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Wednesday, August 1, 2018  
Shravana 10, 1940 (Saka)

**LOK SABHA DEBATES**  
**(English Version)**

Fifteenth Session  
( Sixteenth Lok Sabha)



*(Vol.X XXII contains Nos. 10 to 17)*

**LOK SABHA SECRETARIAT**  
**NEW DELHI**

01-08-2018

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## LOK SABHA DEBATES

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LOK SABHA

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Wednesday, August 1, 2018/Shravana 10, 1940 (Saka)

The Lok Sabha met at Eleven of the Clock

[HON. SPEAKER *in the Chair*]



*(Interruptions) ....*

*[Translation]*

KUMARI SUSHMITA DEV (SILCHAR): Madam, at Assam and Meghalaya border, Bengalis are being beaten up. ... *(Interruptions)*

[English]

HON. SPEAKER: Everyday, it should not be there.

... *(Interruptions)*

HON. SPEAKER: Not, now. Please take your seat.

Let us take up the Question Hour. Q. No. 201, Shri Laxmi Narayan Yadav.

... *(Interruptions)*

SHRI KALYAN BANERJEE (SREERAMPUR): Why Bengalis are being beaten up? ... *(Interruptions)*

HON. SPEAKER: Not now.

... *(Interruptions)*

**11 01 hrs**

**ORAL ANSWERS TO QUESTIONS**

HON.SPEAKER: Q. No 201, Shri Laxmi Narayan Yadav.

*[ Translation]*

SHRI LAXMI NARAYAN YADAV: Madam Speaker, delivering speedy and accessible justice happens to be critically important primordial plank in a democratic set up. ... *(Interruptions)*

HON. SPEAKER: I know. But every day, it should not be raised.

... *(Interruptions)*

**11 01 ½ hrs**

*At this stage, Kumari Sushmita Dev came and stood on the floor near the Table.*

... *(Interruptions)*

SHRI LAXMI NARAYAN YADAV: Madam Speaker, so many cases have arisen in our country in the last many years that due to them, years have passed and we all know that there have been many people who waited their entire life in the hope of justice, but they could not get justice. ... *(Interruptions)* They keep on languishing in jails. ... *(Interruptions)* I would like to thank this government that after coming to power, this government initiated very honest efforts. ... *(Interruptions)* leading to the

calling for Chief Ministers' conference in the year 2015 and a conference of Hon. Chief Justices of all the States was convened. ... (*Interruptions*)

[*English*]

HON. SPEAKER: Nothing will go on record except the Question.

...(*Interruptions*)

[*Translation*]

SHRI LAXMI NARAYAN YADAV: Madam Speaker, some decisions were taken in that conference, which have been mentioned by the Hon. Minister. ... (*Interruptions*) According to that, it was decided that within five years, all the cases would be settled. ... (*Interruptions*) These cases will remain pending for a maximum period of five years. ... (*Interruptions*) Madam, he has explained in his reply what transpired in the wake of the constitution of the committee.. , ... (*Interruptions*) But it has not been stated as to how many cases have been disposed of and how many are lying pending as a result thereof. ... (*Interruptions*) According to my estimate, it has been three years since that decision was taken. ... (*Interruptions*) Madam, at least two-thirds of the cases which have been lying pending for five years should have been settled. ... (*Interruptions*) I want to know from the Hon. Minister what the actual status is? ...(*Interruptions*) How many cases have been dealt with after that resolution? ...(*Interruptions*)

**11 03 hrs**

[*English*]

*At this stage, Kumari Sushmita Dev went back to her seat.*

*(Translation)*

SHRI RAVI SHANKAR PRASAD: Madam Speaker, the issue that the Hon. Member has raised is very sensitive one. You rightly said that a meeting was held in 2015, thereafter it was discussed in 2016, and then last week on Saturday and Sunday, the Hon. Chief Justice had called a meeting of all High Courts. I myself shall monitor it through discussion.

Madam, Very humbly I would like to share one thing with the House, you yourself are very experienced in this matter. Our job is to provide infrastructure, like court halls, residential units, ensuring laws are passed, etc. The job of judges is to decide the matters. The judiciary of India is independent. You have questioned me, so what I see is that there has been a reduction in the disposal of about 10,573 cases in the Supreme Court since 2014. There has been a decline in the disposal of 1,94,000 cases in the High Courts. But in the subordinate judiciary that we have in place, there has not been a satisfactory outcome in terms of numbers. You have mentioned that I provided you detailed annexure of every High Court. One reason that I see is that the fund that we have been providing since 1993-94 under the Central Scheme, after the Modi led government came to power, we have provided 42% of that, which is the highest in 25 years. This is the highest in these four years.

HON. Speaker, I must give a figure that it is our endeavour that by March next year, there will be 21,153 court halls, that is, there will be more court halls in the country than there are judges. After Narendra Modi Ji led government coming to power in 2014, 2,819 court halls were built and 2,321 units of accommodation were built for judges.

Sir, I want to point out that there is a digital platform of 10 crore cases in the National Judicial Data Grid, which are disposed of, and which are pending. We are taking district-wise and I have written letters to all the Chief Justices for all the cases which are pending for over five years, especially criminal cases. I keep writing to them, I also discuss with them that you should first dispose of the criminal cases in priority. Their decisions have also been taken and we will take it forward. Dispose off all the civil cases which are more than ten years old in priority and action will be taken against the rest which are heinous offences, against senior citizens and women.

SHRI LAKSHMI NARAYAN: Madam, the Minister has given a very good reply. Nowadays, there is a perception among the common man that one reason for the pendency of cases in the Supreme Court and High Courts is because of the disposal of PIL and they have taken this new task upon themselves. The judiciary wants to control governments or run governments through PIL. Is the notion of the common man correct that cases are also being delayed in Supreme Court and High Courts due to this as the focus of Hon. Judges is on the disposal of PILs?

SHRI RAVI SHANKAR PRASAD: Madam, PIL should be filed for the rights of the poor, for the wages of the labourers; if a leader indulges in corruption, there should be PIL on him, we fully support it. I reduce my personal discussion, but I was the counsel for PIL in some of the big corruption cases in Bihar, in which the leaders are being punished. I would like to say one thing very humbly that the right to run the Government belongs to those whom the people elect to rule and who are accountable to the House. The right to make laws belongs to those whom the people elect to make laws and who are accountable to the House. I would very humbly say that the job of the High Court or the Supreme Court is not to run the governance through PIL. This

right has been given to the elected people by the Constitution of the country. That's all I want to say.

SHRI MANSUKHBHAI DHANJIBHAI VASAVA: Madam, thank you for giving me an opportunity to ask questions.

Madam, through you I would like to tell the Hon. Minister that among delayed cases, writ petition has been filed on cases related to land acquisition of farmers, irrigation projects, forest land, and in many places, medical admission by different organizations and getting government jobs on basis of forged certificates. Will the Law Ministry help to protect forest holding rights? I appreciate the government of the Bharatiya Janata Party for taking a very good step to amend the law quickly, and providing justice to the poor people, the needy people. I am very thankful to the Ministry of Law of the Government for this. I want to ask the Minister of Law what he can do to protect forest holding rights.

SHRI RAVI SHANKAR PRASAD: Madam, after the government came to power, the first instruction of the Hon. Prime Minister was to abolish the old laws. The useless laws, which are laws of British era and are anti-poor, should be abolished. I am happy to inform this House that till now we have repealed about 1,400 laws, on which this House has cooperated. We have also asked many State governments to repeal the old laws and many people have done so. We will do this work and will continue to do, so that all the useless laws end. Regarding our forest-dwelling brethren and their rights that you mentioned, our government is fully alert. Wherever these types of cases come in the High Court, they come in the Supreme Court, our government monitors, our concerned department monitors, I myself

monitor. If you have concerns about any specific case of a specific High Court, then tell me, and I will definitely cooperate.

SHRI MALLIKARJUN KHARGE: Madam Speaker, I have a small question. The way too many cases are pending in courts today, for that only high court benches have created in every place. One such branch is created in my constituency, Gulbarga, but due to limited jurisdiction, the court is not observing as many cases as it should. That's why we requested you too and in the same manner, I met the Chief Justice. We tried for a recommendation from the Government of Karnataka, but that's not working. If you won't do that, then the cases that are pending in Bengaluru... there's a distance of 800 km between Gulbarga and Bengaluru, the same way Dharwad is at least 500 km away from Gulbarga, that's why a court bench was created in Gulbarga. Its building is also ready and proper in all respects. The judges who are appointed there, out of that only two or three judges actually get appointments. They do not transfer cases. I would say that for special courts in Hyderabad and Karnataka, we amended 371 [J] here, we amended the constitution. I would like that the area for which that court has been made, if you bring the entire area under the same High Court, then everyone will get convenience and the Court will also be feasible.

SHRI RAVI SHANKAR PRASAD: Hon. Kharge Ji, you are a very experienced parliamentarian and you have experience in administration also. You must know that in the Constitution of India, the judiciary is free.

*[English]*

The Judiciary is completely free – in which area, what Bench will sit and what shall be their territorial jurisdiction These are all matters to be determined by the

Chief Justice of the High Court. That is the right norm. What is important is that your concern needs to be conveyed. There are Supreme Court judgments also that in these matters where Benches are to be located, what cases are to go, the High Court is the primary institution whose consultation is important.

Now, you have flagged an issue to me. I will try to convey your concerns to surely the Chief Justice of the Karnataka High Court. What geographical location they will determine is their call. ... (*Interruptions*) Just a minute. But, as far as your concern is concerned, because you are a senior leader, I make it a point that I will convey that you have also raised this concern. But, I would like to remind you that my power is limited and must remain limited because our Government respects the independence of the Judiciary.

[*Translation*]

SHRI PREM SINGH CHANDUMAJRA: Madam Speaker, through you, I would like to bring to the notice of the Hon. Minister a case which I think is the longest pending one in the country and the most sensitive.

Madam Speaker, I would like to know from the Hon. Minister that a case is going on against some people guilty of murder in the year 1984. One of them is the case in which our Minister was a lawyer, I am grateful to him on behalf of all the Sikh society... when charges were framed, because he did not even accept fees. I want to tell the Hon. Minister that today it has also appeared in the newspapers that this case has been going on in final stage hearing for one and a half years. Yesterday, the Hon. court announced that some promotion is being done for them and the case should be transferred to someone else. Today lawyers had come and many people from our Sikh community had come. If that case is transferred, then that case will last



for another one and a half to two years. The defendants in those cases are now in the last years of their life. Therefore, I want that a law should be made such that the case is not transferred, its day-by-day hearing should be done so that our society gets justice. This is what I want to ask the Hon. Minister.

SHRI RAVI SHANKAR PRASAD: Madam Speaker, our Hon. Member is very senior and I understand his pain. It is a matter of concern for the whole country that the justice that should have been done in the genocide of 1984 has faced hurdles. After our government came, SIT was formed and the Hon. Minister of Home Affairs himself is trying. We all want justice. In this, I will assure you that it will be expedited further according to your grievance, this is our collective commitment. But suppose that the collegium of the Supreme Court sends a judge as the chief of somewhere, then they have a process.

I can't stop it. I want to assure you with great confidence that wherever they go, they get fast-tracked and decision is taken, our Law Department will fully cooperate in this. I would like to tell you this.

*[English]*

SHRI KALYAN BANERJEE: The Hon. Law Ministers, both the Minister of Law and the Minister of State for Law, are having practical experience in dealing with the matters.

Madam, through you, I would like to tell that the resolutions which have been taken are the most important part that all the High Courts shall assign top most priority for disposal of cases which are pending for more than five years. This has not been given effect to. Today, all the matters are pending. Writ matters of more than ten years and criminal appeals of more than 8-10 years are pending. Time is going

up. Ultimately, when acquittal is there, they are languishing in the jail for 13–14 years. You have also created commercial courts. You have taken good steps. I must appreciate you for taking these steps. But incidentally, till now the judges, who are taking up the criminal matters, are now taking commercial court matters. Unless the posts are created, no benefit will come.

Madam, through you, I have a question and also a request. Will the Central Government ask all the High Courts, in terms of the resolution as to how many cases have been disposed of and how many cases are pending for more than five years in all the High Courts, including appeals in the District Courts and the decisions? How many such decisions have been implemented and how many cases are still pending?

SHRI RAVI SHANKAR PRASAD: Madam Speaker, the Hon. Member, who has asked the question, is a more eminent lawyer than both me and the Hon. Minister of State. Therefore, his experience is more practical. ... (*Interruptions*) I had never used the floor for that but I think some kind of banter should be allowed.

Now, what is important? As the Law Minister, from my Department, I am personally writing to all the Chief Justices, giving them District-wise figure. If you see the annexure to my reply, what each High Court has done is already mentioned. I am happy to share with you that many High Courts have made promotion, CR appreciation, conditional upon performance in the disposal of old cases. Therefore, many High Courts are doing a good job and we need to appreciate it.

Yes, I take your concern on board. Madam Speaker, one of the biggest concerns for me is that more than 5000 posts of subordinate judiciary are vacant. In the filling up of these posts, neither the Government of India has the power nor the State Government has the power. Somewhere majority of the High Courts undertake

examination and in many States, the Public Service Commissions are recommending. What have we done? We want to have a centralized system for appointment of subordinate judiciary at some level with some percentage. Under the mandate of the Prime Minister, the keeness commitment of our is that judges from the deprived community, from the Scheduled Castes, from the Scheduled Tribes, from the OBC, minority and women must also become part of the subordinate judiciary. After training, they must get elevated to the High Court so that everyone needs to have representation in the High Court selection also.

There are differences between us and some High Courts. I am sure with the collective will, we will be able to come out of that. Now, we have the National Law School. The finest young boys and girls are coming. After IIT, the best minds of India are in the National Law School. Why should not they, after some years of practice, be made Additional District Judges so that they come in the chain for the High Court Judges? These are the larger issues which we are working on under the mandate of the Prime Minister. It is because if we talk of an inclusive society, the judiciary must also reflect that inclusion. That is our commitment.

[*English*]

PROF. SUGATA BOSE: Madam Speaker, may I take this opportunity to welcome back our Prime Minister from the BRICS Summit in South Africa where he had the opportunity of another interaction with the President of China? And I do so with simple '*namaskar*' from a respectable distance?

Madam Speaker, in the early twenty-first century, Asia is recovering the global position it had lost 200 years ago. In order to realise our dream of an Asian century, India and China must strive to peacefully manage their simultaneous rise. It is, therefore, entirely appropriate to have close engagement at the highest levels of our two Governments. I hope the informal summit in Wuhan will lead not only to another informal summit at a beautiful place in India next year but will also lead to a structured strategic framework of dialogue to enhance our cooperation and resolve our differences.

In the written reply to my Question, about the topics covered and the results of the nine-hour conversation, one word is conspicuous by its absence. It is the name of a place called 'Doklam' which was a cause for great concern last year during our Monsoon Session of Parliament. We, in the Opposition, showed our solidarity with the Government to enable our brave soldiers to hold their ground and to allow space for our diplomats to make their best efforts to defuse the crisis.

Our Parliament deserves to be taken into confidence as to whether or not our Prime Minister raised the Doklam issue and whether the strategic guidance provided by the two leaders to the respective militaries has resulted in the dismantling of the Chinese infrastructure which came uncomfortably close to our Siliguri corridor. Will the External Affairs Minister please shed some light on this matter?

[*Translation*]

SHRIMATI SUSHMA SWARAJ: Madam Speaker, MP Prof. Sugata Bose is a very learned parliamentarian. You told that one word ‘conspicuous by its absence and that is Doklam’. Perhaps in the line before that you did not see that it is also written that specific topic discussion was not done. If there is no specific topic discussion, how would the word Doklam be mentioned?

Madam Speaker, through you, I want to tell the House that Wuhan's ...  
(*Interruptions*)

Hon. Speaker: First listen to me.

SHRIMATI SUSHMA SWARAJ: Madam Speaker, first listen to the reply in full, the Summit of Wuhan did not take place with any set agenda. I myself went to China to prepare for the Wuhan Summit. The two foreign ministers had decided that we should not tie our leaders on a specific agenda or a set agenda, let them speak freely. You may ask what was its purpose? The purpose was not to resolve the issues there, the purpose was to evolve the right environment to solve the issues. There were three objectives. First, the comfort level between the two leaders increased. Second, mutual understanding between the two leaders increased. Thirdly, mutual trust between the two leaders increased. The meeting was to increase mutual trust, mutual understanding and ease. I can stand in the House and say with full responsibility that we attained success in these three objectives. After that meeting was not only in Johannesburg, before that it was in China at Chingdao, on the sidelines of the SCO Summit, on the sidelines of BRICS in Johannesburg. As a result of the understanding made in Wuhan, Doklam also figures. The first thing was that the two leaders gave instructions to their militaries that if there is a misunderstanding at lower level, if

there is a difference, then solve it at the lower level, do not create any dispute. As a result of that, the Defence Minister of China is coming to India. The second thing was decided, in the Wuhan meeting follow-up, it was decided that there has also been a mechanism for enhanced Sino-Indian people-to-people contacts, which has been put in place at the level of the External Affairs Minister, for which the External Affairs Minister is coming here later this year. Concrete achievements have also been made as a follow-up. You will not want a long answer, otherwise I would like to mention all the concrete achievements. As far as Doklam is concerned, I have said this before, today again I am saying with full responsibility that Doklam has been resolved with very mature diplomacy. The status quo remains at the face-off site. There is not even a minor difference at the face-off site of Doklam.

*[English]*

PROF. SUGATA BOSE: I am very happy to hear that the Doklam issue has been resolved through diplomatic efforts. My second supplementary, Hon. Speaker, relates to our vital concerns in the Indian Ocean inter regional arena of which India historically has been the economic, cultural and political hub. During the last year, China has acquired a military base in Djibouti and obtained a 99 years lease of the Sri Lankan port of Hambantota. China has been building ports in other countries in our neighbourhood and increasing its influence in all of the lands abutting the Indian Ocean.

Has our Prime Minister, in general terms, apprised the President of China of our irreducible interests in our oceanic periphery and also sought freedom of navigation in the South China Sea so that we may have peace and prosperity across the Indo-Pacific?

I am sorry, Madam Speaker, that I am having to pose these questions to Sushma ji who was not present at Wuhan. I had originally addressed the question to the Prime Minister but our Secretariat redirected it to our esteemed External Affairs Minister. There used to be a Parliamentary tradition of a Prime Minister giving a statement before this House of the People after an important summit. I am very happy to hear it from Sushma ji for whom I have the highest respect, but after she has answered this question, I would request the Prime Minister to say a few words about the Summit. Thank you.

[*Translation*]

SHRIMATI SUSHMA SWARAJ: Hon. Speaker, irrespective of whether I was present there or not, I am able to answer. I have given a very detailed account of what happened in Wuhan. I have said that I went there for preparation. I know everything that is there, that is why I will give the full answer.

Regarding the Hon. Member's raising the matter of freedom of navigation, everything is obvious, which is in our policy, there is no need to take that up separately. It is our policy that the Freedom of Navigation in International Maritime Routes is the right of every nation whose territory comes in it, whose Maritime Zone is included in it. We have a very clear policy about South China Sea that there should be freedom of navigation, and the mutual disputes that are there, those are considered international law and order under UNCLOS. Rules of order should be considered and all disputes should be decided under UNCLOS. This is our very clear policy, China also knows this. ... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: Hon. Prime Minister is here. He went there himself... (*Interruptions*)

HON. SPEAKER: This does not happen. Any questions they have will be answered.

... (*Interruptions*)

[*English*]

HON. SPEAKER: This is the Question Hour. I am sorry.

Shri P.D. Rai ji.

... (*Interruptions*)

HON. SPEAKER: Nothing will go in record, except the Question.

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

(*English*)

SHRI PREM DAS RAI: Madam Speaker, thank you for allowing me to participate in this question. My question to the hon. Minister is ... (*Interruptions*)

HON. SPEAKER: He is competent. You should sit down.

... (*Interruptions*)

[*Translation*]

HON. SPEAKER: The Hon. External Affairs Minister will answer it.

... (*Interruptions*)

[*Translation*]

HON. SPEAKER: This is Question Hour. You should sit down.

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\* Not recorded



... (*Interruptions*)

[*English*]

HON. SPEAKER: Except the Question, nothing will go in record

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

[*English*]

SHRI PREM DAS RAI: Madam Speaker, the answer to the question is rather broad and, therefore, I take the opportunity by participating with a question, which is most specific to the region and one which my fellow colleague, Dr. Sugata Bose has already raised on Doklam. I am very happy to understand the resolution of the same.

However, Madam, recently the Vice External Affairs Minister from China visited Bhutan. I would like to understand from the hon. Minister whether this was one of the outcomes of the Wuhan Summit.

[*Translation*]

SHRIMATI SUSHMA SWARAJ: Hon. Speaker, I did not understand what the Hon. Member said. If the Vice Premier of China went to Bhutan now, then how could this have been discussed in Wuhan Summit.

I said that there was no set agenda at the Wuhan Summit. The Vice Premier of Bhutan went now, so what would have been discussed about in Wuhan? ... (*Interruptions*) I have given such a clear answer regarding Doklam that no specific issue has been talked about. Since Doklam issue had been resolved, the Doklam issue has been resolved. I am repeatedly saying that the Doklam issue has been resolved,

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\* Not recorded

diplomatic maturity has resolved it. There has not even been a minor change at the face-off site there.

I am standing in the House and saying with full responsibility that the status quo remains same, there has not been even a minor change in it, so why is the subject of Doklam being raised again and again? ... (*Interruptions*)

SHRI ADHIR RANJAN CHOWDHURY: This is the issue there....  
(*Interruptions*)

HON. SPEAKER: The External Affairs Minister wants to say something.

... (*Interruptions*)

SHRIMATI SUSHMA SWARAJ: The boundary dispute between Bhutan and China is going on separately. We were talking about tri-junction point in Doklam. The Northern Doklam boundary dispute is going on between them, it is between Bhutan and China. India cannot say anything on this.

I am repeatedly saying about our face-off site that the issue of face-off site has been resolved on August 28, 2017 last year. There has been no change there at all.

[*English*]

DR. K. GOPAL: Respected Madam Speaker, electrification of railway routes is a good thing and the country can save precious oil. At the same time, the country has got huge diesel infrastructure. We have more than 5,800 working diesel locomotives. Moreover, we already have diesel locomotive manufacturing units, and more units are also coming up.

The premature idling of in-service rolling stock assets of the diesel is also not a good idea. Therefore, my question is what the fate would be of diesel infrastructure already existing, including the diesel locomotive units, in the event of 100 per cent electrification of railway routes.

SHRI PIYUSH GOYAL: Madam Speaker, it is a very good question which the Hon. Member of Parliament has raised.

First of all, I am sure that the entire House will agree that electrification is a good idea. Electrification helps us not only save precious foreign exchange and import of diesel, but it also helps the environment because it ensures that the pollution that is created by trains is significantly reduced. Therefore, this Government has accelerated the pace of electrification.

Madam Speaker, you will be happy to know and the Hon. Members will also be happy to know, through you, that as against roughly 610 kilometres electrified in 2013-14, in the year 2017-18, we have electrified 4,087 kilometres, which is almost seven times of what was done four years ago. This year, our target is 6,000 kilometres of electrification.

As regards the premature retirement of diesel locomotives, I would like to inform the Hon. Member that diesel locomotives will continue to be used as the

electrification progress albeit at a lower level. Even after that, as a standby arrangement, we will need diesel locomotives so that if there is any breakdown, any requirement in the border areas, any requirement when the Army has to be moved, and where we are not able to set up lines and do electrification in remote border areas or of strategic lines, we may use them. We will require diesel locomotives to that extent.

Having said that, I am delighted to share with the House that we have now found a way so that within the cost of midterm rehabilitation of diesel locomotives, we will be able to convert them to electric locomotives. So, no diesel locomotive will go waste. When those locomotives come up for the midterm rehabilitation, after their routine life is over, we will convert them into electric ones at a less cost than the cost we will be incurring on their midterm rehabilitation.

Finally, we will certainly need to have certain facilities for manufacturing of diesel locomotives to provide for the safety margins in the strategic areas, which the Government has ensured will also be by highly energy efficient and less polluting diesel locomotives from a plant coming up in Bihar.

The rest of the diesel locomotive manufacturing facilities, which have old and outdated technology, will now be converted to make electric locomotives. Therefore, no facility will go waste and no facility will remain idle. There will be no loss to the country. It is a win-win, gain-gain situation for India.

DR. K. GOPAL: As the Hon. Minister said in the reply, the modernisation of railway stations had commenced way back in 2012, but no one is taking interest to enter into it from the private sector. I came to know that finally, the Railway has

decided to spend Rs. 5,000 crores on modernisation of 68 major stations following a lukewarm response from private companies for the redevelopment project.

I have also learnt that the Railways is also working on the conditions proposed for private participation to make station redevelopment a more attractive proposition. Therefore, I would like to know from the Hon. Minister as to which are those 68 stations that are under consideration for modernisation and the steps taken by the Railways to make private participation more attractive in redevelopment of railway stations.

I take this opportunity to get a confirmation from the hon. Railway Minister regarding the steps taken by the Railways in expansion of Karaikal, Thiruvapur and Nagapattinam railway stations which includes construction of one more platform.

SHRI PIYUSH GOYAL: Madam Speaker, when we assessed the demand and the abilities of private parties to develop railways stations, two main features came up before the Government. While I appreciate that this project was started in 2012, I would like to inform that the reason why we did not get a good response was two-fold. One is, the lease period that was being offered to private developers was about 45 years. Secondly, we did not allow them to sublease or to have mortgage on the property because of which private sector was showing a lukewarm response. There was also another element about the work to be carried on top of the railway station and the railway infrastructure which had its own complications. It was intimidating the private developers. A lot of approvals were also involved in it and there were designing problems which the private developers faced.

Railways is a very complex infrastructure. Safety of rail assets has to be ensured. Considering all this, these developers have gone for two-pronged

approaches. First, they are moving for a change in the norms of modernisation to see that we can allow 90 or 99 years lease. That will be decided by the Cabinet when the note comes up. Whatever period of lease is desirable, we will increase it. We will also ensure that the multiple leases, sub-leases and mortgage will be allowed so that the private sector finds it more attractive to participate in it.

Secondly, we are spending money on these 68 stations so that the work required to be done on the railway stations is carried out by the Railways and we also offer the private sectors 'outside railway system' which will not intimidate them and it will not be difficult for implementation of the project. They can speedily, through a transparent auction, get the project and implement it.

HON. SPEAKER: SHRI CHHOTELAL – not present

*[Translation]*

SHRI JAGDAMBIKA PAL: Madam Speaker, Hon. Minister has said that he has planned for electrification of railway line more than what has been done during the last four years. They have set a target of 13675 km in the year 2018-19. I want to tell the Minister through you that there is a railway line parallel to Nepal via Gorakhpur, Anand Nagar, Navgarh, Balrampur, Gonda. If electrification is sanctioned for that railway line, by when the work on it will start? Hon. Minister has also said that we have established Railway Station Development Corporation.

HON. SPEAKER: Please ask questions.

SHRI JAGDAMBIKA PAL: Among this, Anand Vihar or Bijwasan station that they have built, which year they were approved and by when will those be completed? Because out of the bids which were sought for 23 stations, only two

stations have received bids. Is there a time frame for the A and A 1 category stations? I want to know through you.

SHRI PIYUSH GOYAL: Madam, if this line is already approved, then its electrification will be done simultaneously. We are going to do electrification wherever in railways the infrastructure is existing, going to be built or approved. As the projects are sanctioned, they will be electrified alongside. The 23 stations that have been talked about, I had mentioned in first answer that two stations are near Habibganj, near Bhopal and Gandhinagar, Gujarat. Bids had been received for these two. Work on both is going on at a fast pace and half of the work has been completed. Maybe it will be completed by March. But, regarding the difficulty that had arisen in the rest of the stations, I had already mentioned earlier that we are bringing changes there.

*[English]*

DR. KAKOLI GHOSH DASTIDAR: Thank you, Madam, through you, I would like to ask this from the Hon. Minister. During 2009-2010, the Barasat Station in my Constituency was upgraded and a ladies passenger waiting room along with a toilet, and an underpass at Gate No. 12 were sanctioned by the then Railway Minister, Hon. Madam Mamata Banerjee. The work had also started, but over the last few months, the women's passenger waiting room along with the toilet are locked, and the work for construction of the underpass at Gate No. 12 of the Station has stopped. Why is it that these works, started by her, have been stopped recently?

SHRI PIYUSH GOYAL: Madam Speaker, I can assure the Hon. Member that we believe that the Government is in continuation, and any work started by any previous Railway Minister will continue as per schedule.

I would not right away have the details of this specific Station as to why that work has stopped or why the room is locked, if at all. I will certainly get back to the Hon. Member with that information.

[*Translation*]

\*\*SHRI GURJEET SINGH AUJLA: Thank you, Hon. Madam Speaker, for giving me the opportunity to ask a supplementary Question. I would like to draw the attention of the Hon. Minister towards the trains that start and end at Amritsar Railway Station.

People who visit Amritsar generally are devotees who pay their obeisance at the Golden Temple and Durgiana Temple. But, the condition of trains that ply to and from Amritsar is very bad. Sachkhand train runs between Takht shri Darbar Sahib and Shri Khadoor Sahib. But, even the AC coaches of this train are not worth travelling. The same is the case of general coaches. Similarly, in the Jan Shatabdi train, no extra coaches are being added despite a huge rush of passengers. There are 13 primary trains and 14 secondary trains.

\*\* English Translation of the speech originally delivered in Punjabi.

