or not. Honourable Mahendra Singh Chauhan, now you speak and please ask your question.

SHRI MAHENDRASINH P. CHAUHAN (Sabarkantha): Sir, all of us know that the farmer does agriculture work while facing many problems and difficulties and nurtures the whole country. We call the farmer the father (Taata) of the world, but the conditions of this father (Taata) is very miserable today. It has been found in a survey that 42% farmers of the country want to leave agriculture while being unhappy with it. The farmer does farming thinking it his royal duty or his compulsion. When the crop is destroyed due to several natural causes such as flood, drought, excess rain, snow fall, frost etc., the farmers get some relief from insurance security scheme. But sometimes spurious seed and insecticide, wild animals like nilgai, BHUND, ROSE, monkey, elephant etc destroy the ready crop and sometimes agriculture is damaged due to reasons like theft and incident of fire.

I want to ask the honourable Minister whether the farmer get sufficient compensation when the crop is destroyed due to these reasons?

SHRI DARA SINGH CHAUHAN (Ghosi): Mr. Chairman, Sir, the entire country specially North India is being badly affected by flood and drought. North India is always troubled by flood and drought and the farmers face the loss of lakhs and crores of rupees. I am talking specially about my commissionery Azamgarh. The same condition prevails in districts like Azamgarh, Ballia and Mau which are situated between the Ghagra and the Ganga on a large scale, the whole crop gets submerged in water during flood. At the time of drought, in our Pewara area which is situated on the bank of Ghagra, when there is a spark, the whole crop along with the houses in an area of about 5 to 10 kilometers get completely destroyed. There is no permanent policy formulated for it.

In our constituency, from Nai Bazar to Pohrighat, which is a very important pilgrimage centre, road upto a stretch of 8 kilometers where Pohri converges and 5 kilometers along the river Ghagra has been badly damaged due to flood and there is no guarantee that it will not get washed away. All crops have been destroyed. From Dohri Ghat to Baliya Border along the Dam everything has been

destroyed. But no permanent policy has been formulated in this regard.

Mr. Chairman, Sir, I know that in North India, especially the area of Purvanchal in Uttar Pradesh, large scale damage is caused due to floods and drought, for this a permanent policy should be prepared only then farmers may be benefitted to some extent.

DR. VINAY KUMAR PANDEY (Shrawasti): Mr. Chairman, Sir, in my constituency, crops are destroyed due to the wrath of Rapti in Shrawasti, Balrampur, Bahraich, Sidharthnagar, Maharajganj. Not only crops are destroyed but the normal life also gets disturbed; the domestic animals get deprived of fodder. Farmers are in distress. All the houses have been washed away but the policy formulated for providing compensation have many discrepancies as people's representatives have not been included in it. My request is that in view of these discrepancies the policies formulated for providing compensation must include people's representatives and their views are also included in it.

Mr. Chairman, Sir, in continuance of this they have been appointed as Siksha Mitra under Sarva Shiksha Abhiyan. They have been working for the last 13 years and at present TET has been made compulsory for them. To exempt them on behalf of the sons of farmers I would like to draw your attention ...(*Interruptions*)

MR. CHAIRMAN: Hon'ble Minister, you please reply the questions asked by hon'ble Members.

22.13 hrs.

(MADAM SPEAKER in the Chair)

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND MINISTER OF STATE IN THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARIQ ANWAR): Sir, first of all, I would like to thank Shri Shailendra Kumar and all those Members who raised such an important issue today. They have raised the issue related to providing compensation to the farmers for the damage caused to them.

I am happy that the entire House is concerned for the loss caused to the farmers and how they may be compensated. This is the misfortune of our country and our farmers who feed the entire nation, whom we call 'Annadata', they suffer loss due to nature's wrath in the

country almost each year. They work hard and try to improve their economic condition, but they have not succeeded. In this regard, hon'ble Members have raised this issue.

Madam, I, through you, would like to inform hon'ble Members that to face the wrath of the nature recurring each year the Government of India has decided in the year 2005 to set up National Disaster Response Fund and State Disaster Response Fund and through these funds efforts are made to provide relief to the farmers who suffer loss due to natural disasters in the states. In this regard, the Central Government provides full financial assistance to the states. For normal states financial assistance is provided in the ratio of 75 and 25.