(English)



HON. SPEAKER: The question does not arise. I will not allow...

(Translation)

This question is not related to it.

... (*Interruptions*)

(English)

Hon. Speaker: No, I will not allow it.

(Translation)

Things don't go this way else it shall creep into practice.

... (*Interruptions*)

(English)

HON. SPEAKER: I know that he can reply to your query.

... (*Interruptions*)

(Translation)

HON. SPEAKER: Don't get such things become a habit.

... (*Interruptions*)

HON. SPEAKER: Question No. 204, Shri Gajanan Kirtikar.

[*Translation*]

SHRI GAJANAN KIRTIKAR: Madam Speaker, like the Hon. Minister has written in his reply, there is a need to rebuild Goregaon, Motilal Nagar Post Office, Mumbai. In this regard, I would like to draw the attention of the Minister that the Motilal Nagar Post Office, which was constructed in 1995, has collapsed before its stipulated operating period. Therefore, I would like to know from the Hon. Minister as to when the Motilal Nagar Post Office, which is situated in Goregaon falls in my Parliamentary Constituency, is likely to be rebuilt? What legal action will be taken by the government against the contractor who had earlier constructed this building?

SHRI MANOJ SINHA: Madam Chairperson, an investigation is going on in this matter and of course I would like to assure the House and the Hon. Member that whatever action is possible, within the scope of the law by determining the responsibility, will be taken against those people. The work of that post office was started immediately after taking it on rent and approval has been given. Soon a new building will be constructed and a post office will be started in the area of the Hon. member.

SHRI GAJANAN KIRTIKAR: Madam, I would like to draw the attention of the Minister towards the dilapidated condition of some post offices and staff accommodation in Mumbai. All the buildings of the post office employee accommodation located in the Andheri East are in a dilapidated condition and they are likely to collapse at any time. The construction plan of Lokhandwala Post Office, which is located in Andheri West, has been ready for the last three years, but the work has not started there till now. Encroachment of huts and straps has started there and there is a possibility of encroachment on it. It has been two years since the

Meghwadi Post Office located in Jogeshwari East was constructed, but till date it has not been transferred by the Government of Maharashtra, what is the reason for this?

I want to know from the Minister by when the work of reconstruction of City Post Office Employees' Housing and Lokhandwala Post Office will be started and by when will the Meghwadi Post Office be taken over by the Government and its operation be started?

SHRI MANOJ SINHA: Madam, I have already given a detailed reply through letter to the Hon. Member that Rs. 2.24 crore has been given in the year 2016-17 for the accommodation of employees. The tender process has been completed and the maintenance work will start. Rs. 3.03 crore has also been given in the year 2017-18. The Hon. Member has sought to know about Motilal Nagar Post Office, after investigation, when it was found in hazardous condition, we have taken a new building for which we are paying rent of Rs. 99 thousand per month. We will take action against those responsible.

Secondly, about the Majaswadi Post Office, Hon. Member wants to know, that the land we needed under the Slum Rehabilitation Act of the Maharashtra government, they were not providing that much area. Just four days ago, an MoU has been signed between our Chief Post Master General and the Government of Maharashtra in which the Government of Maharashtra said that 282.32 square meters of land are now being given and the remaining will be given in the next three months. After receiving that affidavit, I hope that action will be completed within the next few days.

HON. SPEAKER: The building of the post office has been ready for two years but hasn't been handed over so far.

SHRI SUDHEER GUPTA: Madam Speaker, today the country is on the cusp of change which is being felt across all sectors whether it be agriculture sector or the other one. Changes in MSP, irrigation and electricity facilities have increased there, supply lines of fertilizers have been commenced, insurance and compensation issues are being promptly settled and soil testing is taking place. I am also feeling that crores of houses have been provided for the poor in the country, gas stoves have been made available and health sector has also witnessed improvement. Work has been done on Mudra Yojana in the Banking sector. Today, the way every sector has improved in the country, optical fibre lines have been made in every village, people want to connect with the post office for banking facilities, so when you are planning to establish passport service centres at the district and block level, what standards have been set for that? To what grass root level you want to take payment banking in banking sector, and how much you have decided to expanding facilities in post offices of rural areas?

SHRI MANOJ SINHA: Madam Chairperson, the scheme of Post Office Passport Seva Kendra was started two years back in collaboration with the Ministry of External Affairs. In this house, the Minister of Finance of the country had said that we will start the Post Office Passport Seva Kendra in the country by working with post offices. Our government had formulated a policy that no citizen of the country has to travel more than 50 km to get a passport made. We have built 215 such centers. In principle, the government has decided that in Lok Sabha constituencies where there is no passport office, we will definitely set up at least one Post Office Passport Seva Kendra. We are doing this at a fast pace. Hon. Member has sought to know about banking, saving bank account is already available through Post Office,

but India Post Payment Bank is fully ready. The Prime Minister is going to launch it any day, the date will be known to the country in a day or two.

We will be launching 650 branches of Post Payment Bank across the country and they will have 1,55,000 Access Points which will work entirely like a bank. Among them, around 1,30,000 will be in rural areas, in villages. Under the leadership of Modi Ji, we will be establishing more banks than were established in the nation till 2017.

*[English]*

SHRI P. KARUNAKARAN: Madam Speaker, in the answer given by the Hon. Minister the details of heritage post offices and other institutions have been given. There are many post offices in rural areas functioning but not in very good conditions. Many post offices are functioning from rented buildings even though there are sufficient lands with the Department in various parts of the country. In my own State Kerala, the Department of Posts has its own lands. In spite of that, post offices are operating in rented buildings. I would like to know from the Hon. Minister whether there is any time-bound plan with the Postal Department to construct buildings of their own because they have their own land. Does the Government have any such plan?

*[Translation]*

SHRI MANOJ SINHA: Madam Speaker, where the rent is on the higher side, we try to have our own building. In general, the State Governments have provided land to us at various places. If I present the data, roughly Rs. 22 crores per annum was spent by our department for building construction, which our government has

increased to about Rs. 85 crores. But it is true that right now among the approximately 25000 departmental post offices at present, 4500 buildings are government-owned. We are trying to build our building on priority wherever we have land. But if we have got a building on rent somewhere at a cheaper rate and more capital is invested there, I think it is not feasible at all. The Standing Committee has recommended this. The Hon. Member has spoken about Kerala, so I will show it. If they have an application, I will consider it and inform them.

*[English]*

SHRI A.P. JITHENDER REDDY: Madam, in the heart of town Maktal in my Constituency, there is a post office which has about three acres of land. The condition of the building is so bad that people fear that it may collapse one day and lead to some incident. We have written many letters seeking restoration of that post office. There are private people also there who are ready to construct a building and give place for the post office to run properly and some income can accrue to the post office also. But nobody is bothered about this type of old buildings. In the heart of Maktal town, construction debris is getting accumulated and pigs and antisocial elements are coming into that area and that is becoming a nuisance. I would like to ask the Minister if he has any plan to take up the restoration of this building and to make it into a modern post office.

*[Translation]*

SHRI MANOJ SINHA: Madam Speaker, in recent days we have tried to improve the post-offices across the country by spending a lot of money. In the building, which is in the constituency of Hon. Member, as a matter of policy, I want to submit that no land of government should be developed by giving it to a builder,

there is no such policy. Even if a policy is made, it will be made in a transparent manner because wherever land is there, people also come to me, builders also approach local officers along with their people. Therefore, it is not the job of the Government to give land and benefit a builder. I take note of the concern of the Hon. Member and I will make sure that the land which there in the Hon. Member's constituency, becomes a post-office. But there is no such policy of developing land by giving it to a builder. If you have to build it, then you have to take the approval from the cabinet.

*[English]*

SHRI K. ASHOK KUMAR: Madam Speaker, the Hon. Minister in his reply has said that there have been media reports about leakage of personal data and misuse by private companies. The existing Information Technology Act has provisions that allow the Government to take action against companies, social media platforms, mobile application providers which exploit user data through unauthorised means.

I would like to know from the Hon. Minister the action taken by the Government under the provisions of the said Act against companies for leakage and misuse of the data.

SHRI RAVI SHANKAR PRASAD: Hon. Speaker Madam, India is emerging as a big digital power. Programmes like Digital India and Start up India are all digital based. We have saved Rs. 90,000 crores by application of technology in the DBT. But these two news reports came in public domain. I have taken strict action. Facebook replied and apologised to the Government and also said that this much of data was pilfered by the other agency Cambridge Analytica. The Cambridge Analytica gave one reply but did not follow up with the other reply. Because of this divergence, I have referred the matter to the Central Bureau of Investigation.

I can only make three observations. Firstly, the Government of India headed by Shri Narendra Modi supports freedom of social media to articulate views; to inform; to enlighten; to empower. But any abuse of social media to promote terrorism and extremism will not be allowed and tough action will be taken. Secondly, any foreign entity like Facebook or Cambridge Analytica cannot abuse the data of Indians to influence the elections of India. India's elections are very transparent and sanctified. In this House today, I want to share some initiatives which I have taken and which I



have shared in the other House. All the social media platforms must have a grievance officers in India before whom complaints can be made.

Secondly, all the social media platforms must comply with the requirements of Indian laws as well. Thirdly, all social media platforms must ensure that any kind of fake news or abusive things cannot be circulated and recirculated to create crimes in India; that will not be acceptable. Therefore, the origin of those news should also be technologically answered. I have conveyed to them a very clear observation that it does not need a rocket science to identify lakhs of messages being circulated on a particular day in a particular area in a particular State; they must find a technological solution. While we fully support empowerment, information and education, any abuse of social media will not be allowed.

Lastly, we respect privacy, but privacy with innovation and privacy not becoming the shield of the terrorists and the corrupt: these are the broad foundations we have laid and we are working together.

SHRI K. ASHOK KUMAR: Today, the cybercrime is on the rise in various online transactions. The protection of data has also become a daunting task for the Government. The existing laws pave the way for violators to escape. Therefore, the need of the hour is to strengthen the law to prevent it. I would like to know from the Hon. Minister if the Government is considering to bring a comprehensive data protection law.

SHRI RAVI SHANKAR PRASAD: Madam, I am very grateful to the Hon. Member because he has raised a very important question. Today, data has become the new oil as people say. In every technology you use, data will be there. But we have to have a very balanced approach to that. The first thing I did is that I set up a

Committee headed by the eminent retired judge of the Supreme Court Shri B. N. Srikrishna. He has given a report and that report today is online and a proposed draft law is also there. I would also like to have the views of the Hon. Members of the House. Very soon, I am going to write to all the Chief Ministers. My Secretary will write to the Chief Secretaries so that we also get feedback from the State Governments. I want to assure you that whenever there is approval by the Cabinet on data protection law, before that consultation comes to the House, I would like to have an elaborate debate here so that we have a robust data protection law.

I have two observations on data. India is becoming a big centre of data. Data innovation and data analysis is becoming a new job, a new enterprise. Our Government is committed to India becoming one of the biggest global centres of data analysis where Indian IT professionals can work.

**12 00 hrs**

Secondly, if there is a particular illness in a particular area, Hon. Speaker, we have to have data why that kind of an illness is going on. Therefore, we have to work with a balance. What is the balance? Let me say it in one line. Data availability, data innovation, data enterprise, data utility, and data privacy have to work together so that India becomes a robust centre.

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[*Translation*]

HON. SPEAKER: Hon. members, I have received notices of Adjournment Motion from some members on different subjects, matters are important, but these matters can be raised on other occasions, so I have not allowed any notice of Adjournment Motion.

... (*Interruptions*)

[*English*]

HON. SPEAKER: I will allow you later on, after the papers are laid.

... (*Interruptions*)

**\*WRITTEN ANSWERS TO QUESTIONS**

Starred Question Nos. 206 to 220

Unstarred Question Nos. 2301 to 2530

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**\* For Questions, please refer to Master copy of English version, placed in Library.**

**You can also visit <https://sansad.in/ls/questions/questions-and-answers> for more information.**

**12 01 hrs**

*(English)*

**PAPERS LAID ON THE TABLE**

HON. SPEAKER: Now, papers to be laid on the Table.

*(Translation)*

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

Madam Speaker, I beg to lay the following papers on the Table:-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Civil Services Society, New Delhi, for the year 2016-2017, along with Audited Accounts.
- (ii) Statement (Hindi and English versions) regarding Review by the Government of the working of the Civil Services Society, New Delhi, for the year 2016-2017.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above

[Placed in Library, See No. LT 9521/16/18]

**MINISTER OF STATE OF THE MINISTRY OF COMMUNICATIONS AND MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MANOJ SINHA):** I beg to lay the following papers on the Table:

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

(i) Memorandum of Understanding between the Telecommunications Consultants India Limited and the Department of Telecommunications for the year 2018-2019 .

[Placed in Library, See No. LT 9522/16/18]

(ii) Memorandum of Understanding between the ITI Limited and the Department of Telecommunications for the year 2018-2019.

[Placed in Library, See No. LT 9523/16/18]

(2) A copy of Article 37 of the Telecom Inter-Connectivity (Amendment) Regulations 1997, of Telecom Regulatory Authority Act 2018(4of2018) published in Notification No. F. No. 10-10/2016-BB & PA in Gazette of India dated the 5th July, 2018.

[Placed in Library, See No. LT 9524/16/18]

(English)

**MINISTER OF STATE IN THE MINISTRY OF DEFENCE (DR. SUBHASH RAMRAO BHAMRE):** Madam, I beg to lay on the Table a copy of the Memorandum of Understanding (Hindi and English versions) between the Hindustan

Aeronautics Limited and the Department of Defence Production, Ministry of Defence for the year 2018-2019.

[Placed in Library, See No. LT 9525/16/18]

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... (*Interruptions*)

DR. A. SAMPATH (ATTINGAL): Madam, I have given a notice of privilege under rule 222 and rule 223. It is a privilege notice. ... (*Interruptions*)

HON. SPEAKER: I will allow you. Please sit down.

... (*Interruptions*)



**12 02 hrs**

**COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS**

**43rd Report**

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

**12 02 ¼ hrs**

**COMMITTEE ON VIOLATION OF PROTOCOL NORMS AND  
CONTEMPTUOUS BEHAVIOUR OF GOVERNMENT OFFICERS WITH  
MEMBERS OF LOK SABHA (16th LOK SABHA)**

**4th and 5th Reports**

SHRI RAYAPATI SAMBASIVA RAO (NARASARAOPET): Madam, I beg to lay on the Table of the House the Fourth and Fifth Reports (Hindi and English versions) of the Committee on Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha.

*(Translation)*

**12 02 ½ hrs**

**JOINT COMMITTEE ON THE FINANCIAL RESOLUTION AND  
DEPOSIT INSURANCE BILL, 2017**

**(i) Report**

SHRI NISHIKANT DUBEY (GODDA): Madam Chairperson, I beg to present the Report (Hindi and English versions) of the Joint Committee on the Financial Resolution and Deposit Insurance Bill, 2017.

**(ii) Evidence**

SHRI NISHIKANT DUBEY: Madam Chairperson, I lay on the Table the record of evidence given before the Joint Committee on Financial Resolution and Deposit Insurance Bill, 2017.

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**12 03 hrs**

**COMMITTEE ON WELFARE OF OTHER BACKWARD CLASSES**

**12th Report**

SHRI GANESH SINGH (SATNA): Madam Speaker, I beg to present the 12th Report \*(Hindi and English versions) of the Committee on Welfare of Other Backward Classes on 'Measures taken to ensure representation of Other Backward Classes in employment in National Highways Authority of India' pertaining to the Ministry of Road Transport and Highways.

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**12 03 ½ hrs**

**STANDING COMMITTEE ON CHEMICALS AND FERTILIZERS**

**Action Taken Statement**

SHRIMATI ANJU BALA (MISRIKH): Madam Speaker, I lay on the Table, a Statement (Hindi and English versions) showing action taken by the Government on the recommendations contained in Chapter I of the 42th Report (16th Lok Sabha) of the Department of Chemicals and Petrochemicals (Department of Chemicals and

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\* This Report was presented to Hon'ble Speaker, Lok Sabha on 25<sup>th</sup> April, 2018 under Direction 71A of the Directions by the speaker, Lok Sabha. The Speaker was pleased to order the printing, publication and circulation of the Reports under Rule 280 of the Rules of Procedure and Conduct of Business in Lok Sabha.

Petrochemicals) on the recommendations contained in the 35th Report (16th Lok Sabha) on 'Restoration of sick PSUs in Chemicals and Petrochemicals Sector'.

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*[English]*

**12 04 hrs**

**STATEMENT CORRECTING REPLY TO UNSTARRED QUESTION  
NO. 4200 DATED 21.03.2018 REGARDING ACTS ENACTED BY  
PARLIAMENT ALONGWITH REASONS FOR DELAY \***

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE AND MINISTER OF STATE IN THE MINISTRY OF CORPORATE AFFAIRS (SHRI P.P. CHAUDHARY): Madam, I beg to make a statement (i) correcting the reply (English version) to Unstarred Question No. 4200 given on 21 March, 2018 by Shri Shivkumar Udasi, MP regarding 'Acts Enacted by Parliament' and (ii) giving reasons for delay in correcting the reply.

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\* Placed in Library, See No. LT 9526/16/18

I beg to correct the statement in reply to part (d) of the English version of the Lok Sabha Unstarred Question No. 4200 answered on 21-03-2018 regarding 'Acts enacted by Parliament' as follows

Part (d) of the Question answered	For	Read
(d)	Yes. The Constitution of India and other Central Acts are translated and published in the Scheduled languages in India. The Constitution of India has been published in 15 languages of Eighth Schedule to the Constitution viz. Assamese, Bengali, Gujarati, Kannada, Malayalam, Marathi, Oriya, Punjabi, Tamil, Telugu, Urdu, Sanskrit, Sindhi, Nepali and Konkani and Central Acts	Yes. The Constitution of India and other Central Acts are translated and published in the Scheduled languages in India. The Constitution of India has been published, in addition to Hindi, in 15 languages of Eighth Schedule to the Constitution viz. Assamese, Bengali, Gujarati, Kannada, Malayalam, Marathi, Oriya, Punjabi, Tamil, Telugu, Urdu, Sanskrit, Sindhi, Nepali and Konkani. The Central Acts are being published in addition to Hindi, in 11 languages of the Eighth

	<p>are being published in 11 languages of the Eighth Schedule to the Constitution viz. Assamese, Bengali, Gujarati, Kannada, Malayalam, Marathi, Oriya, Punjabi, Tamil, Telugu and Urdu</p>	<p>Schedule to the Constitution viz. Assamese, Bengali, Gujarati, Kannada, Malayalam, Marathi, Oriya, Punjabi, Tamil, Telugu and Urdu</p>
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The error is regretted

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... (*Interruptions*)

HON. SPEAKER: Hon. Members, please take your seat.

... (*Interruptions*)

DR. A. SAMPATH (ATTINGAL): Madam Speaker, I am on a point of order.

... (*Interruptions*)

With your permission, I would like to state that I have given a notice under rule 222 and rule 223. This is regarding a statement, I mean a reply made by Hon. Minister of Parliamentary Affairs Shri Ananthkumar on the floor of the House on the very first day of the commencement of this Session, that is, on the 18<sup>th</sup> of July. ... (*Interruptions*)

During 'Zero Hour', Members raised an issue regarding an attack. ... (*Interruptions*)

HON. SPEAKER: What type of notice is it?

DR. A. SAMPATH: I have given a privilege notice. ... (*Interruptions*)

SHRI NISHIKANT DUBEY (GODDA): There is no point of order during 'Zero Hour'. ... (*Interruptions*)

DR. A. SAMPATH: With due respect, I have given the notice addressed to the Hon. Speaker, as the rule says. ... (*Interruptions*) Under rule 222 and rule 223, I have given the notice of my intention to raise this matter on the floor of the House. I have given it to the Secretary-General also. ... (*Interruptions*)



It is regarding the statement made by the Hon. Minister on the floor of the House. My submission is that he has tried to mislead the House as also the public. He made a statement regarding the attack on one of the Hon. Members of the House, Dr. Shashi Tharoor. On the issue which the Hon. Member raised during 'Zero Hour', cutting across Party lines many of the Hon. Members of the House have also condemned and associated with the matter.

Without seeking any information from the concerned State Government, the Hon. Minister had stated in this august House that law and order is a State subject. The Minister has not yet collected the information from the concerned State Government.

HON. SPEAKER: I will see to it.

DR. A. SAMPATH: He has not yet gone through the FIR also. All the arrested eight persons belong to the BJP. He has made a statement that the attack was made by the 'CPI(M) goons' and criminals. Madam, these words should not be used by the Parliamentary Affairs Minister. They are unparliamentary words also. I would request the Minister, through you Madam, to withdraw these words and correct his statement. He has to make a correct statement on the floor of the House.

HON. SPEAKER: I will have to go through it.

DR. A. SAMPATH: Madam, if he is not willing to correct his statement, my breach of privilege notice may be taken into cognizance and action may be taken against the Minister who has tried to mislead the House.... (*Interruptions*)

HON. SPEAKER: You have given a Privilege notice. I will see to it.

DR. A. SAMPATH: This is a very serious issue. The Minister should not try to mislead the House.

HON. SPEAKER: I will go through it. You have given the Privilege notice. I will go through it.

SHRI JYOTIRADITYA M. SCINDIA (GUNA): Madam, I have given a notice for the Adjournment Motion.... (*Interruptions*)

(Translation)

SHRI JUGAL KISHORE (JAMMU): Madam Speaker, the Central Government is very serious about education. The Central Government has taken several steps to ensure that all the students are educated in the country and all the students get good education. I thank the central government for this.

Madam, our Poonch district is a border district. There is no Kendriya Vidyalaya here. We want to open a Kendriya Vidyalaya in Poonch and a Kendriya Vidyalaya in Rajouri Nowshera at the earliest, so that students can get good education. Here there are many departments of the Union Government like Army etc., for which two Kendriya Vidyalayas should be opened in Poonch and Nowshera.

HON. SPEAKER: Shri Bhairon Prasad Mishra, Shri Sharad Tripathi, Shri Lakhan Lal Sahu, Shri Harish Meena, Shri Ramcharan Bohra, Shri C. P. Joshi and Dr. Kulmani Samal are permitted to associate with the issue raised by Shri Jugal Kishore.

**12 08 hrs**

*[English]*

**SUBMISSION BY MEMBER**

**Re: Heavy rain and consequent sea erosion in the coastal areas of Kerala**

SHRI K.C. VENUGOPAL (ALAPPUZHA): Thank you very much, Madam Speaker, for giving me an opportunity. The natural calamity is not leaving Kerala. We had heavy rains day before yesterday and yesterday also. The rain has been continuing for the last one month. Day before yesterday, the entire coastal houses have been damaged due to sea erosion. All the fishermen are in a very difficult situation. They are not in a position to go for fishing. Their entire houses have been damaged by the massive sea erosion. The problem is that there are no sufficient pulimuttus and sea bridges.

Sea erosion is not included in the natural calamity list and that is why the Government is not giving any assistance. Earlier, the Defence Ministry used to give funds to the States like Kerala for coastal protection but now they are not giving it. As the tribal people live in forests, the fishermen live on the sides of the coast. They will not leave that place. Their livelihood is dependent on sea. Therefore, the Government should consider it seriously.

The Minister has already assured that a package in this regard will be given by the Centre. This should be given the maximum priority. Pulimuttu should be given top priority otherwise, the entire Kerala coast will vanish. I am not in a position to go to my constituency Alappuzha. It is in a very bad shape. It should be given top priority. I am seeking an answer from the Hon. Minister. Madam, the Parliamentary

Affairs Minister is here. We are facing this situation continuously for the last one week. Everyday houses have been damaged.

[*Translation*]

HON. SPEAKER: It doesn't happen. Commotion shouldn't be created like this.

... (*Interruptions*)

[*English*]

HON. SPEAKER: I can understand. That is why, I have allowed you to speak.

SHRI K.C. VENUGOPAL: People are losing their lives. Hundreds of thousands of people are in camps. They are living in temporary shelters. Therefore, Madam Speaker, your intervention is also needed. Thank you very much. ... (*Interruptions*)

HON. SPEAKER: Shrimati Supriya Sule, Adv. Joice George, Shri Innocent, Shri Rajeev Satav, Shri Mullappally Ramachandran, Shri N.K. Premachandran Shri Rabindra Kumar Jena and Dr. Kulmani Samal are permitted to associate with the issue raised by Shri K.C. Venugopal.

SHRI BHEEMRAO B. PATIL (ZAHEERABAD): Madam Speaker, after the bifurcation of Telangana and A.P. States, major tourist places such as Kanak Durga Temple at Vijayawada, Venkateswara Swamy Temple at Tirupati, Shri Mallikarjun Temple at Srisailam went to the share of Andhra Pradesh. There is no major tourist place in our Telangana State. There are a few historical and important places and temples even in Telangana, such as Sri Kethaki Sangameshwara Temple in Jharasangam, which is in my Parliamentary Constituency; Someswara Temple in Kolanupaka in Nalgonda District; Basara Saraswati Temple in Adilabad District; Mirzapur Hanuman Temple in Kamareddy District; Baba Sadulla Hussain Dargah in

Badapahad in Kamareddy District; Medak Church in Medak District, etc. They have been neglected since long. There is a major flow of tourists in this area, but there is a lack of facility. The rich and higher revenue temples such as Srisailam, Badrinath and Kedarnath have been selected for PRASAD and Bharat Darshan Schemes.

I would like to know from the Hon. Tourism Minister as to what steps have been taken for the promotion of places of heritage and including the less revenue generated temples in the list. I would also like to know as to what steps are taken to develop tourism in Telangana State. Through the Chair, I request the Hon. Minister to provide the required funds of about Rs. 100 crores to develop places of Jharasangam temple as a pilgrimage centre and also to develop it as a tourism place under PRASAD scheme sponsored by the Tourism Department, Government of India.

HON. SPEAKER: Yes, Hon. Minister, do you want to say something on Shri K.C. Venugopal's statement?

THE MINISTER OF CHEMICALS AND FERTILIZERS AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI ANANTHKUMAR): My dear friend and colleague, Shri K.C. Venugopal Ji, has raised a very pressing issue regarding havoc in Kerala due to heavy rain and sea erosion. ... (*Interruptions*)

I assure him that I will bring it to the attention of the concerned Ministries. At the same time, the Central Government will provide all the assistance to the suffering people. ... (*Interruptions*)

HON. SPEAKER: No, not like that.

[*Translation*]

DR. BHAGIRATH PRASAD (BHIND): Madam Speaker, so far, the Ministry of Railways has been extending the railway lines keeping Kolkata and Mumbai at the centre as per the tradition of British. Due to this, the areas of Chambal and Bundelkhand have been neglected. Here, no new railway line has been provided in the last hundred years. For the first time, under the leadership of Shri Narendra Modi, the government has provided rail facilities in the neglected developing areas of the country.

Bhind to Etawah, Bhind-Agra via Udi rail line was constructed and trains were operated. An alternative National Rail Road Scheme has been materialized in the Railway Budget for the year 2016 by including Bhind to Konch and Mahoba. This link will connect places of North India to South India. This line will connect Bhind to Mahoba and the pre-existing Mahoba to Khazuraho, Katni, Jabalpur, Balaghat, Gondia, Chandrapur, Vijayawada and Chennai.

On the other hand, Hyderabad and Bangalore will get direct connectivity. This new route will reduce the rail congestion of Agra, Jhansi, Bhopal, Itarsi, Nagpur.

Therefore, I request the Government of India to expedite the construction of the Bhind-Mahoba rail link as part of the National Rail Route. For the first time, by including a backward region like Bundelkhand in it, a new national railway line will emerge.

[*English*]

HON. SPEAKER: Shri Chandra Prakash Joshi, Shri Bhanu Pratap Singh Verma, Shri Bhairon Prasad Mishra and Kunwar Pushpendra Singh Chandel are permitted to associate with the issue raised by Dr. Bhagirath Prasad.

*[Translation]*

SHRI GOPAL SHETTI (MUMBAI NORTH): Hon. Speaker Madam, the Union Ministry of Climate Change had accorded the approval of the Dairy Territorial Scheme in the State of Maharashtra on 21.09.2015 with certain conditions. The State Government has requested for early release of the final notification regarding the Dahanu Territorial Scheme. But, till now, the Central Government has not issued a final notification in this regard.

In this regard, it is also to be apprised that the Urban Development Department of the State of Maharashtra has submitted a proposal for a development plan pertaining to Dahanu Taluka, which is environmentally sensitive, to the Central and Climate Change Ministry on 05.01.2017, which is still pending.

I request the Central Government to expedite the issuance of notification related to Dahanu Territorial Scheme as well as to provide early approval to the development plan and part derived from the Dahanu Taluka, which is environmentally sensitive. Thank you.

HON. SPEAKER: Kunwar Pushpendra Singh Chandel and Shri Bhairon Prasad Mishra are allowed to associate with the issue raised by Shri Gopal Shetty.

SHRI JYOTIRADITYA MADHAVRAO SCINDIA (GUNA): Madam Speaker, this Government has promoted the dream of good days and has talked about controlling inflation. But as always, these things remain illusions. Yesterday LPG



price was increased, Rs. 1.70 was increased on subsidized gas and Rs. 35.50 on non-subsidized gas.

Madam Chairperson, it is surprising that cooking gas prices have been hiked for the second time within a month, in July. On July 1, subsidized gas price was increased by Rs. 34 and non-subsidized by Rs. 55. This means that a total of five rupees and 90 rupees have been increased in a month on subsidized and non-subsidized gas respectively. When UPA was in power, the price of subsidized gas was Rs. 412. Today, it has reached Rs. 500. This is a 22 percent increase. Non-subsidized was Rs. 414, which has reached Rs. 800 today. That means, there has been a 90 percent increase in four years.

Madam Speaker, today the farmer is thrashing. Today an ordinary woman is reeling under the burden of household expenses, but instead of reducing prices, this government is busy in promotions and advertisements worth Rs. 300 crores for Ujjwala Yojana and Saubhagya Yojana by merging Indian Oil and Power Grid. Today, we want to ask, when will these inflations be controlled? We need an answer from the government. The prices of petrol and diesel are skyrocketing in the life of the common man. Madam, we do not understand the logic behind this economics. ... *(Interruptions)* Rs. 15 lakh crores has come into their exchequer, while they used to say that Rs. 15 lakhs will be given in the citizen's account. ... *(Interruptions)* The government should answer this, otherwise the public will put them in the dock.... *(Interruptions)*

HON. SPEAKER: Dr. Kulamani Samal, Shri Rajesh Ranjan, Shri Ravindra Kumar Jena, Shri Dhananjay Mahadeek, Kumari Sushmita Dev and Shri Rajeev

Satav are allowed to associate with the issue raised by Shri Jyotiraditya Madhavrao Scindia.

SHRI KAPIL MORESHWAR PATIL (BHIVANDI): Thank you Speaker Madam.

Kerosene rates in our country are different for domestic use and industrial use. In this very land, the Government of Maharashtra has sent a proposal to the Ministry of Food and Supplies of the Central Government on 27.11.2017 that the way the rates of kerosene are different, the same way the rates of sugar should be different for domestic use and industrial use in this land. The proposal has been sent to the Maharashtra government.

I request the Government through you to recognize this proposal as soon as possible. Thank you.

Hon. Chairman: Kunwar Pushpendra Singh Chandel and Shri Bhairon Prasad Mishra are allowed to associate with the issue raised by Shri Kapil Moreshwar Patil.

SHRIMATI SANTOSH AHLAWAT (JHUNJHUNU): Madam Chairperson, I would like to express my gratitude to you for giving me an opportunity to speak on an extremely important subject.

Madam, in my parliamentary constituency, an institute of national interest - Hindustan Copper Limited - is operating, whose copper is of premium quality. Last year, the Government gave it in private hands. For 15 days, the poor daily-wagers there, who get meagre salary, have been forced to sit on strike. They are not getting salary, nor are they getting medical facilities.

I want to tell the government through you to intervene in the matter. It is also our job to protect the interests of the workers. They are small people. You should help me in providing those facilities that are due from the company. I thank you. Thank you.

Hon. Chairman: Kunwar Pushpendra Singh Chandel, Shri Bhairon Prasad Mishra and Shri Chandra Prakash Joshi are allowed to associate with the matter raised by Shrimati Santosh Ahlawat.

Dr. SUNIL BALIRAM GAIKWAD (LATUR): Madam speaker, thank you.

Through you, I want to draw the attention of the House to a very important subject. A new railway line from my Lok Sabha constituency Latur to Latur Road - Nanded has been approved and its survey has also been done. The direct work is yet to begin.

Through you, I request the Hon. Railway Minister to start the work on this new railway line at the earliest. Hon. Railway Minister has given Metro coach factory to Latur, for this I thank him very much and request him to start its work at the earliest. Thank you very much.

Hon. SPEAKER: Kunwar Pushpendra Singh Chandel is allowed to associate with the issue raised by Dr. Sunil Baliram Gaikwad.

Shri Sushil Kumar Singh. Has Sushil Kumar Singh not come?

Shri Sukhbir Singh Jaunapuria.

SHRI SUKHBIR SINGH JAUNAPURIA (TONK-SAWAI MADHOPUR): Madam, I would like to request through you to stop the long distance trains at Banasthali Nivai Junction in Tonk district of Rajasthan.

Madam Speaker, Rail was sanctioned for Tonk. Its survey work has also been completed, but the work has not progressed since then. I want to say one more thing through you that in the previous regime, the Land Acquisition Bill was passed. This is such a black law that no work can be done unless there is 80 % approval. Due to this, For the last four and a half years, no new industry has been able to be set up.

Madam, lakhs of students from nearby districts, including the Tonk district headquarters travel by train to go to the Vanasthali Vidyapeeth. Vanasthali Vidyapeeth in Niwai is a renowned girl's university in the country where around 15 thousand students from across the country are getting an education. There is a state-level cloth market in Niwai and Tonk. For this, traders have to travel to and from Surat, Mumbai, Bengaluru etc. Many long-distance trains depart from this railway station, due to lack of stoppage at Niwai station, traders, girl students and passengers of the area have to travel to Jaipur. In this situation, due to non-stoppage of trains, people of the area are facing huge losses. I request the Minister through you that if seven major railways from Jaipur to Mumbai, Jaipur to Bandra, Jaipur to Indore, Jaipur to Chennai, Jaipur to Coimbatore, Jaipur to Ernakulam and Jaipur to Bengaluru stop at our station, then the 15 thousand girls studying there will also be able to go to Jaipur and the businessmen there will also get convenience.

HON. SPEAKER: Shri Chandra Prakash Joshi, Shri Bhairon Prasad Mishra and Kunwar Pushpendra Singh Chandel are allowed to associate with the matter raised by Shri Sukhbir Singh Jaunapuria.

SHRI BHAIRON PRASAD MISHRA (BANDA): Madam, through you, I want to draw the attention of the House to a very important problem. Next to my parliamentary constituency, there is an important highway near Lalholi on the border

which goes from Banda to Kanpur. It is the major route for Banda, Fatehpur, Kanpur. This route connects Madhya Pradesh. It's a very busy road. But this road is in a very bad condition for four kilometres. It is in a bad condition for five years. We have been continuously demanding this. The previous state government did not pay any attention to this. The new government also says that it will become a national highway. But no proposal has been made for it yet. Currently, it is the rainy season and the potholes have become so big that they are not visible after being filled with water, due to which accidents are taking place there. There is a continuous traffic jam there. I want to demand from the government through you that the demand for National Highway is pending for a long time. This important Banda-Kanpur highway should be included in the national highway and should be constructed. But until it becomes a national highway, it should at least be motorised as soon as possible by talking to the state government. So that people's problems can be solved.

HON. SPEAKER: Kunwar Pushpendra Singh Chandel is permitted to be associated with the issue raised by Shri Bhairon Prasad Mishra.

**Dr. UDIT RAJ (NORTH WEST DELHI):** Madam Speaker, my parliamentary constituency is North West Delhi. There is a lot of rural areas in my area. Before the 2014 elections, there was a huge movement for metro till Narela. They say that the metro is going to Ghaziabad, Palwal, Faridabad, Gurgaon, but have the people living in the villages of Delhi committed any crime by being born in the villages of Delhi that metro is not reaching Delhi and is reaching the districts of the neighbouring states? My only request through you is that the work of extending the metro to Narela should start soon. It is the responsibility of the UD Ministry and the Delhi government. Unfortunately, there is no co-operation from Delhi Government.

Apart from this, Aditi Mahavidyalaya College is located in Bawana. There is no degree college or university for girls in rural areas. This college does not have a building although land is available nearby. There is a need to build a college on that land.

HON. SPEAKER: Only one matter is raised in Zero Hour.

Shri Deepender Singh Hooda, Shri Sharad Tripathi and Kunwar Pushpendra Singh Chandel are permitted to associate with the matter raised by Dr. Udit Raj.

*[English]*

SHRI ANANDRAO ADSUL (AMRAVATI): Madam Speaker, I would like to draw the kind attention of the Hon. Minister of Commerce and Industry regarding problems being faced by the Meindwal Community in Vidharbha Region of Maharashtra due to the delay in starting of export of sheep and goats.

Vidharbha has a large population of cattle-rearing community. Sheep and goats are being reared in this area by the Meindwal Community which is fully dependent on this profession for their livelihood. The farmers and cattle-rearing community are not getting their due and are being over-burdened with loans and as a result, they are committing suicide.

The people of Vidharbha saw a silver lining in the decision of the Government to export sheep and goats from Nagpur Airport. This export was to commence from 30<sup>th</sup> June, 2018. It is very unfortunate that due to protest by some people belonging to a minority community, this export could not be started.

Madam, all leaders, including the Union Minister of Road and Transport, the Chief Minister of Maharashtra State and Minister of Commerce and Industry, were

supposed to be there for commissioning of this scheme. They had already been invited. However, it went in vain due to the sabotage made by those who never intend to see the welfare of the Charward/Meindwal community whose sole bread comes from this profession only. Rearing of sheep and goats is an age-old profession in India. Even the great King, Chandragupta Maurya, was born in this community.

A great initiative was taken through the dream Scheme, namely, Make in India under the aegis of our Prime Minister.

Keeping in view the above, I urge upon the Union Government to take care of the feelings of the Meindwal Community so that this Scheme of export of sheep and goats can be started without further delay so that further suicides by farmers and cattle rears can be minimized to a great extent.

HON. SPEAKER: Shri Bhairon Prasad Mishra, Kunwar Pushpendra Singh Chandel, Dr. Kulmani Samal are permitted to associate with the issue raised by Shri Anandrao Adsul.

*[Translation]*

SHRI M.B. RAJESH (PALAKKAD): Madam speaker, thank you. Today I want to speak in the national language, so please give me a one minute bonus. Palakkad Coach Factory is a matter of my area. I have raised this issue 23 times in this House. The Palakkad Coach Factory was announced in the Railway Budget of 2008. The foundation stone of the factory was laid in 2012 after the land was acquired for it, but in the last six years nothing has happened except the foundation stone. Today, thousands of people in Palakkad are organizing a big human chain and demanding for a coach factory in it. That is why I am raising this issue again on this day.

HON. SPEAKER: Dr. A. Sampath, Advocate Jose George, Shri Innocent and Shri P. K. Biju are allowed to associate with the issue raised by Shri M.B. Rajesh. You are speaking well.

SHRI M.B. RAJESH: In the last six years, the Railways did nothing and two months back I received a letter from the Hon. Minister of Railways that Indian Railways does not need new coaches, so the coach factory project cannot be started yet. It is not only Palakkad but the 36 years old demand of entire Kerala that Palakkad coach factory was promised in 1982 but nothing has been done even after 36 years. When the UPA government was in power, they deprived us of this for 10 years and now the ADA government is doing the same thing. I express my anger over this. Therefore, through you, I request the Central Government and the Railway Minister to fulfil the promise of setting up the Palakkad Coach Factory at the earliest.

SHRI BIDYUT BARAN MAHATO (JAMSHEDPUR): Madam Speaker, thank you for giving me an opportunity to raise a very important matter in this House. I would like to draw your attention to a very important matter that the Government of India has amended the Payment of Gratuity Act through a notification dated 29.03.2018. Through this amendment, the exemption limit for gratuity payment has been increased up to twenty lakh rupees.

The Gratuity Rules related to this Act have not yet been amended, due to which the employees of many private sector companies including Tata are deprived of its benefits. In this regard, Tata Versus Union of Tata Company situated in my parliamentary constituency Jamshedpur along with many labour organisations have jointly requested for amendment in the gratuity rules.



Therefore, through you, I demand the Hon. Minister that the Gratuity Rules should be amended as soon as possible in the interest of these employees, so that the workers of the concerned areas can get the benefit of it. Thank you.

*[English]*

HON. SPEAKER: Shri Bhairon Prasad Mishra, Shri Sharad Tripathi, Kunwar Pushpendra Singh Chandel and Shri Rabindra Kumar Jena are permitted to associate with the issue raised by Shri Bidyut Baran Mahato.

*[Translation]*

SHRI RAJEEV SATAV (HINGOLI): Madam Speaker, I want to raise the issue of farmers of Maharashtra in the House. Four-five months ago, the government took the decision of procuring tur dal and gram in Maharashtra. Now the government has taken a decision, but 70 to 80 percent of farmers are deprived of it. Even 80 per cent of the farmers' goods could not go to the market committee and the government's scheme was of no use. Then the government assured that whoever has registered in the market committee, the government will give them a subsidy of one thousand per quintal. But no decision has been taken by the government in this regard.

Therefore, my demand from the government is that the number of suicides by farmers in Maharashtra is increasing. The goods which were procured by the Government and as per the Market Committee Act, the farmer should be given a payment within 24 hours. But it has been four-five months, farmers are not getting payment or any interest. Therefore, I demand that their payment should be made and interest should also be paid and those whose goods have not been purchased, please give them the thousands rupee subsidy that has been announced at the rate of thousand rupees per quintal. Thank you.

*[English]*

HON. SPEAKER: Shrimati Supriya Sule is permitted to associate with the issue raised by Shri Rajeev Satav.

*[Translation]*

SHRI RAMDAS C TADAS (WARDHA): Speaker Madam, through you, I would like to draw the attention of the Hon. Minister of Home Affairs towards the Akhand Padayatra of social worker Acharya Vinoba Bhave Ji and say that on 7th March, 1951, Vinoba Ji had started a padayatra from Sevagram, Wardha in my parliamentary constituency, which reached Shivarampalli in Andhra Pradesh, which is today Pochampalli village in Nalgonda district of Telangana state, for Bhoodan. It was a revolutionary and bold step. Acharya Vinoba ji had announced all the Bhumi Gopala in this village and demanded donation of land from the landlords. Acharya ji performed a padayatra of 40 thousand miles, as a result of which he collected 22.90 lakh land in donation. Out of this land, 16.66 lakh acres were distributed to the needy and landless, but the rest of the land has been taken over by the land mafia, colleges etc.

Through you, I demand from the Central Government that all this land should be investigated by the CBI so that the poor people can get this land. Thank you.

*[English]*

HON. SPEAKER: Shri Bhairon Prasad Mishra and Shri Sharad Tripathi are permitted to associate with the issue raised by Shri Ramdas C. Tadas.

SHRI M. UDHAYAKUMAR (DINDIGUL): Thank you, Madam Speaker. I am constrained to say that although Dindigul is industrially and commercially a much-

developed district in the State of Tamil Nadu. But, as far as railways are concerned, it is a backward and neglected one, resulting into inconvenience to rail users of Dindigul and Theni Districts who are dependent on Dindigul Railway Station. There has been a demand to have a direct train between Dindigul and Chennai and a train for Tirunelveli from here in day time. The Chennai-bound passengers from Dindigul are not able to board trains from Dindigul as the trains coming from Southern districts of Tamil Nadu are already overcrowded. So, it has been a demand to attach two unreserved coaches in trains bound for Chennai from Dindigul.

Kodaikanal and Palani are two important places in Tamil Nadu attracting tourists and devotees from all over the country and abroad. Therefore, through you, Madam Speaker, I urge upon the Hon. Minister of Railways to implement these genuine demands of the people of Theni and Dindigul districts for commencement of new trains and addition of unreserved coaches in trains at the earliest.

Moreover, the long pending demand and scheme of two States- Kerala and Tamil Nadu is the Sabarimala Scheme. This Scheme has been announced by the Hon. Minister of Railways for the new railway line between Dindigul and Sabarimala. A meagre amount of Rs. 30 lakhs have been allocated for conducting the feasibility inspection survey.

So, I would request the Ministry of Railways to give special attention to this scheme and allocate more funds for conducting the Feasibility Survey. I would also request the Railway Ministry to expedite the scheme and complete it at the earliest.

HON. SPEAKER: Dr. A. Sampath and Shri P.R. Sundaram are permitted to associate with the issue raised by Shri M. Udhaya Kumar.

SHRI K.H. MUNIYAPPA (KOLAR): Madam Speaker, I would like to raise a very important matter of urgent public importance and invite the attention of the Government towards the problems being faced by the workers of Bharat Gold Mines Limited.

Madam, I would like to bring to the notice of the Government that the world-famous Bharat Gold Mines is situated in my constituency. This was closed in 2002 and so, more than 15,000 workers are suffering without any work. The houses which have been given to them are 130 years old. The workers are suffering. I have raised this issue with the Hon. Minister repeatedly.

The arrears due to the workers have not been paid. A new Mining Policy has come now under which except zinc and coal, all other mining activities come under the States. The State Government is willing to take over the land. More than 12,000 acres of land is available with the Government of India. The Government of Karnataka is planning to start National Investment and Manufacturing Zone in that area. So, if the Government of India hands over the land to the State Government, the State Government is willing to start mining activities or set up other industries so that these 15,000 families can earn a livelihood.

Another important issue is that these workers are living in huts. But only 3,000 workers have been allotted huts and nearly 10,000 workers are yet to be allotted huts. I would request these workers may also be allotted huts at the earliest.

*[Translation]*

DR. KARAN SINGH YADAV (ALWAR): Hon. speaker Madam, the land of 10 villages around Shahjahanpur located on National Highway No.-8 in Alwar district of Rajasthan was acquired for Delhi-Mumbai Industrial Corridor Recently, under this

scheme, Shahjahanpur, Googlekota, Chowbara, Jaunayacha Khurd and Bawad, with a rate of Rs 1 crore per bigha were exempted from acquisition because here the government had to pay more compensation to the farmers.

But the land of the villages adjacent to these villages, the land of village Palawa, Birod, Mirzapur, Lamchpur, and Manka villages connected with their border is being acquired at a very low rate, at the rate of Rs.10 lakhs per bigha.

The land of these villages is as fertile as that of the previous villages. Farmers of these five villages of NCR, bordering Haryana, demand that these villages either be freed from acquisition or the rate of compensation to these poor farmers should be the same as they had set for the neighboring villages. The government is requested to sympathetically consider the legitimate demands of the farmers of Palava, Birod, Mirzapur, Lamachpur and Manka.

Madam, here the Government does not want to take the land of those villages which are willing to give their land and it wants to take the land of those villages at cheap rates who do not want to give their lands. I would request through you that the Government should reconsider this.

*[English]*

SHRIMATI RITA TARAI (JAJPUR): Respected Speaker Madam, the issue is that there is a need to construct a flyover at Jaraka & cleaning of the road drainage system.

Respected Speaker Madam a lot of road users are facing \* difficulties and a lot of accidents are taking places on NH16 at Jaraka daily. There is an urgent need to

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\* English translation of this part of this speech was originally delivered in Odiya.

construct a flyover there. Similarly, the cleaning of roads by a proper drainage system is also necessary. Hence I urge upon the Minister of Surface Transport & National Highways to give priority to our case. People of the region are suffering more during raining season as flood water is entering their houses. Please do the needful urgently\*

Thank you.

[*Translation*]

DR. RAMESH POKHRIYAL NISHANK (HARIDWAR): Madam, Uttarakhand bounded by two foreign borders is the Dev Bhoomi as well as the Veer Bhoomi. On an average, one person from one family joins the army and gives his sacrifice on the borders of the nation, while on the other, his mother and sisters also give proof of patriotism and patriotism like a soldier. Whether before the independence of the country, or after the independence of the country, whether it was Chandra Shekhar Azad or Subhash Chandra Bose, their camps were always held and one person from every family joined the army and sacrificed his life on the borders of the nation.

Madam, whether it is Veer Chandra Singh Garhwali, the hero of the Peshawar incident, or the wars of 1962, 1965, 1971, or the Kargil war, or the terrorists' target on Mumbai's Taj Hotel, or the Akshardham temple in Gujarat, or the Dantewada incident, or the terrorist attack on Parliament, the sons of Uttarakhand have proved their superiority by standing in the front row and sacrificing themselves.

Madam, just a few days back, I was on a visit to European countries. Naik Darban Singh Negi and rifleman Gabbar Singh Negi were awarded the Victoria Cross for their amazing gallantry in France. Major Somnath Sharma and Major Shaitan Singh were also honoured with Param Vir Chakra. I just saw in Belgium that the

gate/memorial of the First World War there has recorded the tales of bravery of our Indian and Uttarakhand soldiers.

Madam, I want to say that in the area where there are such sons whose blood of patriotism flows in their veins, who say that:

This is our tradition from ages,  
We have given our blood, but never the soil of our country.

Such brave men should be given free training in the Army and paramilitary forces under all circumstances in the entire Himalayan region. I strongly demand from the government that all such brave youths of Uttarakhand and Himalayan region should be trained in those places. This will remove unemployment, villages are becoming vacant, migration from them will stop and the nation will get such patriotic youth, who will take bravery to its heights. That is what I demand from the Government through you. Thank you.

HON SPEAKER: Shri Sharad Tripathi, Shri Ajay Misra Teni, Shri Bhairon Prasad Mishra, Kunwar Pushpendra Singh Chandel and Shri Ravindra Kumar Jena are permitted to associate with the matter raised by Dr. Ramesh Pokhriyal Nishank.

SHRI RAJIV PRATAP RUDY (SARAN): Madam, we all believe in the Constitution of this country and under that the appointments are made under the National Services all over India, such as UPSC, Banking Services, etc. I am putting an incident in front of you. Some children came to Bihar to meet us. After listening to them, I became a bit worried and also surprised, because such things are not heard on an average in the country. There was a batch of about 40 children, including children from Assam, Gujarat, Maharashtra, Kerala, Jharkhand, Bihar. The children of many states are in it. All these children have passed the national banking examination. After passing the examination, they were examined and the Banking Services Board also gave them a letter of appointment. After giving the appointment letter, the date of appointment has also been fixed that you should come on the date written in the appointment letter and join the Meghalaya Rural Bank. They gave appointment



letters to these 40 children for appointment in Meghalaya Gramin Bank. Today it has been a full year, but all these children, who are from all over India, are still not being given an appointment there. Those people tried their best to meet the ministers in the Government of India, trying to meet other people. A year has passed and now the vacancies for the next year have also come. If any state has such an objection that we will not give jobs to children from other states in our state, then by making changes in their appointment letters, those children will have to be given appointment letters for jobs in other states. I am constantly trying to do that. This is a question of the Constitution. If a child from Bihar, Himachal Pradesh, Uttarakhand works in Tamil Nadu and Kerala after passing the IAS exam and getting selected for the national services as per the Constitution of the country, then how can their appointment in any state be stopped in the rest of the All India Services of the country? This is a big constitutional issue.

Madam, through you, I would urge the Government that those students who have not got employment in All India Banking Services after the appointment letter was issued in Meghalaya Gramin Bank, should be given permission to join there immediately.

HON SPEAKER: Shri Sharad Tripathi, Shri Bhairon Prasad Mishra, Kunwar Pushpendra Singh Chandel and Shri Ravindra Kumar Jena are allowed to associate with the issue raised by Shri Rajiv Pratap Rudy.

SHRI ARVIND SAWANT (MUMBAI SOUTH): Madam, thank you for giving me an opportunity to speak in Zero Hour. Today is the death anniversary of Lokmanya Bal Gangadhar Tilak, first of all I salute him. I want to raise the subject of

old buildings of Mumbai today. Yesterday was the death anniversary of our Nana Shankarshet ji, who is known as the first architect who founded the city of Mumbai.

It was he who started new trains in the country. Today the condition of this Mumbai city is so bad that more than 30 thousand buildings are going to collapse, they are in very miserable condition. 16 thousand buildings are in such a bad condition that they can collapse anytime. I have been repeatedly speaking in the House regarding this issue. I also wrote a letter to the Hon. Prime Minister and said that you have promised pakka houses for the poor. It's a good thing. But those who were in pakka houses till yesterday may be back on the road by tomorrow. They need to be protected by the government.

Madam Speaker, it has two issues - one is that the old buildings should be repaired and the other issue has some buildings on the land of the Central Government, Port Trust, Railways and NTC and the LIC also has its own building. They do not allow them to redevelop and also do not repair themselves. Buildings can collapse there. There are slums on port trust and rail land, but there is no policy of the government for them. We are promising pakka houses for the poor, but how will we give them a house? We have a Slum Rehabilitation Authority there, it can build houses on the land of the State Government, but cannot build houses on the land of the Central Government.

So, through you, I want to again draw the attention of the Government. I say that Mumbai city gives you the highest income in the form of income tax and other taxes. I would like to request the government to give them protection by giving maximum money. Thank you.

HON. SPEAKER: Kunwar Pushpendra Singh Chandel, Shri Shrirang Appa Barne, Shri Gajanan Kirtikar, Dr. Shrikant Eknath Shinde, Shri Bhairon Prasad Mishra, Shri Gopal Shetty and Shri Rahul Shewale are permitted to associate with the issue raised by Shri Arvind Sawant.

SHRI SUSHIL KUMAR SINGH (AURANGABAD): Thank you, Madam Speaker. If you are allowed, I will speak from here.

HON. SPEAKER: Yes, you may speak. Where had you been ? I had called your name.

SHRI SUSHIL KUMAR SINGH: Madam Speaker, there is a caste in Bihar which called 'Lohar'. This caste is extremely backward from social, economic and educational point of view.

Through you, I want to draw the attention of the government to a very important problem of this caste. Reservation for 'Lohar' caste is stuck in English and Hindi translation. Lohara, Lohra registered at serial number 22 under the Scheduled Castes and Tribes Orders (Amendment) Act, 1976, has been written as 'Lohara' and 'Lohra' in Hindi. In 2006, during the tenure of the then Congress-led UPA government, 'Lohara' and 'Lohra' were replaced in its place. Because of this amendment (Act 48 of 2006) the matter became further complicated. With the intention of removing this shortcoming, the state government consulted various organizations and also got an Ethnographic report prepared from social institutions and sent it to the Central Government. Even before any decision could be taken on this report, the government repealed 290 out of 292 old laws and amendment bills in the gazette notification issued on May 9, 2016 by the NDA government under the leadership of Modi ji. This also included the amendment bill of 2006, in which the

status of Scheduled Tribe to the 'Lohar' caste of Bihar was declared invalid and the 'Lohar' 'Lohara' caste was considered as Scheduled Tribe. The year 2006 was amended in the Scheduled Tribes Order (Amendment) Act-1976, in which the Hindi translation of Lohara of English is 'Lohar' is recorded. Just like the word 'Lohra' is also used for 'Lohar' caste colloquially in Bihar, similarly the word 'Surendra' in English is called Surrender in Hindi, and not Surendra?

The previous governments did this due to caste politics. This community has a lot of faith in the present government led by the Hon. Prime Minister of the country Shri Narendra Modi and the people also have trust in him.... (*Interruptions*) Madam, I am keeping my demand.... (*Interruptions*)

HON. SPEAKER: Well, keep your demand. But you are reading such a long speech.

SHRI SUSHIL KUMAR SINGH: Madam, my request to the Government through the House would be to issue a clear notification in the light of the law of the year 2006 repealed in the year 2016. This is my demand that the 'Lohar' caste of Bihar should be included in the category of Scheduled Tribes.

HON SPEAKER: Kunwar Pushpendra Singh Chandel, Shri Rajesh Ranjan and Shri Bhairon Prasad Mishra are permitted to associate with the matter raised by Shri Sushil Kumar Singh.

SHRI DASRATH TIRKEY (ALIPURDUARS): Madam Speaker, I thank you for giving me the opportunity to speak in Zero Hour. Today, after a long time, I have got a chance, thank you very much for that.

I would like to draw the attention of the Ministry of Commerce. My parliamentary constituency is from Tea Garden area. About a hundred and fifty tea

gardens are there. About 15-16 tea gardens are closed. In the year 2016, our Hon. Prime Minister had gone there. During that visit, he had assured that you people should vote for us and I will open all the tea gardens in your area. After that our former Commerce Minister, Hon. Sitharaman ji was also there, he had assured that these seven tea gardens of the Duncan's company will be subordinated to the T-board. It is sad that nothing has happened so far. About 4-5 gardens are still open from the pedestal of our Hon. Chief Minister Mamata Banerjee.

I request the Ministry of Commerce that these tea gardens are remote, I urge upon how to facilitate and how to open them. Thank you.

SHRI GANESH SINGH (SATNA): Madam speaker, through you, I would like to draw the attention of the Hon. Health Minister that non-practicing Alliance is being given to modern practitioners, dentists, veterinarians, Ayurveda and Homeopathy, even nurses are being given the nursing allowance. Physics and Vocational teachers are not being given non-practicing allowance in all the Central Universities and educational institutions including Kashi Vidyalaya, while they go to the homes of handicapped people and disabled patients suffering from paralysis etc. and provide them service. They also provide physiotherapy to patients admitted in OPD wards and ICU.

I have a special request to the Hon. Health Minister that the Physical and Occupational Therapy teachers working in all the Central Universities and educational institutions including Kashi Vishwavidyalaya should have their minimum qualification of Master as per the guidelines of UGC, and to give them equal rights, they should be given a non-practicing allowance. ... (*Interruptions*)

Hon. Speaker: Shri Sharad Tripathi, Konwar Pushpendra Singh Chandel and Shri Bhairon Prasad Mishra are allowed to associate with the issue raised by Shri Ganesh Singh.

SHRIMATI ARPITA GHOSH (BALURGHAT): Madam, you would know that George was a very famous novelist named Oravel. He wrote a novel named 1984. In the state that had it, it was such that the state was keeping a watch on the people and some people were not identifying from the country. Right now the condition of our country is that we are being monitored on the basis of Aadhaar. NRC has been started in Assam. Arrangements are being made to expel people from the country. This is a big issue for us. We want to request through you, the should stop government... \* , hold it. ... (*Interruptions*)

HON. SPEAKER: No.

... (*Interruptions*)

SHRIMATI ARPITA GHOSH: No, then the country will come in a very bad condition going forward. ... (*Interruptions*)

(*English*)

SHRI MUTHAMSETTI SRINIVASA RAO (AVANTHI) (ANAKAPALLI): Thank you, Madam Speaker, for giving me an opportunity to raise the issue of creating a new Railway Zone with headquarters at Visakhapatnam.