In such states which particularly comes under the special category, the assistance is given in the ratio of 90:10. Disaster Response Fund has been formed at the state level with the purpose of providing immediate supply of relief to the farmers in the event of any natural disaster like drought, floods, crops getting affected by pests, earthquake, cold wave as has been mentioned by Shailendraji.

Under Disaster Response Fund at the state level, the states have been given the responsibility of providing immediate relief to the farmers in case of a natural disaster and loss to the farmers. In this regard as has been mentioned, the assistance of Rupees four thousand five hundred rupees per hectare as approved by the Government of India is given for the rain fed areas under the scheme at the time of natural disaster. ...(*Interruptions*) You have stated that the states have made a demand for ten thousand rupees. ...(*Interruptions*) You have mentioned about 13th Finance Commission that this allocation has been made under the 13th Finance Commission. A lot of processes are involved in this regard and we reach a conclusion after going through these processes. The Home Ministry, Agriculture Ministry of the Union Government took this decision; as I told that four thousand five hundred rupees per hectare was fixed ...(*Interruptions*) And after that the minimum assistance is seven hundred fifty rupees and nine thousand rupees per hectare for partially irrigated areas ...(*Interruptions*) Let me speak ...(*Interruptions*) it was decided to give atleast 1500 rupees for the crops. Almost the assistance of 12 thousand rupees ...(*Interruptions*) and 12 thousand rupees per hectare is given for all types of perennial crops ...(*Interruptions*)

'SHRI SHAILENDRA KUMAR: It has been mentioned in the reply.

SHRI TARIQ ANWAR: I want to give you the information regarding that ...*(Interruptions)*

MADAM SPEAKER: Let the Minister speak.

SHRI VIJAY BAHADUR SINGH: Finance Commission is anti farmer ...*(Interruptions)*

SHRI TARIQ ANWAR: So far as the report submitted by the Finance Commission or their basis is concerned, they have reached this conclusion after considering all the aspects and that is what we have fixed. One thing, I would like to clear is that this is not compensation. This is relief, not compensation ...*(Interruptions)*

SHRI SHAILENDRA KUMAR: Please tell the difference between relief and compensation ...*(Interruptions)*

SHRI TARIQ ANWAR: Relief is given immediately, so that the farmers who have suffered losses get some relief and the relief is given for this purpose. But if you want or the farmer wants that he should get full compensation for his crops, then there are several schemes of the Ministry of Agriculture which includes National Agricultural Insurance Scheme, Modified National Agricultural Insurance Scheme, Pilot Weather based Crop Insurance, Coconut Palm Insurance Scheme. These are several schemes which should be notified by the State Government but there notification has not been issued in several states so far. They will get full compensation on the basis of these schemes. The farmers will get full compensation for the losses only when they will adopt these schemes ...*(Interruptions)*

SHRI MULAYAM SINGH YADAV (Mainpuri): Don't prolong. Please tell us how much relief or compensation will you give?

SHRI TARIQ ANWAR: As we tell you that the provision which exists now, is from the Government and Agriculture department and it is provided by the organization made for disaster management. In this the State Government has been given full power to provide the required amount without any delay from that fund and if the fund lacks money, it can ask for more assistance from the Central Government ...*(Interruptions)*

SHRI SHAILENDRA KUMAR: We are demanding for that. Please tell how much assistance the centre is providing? ...*(Interruptions)*

MADAM SPEAKER: Honourable Minister, please address the Chair.

SHRI TARIQ ANWAR: I want to tell Shailendra Ji that you mentioned Uttar Pradesh that there is a lot of damage in Uttar Pradesh. Pandey Ji and others also mentioned it but I want to tell you that no memorandum has been received from Uttar Pradesh for compensation ...*(Interruptions)* It has not come to us ...*(Interruptions)*

SHRI SHAILENDRA KUMAR: You can get information in this regard. It has been sent to you. ...*(Interruptions)*

SHRI TARIQ ANWAR: It has not been received till date. No matter if it comes tomorrow...*(Interruptions)*

SHRI SHAILENDRA KUMAR: You lose the files. You lose the files in Coalgate ...*(Interruptions)*

MADAM SPEAKER: You please listen to the Minister.

[English]

Nothing else will go on record.

...*(Interruptions)*

[Translation]

MADAM SPEAKER: All of you please be seated.