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\* Not recorded

I would like to bring to the kind notice of the Government that Waltair Division of the East Coast Railway contributes the highest revenue to the Indian Railways. The Division has been discriminated in getting its dues in terms of train services, passenger amenities, development of railway stations etc., in proportion to its contribution to the total revenue accruals of the East Coast Railway Zone, as a result, there has been a growing demand from public, public representatives, intellectuals and other sections of the society for creation of a separate Railway Zone and its Headquarters at Visakhapatnam. It is to be noted that Visakhapatnam has all the wherewithal to become the Headquarters of an independent Railway Zone. Considering its importance as a major industrial, educational and financial hub, it is the long-cherished dream, desire and demand of the people of Uttarandhra to have a separate Railway Zone.

While bifurcating the State of Andhra Pradesh, the then Government had promised in the A.P. Reorganisation Act that a separate Railway Zone would be created in Andhra Pradesh, apart from other promises. Last week, in the other House, while replying to the Short Duration Discussion initiated by our leader, Shri Sujana Chowdhury, Shri Rajnath Singh, Hon. Home Minister promised that the Railway Zone would be created in Andhra Pradesh State. But the Government filed an affidavit in the Supreme Court that it was not possible to create a separate Railway Zone in Andhra Pradesh.

I am unable to understand the dual statements being made by the representatives of the Government. Which one is correct? Therefore, I would request the Government of India to announce the creation of a new Railway Zone well in advance, probably before the next General Elections, 2019. Thank you, Madam.

[*Translation*]

SHRI SHER SINGH GHUBAYA (FIROZPUR): Madam Speaker, In the first place let me thank you for having been given an opportunity to speak on a very sensitive issue. A life-threatening disease in Punjab, after hearing its name, the patient starts having the feeling of imminent death. Cancer has become widely prevalent in Punjab. Especially in every village in the Malwa region, five to ten patients are diagnosed of cancer. There runs a train from Bhatinda to Bikaner, it is named as Cancer Train. I want to tell you through you that Prime Minister Relief Fund is being received and a lot of people have benefited from it. Two cases are reported in a month's time. I request you that all the files concerning the professionals entrusted with the task of taking care of Cancer patients should be completed, they should be prominently released because the fund has to go to the hospital and not to the patient. I request that after looking into this, full funds should be credited to these patients.

HON. SPEAKER: Shri Bhairon Prasad Mishra is permitted to associate with the matter raised by Shri Sher Singh Gubaya.

SHRI DHARAMVIRA GANDHI (PATIALA): Madam Speaker, there are thousands of Dalit students in Punjab, their stipend or scholarship is discontinued. The reason for this is that the Punjab Government is not putting its share and the Central Government is sitting withholding money. I request that there is a bond between the Centre and the State for the scholarship given to Dalit. That bond should be broken. The Centre should pay its share and after that the State Government will also be bound to pay its share so that the education of Dalit children is not affected.



SHRI NINONG ERING (ARUNACHAL EAST): Madam speaker, I would like to speak about a very serious disaster. I had raised this issue in the House last time also. There is Siang River, its water level has risen to at least ten or fifteen feet. Dibrugarh and Dheema ji friends are sitting here. Not only Arunachal Pradesh, but the entire Assam and Arunachal Pradesh will be destroyed by this. Is there a national disaster fund or will we have to ask for the amount from China also? I had taken leave from the House. Last time I saved six people from drowning in the river at my own risk while I was about to drown. There will be a lot of danger from this river. There has been no rain yet in Arunachal Pradesh and Assam. This time when the water comes, everything will be destroyed.

*[English]*

SHRI M.K. RAGHAVAN (KOZHIKODE): Thank you Madam for giving me this opportunity to raise a very important issue affecting lakhs of NRIs from Kerala.

Madam, the airfare is increasing every time including budget carrier which has upset the travel plans of Keralites especially those connected with the Gulf countries. Today, a Kozhikode-Riyadh flight ticket charge is Rs. 43,000 and Kozhikode-Sharjah is Rs. 55,715 against the normal fare of Rs. 4,000 – 12,000 range.

The coming months are flooded with educational institutions vacations in the GCC, Bakrid and Onam festivals.

This exorbitant hike has hit workers, especially on blue collar workers, who depend on the budget carriers. Apparently, the lifting of the curbs by the DGCA has led to this hike.

Madam, my humble submission is this. There is an immediate intervention required by the Government of India because this is happening especially for Kerala based travels while fares are very low from Chennai and Mumbai.

My humble submission before you are that there is an immediate intervention required by the Government of India to bring the air fares to normalcy for which a permanent regulatory authority is required.

(English)

HON SPEAKER: Shri Mullappally Ramachandran and Advocate Jose George are permitted to associate with the matter raised by Shri M.K. Raghavan.

SHRI AJAY MISHRA TENI (KHERI): Madam Speaker, our Government has implemented the GST Reform, which has greatly benefited the entire country. After the implementation of GST, where the direct and indirect tax structure has increased, the number of taxpayers has also increased. At the same time, new information and figures have also become available regarding the Indian economy, which can prove helpful in making policy decisions. To my recollection, this is the first time after the implementation of GST that the share of the states has been assessed. This is the first time that information has come to light that 70percent of India's total exports come from only five states - Maharashtra, Gujarat, Karnataka, Tamil Nadu and Telangana. It has also come to light that where there is more inter-state trade and export, the standard of living is good.

**13 00 hrs**

There is a huge possibility of exports as labour and resources are available. Through you, I request the Minister of Finance to kindly give GST exemption in

export trade to states like Uttar Pradesh, Madhya Pradesh, Bihar and Rajasthan etc. where exports are low due to geographical and other reasons.

Hon. SPEAKER: Shri Bhairon Prasad Mishra, Shri Sharad Tripathi and Kunwar Pushpendra Singh Chandel are allowed to associate with the matter raised by Shri Ajay Mishra Teni.

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Hon. Speaker, due to the negligence of the Government, an uncertain environment has been created regarding citizen registration, which is not going to stop. (*Interruptions*) The Hon. Minister of Home Affairs is saying that the army and police have been deployed. The Hon. Minister of Home Affairs says that if someone is left out in registration, then he will get a chance in the Foreign Tribunal. RGI says that will get a chance by December 31, President of SP party says that we have courage, that is why we have started this NRC, former Chief Minister of Congress Party says that it is our baby.... (*Interruptions*)

HON. SPEAKER: The governance that says is final.

.... (*Interruptions*)

SHRI ADHIR RANJAN CHOWDHURY: On this issue, the politics of polarisation and regionalisation is taking place in India. The government has failed to provide security to the people. Bengali people are being attacked in Meghalaya. They should be protected. (*Disruption*)

[*English*]

KUMARI SUSHMITA DEV (SILCHAR): Madam, I just want to bring to the notice of the august House that today when people are crossing from Assam to

Meghalaya, they are being asked if they are citizens. Today I want to request the Hon. Home Minister of India that the Central Forces are there to ensure that peace is maintained. We want peace in Assam. At least, people crossing from Assam to Meghalaya border should not be subjected to local people policing them and beating them. They are from my constituency. I seek protection of this Government against such violent acts and illegal action against people crossing from Assam to Meghalaya. Thank you, Madam.

[*Translation*]

SHRI PRAHLAD SINGH PATEL (DAMOH): Hon. Speaker, I am raising this subject for the third time. 124 years old Mridang Samrat Nana Saheb Panse ji's Guru Purnima is the second longest tradition of its kind in the country. His style of music is known by his own name.

I had requested the Indian government earlier also, the occasion of International Guru Purnima is celebrated by his family and his relatives only, but till now there is no structure from the government side. He himself fought against the British, fought against the Mughals, lived with the Holkars, worked and gave this art to them. His style of music is Bakayan style.

I would like to request the Indian Government through you to approve the project that has come so that international level artists who stay in the village can get facilities.

HON. SPEAKER: Shri Bhairon Prasad Mishra is granted permission to associate with the matter raised by Shri Prahlad Singh Patel.

SHRI HARISH MEENA (DOUSA): Hon. Speaker, I come from Dausa constituency, backward and poor people live here. There is drinking water problem.

Dausa has the highest fluoride content in water in Rajasthan. As a result, people are suffering from various diseases.

Through you, I urge the Government of India to conduct a survey of this area and provide medical relief to the people here.

HON. SPEAKER: Shri Bhairon Prasad Mishra is permitted to associate with the matter raised by Shri Harish Meena.

... (*Interruptions*)

HON. SPEAKER: The House is adjourned for two to five minutes.

**13 03 hrs**

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

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[English]

**14 08 hrs**

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

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

**MATTERS UNDER RULE 377\***

HON. DEPUTY 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 and the rest will be treated as lapsed.

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\* Treated as laid on the Table

**(i) Regarding Flood problem in Assam**

SHRI RAMEN DEKA (MANGALDAI): The flood creates havoc in Assam year after year. Devastating flood claims human lives, Livestock and damages crops. Further, it causes erosion. But successive governments both at Centre and State has not drawn comprehensive plan to control flood and erosion which is a major cause of under-development of the state.

In view of this, I earnestly request the Government to take concrete steps to address the problem. Therefore, I request the Government to release sufficient fund to tackle the present situation of flood in Assam.

**(ii) Need to provide adequate relief package and alternative land to people displaced by wildlife sanctuaries in the country**

*[Translation]*

SHRI FAGGAN SINGH KULASTE (MANDLA): I would like to draw the attention of the Minister of Environment, Forest and Climate Change to the sanctuaries across the country. The number of national parks in the country is increasing day by day. Lakhs of people live inside these sanctuaries. Necessary policy should be formulated for rehabilitation of lakhs of citizens living especially in the buffer zone areas of wildlife sanctuaries. These people have been living in these areas for many years. The number of sanctuaries is increasing these people are being removed from there. Whereas thousands of villages are being affected by this, and nothing has been done for the rehabilitation of these thousands of villagers. I request the government to provide relief package to the villagers living in forest sanctuaries and give them land in exchange for land. So that these villagers can earn their livelihood by farming.



**(iii) Need to extend benefits of Government welfare schemes to all the villagers under Bilaspur Parliamentary Constituency, Chhattisgarh**

SHRI LAKHAN LAL SAHU (Bilaspur): At the time of During the Census of India 2011, some villages in 10 districts of Chhattisgarh State were left out. As their names were not included in the list, the poor families and weaker section beneficiaries are not getting the benefits of ambitious schemes of the Central and State Government, such as Pradhan Mantri Awas Yojana, Ujjwala Yojana, Jan-Dhan Yojana, Health Scheme, Atal Pension Yojana, Deendayal Upadhyaya Yojana, Security Insurance Scheme, Saubhagya Yojana, Pradhan Mantri Sukanya Yojana, Unemployment Allowance etc., due to which there is resentment among the people of the villages.

My parliamentary constituency Bilaspur district Bilaspur includes Uslapur and Hafa villages and Mungeli district's Ramgarh Semarkona and Aurabandha villages, to which I urgently want to draw the attention of the government, so that the beneficiaries of the left out villages in Chhattisgarh state can get the benefits of the above schemes of the Central Government and the government schemes can be implemented properly.

I demand that you please take necessary initiative to provide benefits of government schemes to the above mentioned villages on the basis of the previously prevalent census list of 2000 and issue it at the earliest.

**(iv) Compensation to farmers of Siddharthnagar district, Uttar Pradesh**

SHRI JAGDAMBIKA PAL (DOMARIYAGANJ): In construction in Uttar Pradesh, many irregularities have been found in the rates of purchasing land of farmers in the Indo-Nepal border road project. In Siddharth Nagar district of Uttar Pradesh, the land of rural farmers was purchased at the rate of three times the old circle rate in rural areas and one and a half times the old circle rate in urban areas, while the Uttar Pradesh government accepted the LA Act 2013 (Land Acquisition Rules-2013) and implemented it on January 1, 2014, under which rural farmers were directed to purchase land at the rate of four times the current circle rate or market rate, whichever is higher, in rural areas and two times the rate in urban areas. Some land was purchased in the Indo-Nepal border project of Siddharth Nagar district of Uttar Pradesh in 2014 and some in 2016 at the old circle rate. After that, the proposal made by the District Magistrate, Siddharth Nagar based on the old circle rate was accepted which caused a lot of loss to the farmers of the rural area, due to which there is a lot of anger among the public. Therefore, I request the Government of India to take immediate action in this regard.

[*English*]

**(v) Need to set up a petroleum research Institute in Dibrugarh, Assam**

SHRI RAMESHWAR TELI (DIBRUGARH): My constituency Dibrugarh is famous for mineral wealth. Natural gas, oil, coal etc. are found in abundance in the district of Dibrugarh. Digboi oil refinery which is the oldest refinery in Asia is located here. Oil India Limited (OIL) company's Operational Headquarters is also situated in Dibrugarh district. Several oil fields where oil explorations are taking place exist in this mineral rich area. But despite being blessed with such rich mineral resources, my constituency does not have an institute to carry out research and development in the field of petroleum and petroleum products. Setting up of a petroleum research institute in this petroleum rich area will benefit not only our country, but it will also benefit other petroleum producing countries of the world. I, therefore, request the government to set up a petroleum research institute in Dibrugarh at the earliest.

**(vi) Need to construct under-bridges on National Highway No. 79 in Bhilwara Parliamentary Constituency, Rajasthan**

*[Translation]*

SHRI SUBHASH CHANDRA BAHERIA (BHILWARA): The work of six-lane on National Highway No. 79 is going on from Kishangarh to Chittorgarh block. This National Highway is passing through my Lok Sabha constituency Bhilwara (Rajasthan). I have urged from time to time to build under bridges as required. Since this road divides many villages, farmers' fields are on the other side of the Highways. Therefore, the common man and the livestock also have to move across the road. In this context, some important Under bridges which are required to be constructed are CH 91.670 Taswaria Chauraha, CH 110+290 Lirdiya Khera Chauraha, CH 105+110 Sanodia Village, and Footia Chauraha Under bridge and Ashram Chauraha (Mangalpura Hathibhata Ward No.1 Bhilwara) Under bridge near Bhilwara town.

I request that action should be taken in this regard by the Minister of Road Transport and Highways.

**(vii) Regarding Customer services in Garhwa post office in Palamu Parliamentary Constituency, Jharkhand**

SHRI VISHNU DAYAL RAM (PALAMU): I would like to draw the attention of the Government to a very important subject that members of the National Savings Agents Association of Garhwa district of my Parliamentary Constituency Palamu Jharkhand have conveyed their various problems and informed that there is a need to increase the number of employees and open two new counters for agents along with proper arrangement of linking the Garhwa Post Office so that there is no inconvenience to the account holders. Due to the account holders' work not getting done on time, the customers are turning towards private banks, which is increasing the possibility of loss of revenue for the government. Therefore, it would be appropriate to ensure arrangement of employees on the basis of number of depositors and investments.

I request the Hon. Minister of Communications Department to kindly get the above demands fulfilled considering the public interest.

**(viii) Need to set up a Medical college in Korba, Chhattisgarh**

DR. BANSHILAL MAHTO (KORBA): In the Budget for years 2018-19, Hon. Minister of Finance had made a provision to start a medical college by combining 3 Lok Sabha constituencies of the state. My Lok Sabha constituency Korba and adjoining Janjgir-Champa and Mahasamund Lok Sabha do not have a single medical college. Therefore, I suggest that it would be very appropriate to start a medical college in Korba under all three Lok Sabha constituencies.

The Korba region is full of natural resources. There are coal reserves here. There is no shortage of water. Many power projects are going on. There are Minimata Hasdev-Bango Dam, Hasdev River and many waterfalls there. Korba city is connected by rail and Korba is also known as the energy capital of Chhattisgarh. Several companies including South Eastern Coldfield Limited (SECL), Bharat Aluminum Company (BALCO), NTPC, CSEB are working. Therefore, the medical college can be started with the public-private partnership (PPP).

Therefore, I urge the government to take necessary action towards an early start of a medical college in Korba under the said provision.

**(ix) Regarding development projects in Dahanu Taluka in Maharashtra**

SHRI GOPAL SHETTI (MUMBAI NORTH): The Ministry of Environment, Forest and Climate Change has approved the Dahanu Territorial Scheme dated 21.09.2015 in the State of Maharashtra with certain conditions. The State Government has requested for an early release of the final notification regarding the Dahanu Territorial Scheme. But the Central Government has not yet issued a final notification in this regard.

It is also to be apprised that the proposal for development scheme pertaining to Dahanu Taluka of Urban Development Department of the State of Maharashtra which is environmentally sensitive has also been sent to the Union Ministry of Environment, Forest and Climate Change in 05.01.2017, which is pending so far.

I request the Central Government to expedite the issuance of final notification related to Dahanu Territorial Scheme as well as to provide early approval to the development plan and part derived from the Dahanu Taluka, which is environmentally sensitive.

*[English]*

**(x) Regarding Extension of services of Latur Express train**

DR. SUNIL BALIRAM GAIKWAD (LATUR): Latur Express that runs from Mumbai to Latur has been extended up to Bidar in Maharashtra. Earlier this train used to ply between Mumbai and Latur only. But after the extension of its operation up to Bidar, the passengers coming from Mumbai to my constituency Latur have been facing a lot of hardship as the train gets overcrowded with hundreds of passengers coming to Bidar. The congestion inside the compartments causes serious inconveniences to the railway commuters who travel to Latur from Mumbai daily. I, therefore, urge upon the Hon'ble Minister for Railways to take appropriate steps so that the Mumbai-Latur Express is extended up to Udgir only which falls under my constituency Latur and not to Bidar so as to ensure comfortable travel of railway passengers.



**(xi) Need to include banana under Pradhan Mantri Fasal Bima Yojana**

*[Translation]*

SHRI PRABHUBHAI NAGARBHAI VASAVA (BARDAULI): As the largest producer of banana in the world, India contributes about 23 per cent of the total global production. Gujarat is one of the largest producers of banana, including my parliamentary constituency Bardoli Lok Sabha constituency Surat Gujarat. There is a lot of banana cultivation here. Banana of this place goes to many states of the country and is exported to many countries of the world. Sometimes banana production is affected due to adverse weather. Due to this, small and big farmers have a big problem in earning their livelihood and face many problems.

Therefore, I request the Hon. Minister that banana crop, one of the major crops of Gujarat, should also be included in the Pradhan Mantri Krishi Bima Yojana.

**(xii) Need to formulate a comprehensive plan to address water-logging problem in cities during rainy season**

SHRI SHARAD TRIPATHI (SANT KABIR NAGAR): As the rainy season starts, the side effect of uncontrolled and unplanned urbanization starts coming to the fore in the form of water logging and land loss. Drainage is becoming a serious problem all over the country. During the rainy season, heavy water logging occurs on the roads after small amount of rain. Accidents are being reported every day due to water logging. In this context, I demand from the Government that a comprehensive plan for drainage should be made in all the cities of the country and it should be ensured that rain water is used to solve the water problem instead of becoming a cause of trouble for the people.

**(xiii) Regarding Inclusion of two temples of Karnataka under PRASAD Scheme**

*[English]*

SHRI R. DHRUVANARAYANA (CHAMARAJANAGAR): I would like to draw the kind attention of the House towards the fact that in my Constituency, there are two important pilgrimage Temples i.e., one is Sri Malai Mahadeshwara Temple at Malai Mahadeshwara Hills of Kollegal Taluk, Chamarajanagar District and another is Sri Srikanteshwara Temple at Nanjangud, Mysore District of Karnataka State. More than lakh devotees per month from all over the Country are visiting these Temples. These pilgrimage places need infrastructure facilities for tourists. Hence, I hereby urge the Union Government to grant sanction to both the temples under PRASAD — National Mission on Pilgrimage Rejuvenation and Spiritual Augmentation Scheme under Ministry of Tourism for the purpose of providing infrastructure facilities to tourists.

**(xiv) Need to check illegal sale of private data of people**

SHRI M.I. SHANAVAS (WAYANAD): I would like to draw the attention of the Central Government towards the fact that a serious economic offence is being committed by fraudulent elements in the name of data transfer of citizens. This sale of data is spreading rapidly in Indian cities. First an SMS is sent to an individual stating that if they would pay Rs.1500, full personal details like age, date of birth, account number, email ID etc. of 30 crores people will be revealed. They also provide details of doctors, engineers, bank account number, PAN card numbers etc.

Here, the right to privacy is being shattered for Rs.1500. Government should take immediate steps against this unlawful activity.

**(xv) Regarding acquisition of land for Delhi-Mumbai Industrial Corridor**

*[Translation]*

DR. KARAN SINGH YADAV (ALWAR): The land of 10 villages around Shahjahanpur located along National Highways No.-8 in Alwar district of Rajasthan was acquired for DMIC (Dehli-Mumbai Industrial Corridor).

An amount of about Rs.400 crores has been allocated for the land acquisition of villages namely Shahjahanpur, Googlekota, Chowbara, Jonayacha Khurd, Bavad, Palawa, Birod, Lamchpur, Mirzapur and Manaka.

Recently, under this scheme, Shahjahanpur, Googlekota, Chaubara, Jaunaicha Khurd and Bavad, which had the rate of Rs.1 crore per bigha, were exempted from acquisition so that the government does not have to pay more compensation to the farmers.

The land of village Palawa, Birod, Mirzapur, Lamchpur, and Avam Manaka, adjacent to these villages is being acquired at a very low rate (Rs.10 lakhs per bigha)

It is a very fertile land in the National Capital Region of farmers, the people of these villages adjacent to the buildings in Haryana are agitating. The Government is doing injustice to them by acquiring their land at extremely low rates.

I request the Government to keep this highly fertile land free from acquisition or they should also be paid at the same rate as of villages exempted from acquisition.

**(xvi) Regarding inclusion of Madurai in Bilateral Air Service Agreements (BASA) with Middle East and Far East countries**

[English]

SHRI T. RADHAKRISHNAN (VIRUDHUNAGAR): When Britishers ruled India they sent Indians to different countries to work in rubber, tea, palm & sugarcane plantations. 80% of these people are from Tamil Nadu & 50% belong to 8 southern districts of Tamil Nadu. After Independence Tamilians migrated to different parts of the world. At present over 2 million Indian Tamil people are working in various Gulf countries. All together 10 million Tamil Nadu people living overseas and it is the highest NRI from India. About 50% are from eight Southern districts of Tamil Nadu for which Madurai is the centre. Madurai being a major tourist destination and emerging medical tourism centre, the much deserved customs airport became a reality very lately.

Since Madurai is the major centre, all the eight southern districts depend on Madurai airports for their needs. Now Madurai has got a Custom clearance facility at the airport which handles over *one* million passengers per year. However, it has no international carriers operating to other countries except Sri Lankan airlines since Madurai is not included in Bilateral Air Service Agreements (BASA). It's being said that Madurai airport is not included *in* BASA of various Middle East and Far east nations which is being a barrier to introduce direct International flights from Madurai to much needed Dubai, Singapore, Kuala Lumpur (Malaysia), Saudi Arabia, Abu Dhabi and Muscat by the foreign airlines. It is high time for the Ministry of Civil Aviation to consider the plea of 8 districts of Southern Tamil Nadu and take necessary measures to include Madurai airport in the Bilateral treaties of various

Middle East and Far East nations as earlier as possible so that the foreign airlines can introduce direct services from Madurai to these nations.

Currently passengers in south Tamil Nadu have to travel to metros like Bangalore, Chennai or Trivandrum for affordable flights. Madurai is located at the southern of the state, this facilitates passenger to get better connectivity. By including Madurai under BASA, international carriers would be able to provide their services to different countries at an affordable cost. Presently international flights are being operated by the Spice Jet & Air India Express with good load factor. Madurai airport is having full infrastructure to meet the requirement of additional flights.

Beyond everything, the backward districts of Southern Tamil Nadu including Madurai district completely depend on Madurai airport for its Industrial and economic growth. The move enabling direct International flights from Madurai to Middle east and Far East nations, will boost up the Tourism, Medical, Tourism, Industrialization and Information Technology sector growth in the region. I urge upon the government to include Madurai in Bilateral Air Service Agreement so that foreign airlines can operate to and fro from Madurai Airport.

**(xvii) Regarding making Villupuram Junction a model station in Tamil Nadu**

SHRI S. RAJENDRAN (VILUPPURAM): Viluppuram in Tamil Nadu is a Municipality and the administrative headquarters of Viluppuram district, the largest district in the state of Tamil Nadu. It is well connected by rail to all the important cities in Tamil Nadu. The city serves as a major railway junction, and National Highway 45 passes through it. As per the Government of India 2014 data, Viluppuram had a population of 96253.

Viluppuram is a prominent railway junction in Tamil Nadu and serves as the distribution point of rail traffic from Chennai, the state capital of Tamil Nadu, towards the southern parts of the state like Tiruvannamalai, Kumbakonam, Thanjavur, Pondicherry, Trichy, Madurai and Kanyakurnari. It is the second largest junction in terms of branch lines in Tamil Nadu. It is one of the top 5 junctions of Southern Railways which has earned the status of an A Grade train station in Tamil Nadu.

But if you visit the Viluppuram Junction, you find the infrastructure very poor and not up to the mark. A lot of improvement needs to be done keeping in view the number of trains passing through day and night, and the number of railway passengers using Viluppuram Junction.

Hence, I strongly urge the Railway Minister and the Government of India to provide Viluppuram Junction a status of pride and make it as a Model Station, by improving the infrastructure and upgrading the existing facilities to world class befitting its location and status.



**(xviii) Need to complete construction of platform at Chandkhali Halt Station in West Bengal**

SHRIMATI PRATIMA MONDAL (JAYANAGAR): I would like to draw the kind attention of the Hon'ble Railway Minister towards the fact that under my Parliamentary Constituency, there is a halt station named Chandkhali on Sealdah-Canning line which has not yet started functioning due to non-completion of one side of the platform. In the year 2014, I personally requested to the then railway minister and submitted a letter to him to take necessary action to complete the said pending work. In this context, I also contacted the General Manager, Eastern Railway several times. However, despite all my efforts, I always received the same reply that "the work will be completed in the coming dry season as water logging is the main problem in the monsoon season."

I would like to request the Hon'ble Railway Minister to intervene in the matter and instruct officials to complete the said railway station platform without any further delay. It has been more than 5 years since people in my constituency have been waiting for something that can easily be accomplished in a few months.

**(xix) Regarding Construction of a bypass on National Highway No. 26 at Bolangir in Odisha**

SHRI KALIKESH N. SINGH DEO (BOLANGIR): In the year 2013, the NH 26 bypass to Bolangir was sanctioned for construction. 5 years hence, the revised cost of DPR has not been sanctioned to date. The project cost has also surged owing to the increase in land valuation and acquisition cost over the years.

The citizens of Bolangir face traffic issues caused by trucks that pass through the city every day. There is no alternative pathway for these trucks as the roads passing through the city are the sole link between NH 26 and NH 57. The flow of traffic is further disrupted as these heavy vehicles are not allowed to pass through the city from 8 am to 10pm as per rule.

Construction of bypass will ease out city traffic and will save on financial losses due to obstruction in the flow of traffic. Hence, I request the Ministry to avoid any procedural delay and sanction the revised amount at the earliest.

**(xx) Need to rename 'Bombay High Court' as 'Mumbai High Court'**

*[Translation]*

SHRI VINAYAK BHAURAO RAUT (RATNAGIRI-SINDHUDURG): For the last several years, the subject of changing the name of Mumbai High Court has been lying pending with the Central Government. The proposal to change the name of Mumbai High Court in place of Bombay High Court was sent to the Central Government many years ago. We all met the Hon. Prime Minister and after meeting the Hon. Prime Minister, this subject had also come in the Cabinet and the Bill related to this was also re-established in the House last year. But no action has been taken by the government so far.

Therefore, I would like to request the Central Government to respect the sentiments of the people of Maharashtra and bring the Bill to change the name of Bombay High Court to Mumbai High Court at the earliest.

**(xxi) Need to set up a bench of Bombay High Court in Kolhapur, Maharashtra**

SHRI DHANANJAY MAHADIK (KOLHAPUR): It is the fundamental right of all the people to get justice in the Court, for this it is necessary that the work of the High Courts is decentralized, that is, more benches should be set up in the States.

A large number of pending cases in the High Court are in West Maharashtra and the people of this region travel to Aurangabad, Nagpur and Mumbai to seek justice. People have been demanding a bench of high court in Kolhapur for a long time. In May 2015, the Government of Maharashtra also gave a favorable report for the setting up of a High Court Bench at Kolhapur as the Kolhapur Bench will not be within a radius of 200 km. The Maharashtra government has requested the Bombay Court to set up a bench. The State Government has also assured that Rs.100 crores will be allocated soon after the Green Signal of the Bombay High Court for setting up of Bench at Kolhapur.

For the setting up of a High Court Bench in Kolhapur, I would like to request the Hon. Minister of Law to personally intervene in this matter.

**(xxii) Need to include development works executed by Zila Panchayat authority under Mahatma Gandhi National Rural Employment Guarantee Scheme**

SHRI SHAILESH KUMAR (BHAGALPUR): The number of labourers working at minimum rate in the country is very high. All the people registered under Mahatma Gandhi National Employment Guarantee Scheme, run by the government to provide employment for at least 100 days in a year at the minimum rate, are not able to get employment even for 100 days. The main reason for this is that under the Mahatma Gandhi National Employment Guarantee Scheme, there is a provision for providing employment only in a limited area. When this scheme was launched, people used to get employment in only a few development works in rural areas, but gradually it has been linked to many departments also, yet people are not getting full employment. In this situation, the Government of India needs to add this scheme at multiple levels to provide employment under this scheme.

I demand from the Government of India that the development schemes under the Zilla Panchayat/District Council across the country should also be linked to the Mahatma Gandhi National Employment Guarantee Scheme so that every registered person can get 100 days of employment in any area where development schemes have been linked to the Mahatma Gandhi National Employment Guarantee Scheme.

**(xxiii) Regarding Releasing funds to Channelise Sawan Nadi in Punjab**

[*English*]

SHRI PREM SINGH CHANDUMAJRA (ANANDPUR SAHIB): There is a famous sub-river known as *Sawan* Nadi which comes from Una side of Himachal Pradesh and joins Punjab area of Anandpur Sahib sub—division and also merges in Satluj River at the starting point of Ropar sub-division which covers about 30 km area of Punjab. This Swan Nadi has been channelise in Himachal Pradesh region. As a result, water flows at a speed inundating and causing the destruction of fertile land, roads, crops, houses, businesses and posing threat to lives every year during Monsoon season.

I would urge upon the Government of India to release Funds to channelise the said *Sawan* Nadi. The project has already been sanctioned by the Ministry of Water Resources. In this regard, lift irrigation project has already been submitted by the then Badal Government to irrigate the land and supply of drinking water for sub—mountain area of my constituency known as Changer and Beet area in Anandpur Sahib and Garh Shanker Sub Division. I request the Central Government also to release the fund for the above area.

**(xxiv) Regarding reservation of Limboo-Tamang communities of Sikkim in the State Legislative Assembly**

SHRI PREM DAS RAI (SIKKIM): The attention of the House is drawn towards the demand of reservation for the Limboo-Tamang communities to the Sikkim State Legislative Assembly. The Limboo-Tamang communities, notified as Scheduled Tribes in 2003, constitute a sizeable portion of the State's population. However, they have been deprived of their Constitutional entitlement to reservation of seats in the Sikkim State Legislative Assembly ensured under the Article 332.

The Government of Sikkim through a process of consultation submitted to the Union Home Ministry the formula through which this pending demand could be met in an equitable manner and justice done to all the communities and Tribes of Sikkim. Therefore, there is a long-standing demand to increase the number of seats in the Assembly from 32 to 40, so as to accommodate 5 seats for the two communities as per the Constitution of India.

The Ministry of Home Affairs has taken the proposal under consideration, but with the state elections due next year, there is an urgent need to amend the relevant Acts which require Parliament's approval.

I request the Government to expedite the process and grant the due rights to the people of the State of Sikkim, so that '*Sabka Saath, Sahka Vikaas*' is possible. Also this matter is to be taken up expeditiously as per the Supreme Court directive received in January 2016.

**(xxv) Regarding Handing over of land owned by Department of Posts to Thrissur Municipal Corporation in Kerala**

SHRI C. N. JAYADEVAN (THRISSUR): The matter regarding the shifting of Thrissur town post office and transfer of land between the Postal department and Thrissur Corporation for the purpose of widening of Pattalam Road in the heart of Thrissur town was initiated in the year 2014. After a series of meetings between the Corporation and Chief Post Master General, Kerala Circle and a meeting with the then Union Minister of Communications an agreement was executed between Postal department and Thrissur Corporation on 19-10-2015. Finally, the Union Cabinet decided to hand over the land to the Municipal Corporation by the end of last year. In the process of implementing the order, the Post Master General, Trivandrum has submitted a new M.O.U draft to the Corporation including a provision that prior to the construction of the new building on the land provided by the Corporation, “the First Party (Corporation) shall deposit the amount as arrived by the Department of Posts (for the proposed project in the form of a Bank guarantee for Rs.1,69,45,500/- (Rupees one crore sixty-nine lakh forty-five thousand and five hundred only) for one year as indemnity”. As the Municipal Corporation, as per act, cannot execute a Bank guarantee, their humble request is that the MoU condition for Bank guarantee may be waived. So, I urge upon the government to instruct the Postal Department in Kerala to waive this provision in the new MoU, so that the long pending demand of the Corporation and the people for a wide road to untie the traffic knot in the town is realized.



**14 09 hrs**

**STATUTORY RESOLUTION RE: DISAPPROVAL OF COMMERCIAL COURTS, COMMERCIAL DIVISION AND COMMERCIAL APPELLATE DIVISION OF HIGH COURTS(AMENDMENT) ORDINANCE, 2018 AND COMMERCIAL COURTS, COMMERCIAL DIVISION AND COMMERCIAL APPELLATE DIVISION OF HIGH COURTS(AMENDMENT) BILL, 2018**

HON. DEPUTY SPEAKER: Now, let us take up Item Nos.13 and 14 together.  
Shri N.K. Premachandran.

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, I beg to move:

“That this House disapproves of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Ordinance, 2018 (No. 3 of 2018) promulgated by the President on 3<sup>rd</sup> May, 2018.”

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): Sir, I beg to move:

“That the Bill to amend the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, be taken into consideration.”

Sir, It is a very historic day when I am moving the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Bill, 2018. This Bill is a larger narrative pursuant to ensuring India’s performance in ‘ease of doing business’, ensuring quicker adjudication of commercial disputes. Most importantly, a proper pre-litigation mediation is being involved in doing this.

First of all, I would like to share with this Hon. House the importance of ‘ease of doing business’. Ease of Doing Business is the ranking given by the World Bank based on what type of criteria you have for enforcing contract, for tax compliance, for regulatory compliance etc. I am very happy to share with the House that when we had come to power, we were at 142<sup>nd</sup> place in the ranking and now, we have jumped 42 points and India today is at 100<sup>th</sup> rank as far as ‘ease of doing business’ is concerned. Everything has been done with the cooperation of the House, reform measures taken, good governance and transparent governance.

Sir, we had piloted the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Bill in 2015. When this Act came into being, we had given an exception. What was the exception? We have two systems. Delhi High Court has original jurisdiction and so has the Bombay High

Court, Madras High Court, Calcutta High Court and Himachal Pradesh High Court. Therefore, they were given exemption. The suit had to be filed there in the Commercial Appellate Division. In the rest of the country, as you know, whether it is in Patna, Raipur or Bhubaneswar, a suit even of Rs. 5,000 crores will be filed in the district court. Then, it goes to the High Court.

Sir, we had kept the original pecuniary jurisdiction at rupees one crore in the High Court and, say, in Mumbai, it was Rs.50 lakhs and somewhere else, it was Rs.25 lakhs and like that. Now, a question arose whether we are discriminating between a small commercial dispute and giving fast track adjudication only to the big commercial disputes. India is a vast country and in this huge country, we must have adequate space for fast track adjudication of commercial disputes so that the person can take a call to remain there or not to remain there.

Sir, kindly look at the whole issue of partnership disputes. It is, again, a commercial dispute. Supply is a services' dispute. They keep on lingering and lingering. It also impacts the financial health of the country. I only need to share with this House that India today is becoming one of the topmost economies of the world. As per the World Bank and the IMF, the largest amount of FDI has come into India. India today is being hailed as an important economic engine of the overall global economic narrative.

Good governance is also an important component of an economy. Good governance is not only of ordinary civil disputes, criminal disputes, which must be given a focus, but also of commercial disputes.

Sir, if you see the original Act, we have given a very expansive definition of what a commercial dispute is all about. After I hear my distinguished friends, Hon. Members of this House, I will elaborate that by way of an initial comment.

When we came with this amendment, we said, bring it to rupees three lakhs from rupees one crore, but we must give latitude to the State Government and the High Court to take a call so that the amount of rupees three lakhs should not become completely a base parameter for that.' For instance, in Uttar Pradesh, Agra can have more litigation of commercial nature. Maybe, Badaun may not have. The State Government may take up a proposal to club three or four districts together. In Tamil Nadu, there are many areas which are commercially very viable. There will be a higher number of commercial disputes in some areas while in some other areas, they may be in a smaller number.

In case of Maharashtra, Pune area has more commercial disputes than other areas. Then we came to the conclusion that a State Government, in consultation with the High Court, can create commercial courts as required.

I thought, I must convey to this House the total number of Commercial Courts. Sir, at present, there are 214 Commercial Courts in the country and there are 25 Commercial Appellate Divisions in 16 High Courts; 12 commercial divisions are there in other High Courts. A total number of 2164 cases of the value of Rs.1 crore and above are pending.

When we were drafting the law, there was a question. Suppose, there is a commercial dispute of Rs.5 lakhs, should we go to the High Court for appeal? In this law, what we have done is that there will be an Appellate Division at the district level for a smaller dispute.

The most important thing I would like to share with this House is that we must promote pre-mediation resolution of disputes. Suppose, two partners have fallen out. If, with the intervention of mediators, the disputes can be resolved, we must give a chance for pre-mediation resolution of disputes.

Sir, one thing I would like to share with this House is that this is the most important commercial law initiative perhaps in the entire world where pre-mediation initiative has been given a very important focus. Suppose one partner has run away with all the profits. Then we need interim protection from the court. Therefore, the law says, 'except in the case of urgent interim relief, every commercial dispute must go to the mediation first'. Three months' period has been prescribed. First, you should use it. If you are not able to resolve, then come to the court. Therefore, pre-mediation litigation resolution is an important milestone.

Sir, one thing I would like to share with this Hon. House is that I am not creating any new mechanism of mediation. Under National Legal Service Authority, mediators are there all over the country. We are making use of their services.

Sir, I only want to inform this House that there are 408 Alternative Dispute Resolution Centres in the country. There are 577 Mediation Centres; 11027 mediators are there. There are 4588 judicial officers as mediators. Therefore, a huge number of trained mediators are available.

We have also a provision of 48 hours training of new mediators. I want to share my experience with this House. Suppose, some retired Secretaries of India want to become mediators, let us use their services. Some retired CEOs of Banks want to become mediators. Suppose a public man, for example, Members of Parliament wants to become a mediator as pro bono, we should welcome it. They can go to the

crux of the matter because of their huge wealth of experience and ask the parties to resolve the dispute.

Therefore, in commercial disputes, this enormous focus on use of alternative dispute mechanism forum is a very important component of this Bill.

But I would like to dwell upon the larger narrative/perspective behind all these things. A speedy resolution of dispute is also a part of good governance. If we have to have good governance, we must have mechanism for speedy disposal.

Sir, in the morning, I had an occasion to address the first question on the issue of access to justice and alternative dispute mechanism. We are also doing a lot of things in this regard. I would like to share with this House my opening comment on this. Let us take the case of appointment of High Court judges. We have increased the number. You were the Hon. Deputy Speaker during 2014-15. Due to NJAC, the entire formula had been stayed except a few. We have our reservation with that. But once that decision came about, what did we do? We appointed 126 High Court judges which was the highest in the last 30 years.

In 2017, we had appointed 115 High Court judges. In 2018, we have appointed 34 High Court judges; we have sent 126 judges to the Supreme Court Collegium for appointing as judges. Sir, by this year's end, by God's willing, we will cross the highest number of appointments of High Court Judges ever in one year. The judges of Supreme Court have been appointed. About 300 to 400 judges have been confirmed.

Sir, I can anticipate the questions of my distinguished friends about subordinate judiciary. There also, we have given infrastructure where about 5,000 vacancies are there. Many of the persons present here are aware of it as I had

mentioned it. While debating this issue on Commercial Court, I am going to urge the High Courts and the Supreme Court of India to ensure that these 5,000 vacancies of the Subordinate Judiciary are also filled up at the earliest. I am saying this because we do not have any power nor the State Governments have any power in it. Many High Courts conduct their examination themselves or on their recommendations the State Public Service Commission does it.

But what I said in the morning, I will say the same thing in my concluding comment while moving this Bill. If we need to have access to justice, then we must have competent judges -- well trained judges. Today, the National Law School is producing a good number of advocates, but my Government is equally committed to the deprived sections of India, namely, the SCs, STs, OBCs and minorities who must also get proper exposure to judiciary and proper training.

I think that the Subordinate Judiciary is the best place for this. Let there be a centralized examination. But what is important is that we want to showcase to the world that even in small disputes of commercial nature legal system is available to fast-track that proceedings.

This is how the whole architecture is there. I suppose that the entire House will support this Bill fully. Sir, I am grateful for this opportunity.

SHRI N.K. PREMACHANDRAN: Sir, I rise to oppose the Commercial Courts, Commercial Division & Commercial Appellate Division of High Courts (Amendment) Ordinance 2018. ... (*Interruptions*)

SHRI RAVI SHANKAR PRASAD: Sir, can I say something on a lighter note? Mr. Premachandran is a very good friend of mine.

HON. DEPUTY SPEAKER: He is a good lawyer.

... (*Interruptions*)

SHRI RAVI SHANKAR PRASAD: He has been together with me in the other House also. But I learnt to my dismay that in the last four years he has not supported any Bill. I think that for this Bill he should make an exception.

SHRI N.K. PREMACHANDRAN: I fully agree with the Hon. Minister, but I am strongly opposing the Ordinance route of legislation. I have not spoken about the Bill. I will come to it at a later stage.

In this Monsoon Session, this august House is discussing the fifth Ordinance, and Statutory Resolution has been moved against all these five Ordinances.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION (SHRI ARJUN RAM MEGHWAL): One more is remaining to be discussed.

SHRI N.K. PREMACHANDRAN: Yes, the National Sports University Bill is remaining, which is also listed for discussion today.

As the Hon. Minister, Shri Ravi Shankar Prasad, has rightly stated in this House that I had the fortune to move four Statutory Resolutions out of five. I cannot



understand the logical reasoning of the Government regarding the promulgation of Ordinance one after the other. What is the emergency or exigency or urgency in issuing this Ordinance under Article 123 of the Constitution?

The Hon. Minister, in his opening remarks, has stated or has made observations regarding the contents of the Bill. But I would like to know this from the Hon. Minister, and that is the main point that I want to highlight in this august House. What is the urgency, exigency or necessity or what are the compelling circumstances, which prompted the Government to promulgate an Ordinance using the office of His Excellency the President of India?

I know that it is unfair on my part to say about the significance and ingredients of Article 123 or under what circumstances an Ordinance can be promulgated since the Hon. Minister is the best legal luminary, and he is well aware of the provisions of the Constitution than anyone in this House. So, I need not explain it here as it will be unfair on my part if I am explaining it to him. Since he is fully conversant about the Constitutional provisions and the fact that Article 123 can be applied only in the case of extraordinary circumstances when the House is not in Session and some urgent action is required, then only this weapon shall / can be used.

If we go through the Statement of Objects and Reasons, paragraph three states that:

“As Parliament was not in session and immediate action was required to be taken to make necessary amendments in the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, to further improve India's ranking in the 'Doing Business Report', the President promulgated the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Ordinance, 2018 on 3rd May, 2018.”.

So, I would like to get a clarification from the Hon. Minister as to what was the urgency to promulgate this Ordinance. That is my question.

Sir, regarding the nomenclature of the Bill, I would also like to suggest the Hon. Minister that the long title and the short title of the Bill should also be changed. It is very difficult to pronounce it even in the court of law. If we want to quote the Sections of a particular provision of the Commercial Courts, Commercial Divisions, Commercial Appellate Division of the High Courts Act, it is very difficult to pronounce. The nomenclature of this Bill should be changed. I would like to pronounce it as Commercial Courts Act.

The original Act is Commercial Courts Act itself which was brought through an Ordinance. This was brought into public domain through an Ordinance on 23<sup>rd</sup> October, 2015. Yesterday also, the same point was raised. The other Bill which we discussed yesterday also came into public domain as an Ordinance. Subsequently, if an Act has come into existence in the public domain through the Ordinance route of legislation, again and again, the amendments would also be brought through the route of Ordinance. It is not a good practice of parliamentary democracy. I would like to say that the Government is systematically undermining the parliamentary system of our country. This is quite unnecessary to opt for the route of Ordinance Legislation.

Let us examine the urgency of the Ordinance. I fully agree with the Hon. Minister. He has already explained that the entire purpose of the original Act is to bring a fast-track mechanism for disposal of commercial disputes for which a commercial court is established at the level of district judge which is mentioned in the original Act and a provision of separate division is there in the High Court. Third,

a Commercial Appellate Division in the High Court has to be constituted. These are the original provisions of the original Act. The Ordinance is now promulgated to amend the existing Act of 2015.

Sir, there are four important proposals or amendments which have been brought in the Ordinance. First is to reduce the specified value of commercial dispute from Rs.1 crore to Rs.3 lakhs and the parties to the dispute can approach the lowest level of subordinate courts for speedy resolution of commercial disputes. So, two intentions are there. First one is that a specified value of the commercial dispute which is reduced to Rs.3 lakhs from Rs.1 crore and the lowest subordinate judiciary can also act since the value has been decreased to Rs.3 lakhs.

Second is about enabling the State Governments to constitute commercial courts at the level of district judge in respect of High Courts having original civil jurisdiction. As the Hon. Minister has rightly pointed out, Delhi, Mumbai and Chennai High Courts have original civil jurisdiction. At the level of district judge, commercial appellate jurisdiction is given. That is also a good suggestion.

Third is about enabling the State Governments to constitute designated commercial appellate courts at the level of district judge to exercise the appellate jurisdiction over the commercial courts below the level of district judge. That means for all the commercial disputes coming before the subordinate courts of the district court, appellate authority will be the district judge for which this Amendment has been brought.

The fourth one is to provide compulsory mediation before institution of a suit. I fully agree, this is the positive outcome of the Bill. The best thing that the Government has done in this Bill is the last one, i.e. chapter 3A, that is an amended

chapter incorporating Section 12(a) by which the mediation before the institution of a suit is a welcoming step.

Sir, I would like to know from the Hon. Minister as to what is the urgency in giving effect to these four amendments. Was there any urgency or any compelling situation prevailing so as to promulgate the Ordinance? Is it in order to give effect to these four Amendments from 31<sup>st</sup> May, 2017? What are the instances which have happened after 31<sup>st</sup> May, 2018 till the commencement of this Session?

Sir, regarding the Bill, I have certain reservations and I am seeking some clarification from the Hon. Minister because I am not fully aware of the impact of this Bill. When the commercial courts are being constituted, what would be their impact? It is not very clear as far as I am concerned. I am not opposing the Bill in toto but I have some reservations regarding the spirit of the Bill.

Today morning the Hon. Minister answered a question about the pendency of cases before the Supreme Court and in subordinate courts. Arrears Committees have been constituted to reduce the number of pending cases. In 24 High Courts, Arrears Committees have been constituted. The Government is also trying and initiating action to minimise the pendency of suits and litigations before the courts of law. When we are making complaints regarding pendency of suits in various courts, we the Parliament and the Government have to keep in mind that we are further overburdening the judiciary by making enactments one after the other. While we are making new legislations and making new areas of litigation, we are not creating the proportionate judicial infrastructure. New courts are not being constituted. At a time when courts are overburdened with pending litigations regarding civil, criminal and many other cases, we are designating our courts as Commercial Courts, Commercial

Divisions and Commercial Appellate Divisions of High Courts. Giving preference to these cases will definitely adversely affect the other pending cases. That is the first reservation which I would place before the Hon. Minister. Particular courts are being designated as Commercial Courts and certain Divisions of High Courts will be designated as Commercial Divisions and certain High Court Benches will be designated as Commercial Appellate Divisions of the High Courts. When you are doing all this, what will happen is that the courts have to give preferential treatment to these cases. It will then definitely adversely affect the other cases which are pending before the court and the pendency of the litigation will increase. That is the first reservation that I have.

Crime is an offence against the State. Commercial disputes are also there. My apprehension is that when a criminal appeal which is being tried before a High Court Division or High Court, what will happen to the criminal appeals when such a High Court has been designated as a Commercial Court of Appellate Jurisdiction? When there is a long pendency of criminal appeals under High Court jurisdiction, at the same time we are designating that particular court as a court of appellate jurisdiction for commercial disputes, definitely the pendency of cases will be more. That is why I would like to say that indirectly it is affecting all other pending cases because you are giving preferential treatment to the cases of commercial disputes on the ground that ease of doing business is the prime motto of the Government. On that basis the Government is doing this. On that I would like the Minister to clarify.

Mr. Deputy Speaker, Sir, you may kindly see that there are so many special courts. Day before yesterday we were discussing the issue of trafficking of women and children. There also it was said that special courts will be constituted. We are actually not creating special courts, we are only designating the existing courts which

are trying the offences, as special courts. That is the problem. That is why I say that whenever the Government comes with a legislation as a result of which there is possibility of increase in litigations, proportionate increase in judicial infrastructure has to be made. The number of courts, the number of judges, etc., should also be increased proportionately. Otherwise it will be affecting the other pending cases adversely and those cases will be the cases of the poor people in the country. We have the juvenile courts of justice, SC/ST atrocities courts, family courts and many other courts.

Sir, the Government is reducing the specified value of a commercial dispute from Rs.1 crore to Rs.3 lakhs. I would like to ask the Hon. Minister whether he has conducted any impact study on this. Suppose Rs.1 crore is the specified value of the commercial disputes, you are decreasing it to Rs.3 lakh. In section 2(c), there are 22 items which are relating to the commercial disputes. Supposing all these 22 items of disputes in which the quantum of the specified value of the commercial dispute comes to Rs.3 lakhs, our courts will be flooded with petitions of commercial disputes. What will be the fate of other civil cases?

This commercial dispute, according to me, is just like a civil dispute. What is the significance of it? If the value is Rs.1 crore and above, we can understand because the pecuniary jurisdiction will be increasing. Here in this case, what will be the impact? Suppose if it is being done, to my knowledge even a munsif court or even a magistrate court, subject to the pecuniary jurisdiction, can be declared or designated as a commercial court because of which other cases will suffer. When the specified value of the dispute comes to Rs.3 lakhs, almost all the disputes relating to the commerce will be within the purview of the definition in clause 2(c) that is commercial dispute. Courts will be flooded with commercial disputes and thereby all

other cases and disputes relating to various subjects will be insignificant or irrelevant in a court of law. So, I could not understand the logic of reducing the specified value of a commercial dispute to Rs.3 lakh. The Hon. Minister has just stated that by doing this, poor petitioners will be able to file their petitions. For this, civil remedy is there. They can very well approach the *munsif* court or the concerned court so as to redress their grievance. Suppose A is having an agreement with B and there is a violation of agreement and the specified quantum is Rs. 3 or 4 lakhs, he is getting a preferential treatment to go to a commercial court and get the redressal at the earliest. What about other individual transactions of civil nature? The preference which is being given is illogical and there is no reasonable justification to have this preferential treatment to this particular commercial dispute.

I fully agree and accept the new proposal of pre-institution mediation and settlement for which a new chapter has also been brought in. I fully agree to it and I congratulate the Minister. This is the best course of action because we have the Legal Services Authorities Act and it is functioning very well. So, the pendency of litigations can be reduced.

When all these amendments and enactments are being done to achieve the goal of ease of doing business and to accelerate the economic growth and improve the Indian justice delivery system, my humble submission to the Hon. Minister is that acceleration of economic growth should not be at the cost of the common man. When you are giving preferential treatment in the adjudication of commercial disputes that is the disputes of business people, delivery of speedy and effective justice to other sections of the society should not be compromised or should not be suffer. Since there is no urgency in issuing an Ordinance of this nature, I oppose the promulgation of Ordinance and I support the Bill subject to the reservations and apprehensions

which I have already made and for which I am seeking clarification. With this, I conclude.

HON. DEPUTY SPEAKER: Motions moved:

“That this House disapproves of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Ordinance, 2018 (No. 3 of 2018) promulgated by the President on 3rd May, 2018.”

and

“That the Bill to amend the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, be taken into consideration.”



[*Translation*]

SHRIMATI MEENAKSHI LEKHI (NEW DELHI): Respected Deputy Speaker Sir, thank you very much for giving me this opportunity to speak on the Professional Courts, the Professional Division of the High Court and the Professional Appellate Division (Amendment) Act, 2018. ... (*Interruptions*)

[English]

SHRI MALLIKARJUN KHARGE (GULBARGA): Hon. Deputy Speaker Sir, this is the privilege of the Opposition. You should give chance to the Member from Opposition to initiate the debate; he is ready. Every day, the initiation goes to the ruling party. The concerned Minister has already made his comments. They can wait. At least you can give the chance to the Opposition. Always this has been done and you are doing it. I don't know why you are doing it. Since yesterday, this has changed.

SHRI ARJUN RAM MEGHWAL: Sir, there is a mention here that item Nos. 13 and 14 may be discussed together. ... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: We are not objecting to that. When the Hon. Deputy Speaker said that, we kept quiet. ... (*Interruptions*)

Our submission is that the initiation should come from this side. ... (*Interruptions*)

HON. DEPUTY SPEAKER: You raised this yesterday also. So, I want to say something regarding this.

... (*Interruptions*)

**14 42 hrs**

**OBSERVATION BY THE DEPUTY SPEAKER**

**Procedure to be followed during combined discussion on Statutory Resolution disapproving Ordinance and Bill replacing Ordinance**

HON. DEPUTY SPEAKER: Hon. Members, you would recall that during the combined discussion on the Statutory Resolution and the Insolvency and Bankruptcy Code (Second Amendment) Bill, 2018 yesterday, Shri Mallikarjun Kharge raised a point stating, “After the Minister introduces the Bill and speaks, it is the prerogative of the opposition party to initiate the discussion. This is a wrong precedent. It is my request that it should not be clubbed like this”. Shri Kharge also submitted, “It is the right of the main opposition party to initiate the discussion. We are not given that opportunity and Members from other parties have been allowed to speak in between. It is not a good thing.” That is what you said.

In this regard, I would like to inform the House that the subject matter of the Statutory Resolution for disapproval of the Ordinance and the Ordinance replacing Bill is similar in nature. Therefore, it would not be appropriate to discuss both the items separately.

Accordingly, as per well-established practice, the Statutory Resolution seeking disapproval of the Ordinance and the Bill seeking to replace the Ordinance are discussed together to save the time of the House. The practice of listing both the items for combined discussion has stood the test of time and therefore does not seem to require any change.

The procedure being followed in such cases is that first the Member in whose name the Statutory Resolution is listed moves the Resolution and thereafter the Minister-in-charge of the Bill moves the motion for consideration of the Bill and speaks. After the speech of the Minister, the mover of the Statutory Resolution is allowed to speak on the Ordinance as well as the Bill because he cannot be given a second chance to speak on the Bill separately. After the speech of the mover of the Statutory Resolution, Members from various parties are called to speak as usual on the basis of party strength.

Therefore, Shri Mallikarjun Kharge, this is what I am suggesting since we follow a practice like this. We will be giving sufficient time as we gave yesterday also.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE (GULBARGA): Sir, we are not begging but asking for our right. ... (*Interruptions*)

HON. DEPUTY SPEAKER: It is your right; I am not denying that.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: They should give us the chance. Why should the Ruling Party initiate the discussion? The Ruling Party can always discuss it in the party meetings also. ... (*Interruptions*)

HON. DEPUTY SPEAKER: It is not like that.

SHRI MALLIKARJUN KHARGE: This is the only forum for the opposition parties to take the initiative and highlight their grievances.

HON. DEPUTY SPEAKER: Shri Premachandran is also from the opposition. It is your group which is a combined group; not any other group.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: It is a matter of prerogative; it is a matter of our right. ... (*Interruptions*)

You do not want to honour our right. It is left to you. ... (*Interruptions*)

HON. DEPUTY SPEAKER: That is not the intention.

... (*Interruptions*)

[*Translation*]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT AND GANGA PROTECTION (SHRI ARJUN RAM MEGHWAL): Sir, if this were not a statutory resolution, then only a member of the Congress party would get the opportunity to speak first. Premachandran ji gave resolution, and it was accepted, so he got a chance to speak. ... (*Interruptions*)

[*English*]

HON. DEPUTY SPEAKER: Anyway, I have called her.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: You can suspend the rules. You are the supreme authority. ... (*Interruptions*)

HON. DEPUTY SPEAKER: The House is the supreme authority; I am not the supreme authority. Whatever way you guide me I will follow that.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: You can suspend the rules. ... (*Interruptions*)

SHRIMATI MEENAKASHI LEKHI (NEW DELHI): Sir, I think we are wasting time now. ... (*Interruptions*)

HON. DEPUTY SPEAKER: If all of you want to suspend, I will suspend; but all of you have to accept.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: We have authorised you in the rules. ... (*Interruptions*)

**14 44 hrs**

**STATUTORY RESOLUTION RE: DISAPPROVAL OF COMMERCIAL COURTS, COMMERCIAL DIVISION AND COMMERCIAL APPELLATE DIVISION OF HIGH COURTS (AMENDMENT) ORDINANCE, 2018 AND COMMERCIAL COURTS, COMMERCIAL DIVISION AND COMMERCIAL APPELLATE DIVISION OF HIGH COURTS (AMENDMENT) BILL, 2018  
Contd.**

SHRI MALLIKARJUN KHARGE : We have authorised you in the Rules.....  
( interruptions)

HON. DEPUTY SPEAKER: Smt. Meenakshi Lekhi, you may continue now.

*[English]*

SHRIMATI MEENAKSHI LEKHI (NEW DELHI): Hon. Deputy Speaker Sir, this is an attempt to reconcile the law court system and business activities. Delhi is the center of business. I think this issue is related to the interests and arrangements of the traders. Where there is business, there is dispute. As industry and trade grow, it is a normal process that disputes will increase there. We can settle all those disputes in a proper manner; we will also have to make a system in the country.