...*(Interruptions)*

SHRI TARIQ ANWAR: Madam Speaker, the memorandum regarding flood which has come to us yesterday, is only from the Government of Maharashtra, there is a letter from Badal Sahab from Punjab in that, but it does not have any memorandum and complete report. Likewise there is a letter from the Chief Minister of Karnataka for the Agriculture Minister in which he has mentioned about this issue. But they have not completed the whole process ...*(Interruptions)* You are not ready to receive assistance. ...*(Interruptions)* Get ready to receive assistance ...*(Interruptions)* you are not ready ...*(Interruptions)* you are raising this issue here. You had to raise this issue there ...*(Interruptions)* Memorandum has not been received from anywhere ...*(Interruptions)* It has not been received even from Jharkhand ...*(Interruptions)*

SHRI MULAYAM SINGH YADAV: You sent any committee from here, have you sent it? If you have, what is mentioned in the report of that committee?
 ...(*Interruptions*)

SHRI TARIQ ANWAR: No. ...(*Interruptions*) It did not come from any State ...(*Interruptions*)

It is right that at first report comes from there. The report which comes from the State Government ...(*Interruptions*) a high level committee is sent from here on the basis of that report ...(*Interruptions*) The high level committee is sent from the Agriculture department, then that committee comes with report ...(*Interruptions*) After that a meeting of the group of Ministers takes place and the actions is taken by following this process ...(*Interruptions*)

Madam Speaker, I assure that we'll consider the issue raised by honourable Minister ...(*Interruptions*)

MADAM SPEAKER: Honourable Minister, you speak.

...(*Interruptions*)

SHRI TARIQ ANWAR: You said quite right ...(*Interruptions*) the report has not been received.
 ...(*Interruptions*)

[*English*]

MADAM SPEAKER: Please address the Chair.

...(*Interruptions*)

[*Translation*]

MADAM SPEAKER: All of you, please be seated. Let him reply. You have spoken your points.

...(*Interruptions*)

MADAM SPEAKER: The time for discussion is going to be over.

...(*Interruptions*)

SHRI TARIQ ANWAR: Madam Speaker, Central Government cannot interfere suo moto in this matter when the State Government sends a report to Central Government about a loss of more than 50 per cent in agriculture sector, we send our team to that state on the basis of that report and when we get the report of that team, financial assistance is provided to them on that basis ...(*Interruptions*)

MADAM SPEAKER: All of you are requested to sit down. Dara Singh Ji, please be seated. Time is about to lapse.

...(*Interruptions*)

SHRI TARIQ ANWAR: As I said that except Maharashtra from any state so far ...(*Interruptions*)

MADAM SPEAKER: Please be seated.

...(*Interruptions*)

SHRI TARIQ ANWAR: Not at all ...(*Interruptions*)

[*English*]

MADAM SPEAKER: Nothing else will go on record.

...(*Interruptions*)*

[*Translation*]

SHRI TARIQ ANWAR: Madam Speaker, the Ministry of Agriculture has received letters from two Chief Ministers so far, the Chief Minister of Karnataka and Chief Minister of Punjab. Secondly, the report in the form of memorandum has come only from Maharashtra and not from other states, whether it is Madhya Pradesh or Jharkhand or Uttar Pradesh, or Bihar ...(*Interruptions*) No report has been received from Madhya Pradesh ...(*Interruptions*)

MADAM SPEAKER: What are you doing?

...(*Interruptions*)

SHRI TARIQ ANWAR: No memorandum has been received from Madhya Pradesh ...(*Interruptions*) Please get it sent. ...(*Interruptions*)

MADAM SPEAKER: What are you doing?

...(*Interruptions*)

SHRI TARIQ ANWAR: Madam Speaker, I assure the honourable Members that as soon as we receive memorandum from their states ...(*Interruptions*) we shall send our team in this connection ...(*Interruptions*) And they will be provided financial assistance without any delay ...(*Interruptions*) We assure this to the honourable Members through you ...(*Interruptions*)

*Not recorded.

22.28 hrs.

NATIONAL SONG

MADAM SPEAKER: All the honourable Members are requested to stand for 'Vande Matram'.

The National Song was played.

[English]

MADAM SPEAKER: The house stands adjourned sine die.

22.30 hrs.

The Lok Sabha then adjourned sine die.

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