Even Internationally, if there is a dispute between two countries, arrangements are in place in the form of World Trade Organisation (WTO) through which those disputes can be resolved. At the domestic level, when there will be any quarrel with the government or between the traders or any other kind of dispute arises, then we have to make a proper arrangement to fix such a system. Recently, many such laws have been changed in the country, be it the Specific Relief Act or the Arbitration Act, all such things have been changed so that the system of business in the country can be

improved. To correct the same trading system a law came in 2015, which was given the name of the Act of Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts. There was a provision for establishment of professional courts in High Courts and at the district level. There are certain Charter High Courts which have original jurisdiction like Delhi High Court and many High Courts where these jurisdictions are not available. A provision of this law has been made to correct the same system and to settle these disputes rapidly. Foreign investment is increasing in the country. FDI is on the high. Commercial litigation is also increasing, and business transactions are also increasing. Because of this, foreign investors get a positive image of our judiciary and our legal system, this is a good step in that direction. Commercial division in the High Courts has been created on the basis of that. This ordinance was brought in 2018 in the month of May in the middle of the business division and appellate division, but the core of this amendment is how to do the business easily. The Minister has said this earlier that we have to improve the ranking of Ease of Doing Business. From 130th ranking, we have reached 100th ranking, but more and more our ranking may increase, such message should be conveyed to the whole world. We have to increase the ranking of Ease of Doing Business, and this is a step under the qualifying parameters of the World Bank.

*[English]*

Repeatedly, Shri Premachandran has asked as to why the jurisdiction has been brought down to Rs.3 lakhs instead of Rs.1 crore. The answer to that is, when a study was made - it nearly takes about four years, 1420 days, to resolve any smallest commercial litigation - as per 2013 record, 32,656 civil cases were pending in various High Courts and 52 per cent were commercial disputes. When he is talking about reduction in the number of cases and benefit to common man, traders, small traders

are also common people. They also help in the growth of GDP. Their pain needs to be resolved so that the circulation of money is increased. Premachandran ji asked as to whether there is any study made. I would like to say that yes, there is a study and as per that study in 2013, 32,656 cases are pending and 52 per cent of that litigation happens to be the commercial disputes. Most commercial disputes, especially of high value, have an impact on the financial investment and economic activity in the country.

Sir, the Law Commission in its 253<sup>rd</sup> Report, submitted in 2015, also recommended quick disposal of commercial cases and commercial disputes which require special expertise. There are lawyers who can practice on all sides. But, you get trained in certain format and under this particular aspect the commercial courts have been separated. This Act of 2015 was enacted to fast track the disposal of high value commercial disputes by establishing Commercial Courts at the district level and Commercial Divisions and Commercial Appellate Divisions at the High Court to adjudicate upon commercial disputes such as disputes relating to construction and building contracts and goods and services as well.

Now, what really has transpired in December 2017? As has already been mentioned by the Hon. Minister, in December, 2017, the Government had established a total of 247 commercial courts across the country. But, the non-exhausted list of 22 disputes, termed as commercial disputes, has also been brought in. To increase the efficiency of the system, there are still many enactments and many things which we need to correct and this is just one part of the correction to improve the ease of doing business. By bringing the jurisdiction to three lakhs, we will actually be bringing judicial accessibility to a wider audience and to a larger number of people. By making it available to a larger number of people, we will be resolving a larger



number of disputes. It is in this context that the jurisdiction has been reduced after studying the data in detail.

This particular amendment has been brought in with the specific value which was determined under Section 2 (1) (i), where the minimum pecuniary jurisdiction is mentioned, which was one crore earlier before the Ordinance, now it has been brought to three lakhs. This jurisdiction will initiate more such disputes to have a faster disposal.

As I have mentioned earlier, under the Charter, there are Chartered High Courts and non-Chartered High Courts. So, certain original jurisdictions are vested with certain High Courts and not with every High Court. This was one impediment in establishing commercial divisions. So, there was a bar of some sort. To do away with the bar, this particular enactment has been brought in and this is another major change which has been brought in through this particular Bill.

The third aspect of the commercial appellate court is that normally at the District Level, either a District Judge or a Judge below the level of District Judge, will be notified as the Commercial Court Judge. Then the appeal need not go to the High Court. The appeal can go to the District Judge. That is also a part of this particular enactment.

Now, I come to mediation. A completely new chapter has been added. I think we must welcome this particular aspect. The most pre-litigation mediation, which was non-existent and specially keeping the commercial disputes in mind, I think, this is a leaf we have taken out of the Italian Jurisdiction. In Italy, there has been a study that the efficacy of the system has been maintained and we have tried to replicate that by introducing this particular chapter in the entire Act. This chapter makes a couple

of changes. First, it puts a time limit on the mediation. It is in three months in which a mediation process has to end. Second, in case where both sides agree and where both sides are in agreement, the mediation period can be extended by two months and that also has to be in writing. Third, whatever is decided in this particular mediation process, will be treated. Otherwise we have to move to the court in suit to make that particular order as a compromise and an agreement between the parties. Now automatically, a mediation order, whichever is passed between the parties, becomes a certified order and becomes an arbitral award. That change has also been brought in to the arbitration act which reduces the burden.

So, again I am answering the question asked by Shri N.K. Premachandran that as to why it has been brought down to three lakh rupees. The moment we make it three lakhs, more and more number and a larger population will be able to access this methodology. Through mediation, we can end half of litigation. What everyone wants is some interest variation and a kind of dispute which can be resolved. So, after resolution, the order in the mediation cell achieves finality and is accorded the status of an arbitral award, which is fantastic. The present amendment Bill intends to do the same.

Now, I come to the issue of transfer of counter claims. There was a problem in transferring the counter claims. Now, with this, we have even resolved that particular issue. Earlier, if a civil suit was involving at least Rs.1 crore, it could not be transferred. But, it can now be transferred if a person specifically wants the case to be transferred to the commercial division.

I am again going back to ease of doing business. The ease of doing business is a global indicator where a quantitative mechanism by the World Bank has been

established. It prepares a very credible and widely accepted nation's ranking on the index. This ranking is based on 10 sub-indices which contains qualitative measures of regulation for starting a business, dealing with construction permits, employing workers, registering property, getting credit, protecting investors, taxes, trading across borders, and enforcing contracts which is the primary purpose of this enactment. Earlier, we made that amendment even in the Specific Relief Act in 2018 itself.

As regards getting an electricity connection and closing a business, now this is very pertinent. India enjoys the disrepute for its ability to handle insolvency cases. We have improved from 136 to 103. So, we have jumped 30 ranks. This contributed the top most help which India needed to change its fortune. It is because the World Bank Ease of Doing Business ranking was low for a long time. The country enacted to fasten the process of winding up losing businesses.

What is happening is that when you start a business which is not making money and is actually a dead business, it needs to be shut down. Now because of so many litigations and other such things, the winding up of business itself was becoming a problem. The Insolvency Act which has been brought in recently and all the changes which have been brought in will add to that. Then successful reforms are being carried out to improve India's ranking worldwide so that we can get more and more FDI; we can showcase our economy; and we can jump the rank. We have replaced France by becoming the sixth largest economy. In coming times, we would want to improve our place in the world ranking and we would like to be No. 1 in the world rankings.

All I can say that, *saaf niyat* and *sahi vikas* that is what the country is working towards and that is what we have done in four years. It is with *saaf niyat* and *sahi vikas* that these changes, as a composite package, have been brought in.

[*Translation*]

I want to tell all my colleagues sitting in this House that where there is pure intention, the blessings are there. I would like to tell all my colleagues sitting in the opposition - Premachandran ji and all other colleagues that if there is purity in courage and truth in intention, then human beings can do anything. During the exemplary tenure of four years, you must have noticed that whether it is love or worship, politics or commerce, we have clear intentions and pure character everywhere. That is why whether it is national level or international level, there is the sound of development everywhere and everyone can hear it. Therefore, I support this Amendment Bill and urge all my colleagues sitting in the House, that by supporting this Bill, we should make our invaluable contribution to the continuously increasing development journey of the Modi government so that all of us can participate in the progress of the country.

Thank you.

[English]

SHRI S.P. MUDDAHANUME GOWDA (TUMKUR): Sir, I may be permitted to speak from this place.

**14 58 hrs**

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

Sir, at the cost of repetition, I would like to subscribe my views to the views expressed by my senior colleague, Shri Premachandran Ji, with regard to the promulgation of this Ordinance and also the amendments.

The word 'Ordinance' has got its own seriousness. In Kannada, we use the word *sugrivaghne* which shows the seriousness of the word. In the rarest of the rare cases, we do adopt the measure of bringing legislation through Ordinances but here I would request the Hon. Law Minister who himself is a legal luminary to convince us, explain to this House and let the country know what was the imminent urgency he had in bringing this legislation through the Ordinance route. The other Bill which is listed today, that has also been brought through the Ordinance route. If such a provision is used every now and then, definitely the seriousness of this provision will erode. If it is repeatedly and unnecessarily used, it will lose its seriousness. That is why, I have my own reservations in this regard.

**15 00 hrs**

Sir, the reasons assigned by the Hon. Minister in the Statement of Objects and Reasons are to attract business at the international level and also ease of doing business and speedy disposal of commercial disputes for bringing forward this legislation. If the intention of the Government is to attract business at the

international level, then why does the Government propose to reduce the pecuniary jurisdiction of the quantum from Rs. 2 crores to Rs.3 lakhs?

In Section 2(c) 22 items have been mentioned. Almost every alternate litigation that is pending in the civil courts is a commercial dispute including a commercial dispute of ordinary transactions of merchants, bankers, financiers, traders etc. If that is the case when the Government is bringing forward a special legislation to form commercial courts, then it should have some seriousness.

Today in the morning itself the Hon. Minister conceded to the pendency of cases in the courts in the country, including civil and criminal cases. Reduction of the pecuniary jurisdiction of the quantum from Rs.3 crores to Rs.2 lakhs to bring cases within the ambit of this legislation dilutes the importance of the legislation. The Government proposes to form commercial courts specifically with an intention to attract business at the global level. My observation is that by reduction of the quantum of pecuniary jurisdiction to Rs.3 lakhs take away the seriousness of this legislation.

Sir, the intention of the Government is 'ease of doing business' and also speedy settlement of commercial disputes. If that is so, then what measures have the Government taken, under this Act, to create more infrastructure. Speedy disposal of cases requires abundant infrastructure. If the Government seeks to have speedy disposal of cases with the same infrastructure, I do not think the purpose of the Government would be served.

Sir, in the morning itself, from the reply of the Hon. Minister himself what we could infer is that even in criminal cases where the punishment is supposed to be for a period of three years, there are many cases and instances where there are under-trial

prisoners who have been languishing in prisons for than four to five years. Due to lack of speedy disposal of cases even the prisoners are lying in the prison and are serving more period than the punishment that they are meant for. Forget about the fate of the civil litigants. Such cases of civil litigation are pending for more than 25 to 30 years in the civil courts. If that is the case, then how can the Government think of getting speedy disposal of cases without making any provision with regard to the creation of additional infrastructure? In this Bill, we do not find any provision for the creation of additional infrastructure. For example, in the Commercial Appellate Division Court, the Government proposes to appoint a sitting High Court Judge. The State Government shall, with the concurrence of the Chief Justice of the High Court, appoint one or more persons having experience in dealing with commercial disputes to be the judge/judges of a commercial court from amongst the cadre of higher Judicial Services. Likewise, the Chief Justice of the High Court nominates such judges of the High Court who have experience in dealing with commercial disputes to be the judges of the Commercial Appellate Division. So, through the provision of the Bill, the Government seeks to extract manpower which is already working and the manpower which is already over-burdened resulting in the inordinate delay in disposal of criminal, civil and other matters.

If that is the case, unless you create more infrastructure, unless you appoint more judges and ease out the burden of the sitting judges both in the subordinate judiciary as well as the higher judiciary, the purpose of this legislation will not be meted out. That is the situation. Why I am mentioning this is, in the morning and now also, you have fairly conceded to the fact that there is shortage of more than 5500 subordinate judicial officers. There are vacancies of nearly 50 per cent of the High Court judges. In this situation, unless more judges are appointed, more courts are

created and more infrastructure is created, the very purpose of bringing this legislation will be defeated.

You are bringing the provision of pre-institutional mediation and settlement. This is a new chapter which you are bringing in here. What purpose are you serving by bringing this legislation? Here, you want to create authorities under the Legal Services Authorities Act for pre-mediation and settlement. You are making pre-mediation settlement as a mandatory thing. In every case, it is made mandatory. Even if it is a matter of Rs.3 lakhs, it should be referred to under this provision.

There is also a provision created for a litigant. To avoid this provision, if he makes an interim application, then the matter is taken away from this provision. If any interim application is there seeking an order of injunction or some such order, then that matter is being taken away from this provision. Mere filing of an application is sufficient. Otherwise, where is the provision for it and who is going to decide whether this is a case that should be referred to pre-institutional mediation and settlement or not? Here they can save five months of time. That is why, anybody can file an interim application and file a petition before the commercial court. Absolutely, there is a scope for that.

Finally, I would like to place a problem regarding my own State. In the morning, my leader, Shri Kharge, raised a very important and pertinent issue which has been making a very big news in our State.

This August House was kind enough to give special status to Hyderabad-Karnataka under article 371J of the Constitution. That provision was given keeping in mind the backwardness of that area. Six districts are included in it, namely, Gulbarga, Bidar, Yadgir, Koppal, Raichur and Bellary. These districts come under Hyderabad-



Karnataka area. Special status was awarded under Article 371J keeping in view the fact that the area requires further development. Fortunately, three Benches were created in Karnataka. One is in Bengaluru, the second one is in Hubli-Dharwad and the third one is in Gulbarga. If the benefit of article 371J is to be given to all the six districts, then geographically also, it should be kept intact.

What happened is, out of the six districts, two districts are taken away from the territorial jurisdiction of this court and are given to the High Court at Hubli-Dharwad. Suppose a litigation is filed under the provisions of article 371J at Hubli-Dharwad, any order that is going to be passed there affects the whole Hyderabad-Karnataka Region. That is why, my humble request to the Government of India is to please see that these two districts are kept intact in the territorial jurisdiction of Gulbarga High Court so as to see a real meaning in the special status given to Hyderabad-Karnataka under article 371J.

With these words, I conclude my speech and I thank you for having given me an opportunity to participate in the discussion.

SHRI J.J.T. NATTERJEE (THOOTHUKUDI): Thank you Hon. Chairman Sir. The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Bill, 2018 amends the Commercial Courts Act, 2015 which provides for Commercial Courts and Commercial Divisions of High Courts to adjudicate commercial disputes with a value of at least one crore rupees. The Bill reduces this limit to three lakh rupees.

Sir, the pecuniary jurisdiction of Commercial Courts reduced from one crore rupees to three lakhs rupees will lead to the transfer of all commercial disputes above

three lakh rupees. It may over-burden the Commercial Courts and defeat the objective with which they were established. The courts in India are over-burdened with high pendency of cases.

As of April 2018, there are over three crore cases pending across the Supreme Court, the High Courts, and the Subordinate Courts including District Courts. Between 2006 and April 2018, there has been an 8.6 per cent rise in the pendency of cases across all courts.

Increase in the pendency of cases for long periods has resulted in the increase of under trials in prisons. There were about 5 lakhs prisoners in jails. Of these, two-thirds were under trials and the remaining one-third were convicts. The Government should take necessary steps to address this issue.

The Bill also allows the State Governments to establish commercial courts at the district level, even in territories where high courts have ordinary original civil jurisdiction.

In areas where High Courts do not have original jurisdiction, State Governments may set up Commercial Appellate Courts at the district level to consider appeals from Commercial Courts below the level of a district judge. The Bill does not clarify whether the cost of setting up of new commercial courts will be borne by the Union Government or by the State Governments or both.

Sir, I would like to record in this august House that the overall vacancies of judges have increased across all courts from 23 per cent in 2006 to 35 per cent in 2018. In the Supreme Court, it has increased from 8 per cent to 23 per cent; in the High Courts from 16 per cent to 38 per cent; and in the Subordinate Courts from 19 per cent to 26 per cent. The establishment of more Commercial Courts would require

more judges and the Government should consider this issue and provide the courts with adequate number of judges.

Sir, the intention of the Government is very clear. It aims to transfer large number of already pending cases and new cases of pecuniary jurisdiction of Commercial Courts from courts. At the same time, it is the prime duty of the Government to provide adequate number of judges and to provide necessary infrastructure facilities for the newly established Commercial Courts in the country and should not burden the State Governments. Thank you, Sir.

SHRI IDRIS ALI (BASIRHAT): Thank you, Madam. I am deeply grateful to your honour for giving me the scope to say on this important Bill.

At the same time, I am also highly grateful to one of the great National Leaders, the Chief Minister of West Bengal, Ms. Mamata Banerjee who is also known as the second Mother Teresa because without her blessings, I would not have become a Member of Parliament.

Hon. Speaker Madam, the Government on May 3, 2018 promulgated an Ordinance amending the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015. Sir, this Bill seeks to amend the Commercial Courts, Commercial Division and Commercial Appellate Division of High courts Act, 2015, and also seeks to replace the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Ordinance, 2018.

There are many cases pending in courts. This is really a cause of concern for the common man. Setting up of commercial courts would certainly give some relief to the people. But the Government has to appoint suitable judges for the purpose and they should also be provided training in micro economics.

As on date, the Judiciary is burdened with more than three crore pending cases in the Supreme Court, the High Courts and the Subordinate Courts. In the High Courts, 23 per cent of the cases have been pending for over 10 years. Further, over 29 per cent of all cases have been pending between two and five years. In the Subordinate courts, over eight per cent cases have been pending for over 10 years. The maximum number of cases have been pending in the Subordinate Courts for less than two years and that comes to 47 per cent.

Sir, the increase in the pendency of cases for long periods, over the years, has resulted in an increase in the number of under trials in prisons. As of 2015, there were over four lakh prisoners in jails. Of these, two-thirds were under trials and the remaining one-third were convicts. This is the reason as to why most of the people do not want to go to courts and get their disputes resolved outside courts.

We all know that there is a huge backlog and a large number of vacancies exist in courts. Unless those vacancies are filled early, any number of creating additional machineries may not solve the problem of accumulation of cases. Overall, vacancies in the country have increased across all courts from 23 per cent in 2006 to 35 per cent till April, 2018. In the Supreme Court, it has increased from eight per cent to 23 per cent; in the High Courts, it has increased from 16 per cent to 38 per cent and in the Subordinate courts, it has increased from 19 per cent to 26 per cent. As of April, 2018, the High Courts have a vacancy of 406 posts of judges against the sanctioned strength of 1,079 judges. In the Subordinate Courts, the vacancies of judges have increased from 19 per cent to 26 per cent between 2006 and 2017. In West Bengal, there is a vacancy of 40 posts of judges and Andhra Pradesh has a vacancy of 66 posts of judges.

SHRI IDRIS ALI: Madam, I would take only three minutes more to conclude because West Bengal should not be deprived. The Hon. Law Minister is present here.

HON. CHAIRPERSON: No. Please conclude within a minute.

SHRI IDRIS ALI: Sir, one of the most critical changes introduced in this Bill is with respect to the appointment of Judges of Commercial Courts. Earlier, the State Governments could appoint those Judges only with the concurrence of the Chief

Justice of the High Court whereas after the amendment, the State Government has the power to appoint such Judges even without the concurrent of the Chief Justice of the High Court. Unless all the vacancies of the Judges are filled up in the regular courts, the problem of disposal of cases will never get solved.

Sir, according to the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, herein referred to as the Principal Act under the provisions of Sections 19 and 20 of the Bill cast an obligation on the State Governments to provide infrastructural facilities. Considering the financial conditions of the States, the Centre should provide substantial funds for the establishment of these infrastructural facilities. In order to fulfil the objective of quick disposal of pending cases, the vacancies in the Judiciary at all levels should be filled up; and for that reason or purpose for the fulfilment of the Objects and Reasons, the Central Government should come up with sufficient financial support to the State Governments.

HON. CHAIRPERSON: Please conclude, now.

SHRI IDRIS ALI: Sir, give me just one minute. The Hon. Law Minister is here, and I am duly obliged to him that he is noting down our points.

Mr. Law Minister, it is a fact that you have created Commercial Courts but for that purpose you have not created new posts of Judges to deal with the commercial matters. In effect, a Judge, who is taking up the criminal matters, is also becoming a Judge for commercial matters.

Sir, the Hon. Law Minister is an eminent lawyer and he knows everything.

Lastly, I would urge upon the Government to make sure that a poor person gets justice at his doorsteps at all levels. So, necessary steps may be initiated without further loss of time.

HON. CHAIRPERSON: Now, Dr. Shrikant Eknath Shinde.

SHRI IDRIS ALI: Sir, one minute ... (*Interruptions*)

Let me conclude my speech by adding one sentence in Bangla. I am thankful to our Chief Minister of West Bengal who is not only the most charismatic leader of this country but also a great revolutionary leader of West Bengal.

With these words, I conclude. Thank you.

DR. SHRIKANT EKNATH SHINDE (KALYAN): Hon. Chairman, Sir, I am thankful to you for giving me this opportunity to speak. Today, we are discussing the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Bill, 2018.

The pecuniary jurisdiction of the Commercial Courts will be brought down from present Rs.1 crore to just Rs.3 lakhs with this amendment.

At the same time, there will be provisions whereby the State Governments will be able to establish Commercial Courts where the High Courts have ordinary original civil jurisdiction.

There is no such provision in the present Act of 2015 and such High Courts, namely, Mumbai High Court, Delhi High Court, Chennai High Court, Kolkata High Court and Himachal High Court to establish Commercial Divisions to resolve the commercial disputes.

Hon. Chairman, Sir, the original law was enacted for the speedy resolution of commercial disputes.

Pendency of cases is a major challenge in front of our Judiciary. As on today, more than three crore cases are pending in various courts across the country.

Sir, commercial disputes need to be resolved speedily because it affects the investment in the country and the overall economy.

Foreign investors are interested in India's growth story but they might be put off if our redressal system is not expeditious.

Therefore, the speedy resolution of commercial cases is important for ease of doing business. Therefore, this Parliament had enacted this law in 2015 under which



the pecuniary jurisdiction of the Commercial Courts was minimum of Rs.1 crore. Now, with this amendment, the jurisdiction will be brought down to Rs.3 lakhs.

Sir, I appreciate the Government's concerns for the speedy resolution of commercial disputes. With job market slowing and the growing unemployment, we need more and more investments in manufacturing as well as in service sectors to create more job opportunities. Therefore, the speedy recovery of commercial disputes may go a long way in assuring and comforting investors. I appreciate Government's concern. We have seen in many cases like Vodafone's tax issue or in Tata versus DoCoMo to name a few. Therefore, one cannot deny the necessity of a robust judicial framework for the speedy recovery. However, at the same time, we must also ask ourselves whether we have necessary infrastructure to bring about these changes.

It is widely believed that lowering the pecuniary jurisdiction of these courts will increase their work load tremendously. As on today, more than 39,000 cases are pending in commercial courts, which have risen by 123 per cent in just two years when the minimum limit was Rs.1 crore. It means, we have just moved to the point of bottleneck from one court to another. Just imagine the number of additional cases these courts will be flooded with if we lower the minimum level to just Rs.3 lakhs.

The vacancy of judges is the major reason behind these large pendencies. As on today, 41 per cent of the approved strength of judges in High Courts and 23 per cent in subordinate courts are vacant. The Standing Committee on Law and Justice had clearly stated in its Report in 2015 that without filling up of these vacancies, the very purpose of creating commercial courts would be defeated. That is what we are experiencing with more than 100 per cent increase in pending cases in commercial courts.

Various measures were suggested to overcome this problem. One of them was doubling of judges' strength and appointing retired judges on an *ad-hoc* basis for one year. Unfortunately, the Government has not yet made any move in this direction. The Standing Committee on Law and Justice has been consistently urging to fill up these vacancies. Even in a recently submitted Report of this Committee, it has expressed concerns about the large number of vacancies.

It has also recommended to increase the retirement age of Supreme Court Judges from 65 years to 67 years and of High Court Judges from 62 years to 65 years. The UPA Government has brought the Bill to increase the age limit of High Court Judges from 62 years to 65 years but, unfortunately, it was lapsed after the dissolution of the 15<sup>th</sup> Lok Sabha in 2014. More than 400 posts of judges are vacant in 24 High Courts of this country.

Therefore, I urge upon the Government to consider this recommendation and bring a Bill to increase the retirement age of Supreme Court and High Court Judges. While plugging one loophole, we cannot let the other loophole remain open, otherwise, the whole exercise of bringing down the specified value of commercial disputes from Rs.1 crore each to Rs.3 lakhs would prove futile.

I welcome the Government's steps in this direction. The Government's intention is very good of bringing down the specified value of commercial disputes from Rs. 1 crore each to Rs. 3 lakhs. It will encourage investors to invest and bring more investment but at the same time, the infrastructure should also be improved. I request the Government to consider all these suggestions.

With this, I support this Bill.

DR. A. SAMPATH (ATTINGAL): Chairman, Sir, I respect a lot the Hon. Minister. I had an opportunity for the first time to be with him on a television debate on the Italian marine case. I hope, the Hon. Minister may remember that English TV channel discussion we had during the time of the 15<sup>th</sup> Lok Sabha. We were in the same line regarding the United Nations Convention on Law of the Sea.

Here, Sir, I would like to invite the attention of the Hon. Minister towards my request. He is an eminent lawyer of the Supreme Court. I bow my head before him as he is my learned senior. He may also accept my view if he was on this side along with me. It is because my Party will be on this side because we are from the Left and CPM is always on the left side of the Chair.

Sir, I would like to know whether we are having an Ordinance *raj*. This House is the supreme legislative body of this nation. We are the largest multi-party democracy in the world. We have adopted our bicameral legislative system. Regarding this exercise of law making by Ordinance, I hope, even the senior lawyer may disagree with the path undertaken by his own Government. Here what happens in this House is this. Even in previous discussions also, some of our eminent Members of Parliament – I also associated with them – have pointed out this matter. If a legislation has to be initiated in the House, the proper method is this. That should be put to study including discussion with various stakeholders and also taking of evidences by the Departmentally Related Standing Committee of the Parliament. In this House, unfortunately, during the tenure of the Sixteenth Lok Sabha, if you see,

the Standing Committees have become just like the...\* It is for namesake. Many of the Standing Committees do not meet at all.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): My very distinguished friend Sampath, ...\* will not be a right word for a Standing Committee. I leave it to you.

DR. A. SAMPATH: I do not want to stick on to the word. Any word that my learned senior may suggest, I will take with both hands. It is only for name sake. we have the Departmentally Related Standing Committees. It is because, it is a new invention that our Parliament has put forth to the whole Parliamentary democracy of other nations also. Now, I am a member of the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for quite a long time. It does not meet at all. I have had my service in the Standing Committee on Defence during the time of the Eleventh Lok Sabha. Then I was in the Standing Committee on Finance along with Shri Yashwant Sinha ji, when he was the Chairman. Advani ji was also there along with me in the Standing Committee on Home Affairs. The Standing Committees have a duty to scrutinise the laws. Sometimes, of course, it comes under the guise of amendments. Just because it is coming under the guise of amendments, can we say that it is not a new law? It is only putting some powers, some wings, some teeth and nails. Anyway, this method of making law is just like taking something straight from the oven. That type of legislation should be discouraged. That is my humble request to the Hon. Minister, through you, Sir.

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\* Not recorded

When it involves the interest of the common man, interest of the millionaires, the billionaires and the corporates, I would like to know whether the Government is with the millionaires, the billionaires, the corporates and the transnational corporations or it is with the common man. I am not saying the words '*aam admi*'. Some of my friends may ask me to delete that word also because Aam Admi Party MPs are here.

We are a nation in which the largest number of undertrial prisoners are languishing behind the bars. Many of them, even after completing their term, are behind the bars. We are the nation where the largest number of trials are yet to be initiated; we call them POCSO cases. Today, our Question Hour proceedings did not reach up to the Starred Question No.220. Had that come, the Hon. Minister would have in any way given the reply to the supplementary questions also. In reply to Question No.220, the Hon. Minister has given a detailed statement regarding the POCSO cases and the situation of the courts which try the POCSO cases.

Day before yesterday, we had a discussion on the Criminal Law (Amendment) Bill. We passed the Criminal Law (Amendment) Bill almost unanimously even though, some of us, including me, have certain differences regarding the capital punishment.

May I ask you a question? May I know the number of vacancies yet to be filled up in the Judiciary? Many of our friends have already pointed out this. It is more than 6000. For your information, in many nations, not only in the European nations but also in the developing nations, the ratio of judicial officer per lakh people is 10-40. It means 10-40 judicial officers are there per one lakh population. But in our nation, it is less than 30 per one million populations. How will justice be provided to

the common man? Of course, the Goddess Thetis knocks the door of the rich while the majority of the people languish behind the bar and they run after Goddess Thetis and the Goddess Thetis is supposed to be blind-folded. For the Ease of Doing Business, I also agree with the Statement of Objects and Reasons as narrated here by my Hon. Minister. I have no difference of opinion.

HON. CHAIRPERSON: Please conclude.

DR. A. SAMPATH: I will take two more minutes. This is regarding the law and justice. I am also putting some economics in this. I am not saying about the GDP, gas and diesel. Yesterday also, the fuel prices went up like anything. I am not saying about the GDP. One per cent of the total GDP is not earmarked for dealing with law and justice matters and for the courts of this country. There was an instance where the Chief Justice of the Supreme Court of India was virtually weeping before the Prime Minister of India. He was weeping and crying. Why had he cried with folded hands? It is because of the workload of the judiciary and the workload of his fellow beings and the vacancies which are yet to be filled up.

Through you, may I ask a question? Only through you, I can ask a question to the hon. Minister. This morning in answer to Question No.201, he gave a very good reply and he said that we have an independent judiciary. Of course, we all agree with him. I also studied like that. I also took lectures on that to my students in the Government Law College. At the same time, why are we not filling up the vacancies of the judges in the Apex Court as well as in the High Courts? What about the collegium recommendation? If the people are feeling that there is a tug of war between the Executive and the Judiciary, I am not a person to be blamed for that. This House is not to be blamed for that.

HON. CHAIRPERSON: Please conclude.

DR. A. SAMPATH: I am going to conclude. Sir, the Government is very much eager to get this Bill passed. It is related with commerce. It is related with money. It is related with machines and not with man. When there is a battle between man and machine, I stand with the man. When there is a battle between man and the money, I stand with the man. We have to stand for the common people. How many legislations have we made to provide justice to the common man?

Before concluding, for the National Legal Service Authority and for the free legal aid which we provide to the poor, do you know Sir, the amount which we provide to the budding lawyers? It is from Rs.500 to Rs.1500. In that, only the junior lawyers may come to provide the free legal aid. That is the money which a lawyer may get. How many times do the young lawyers visit the jail?

I will take only one more minute. You kindly allow me one more minute because other political parties are not participating in this matter.

I am not here to raise the voice of the hi-fi people because they know how to manage and, if not, to manipulate. I am here to raise the voice of the voiceless. Here my request to the Government is this. There is a saying in English, 'Many have eyes but do not see; many have ears but do not hear.' Here it is the duty of the Government, especially when the Minister is an eminent lawyer, to provide justice to the common people and that too at the doorsteps of the people.

HON. CHAIRPERSON: Please conclude.

Now, Dr. Boora Narsaiah Goud.

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

In the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Bill, you are putting more burden upon the shoulders and heads of the existing judiciary. You are not appointing more people. At the same time, you are asking them to dispose of the cases within five years. There are pending cases. Even criminal cases are pending. If the criminal cases are pending, it is the violation of Article 21 as enumerated in the Constitution of India.

HON. CHAIRPERSON: Please conclude.

DR. A. SAMPATH: So, my humble submission to the Government, through you, Sir, is that they have to appoint more judges; they have to provide more money to the judiciary; and they have to also establish more courts.

HON. CHAIRPERSON: Please conclude.

DR. A. SAMPATH: Sir, there is one more point. Even though the Constitution enumerated, why is there no other branch of Supreme Court of India in other places? The Supreme Court is still here in Delhi and everybody has to come to Delhi....  
*(Interruptions)*

HON. CHAIRPERSON: Nothing will go on record, except the speech of Dr. Boora Narsaiah Goud.

...*(Interruptions)*



DR. BOORA NARSAIAH GOUD (BHONGIR): Sir, thank you very much for the opportunity. ... (*interruption*)

[*Translation*]

Better late than never.

[*English*]

Sir, when I look at the Bill, I immediately remember the story of a play written by Shakespeare, 'The Merchant of Venice'. You know, Sir, that Venice was a very good commercial capital. As you know, in that play, there is a person called Bassanio who wanted to marry a very rich girl. So, he wanted 3,000 Ducats. So, he approached his good friend, Antonio for the loan. But unfortunately, Antonio did not have any money because he had invested all his money in the ship business. So, he had requested one moneylender by name, Shylock for the amount. But Shylock had agreed to give the loan on the condition that within three months if he did not repay, he should give pound of his flesh. That is the story. Then, of course, due to various reasons, Antonio could not repay it but the Duke, who had ruled, had given a nice judgment telling that Shylock can take the pound of flesh from Mr. Antonio provided he does not shed even one drop of blood. That is the moral of the story. This is how the judgment worked.

Now I remember the merchants of India. What happens to our merchants like Vijay Mallya or anybody else? When they take loan for the glamorous business purpose and when they cannot repay, they will go to London or they will go to Antigua or they will go to other countries and ask us to provide a video of five-star jail system so that they can come back. That is the system. That is the fault in our judicial system which is affecting investment in India. That is the problem.

Today I want to bring one thing to the notice of the Minister. Why London, Singapore, Hong Kong and Dubai are successful commercial spots or capitals? That is because there is an effective dispute redressal system. That is the reason why they are successful commercial capitals. But what is happening in our country? justice delayed is justice denied. But our typical judicial system is, as you know, Date after date, Date after date is the present malady affecting our judicial system. Now, you look at the statistics.... (*interruption*)

[*Translation*]

This is the reality. ... (*Interruptions*) Date after date, this is the reality. To get away from the reality ... (*Interruptions*) No compliment, only date. You heard wrong. I have said the date. ... (*Interruptions*) I am praising the Minister, but I have spoken Date only... (*Interruptions*)

[*English*]

Sir, today for a commercial redressal system, the average time taken is four years, that is, 1420 days. From 2015-17, there is a downward jump of 127 per cent, that means increase in delay in redressal of the disputes. But, on the other hand, the good thing is, India has jumped 30 positions in terms of Ease of Doing Business ranking.

If you look at the number of pending cases in various courts, there are 54,000 cases pending in the Supreme Court. Then, around 43 lakh cases are pending in the High Courts and almost three crore cases are pending in the subordinate courts.

In terms of vacancy, there are 43 per cent posts of the High Court judges that are vacant and 27 per cent posts of subordinate court judges are vacant. Sir, you

know it pretty well that investment in a country is linked to the prevailing dispute redressal systems.

Sir, today the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Bill, 2018 is before the House. Basically, the spirit of the Bill is that it has reduced the specified value of a commercial dispute to Rs.3 lakhs from Rs.1 crore. The Bill allows the State Governments to establish commercial courts at the district level, even in territories where High Courts have ordinary original civil jurisdiction. In areas where High Courts do not have original jurisdiction, the State Governments may set up commercial appellate courts at the district level to consider appeals from commercial courts. The most important thing is the inclusion of a dispute redressal system through mediation which may work out effectively.

Hon. Chairman, Sir, our legal system works in four ways – first is, litigation; second is, arbitration; third is, consultation and the fourth is, mediation. If all these processes are exhausted, we go to the court.

HON. CHAIRPERSON: Please conclude.

DR. BOORA NARSAIAH GOUD: Sir, I am just going to conclude. I have only five or six points to raise. I am not going to take excess time. I hope that our courts also clear their cases like this.

Sir, I would like to draw the attention of the Hon. Minister on the word ‘may’, which means that it is on the discretion of the State Governments. I would prefer it to be made mandatory and not to be left on the discretion of the State Governments. It should have been ‘shall’ rather than ‘may’. Once you use the word ‘may’, a State which wants to do it, would do it and the other State, which does not want to do it,

will not do it. I would request the Hon. Minister if this can be corrected at the time of framing of rules, I will be happy.

Second, you are drawing judges from the same pool of judges. Already there are a lot of vacancies pending. If you draw the same judges to the commercial courts, there will be a side effect of it like it happens in medicines. The pendency of cases will increase.

HON. CHAIRPERSON: Please conclude.

DR. BOORA NARSAIAH GOUD: I am going to conclude in just two minutes. I am not going to deliver a lecture.

I would like to draw the attention of the Hon. Minister to create parallel commercial courts, including infrastructure as well as judges and staff. Then only it will be of some utility.

My third point is that we should have a time-bound judgement. The cases in these courts would be of commercial nature. They would also be of criminal nature. If it is time-bound, everything will be there in black and white. So, I request the Government to bring in a clause to make it a time-bound process.

Then, as I said, *tariq par tariq* is a big problem. How do we avoid it? We should create a clause which should disincentivize the lawyers who go for more adjournments. Unless and until we disincentivize these lawyers, the system would not work effectively. ... (*Interruptions*) As you know, Sir, all the big lawyers take fee for their appearance in the court. It means, more they appear, the more fee they get. So, you have to limit the number of appearances before the court. That will be helpful.

Before I conclude, I want to ask the Hon. Minister that irrespective of whatever outcome of mediation process is, whether it will have any judicial impact on the litigation process or the final judgement. Sir, I fully support the Bill. I hope that whatever deficiencies are there, the Hon. Minister would correct them, while framing the guidelines. Thank you very much.

SHRI ASADUDDIN OWAISI (HYDERABAD): Thank you, Sir. The Government might pass this Bill with its brute majority. But the fact of the matter is that setting up of commercial courts by itself will not reduce the massive backlog in cases without addressing the issue of vacancies in the posts of judges.

Sir, I have heard what the Hon. BJP Member from Delhi has said. She said that 32,656 civil suits are pending in five High Courts in original jurisdiction of our country and of it, 51.7 per cent pertain to commercial disputes.

I wish to say to the Hon. Minister that the proposed Bill is not a magic wand whereby you waive it and every issue will be solved. I would like to know from the Hon. Minister whether the vacancies have increased in all courts from 23 per cent in 2006 to 35 per cent in 2018. Is this your governance? In Supreme Court, the vacancies have risen from eight per cent to 23 per cent. In High Court, the vacancies have risen from 16 per cent to 38 per cent. In subordinate courts, the vacancies have risen from 19 per cent to 26 per cent. The startling statistics is that out of 1,079 positions of judges in High Courts, 400 are vacant. In subordinate courts, there are 5,746 vacancies against the sanctioned strength of 22,474 judges. We have more than two crore cases pending. For those cases to be decided with the existing strength, it will take us 365 years. I want to know from the Hon. Minister what is the hard and fast solution that you are producing over here, without filling up those vacancies of judges. He takes credit for his Government, saying that they have filled so many vacancies. This is the record which I am putting in front of you. You are not at all interested in filling up vacancies in the Supreme Court, the High Courts and the subordinate courts.

My next point is about the appointment of judges of commercial courts. Earlier, the State Governments could appoint judges with the concurrence of Chief Justice of the concerned High Court. In the present amendment Bill, the Hon. Minister's Government has given the power to appoint judges without the concurrence of the Chief Justice of the concerned High Court. Sir, we believe in theory of separation of powers. Parliament is independent; Executive is independent; and the Judiciary is independent. You might be having a 56-inch chest leader who wants to trample upon the separation of powers, but you cannot do this. How can the Chief Minister of a State appoint a judge without the concurrence, permission or whatever you call it, of the Chief Justice of the High Court? This will not stand the test of law.

**15:52 hrs**

(Hon. Deputy Speaker *in the Chair*)

Now, I come to overlapping jurisdiction. It is odd to note that the pecuniary jurisdiction of Commercial Division set up in the High Court is to be the same as that of the commercial court set up at the district level. If this is actually implemented, all low value claims will also have to be admitted in the High Courts, thereby increasing their workload or jurisdiction. So, my request to the Hon. Minister is to modify it to such pecuniary jurisdiction of Commercial Division of High Courts that commences from the value which is the maximum pecuniary jurisdiction of the commercial courts at the district level'. That has to be done.

These are all important points – litigation, procedure 256, Law Commission's recommendation etc. You are redefining the limits among the present High Courts and the judicial courts. Why are you not giving enough money to establish more new courts? When money is not the issue for you, why can you not do it?

I conclude by asking this to the Hon. Minister. When it is being done in the interest of the country and ease of doing business, what about my State of Telangana? Why do you not give us a separate High Court? Should we also not improve our ease of doing business? These are all contradictions within this Government, a reactionary Government, which does not want to do its homework, but just to ensure that its political TRP increases, at the cost of justice and Judiciary, they are passing such a Bill.

Thank you.



SHRI PINAKI MISRA (PURI): Hon. Deputy Speaker, I am very grateful to you for giving me this chance to speak.

Sir, I rise in this Hon. House to speak with some degree of concern as to why the Government has chosen to bring down the denomination value of these commercial courts to such a low level. In 2003, the 17<sup>th</sup> Law Commission had recommended rupees one crore. The Commercial Courts, High Courts Bill, 2009 had mentioned rupee five crore as the benchmark. In 2010, the Select Committee on Commercial High Courts mentioned rupees one crore. The 20<sup>th</sup> Law Commission said rupees one crore. The Commercial Courts, Commercial Division Bill in 2015 said rupees one crore and the Standing Committee on Personnel, Public Grievances, Law and Justice had recommended rupees two crore. Of course, it is not just this Government, but the past Governments have also dealt with Standing Committee Reports always in the breach.

So, the Standing Committee Reports are to be disregarded. This has now been brought down to an alarming Rs.3 lakh level. I am not able to understand as to what can be the rationale behind it.

Mr. Deputy Speaker, Sir, it is a very piquant situation where, by this piece of legislation, the Indian rupee is actually being sought to be given such an exalted value when today actually the rupee is touching 70 rupees to a dollar. This has been brought down to Rs. 3 lakhs which is virtually four and a half thousand dollars. That is called a high denomination litigation in this country. I am sorry to say that this is going to choke the courts completely. This was never behind the idea to bring about these commercial courts.

Shri Ravi Shankar Prasad is a very eminent and senior advocate. He is aware that the original idea was to fast track these high denomination commercial disputes because all over the world India continues to labour with the poorest possible reputation for the dispensation and the quick disposal of high denomination and high value claims.

Nobody wants to come to India and get embroiled either in litigation which is resolved via courts or in arbitration. Neither of the two modes of settlement of disputes has seen a quick and satisfactory redressal system. That is why this was brought in. It should actually have been brought with the greatest respect to at least Rs.5 crores so that the real heavy-duty litigation could have been dealt with. If it is only Rs.3 lakhs, I do not believe that there is going to be a single commercial case, that is going to be left out. Nobody even bothers to go to courts for recovery of Rs.3 lakhs. If a person owes somebody Rs.3 lakhs, he is not ready to go through the entire process and pain of filing a litigation. Now, every single litigation is covered under this. Every single litigation is going to these commercial courts. It is really relegating the position right back to where we were originally. The ordinary courts will deal with the ordinary litigations. I am not able to understand why the Government have chosen this particular piece of legislation and that too by Ordinance route to bring this to Hon. House.

The second issue deals with the appointments of Judges. These fast-track courts also will become meaningless without adequate appointments. The Hon. Minister has to answer to this Hon. House for this present frightening situation. Today, "Live Law" tells us that 143 cases of judicial appointments in the High Courts and the Supreme Court are pending with the Government.

This is so even after 143 names have been handed over to the Government by the collegiums of the High Courts and the Supreme Court. We have roughly 800 judges in the High Courts. Today, there is a vacancy of over 40 per cent in all the High Courts. When you have over 40 to 50 per cent vacancy in the High Courts, I must say that it is a very shameful situation. I know that the Hon. Law Minister keeps telling us that so many judges have been appointed. But by far, the number is too few. I can understand the Law Minister's anxiety that not enough names are coming from the collegiums as well. We have seen a huge amount of discord in the Supreme Court Collegium. I do not want to take any name. Even in the Collegium of High Courts, there is a massive discord. As a result of this, there is no unanimity in names being given to the Government. I want to make it clear that the Government alone is not to be blamed for that but the Government is also to be blamed for the manner in which the names have been sent back, the manner in which the names have been kept back and the manner in which the Government have sat over the files of judicial appointment.

Yesterday, a PIL was filed in the Supreme Court saying that a Mandamus must be issued to the Government that within six weeks, the Government must clear the names given by the Collegiums. That was the petition filed in the Supreme Court. This is a very unedifying situation. This is not a happy situation for this country particularly when the Law Department is headed by such an eminent counsel. He really ought to ensure that the system of Indian judiciary must flourish. Unfortunately, today, the system of Indian judiciary is not flourishing. It has virtually become moribund and has come to a very sorry pass. I am sorry that this piece of legislation is going to further add to the burden. I do not understand the rationale for this piece of legislation being brought to the House.

Therefore, I find myself unable, frankly, to support this piece of legislation.

Thank you very much.

**16 00 hrs**

*[Translation]*

SHRI RAJESH RANJAN (MADHEPURA): Mr. Deputy Speaker Sir, I would like to request the Hon. Minister that such issues should always be resolved through ordinance, especially Pinaki Mishra Ji and Premchandran Ji have raised the point that no one wants to get into petty legal complications. You have brought a provision to refer small disputes to the court. Small and medium scale traders are already burdened. They are not able to come out of the ongoing cases of the time of their parents, grandparents, be it land dispute or any other dispute. The most important in democracy is the last person in the village. Sadly, they don't seize your attention. Your focus is only to facilitate the big and corporate people. My submission is whether the capitalists, industrialists, mafia or big leaders will allow the disputed issues to be affected by the courts? Apart from this, the dispute regarding the collegium system is going on as to whether the Supreme Court has supremacy over the House or it is the other way round in a democratic system? This question is being discussed and debated in the public domain. It is okay that all our systems are equal, but the House is the supreme. Now the Supreme Court or the High Court also questions the supremacy of the House, then that question arises on the dignity of the House and the 130 crore people of the country. Thirdly, you are setting up new courts in the country, but in many states, there are two-three blocks of the High Court. There exists a High Court in Bihar since 1961 and I had met you and requested you that Purnia, Darbhanga or Bhagalpur, especially Purnia which is connected to Nepal. This is an old city and if you give a division bench of the High Court here, then the burden of commuting 600-800 km on the people will be reduced. There are only 47 judges there. There is a shortage of judges. Due to dispute between

the government and the court, judges are not being appointed there. Fourthly, the salary of the judges is paid by the State government. When you appoint a judge in the High Court, why don't you take consent of the State government? You only take opinion from them, which you are not bound to accept. Why are you doing it without the consent of the Chief Minister of the State? Fifthly, you have come up with a code of conduct. Due to this, MP's and MLA's are tired of approaching the court. In the name of code of conduct, the CO, SDO, BDO make an MP appear in the court. You should change things like code of conduct. Sixth, the Government is going to bring the OBC Bill. The number of Dalit, the number of OBCs is largest in India, the number of the weakest and the deprived people of the society is the maximum. I urge that the issue of reservation that is hanging fire in the Supreme Court and High Courts need to be decided. Narendra Modi ji says that he is going to bring a big thing for OBC's, so will you implement reservation in the Supreme Court? Will SC and ST become judges in High Courts and Supreme Court? How many SC-ST and OBC judges are there in India? How many women judges are there in India?

[English]

DR. RAVINDRA BABU (AMALAPURAM): Sir, the commercial courts are meant to resolve commercial disputes. It is not very clear whether this includes the tax dispute also.... (*Interruptions*)

HON. DEPUTY SPEAKER: Shri Rajesh Ranjan, please take your seat.

... (*Interruptions*)

DR. RAVINDRA BABU: Sir, commercial courts resolve the commercial disputes. Through you, I want to ask the Hon. Minister whether this also includes tax disputes.... (*Interruptions*) Sir, Hon. Minister is not paying attention.... (*Interruptions*) The ceiling of Rs.3 lakhs are a ridiculous thing. For example, service tax exemption is available for small scale industries (SSI) up to the limit of Rs. 10 lakhs. For Central Excise, it is Rs.2 crores.... (*Interruptions*) If we have already fixed the limits statutorily, where is the question of disputes of Rs.3 lakhs. If there are disputes of Rs.3 lakhs, are you not burdening these judicial courts which are already overburdened? There are already ITAT, Central Excise and Customs Appellate Tribunal, Debt Recovery Tribunal and there are so many other tribunals also which are languishing because of lack of staff, judges and members. Sir, in order to strengthen the commercial courts, we have to strengthen the tax dispute mechanism also because majority of them will resolve the disputes which will increase our ranking in Ease of Doing of Business Index.

As my friend, Shri Ranjan, correctly said, and I support that. He said that 41.7 per cent posts of the judges of the High Courts are vacant and 21 per cent posts of the judges of the District Courts are vacant as there are no judges.

Sir, I have made a fervent appeal to this august House to make All India Judicial Service. If we make All India Judicial Service, as my friend, Shri Ranjan, said, the people having SC/ST quota and OBC quota will also come in the system and deliver not only commercial justice but also social justice. We have been making fervent appeals about this.

First promulgating the Ordinance and then coming to the Lok Sabha is not correct. Repeatedly, this Government started resorting to Ordinance route just before the starting of the Session. This should not be encouraged. I fervently appeal that Rs.3 lakhs limit looks very ridiculous. We have the limits fixed statutorily for Service Tax, Central Excise, ITAT and also for Debt Recovery Tribunal. So, when those limits are already fixed, changing them into Rs.3 lakhs are not a good idea.



*[Translation]*

SHRI KAUSHALENDRA KUMAR (NALANDA): Hon. Deputy Speaker Sir, I thank you for giving me this opportunity to participate in the discussion on Bill No. 123 of the Commercial Court, High Court, Commercial Division and Commercial Appeal Division (Amendment) Bill, 2018, 2018.

Changes in this law are likely to further improve the Ease of Doing Business ranking. The number of commercial disputes, both domestically and internationally, has picked up in proportion to the speed with which commercial activities are increasing with economic growth in the country. There has also been a significant increase in the FDI as well as transaction disputes. Therefore, there is a need to evolve a mechanism to resolve such disputes at the earliest. Changes in law will create a positive image.

Sir, the principal law came into force in December, 2015, thereupon, a commercial cell has also been formed in the High Court. Now it is to be seen whether commercial disputes are being settled in proper and timely manner. If not, the reason should be ascertained. I suggest that the Government must pay attention to this issue. I believe that court action alone cannot solve the problem. The law of arbitration needs to be further flexible and strengthened as it is wastage of time and waste of money. There should be a proper solution in this regard. So, there is a need to decide the role of arbitration. The matter which can be resolved through dialogue is in the interest of both the parties. I suggest that the system of pre-trial arbitration be made mandatory.

With these words, I conclude my speech in support of this Bill. Thank you.

*[English]*

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): Sir, I am extremely grateful to all the members who have participated in the debate. In fact, today I saw a different version of Lok Sabha.

*[Translation]*

If the Lok Sabha tends to debate any issue at length, the level of the debate goes too far. Today, the way our friends of every kind have spoken their words. My friend Premachandran ji, where did he go, he raised an issue. Hon. Meenakshi ji, Gowda ji, Shri J. J. T. Nattarji, Shri Srikant Shinde, my good friend Mr. Sampath spoke with the same enthusiasm and hope. Thanks for the kind words said about me. After that B. N. Goud Saheb spoke, Shri Pinaki Misra ji spoke, Shri Rajesh Ranjan ji, I always see their enthusiasm. Though it is his sixth term, his enthusiasm has not diminished at all, I congratulate him.

I would especially thank Madam Meenakshi ji that the many answers that I had to give myself she has put in her very effective intervention. I come to that. But I will go topic wise so that I can address the concerns of all friends. Why was the ordinance promulgated? Bringing an ordinance is not a sin. Article 123 of the Constitution of India provides that ordinance can be promulgated in emergency and ordinance has the same effect as the law passed by this House. Ordinance does not mean that we are defying the House. Within a time limit, we have to come to the House and today we have brought ordinance. But I would like to tell the House as to why we have brought in ordinance, I will not go into this matter. I do not want to criticize anyone but is it not true that the House could not function in the last session. I don't want to go into it

for what reasons. But there is a fact that the House could not function. Now this year in the World Bank's Ease of Doing Business, we had to advance our ranking. They have their own system; they circulate their information. They collect in May and they maintained that we had built a fast-track court for big people, but advised us to worry about the small traders.

When the House is not functioning in front of us, I do not want to go into the reasons why it is not functioning, Should we allow the image of India to weaken, these are big questions. That's why we brought the ordinance, so that we can tell the world that India is growing rapidly in economy today. Today, I am very proud to share with this House that our economy has outpaced even France.

Sir, I was watching and for your information I would like to tell the House that in 2017-18 we have received FDI worth US \$ 61.96 billion in India. If you take the figures for the last four years, 222 billion US\$ FDI has come to India. Sir, we do not want to show our chest in exuberate details on this. That is why India is becoming the power of the world. They are the same officers of the government, we triggered gusto and enthusiasm among them, fixed the rules and laws, brought transparency in governance and see where India has reached today and has become the largest economy in the world. We should all be proud of it.

Sir, let me say one more thing that what is changing in India, those States which used to oppose FDI earlier, they also want FDI today. Today they are also organizing investor meets. Whether they be from the Left or the so-called South or of any other ideology.

*[English]*

India today is emerging as a global hub of investment. Let us celebrate it. If we make a law for it, that should not be taken to be something wrong. So, I will explain the ordinance part before the house. But it was done for a good legitimate reason.

(Translation)

How much India's ranking has gone up, I have also referred to 30 points and the rest of the Members have also articulated it.. Now the second issue which has been raised repeatedly is why you give load on infrastructure. Sir, I want to say one thing and I want to say this with some pain that if we want to make India a great power in the world, then if there is a street vendor, a paan vendor, a footpath vendor, a tea vendor, if they too have a trade dispute, will we not have a fast track court for them? Should we tell them that go, this road is open for the big people only. We do not want to make India like this. We want to create an India where even small traders can take the same route for their dispute as it is for the big. But I would definitely say one thing that if our members had read this entire law in particular, we had talked about pre-mediation in our initial remarks. Sir, once I would like to read out section 12A in the House .

[*English*]

A suit which does not contemplate any urgent interim relief under this Act shall not be instituted unless the plaintiff exhausts the remedy of pre-institution mediation in accordance with such manner and procedure as may be prescribed by rules.”

[*Translation*]

We want to say that his suit will not be registered, unless he goes into pre-mediation. Sir, why have we brought it and why have we called it Urgent Relief? In

my initial remarks, I had said one thing that there are two business partners, good work has been done, profit has been cloaked and then there has been a fight. A business partner who is the controlling partner is selling all the property or preparing to park it abroad so we should force the other partner. He can go to the court for urgent interim relief, before going to the mediation, that he shall not alienate the property of the firm. This provision should also be there. When I was drafting this Bill, I said that there should be a provision that if such partners are doing wrong, then a solution should be found. Then, if so much objection has been raised on such a small dispute, I would very politely tell this House that if it is a small dispute of Rs.3 lakhs, then perhaps it will be resolved through pre-mediation. I would say one more thing that three lakhs is the first ladder. It could be worth five lakhs, it could be worth ten lakhs, it could be worth fifteen lakhs, it could be 25 lakhs, it could be fifty lakhs, why is there so much embarrassment about three lakhs? In Narendra Modi led government, a businessman with turnover of Rs.3 lakhs will get the same respect as is the case with the businessman with turnover of Rs. 3,000 crores. This is our thinking, what is the objection to this? So, because of that, objecting to this entire Bill as to what type of Bill this is, I think this is not a constructive thinking.

One thing was said about infrastructure, and I think that concern is right. I could not read it in detail this morning during the Question Hour. Today, I want to tell what our government has done for infrastructure. First, I come to the court Hall. As on date, there are 18,444 court halls in the subordinate judiciary in India and 2,709 court halls are being built. This means that after one year there will be a total of 21,153 court halls in the country. This is larger than the number of subordinate judiciary judges. We have set up so many court halls. You sit in them.

*[English]*

Now I come to residential units for the subordinate judiciary. In the subordinate judiciary, today there are 15,853 residential units for the residing of judges in the country and 1,472 units are being built. Therefore, after nearly one year, their number will rise to 17,325. This is what I am proud to say. Since our Government came to power in 2014, the number of court halls increased by 2,819 and the number of residential units increased by 2,321. Therefore, court halls for subordinate judges and residential units for subordinate judges have increased by leaps and bounds.

Now I come to financial assistance. This was raised by many Members of the House. There is a financial assistance scheme in place since 1993-94. You have held the Office of the Minister of Law; therefore, you would be able to recall that. For the last more than 25 years, the total amount given under this scheme is Rs. 6,302 crores. Out of that, Rs. 2,058 crores, which is nearly 45 per cent has been given in the last four years of Narendra Modi led Government. We are giving money also.

With regard to the Fourteenth Finance Commission, the devolution has gone up from 32 per cent to 42 per cent. Therefore, we are doing our best for infrastructure. Let me share the information about computerisation of courts. Today, 16,089 courts of India have become computerised. There is a judicial data grid on which nearly 10.5 crore cases are available from which I take out old cases.

*[Translation]*

Now I come to Appointment because a lot of things have been said on Appointment. First of all, let me tell you one thing, it was only in Narendra Modi led government that we have created 173 new posts in High Court Judges after the year

2014. In the subordinate judiciary, we have increased their strength. I want to tell you this.

I brought the National Judicial Commission Act in this house, and I remember the speech delivered by Rajesh Ranjan ji at that time.

*[English]*

Even my good friend Sampath also spoke on that; I remember that. What happened was this. The National Judicial Commission was there, where the law minister was one member along with the chief justice of India, The second judge, the third judge and two eminent persons. The supreme court quashed it. the supreme court had stayed the appointments till the pendency of that case; that case was decided in November 2015.

*[Translation]*

Appointments could be reduced in the year 2014-15, it is not our fault. The Supreme Court had passed a stay order. I want to tell you what happened after that.

*[English]*

I can share this with you because the Secretary-General was earlier Secretary, Justice. She knows about a lot of things in this. ... *(Interruptions)*

HON. DEPUTY SPEAKER: No, Minister, regarding the National Judicial Commission about which you spoke, what is the solution? Parliament passed the legislation. Is the Supreme Court supreme or is the law passed by Parliament supreme? Please let me know what remedies you have found out. We cannot simply put the blame for everything on the Supreme Court.

... *(Interruptions)*

PROF. SAUGATA ROY (DUM DUM): Sir, his pet project was a separate commission. ... (*Interruptions*) That was turned down by the Supreme Court. He said that as the Law Minister of India he wanted it but the Supreme Court did not want that. ... (*Interruptions*)

HON. DEPUTY SPEAKER: We are the law-makers. We have to find a solution for that.

... (*Interruptions*)

HON. DEPUTY SPEAKER: They are the interpreters. The judges are the interpreters. They are not law-makers; we are the law-makers.

... (*Interruptions*)

SHRI RAVI SHANKAR PRASAD: Earlier, I had an occasion to explain, in reply to the query you have raised, Sir, that we have accepted the judgement, but I have serious reservations on the reasoning of the judgement. I am saying this as a student of law and not necessarily as the Law Minister. For the first time, in the history of India, this Parliament, both the Houses except one Member, extended hundred per cent support. There was hundred per cent support of all the Vidhan Sabhas. There was a consensus in the polity of the country but they set it aside. And, what reasoning did they give? I would like to repeat that reasoning here in this House. They said, listen Prof. Roy, that since the Law Minister is its Member, an honest, fair judge cannot be appointed in the case of litigation against the Government. That is a very loaded comment. I am sorry to say that.

Let me repeat, Sir. We are in power today and you had been in power earlier.

PROF. SAUGATA ROY: It is a loss of face for Parliament.... (*Interruptions*)



SHRI RAVI SHANKAR PRASAD: Please, let me complete. Sir, all of us assist the Prime Minister; the Finance Minister in Finance, the Defence Minister in Defence and the Law Minister in Law, but ultimately the Prime Minister decides and the President issues the warrants. A very loaded comment, that mere association of the Law Minister will cast upon the impartiality of judges' appointment, has been made.... (*Interruptions*)

HON. DEPUTY SPEAKER: You are representing the whole House.

SHRI RAVI SHANKAR PRASAD: Therefore, Sir, with greatest respect, as a student of Constitution of India, as a lawyer, I totally disagree with the reasoning given by the Supreme Court so far as setting aside of the NJAC is concerned.... (*Interruptions*) Let us not discuss it.

SHRI PINAKI MISRA (PURI): Bring another law with a slight tweaking and pass it again. This time it will fly in the Supreme Court, I guarantee you. Bring another law in this very Parliament Session.... (*Interruptions*)

SHRI DEEPENDER SINGH HOODA (ROHTAK): There should be a discussion on this.... (*Interruptions*)

HON. DEPUTY SPEAKER: The Minister will reply. Mr. Minister, you have understood the sentiments of the House.

... (*Interruptions*)

SHRI DEEPENDER SINGH HOODA: Sir, this is a very important Constitutional matter. We need to have a discussion on this.... (*Interruptions*)

SHRI RAVI SHANKAR PRASAD: Sir, I had said it on an earlier occasion also, I am more than willing, let the House discuss the state of Indian judiciary. I have no

problem. Let us discuss it. I see the sentiments of this House. One Member has asked about increasing the age of judges. I am not in favour of increasing the age of judges. Please be very clear about it.... (*Interruptions*)

Now, I come to what we have done. In 2016 we appointed 126 High Court judges. This was the highest number in the last 30 years. This is our record.

In 2017, we appointed 115 judges. This year, till now, we have appointed.... (*Interruptions*) Shri Venugopal, I am not yielding.

HON. DEPUTY SPEAKER: Let him finish.

SHRI RAVI SHANKAR PRASAD: We have appointed 34 judges and with regard to 126, I have sent the recommendations for consideration.

SHRI KODIKUNNIL SURESH: How many Scheduled Caste and Scheduled Tribe... (*Interruptions*)

HON. DEPUTY SPEAKER: Let there be order in the House.

... (*Interruptions*)

HON. DEPUTY SPEAKER: Mr. Minister, you address the Chair.

SHRI RAVI SHANKAR PRASAD: I am not yielding. When I became the Law Minister in the Modi Government, I wrote to all the Chief Justices of the High Court that in appointment of judges the case of minorities, women, Scheduled Castes and Scheduled Tribes and Backward Class people must be recommended properly.

SHRI KODIKUNNIL SURESH: But nothing has happened.... (*Interruptions*)

SHRI RAVI SHANKAR PRASAD: I am not yielding.

My Government is very keen and I keep on emphasising that Scheduled Caste and Scheduled Tribe people should also be appointed.

I now come to the Commercial Courts. As far as Commercial Courts are concerned, I want to explain ... (*Interruptions*)

HON. DEPUTY SPEAKER: He is giving the reply.

... (*Interruptions*)

SHRI RAVI SHANKAR PRASAD: On the issue of Commercial Court, I am very clear that this particular law is designed to create more opportunities for disposal.

HON. DEPUTY SPEAKER: Let the Minister finish the reply. You can seek clarifications later on.

... (*Interruptions*)

SHRI RAVI SHANKAR PRASAD: Sir, I can tell you that in the mediation step itself many smaller disputes, which may not be required to go to the Court, can be taken care of.

Now, the question comes, should we just keep quiet? With great respect to my good friend, Shri Pinaki Misra, I want to submit that as Law Minister, I am not a Post Office. As a Law Minister, it is my duty to apply my mind and see that best appointments are made in the judicial process. I will keep on doing it regardless of judgement. We are verifying it. Why not? We should verify. Someone says that training should be proper. Yes, it should be proper. ... (*Interruptions*) I will not make any individual comment. I should not make that. That is not the tradition of this House. I want you to know it. ... (*Interruptions*)

As far as SCs/STs are concerned, I have myself conveyed to the collegium that the country expects that in the appointment of judges, people from that community also must get proper space. I will continue to insist it and want to insist that. ... *(Interruptions)*

Now, I would like to inform the Hon. Members that ultimately the collegium of the Hon. High Courts and Hon. Supreme Court recommends it. But, what is important is that I must also give my own feedback to ensure that all these things are done properly. Therefore, in my communication, I have always repeatedly said that people of SCs/STs, marginalised community, OBCs and also women must get proper representation. ... *(Interruptions)* That I will continue to do so.

Now, I come to the training part of judges. Some of the Hon. Member have talked about it. Yes, you are right that judges should also be trained. We are insisting on giving proper training to judges. The National Judicial Academies are coming up. Once this whole commercial litigation ultimately rises, more and more exposure will be given to this aspect of training of judges. I would like to convey my Hon. Member – when he talked about income tax cases and other cases – that tax cases are not within the realm of commercial disputes because they are a separate procedure altogether.

Now, a question was asked by Shri N.K. Premachandran that with so many under-trial prisoners, it creates a load on criminal system, and, therefore, why are we doing this? I think you and Dr. A. Sampath are aware, both with strong legal background, that there is a provision of Section 436A of the Cr.P.C, which says that if you have spent nearly half of your under-trial period in jail, you should be released. I have written to all the Chief Justices of High Courts. The Hon. Supreme Court has

given a judgement. We need to follow it up. ... (*Interruptions*) I take note of this thing, Shri Idris. I have taken your feedback. In my communication to the Chief Justice of Hon. High Court of Calcutta, I will surely convey that this has been brought to our notice. The provision of Section 436A should be more liberally used to release those under-trials who have served half of their sentence. ... (*Interruptions*) Now, will you please sit down. I am replying to a query. Sir, I think, Hon. Member, Shri Idris, should know that the order has to be passed by the judges and not by me as a Law Minister. I can only pursue it, fix a time-frame and do it fast. That I will surely take it up. ... (*Interruptions*)

HON. DEPUTY SPEAKER: Please address the Chair.

SHRI RAVI SHANKAR PRASAD: In case of women detenue, I have myself said that if they have covered 25 per cent, then they should be released on bail.

Sir, the Government is taking pro-active measures in case of judicial reforms. We have scrapped 1400 old laws. I must inform this House that this is one step. Tomorrow or day after tomorrow, I am coming with arbitration law. New Delhi is the centre of arbitration. All these things are designed to make India a good hub of domestic arbitration and international arbitration for the resolution of disputes. So, this Government is coming up with this whole package. When India is emerging as a big economic power house, surpassing even France, on a way to become the top three, these measures are important.

I have taken on-board the concerns of all the Hon. Members. This is a historic legislation. ... (*Interruptions*) Today, you are making history. I can only tell you that even you will see this process unfolding itself as to how India's ease of doing business spectrum ultimately goes up. That is our aim.

I request this House to kindly support the Bill.

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, first of all, regarding the Ordinance route of legislation, the Hon. Minister in his reply has reiterated that the Government is having the ample authority to promulgate an Ordinance. But that ample authority to promulgate Ordinance is subject to the law of the land. We know that the law of the land includes the Supreme Court judgments also.

The Hon. Minister is well aware of the latest Supreme Court judgment regarding promulgation of Ordinance. It has explicitly stated that it can be issued only under the compelling circumstances and in the extraordinary situations. Not only regarding promulgation of Ordinance but regarding re-promulgation of Ordinance also, clear Supreme Court judgment is there. So article 123 is not an unfettered authority conferred upon the Government. I do not want to explain it again and again. That is why, in my opening remarks itself I had said that the Hon. Minister is well learned and is a legal luminary. In all these aspects, better than anyone else, he is well aware of all these things. He is also aware of the Supreme Court judgments.

So the ample and unfettered authority cast upon the Government regarding the promulgation of Ordinance is subject to the law of the land. The law of the land means the Supreme Court judgments, precedents, and conventions. All these things come under the purview of the law of the land.

So my submission is that there are no compelling circumstances or extraordinary situation so as to promulgate an Ordinance when the House was to commence in the month of July, 2018, to have the Monsoon Session. There is no urgency and there is no exigency. So, still the reason for bringing an Ordinance is not clear.

Secondly, regarding burdening of Indian courts with cases, I did not get a satisfactory answer. The Hon. Minister was talking about Section 436 of CrPC. As far as under-trial prisoners are concerned, if their term is about to expire, definitely they are entitled to have its benefits. But most of the under-trial prisoners in the country are not getting that benefit as per Section 436 of CrPC.

But my point still remains and that is why I am critically examining it. If you can elucidate the august House regarding what would be the impact of other pending cases, it will be good. When you are giving a preferential treatment and preferential court for the commercial disputes under Section 2 (Clause C) of this Act, what would be the fate of other cases which are pending in various courts including criminal as well as civil disputes?

Sir, I am having a dispute with my friend here and suppose it is a civil dispute. Now a commercial dispute of Rs.3 lakhs is getting a preferential treatment. But what is the legitimate or logical explanation for preferential treatment for a commercial dispute alone? I think the sole reason is Ease of Doing Business. So, this point has to be cleared. It has not been cleared.

Lastly, I fully agree with the Hon. Deputy-Speaker. The entire House as also the Rajya Sabha endorsed your view when you had brought the National Judicial Appointments Commission Bill. We praised you a lot because you made a historic speech in this Parliament while introducing that Bill.

Now we are fully supporting this Bill but suppose the Supreme Court struck down this Bill. Is there any other alternative or remedy to go? Why is the Government not having the political will to over-write the Supreme Court judgment? As far as law making for the country is concerned, still I believe, this Parliament is



the supreme law-making body. Suppose the Supreme Court struck it down, definitely, there are ways and means to get over this. The question is whether the Government has the will to overcome the situation. I fully agree with you that this is a balanced legislation. It is good legislation as far as the country is concerned. It is balancing the Judiciary, the Executive as well as the Parliament.

So, on behalf of the House, I once again urge upon you to kindly take the initiative to get the Bill passed in any way and get the endorsement of the Supreme Court.

With these words, I thank you for giving me this opportunity.

SHRI K.C. VENUGOPAL (ALAPPUZHA): Sir, I do agree with the sentiments shown by this august House regarding the National Judicial Appointments Commission. The Parliament had passed that Bill and it should be honoured. But I have a question to ask from the Government.

I have a question to the Government. You are saying that the Judiciary should be independent. We totally agree to this but the view of the Government towards the Judiciary should also be independent. But that has not happened. The collegium had recommended the name of a judge.... \*

HON. DEPUTY-SPEAKER: The name will not go.

SHRI K.C. VENUGOPAL: Why did the Government reject only that name? What situation prompted the Government to reject that name? ... *Interruptions*) For a Government also such things are not good. ... *(Interruptions)* Therefore, this Government is also threatening the Judiciary ... *(Interruptions)* This Government is also threatening Judiciary ... *(Interruptions)* That is why this situation has arisen ... *(Interruptions)* Only talking about the independence of the Judiciary is not acceptable.

*[Translation]*

SHRI NISHIKANT DUBEY (GODDA): Hon. Deputy Speaker, my question is altogether different. As regards Ordinance route what is being debated here, I would like to submit that one may recall what had happened in the year 2013-14 "The Congress ruled Government which is gaining support on this issue, had brought in Ordinance on four occasions.

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\* Not recorded

The government has come up with this ordinance for the sake of 'Ease of Doing Business' by taking the bill of commercial court, we fully support it. The constituency I represent is in Santhal Pargana. When Bihar and Jharkhand got bifurcated, there was an unofficial pact with the Government of India in Jharkhand.

*[English]*

HON. DEPUTY-SPEAKER: What is the clarification you want to ask?

*[Translation]*

SHRI NISHIKANT DUBEY: We are poor. Our High Court is in Ranchi. You are fixing jurisdiction for district courts, curtailing the size of population from one crore to three lakhs. You are working taking care of the poor traders. It takes time for the poor of Santhal Pargana to commute 350-400 km. You have conferred the right upon the High Court. The case of the high court bench is lying pending in Santhal Pargana, Dumka. I would like to seek your indulgence on this matter.

SHRI DUSHYANT CHAUTALA (HISAR): Hon. Chairperson, Hon. Minister said that the curtailment from one crore to three lakhs is being resorted to in order that a street vendor and Ambani can fight equally for their rights on equal footing.

We are talking of the rich and the poor. I want to ask the Hon. Minister whether a poor man can ever afford to hire a lawyer in the Supreme Court by paying him Rs five lakh. What will the government do for them? When you increase the number of cases in the court, the fees of the lawyers will also go up because the availability will obviously be on the lower side. I wish to know whether any such anything is going to be provided in the Bill that may enable the poor to be equipped with the rights.

SHRI VINAYAK BHAURAO RAUT (RATNAGIRI-SINDHUDURG):Madam Speaker, I am aware that the Supreme Court has asked the Government to appoint a retired Judge of the High Court on ad hoc basis. Recently two important Bills – One concerning sexual harassment and the other one relating to human trafficking have been passed in the House. In such a scenario, if retired judges are appointed on ad hoc basis, whether the Government shall make any such provision that shall mandate the hearing the matters of Sexual Harassment by these Retired Judges.

*[English]*

DR. A. SAMPATH: Sir, I would like to have a clarification from the Hon. Minister. I am not speaking about 'ease of doing business' and right to life etc.

There have been various reports on the appointment of the judges of the Supreme Court. The Hon. Minister is very well aware of the Memorandum of Proceedings (MOP). There has been a delay on the part of the Government in the correspondence between the Supreme Court and the Government. When the Supreme Court suggests some names to the Government, the Government takes quite a lot of time to reply back to the Supreme Court.

Sir, I would like to know from the Hon. Minister if it is a sin to be in the Supreme Court if two or more judges are speaking the same Mother Tongue and are from the same State. Is it a sin to be a judge of the Supreme Court if they are from the same State but are efficient, senior and eligible? This has happened.

Sir, I am from South India. We the people from South Indian States have a feeling that we are being deprived. I asked him even during the discussions. Even now the Hon. Minister is not able to give a proper reply. Even though it is enshrined

in the Constitution, yet no Benches of the Supreme Court has been established in any other place than Delhi.

The seat of power is still in Delhi. The seat of political power is still in Delhi; the seat of judicial power is in Delhi and the seat of financial power is in Delhi. Will the Government take initiative for decentralisation of the judicial power?

SHRI KODIKUNNIL SURESH: Sir, I would seek a clarification from the Hon. Minister. He has said that the Government has given instructions to the Supreme Court and the High Courts on appointment of Scheduled Castes and Scheduled Tribes but unfortunately, it is not happening. There is a very serious disparity in the appointment of High Court and Supreme Court judges. Representation of Scheduled Castes and Scheduled Tribes is very poor in the High Courts and Supreme Court.

I would like to ask one question to the Hon. Minister through you, Sir. If the Supreme Court and the High Courts do not take steps in this regard, what action will be taken by the Government of India?

SHRI RAVI SHANKAR PRASAD: Sir, on the Ordinance route, I have explained it in detail. I do not want to repeat.

[Translation/

But one thing which is being said time and again that it seems that everything will happen in the commercial court only, the rest will be closed. Meenakshi ji

explained in great detail that the Law Commission had taken an example that 47 percent of commercial cases were of this type. Even today, whether it is Delhi High Court, Patna High Court, Mumbai High Court or Rajasthan High Court, there are criminal cases and there are civil cases also. If you happen to visit the lower court, be it Purnia or Kerala, there the Munsif hears civil cases as well, and the Magistrate hears criminal cases as well. It is being said that since the commercial court is being held, all the courts will be closed, we do not deem it fit and proper. Repeatedly, Ad hoc Judges have repeatedly been referred to . . . (*Interruptions*)

[*English*]

Please do not disturb me as I did not disturb you. That is a friendly commitment which I want from you. You have spoken brilliantly today.

The point which I am trying to highlight is very important. We have enough judges if appointment is done. There are 5000 vacancies in the subordinate judiciary. All of you know that the Government of India has no power; the State Governments have no power and I totally see the reasoning of the All-India Judiciary Service but the High Courts do not agree. Therefore, we have suggested that a centralised examination for 5000 posts be done in which reservation should also be given for SCs, STs and OBCs who will ultimately become Additional District Judges and become High Court Judges. All these matters are pending in the Supreme Court. I am doing my best on behalf of the Government so that diversity of the judiciary is also maintained.

A question came up about the Benches. The Supreme Court itself has said that the Supreme Court Bench should remain in Delhi. Now, what should I do, Adv. Sampath? You are an eminent lawyer yourself. What can I do? Supreme Court has

given a judgement that for creation of new Benches, the consent of the Chief Justice is important.

*(Translation)*

Shri Rajesh Ranjan ji , If the Chief Justice of Patna High Court, recommends that a Bench should be established in Purnia, we will lend a serious thought to it.. If Shri Nishikant Dubey ji comes up with a proposal after holding parleys and consultations with the Chief Justice of Hon. High Court to establish a Bench at Dumka, We will have to consider that too. But, unless recommended by the High Court, we cannot move in this direction, we want to tell you.

*[English]*

It is not a sin, Adv. Sampath, if judges come from one State. But surely, while making appointment to the Supreme Court of India, if many High Courts go unrepresented where senior competent persons are there and we are having appointment from only one High Court, then as the Minister for Law and Justice, I am duty bound to convey that concern to the court. It is for them to decide but when I notice the appointment process in the Supreme Court, I am very clear that Supreme Court appointment must also indicate the diversity of India. It is equally important.

One thing I want to clarify here. With your wide experience, you are aware that we do not discuss individual judges' names in this House. That tradition ought to be maintained. ... *(Interruptions)* Sir, I am not yielding to Shri Kharge. We had enough

discussion on this subject. I am open to have a full-length discussion, if Shri Anant Kumar permits, on the Judiciary service.

Sir, I request you to start the voting process as I have replied to all the queries.

SHRI MALLIKARJUN KHARGE: Mr. Deputy Speaker, Sir, this is not a question of any individual. This is a question of justice. Once it came to Government-the... \*case, you sent it back.

HON. DEPUTY SPEAKER: The name will not go on record.

SHRI MALLIKARJUN KHARGE: It has come again. It has been recommended again. Still, that file is pending with them.... (*Interruptions*) Are they acting judiciously or independently? You are always interfering. Whomsoever you like, you are supporting and whomsoever you do not like, you are opposing. This is your attitude. You give the explanation.... (*Interruptions*)

HON. DEPUTY SPEAKER: I cannot compel the Minister. I am sorry.

... (*Interruptions*)

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\* Not recorded



HON. DEPUTY SPEAKER: The question is:

“That this House disapproves of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Ordinance, 2018 (No. 3 of 2018) promulgated by the President on 3<sup>rd</sup> May, 2018.”

*The motion was negated..*

HON. DEPUTY SPEAKER: The question is:

“That the Bill to amend the Commercial Courts, Commercial Division and the Commercial Appellate Division of High Courts Act, 2015, be taken into consideration.”

*The motion was adopted.*

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

The question is:

“That clauses 2 and 3 stand part of the Bill.”

*The motion was adopted.*

*Clauses 2 and 3 were added to the Bill.*

**Clause 4**

**Amendment of Section 2**

HON. DEPUTY SPEAKER: Shri N.K. Premachandran, are you moving amendment No. 1?

SHRI N.K. PREMACHANDRAN (KOLLAM): I beg to move:

“Page 2, line 14-

*for* “three lakh”

*Substitute* “seven lakh and fifty thousand”. (1)

HON. DEPUTY SPEAKER: I shall now put amendment No. 1 moved by Shri N.K. Premachandran to clause 4, to the vote of the House.

*The amendment was put and negatived.*

HON. DEPUTY SPEAKER: The question is:

“That clause 4 stand part of the Bill.”

*The motion was adopted.*

*Clause 4 was added to the Bill.*

*Clause 5 was added to the Bill.*

**Clause 6**

**Amendment of Section 3**

HON. DEPUTY SPEAKER: Dr. Shashi Tharoor – Not present.

Prof. Saugata Roy – Not present.

The question is:

“That Clause 6 stand part of the Bill.”

*The motion was adopted.*

*Clauses 6 was added to the Bill.*

*Clauses 7 to 10 were added to the Bill.*

### **Clause 11**

### **Insertion of new Chapter 111A**

HON. DEPUTY SPEAKER: Shri N.K. Premachandran, are you moving amendment No. 3?

SHRI N.K. PREMACHANDRAN : I beg to move:

“Page 3, lines 23 and 24-

*for “such manner and procedure as may be prescribed by rules made by the Central Government”*

*substitute “the provisions of Code of Civil Procedure, (3)*  
*1908”.*

5 of

HON. DEPUTY SPEAKER: I shall now put amendment No. 3 moved by Shri N.K. Premachandran to clause 11, to the vote of the House.

*The amendment was put and negatived.*

HON. DEPUTY SPEAKER: The question is:

“That clause 11 stands part of the Bill.”

*The motion was adopted.*

*Clause 11 was added to the Bill.*

*Clauses 12 to 16 were added to the Bill.*

HON. DEPUTY SPEAKER: Shri N.K. Premachandran, are you moving your amendment no. 4 to clause 17?

SHRI N.K. PREMACHANDRAN: Sir, the amendment no. 4 is concerning the State Legal Services Authority. So, I am not moving amendment no. 4.

HON. DEPUTY SPEAKER: The question is:

“That clauses 17 to 20 stand part of the Bill.”

*The motion was adopted.*

*Clauses 17 to 20 were added to the Bill.*

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

SHRI RAVI SHANKAR PRASAD: Sir, I beg to move:

“That the Bill be passed.”

HON. DEPUTY SPEAKER: The question is:

“That the Bill be passed.”

*The motion was adopted.*

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**16 54 hrs**

**STATUTORY RESOLUTION RE: DISAPPROVAL OF NATIONAL  
SPORTS UNIVERSITY ORDINANCE, 2018 AND NATIONAL SPORTS  
UNIVERSITY BILL, 2018**

HON. DEPUTY SPEAKER: Now, we take up Item nos. 15 and 16 together.

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, I beg to move:

“That this House disapproves of the National Sports University Ordinance, 2018 (No.5 of 2018) promulgated by the President on 31<sup>st</sup> May, 2018.”

*[Translation]*

**Minister of State of the Ministry of Youth Affairs and Sports and Minister of State in the Ministry of Information and Broadcasting (Col. Rajyavardhan Rathore (Retd):** I beg to move the motion :

"That the Bill to provide for the establishment and incorporation of a National Sports University in the State of Manipur, a first of its kind university, to promote sports education in the fields of sports science, sports technology, sports management and sports coaching, besides serving as a National Training Centre for selected sports education branches, adopting best international practices, be taken into consideration.""

Hon. Deputy Speaker Sir, there is no such Central Authority or Central Institution for sports in our country that can offer training facilities under different departments of Sports and thus it may potentially provide guidance to the Sports persons assuming the role of a leading Authority. It is for the first time ever that a National Sports University is proposed to be set up in the State of Manipur.

It is conceptualised and designed to have such an architecture that will have an elbow room for the promotion of Sports management, provision for Sports coaching and research in the discipline in order that India too may be enabled to have its active participation in the field of Sports globally that has since assumed the form of an industry. For the obvious reasons we can't afford procrastination or delay on this count. Two courses viz Bachelor of Physical Education and Bachelor of Coaching got introduced in January, 2018. It was very much in the interest of the students having been enrolled in the two courses introduced in the University that warranted promulgation of an ordinance as the Bill to this effect could not be passed earlier. Today, I move that the Bill be passed after discussion and consideration.

*[English]*

SHRI N.K. PREMACHANDRAN (KOLLAM): Mr. Deputy Speaker, Sir, I rise to oppose the National Sports University Ordinance, 2018.

Sir, as repeatedly said in this House during this Session, this is the sixth ordinance that this august House is discussing. In this case, it is a very strange experience, because the National Sports University Bill was introduced in Lok Sabha on 10<sup>th</sup> August, 2017 and the Bill was referred to the Parliamentary Standing Committee on Human Resource Development. The Standing Committee on Human Resource Development submitted its Report on 15<sup>th</sup> January, 2018. I am also a member of the Standing Committee on Human Resource Development. The Standing Committee took evidence from various people, detailed discussions took place and finally the Committee submitted a comprehensive report on the National Sports University Bill, 2017.

But what has happened after the submission of the Report of the Standing Committee? It is quite strange to note that after receiving the Report of the Standing Committee on the National Sports University Bill, 2017, an Ordinance was promulgated by the Government on 31<sup>st</sup> May, 2018. That is why, I am saying that it is a strange experience as far as this Ordinance is concerned. The Bill was introduced on 10<sup>th</sup> August, 2017 and it was referred to the Standing Committee for a close scrutiny. The Standing Committee on Human Resource Development, with its own effort and hard work, submitted its Report within six months after a detailed examination of the various provisions of the Bill. The Committee made some recommendations in its Report.



Sir, after receiving the Report of the Standing Committee, what is the role of the Government? When the system of Standing Committee has been incorporated in the Rules of Procedure, the recommendations of the Standing Committees have to be taken into consideration by the Government. Then, the Government has to come with proper amendments, if they are accepting the recommendations of the Standing Committee. Subsequent to the submission of the Report of the Standing Committee, instead of bringing the Bill for consideration along with the recommendations of the Standing Committee, the Government has opted to make the law through the route of an ordinance. That is why, I am saying that it is really a strange thing as far as this legislation is concerned. Otherwise, why has the Government referred the Bill to the Standing Committee?

Furthermore, the rarest of the rare thing has also happened in this case. Subsequently, the National Sports University Bill, 2017 has been withdrawn in this Session. So, the Bill which is now pending for consideration is the Bill of 2018. But there is no substantial change. The only provision is to repeal the Ordinance which has already been promulgated on 31<sup>st</sup> May, 2018. In such a situation, the same question arises again as to why the Government was in so much of a hurry to issue this Ordinance? What was the urgency in issuing this Ordinance? Therefore, I, once again, want to reiterate in this House that the Government is systematically undermining the Parliamentary system of this country.

**17 00 hrs**

This cannot be allowed. Within two and half months of time, six ordinances were promulgated, and that too without any emergency, necessity, or exigency. There

were no compelling situations or extraordinary situations for issuing the Ordinances. Promulgation of Ordinances, one after another, is not good for a healthy democracy. That is the point, which I would like to make. This Parliament cannot be taken for granted. This Parliament is not the stamping authority to stamp all the executive actions of this Government. This is not meant for the Parliament.

So, I strongly oppose the Ordinance route of legislation, especially, in a case when the Standing Committee has already submitted its Report. Very concrete recommendations had been made by the Standing Committee. Instead of incorporating those recommendations, instead of accepting those recommendations and coming up with a Bill having proper amendments, this Government has come up with an Ordinance before the House. It is quite unfortunate as far as the Parliamentary ethics are concerned. That is the first point regarding the Ordinance, which I would like to make.

Sir, coming to the Bill, I fully support this Bill. There is no doubt about it.

By this National Sports University Bill, it is intended to set up a full-fledged Sports University of international standards. We do not have an international status of the Sports University. We are having an existing Lakshmi Bai National Institute of Physical Education. But there are certain limitations as far as this Institute is concerned. It is a Deemed University. It is restricted to offer only the Bachelor of Physical Education and the Master of Physical Education Degrees. No other matters can be considered by this University.

There is one Netaji Subhas National Institute of Sports, which focusses only on training of athletes and coaches.

Sir, as also mentioned in the Statement of Objects and Reasons, there are four main areas namely, sports sciences, sports technology, sports management and sports coaching; and we do not have a proper forum to agitate on these four issues. In order to fill this gap and in order to create a comprehensive sports environment in the country, a National Sports University, having international standards with the statutory backing, is highly essential. I fully support this National Sports University Bill, 2017 as well as 2018.

Sir, when we consider the Sports University Bill, the provisions of the Bill also have to be looked into. It is a full-fledged Sports University.

Sir, since the time is very limited, I am not going into the detailed provisions of the Sports University. The Sports University, in a sense, means that it should have an autonomous character and independence. The academic character of the Sports University shall be determined and implemented by their own decisions, rules, regulations etc. So, the Sports University should have an autonomous character.

Sir, we are creating a Sports University. While we are creating a Sports University, it should have an autonomous and independent character to develop the academic activities as well as the professional trainings. Here, this university has to be established in Manipur, North-East, which I fully support though according to us, Kerala is the best place for having this university because in regard to experience in athletics, football and other sports activities, Kerala is the pioneer State. Definitely, this university ought to have been established in the State of Kerala, but it is in Manipur. Yet I fully endorse it because it is one of the North-Eastern States and that area should be developed. The sports persons and sports activities should be developed there. So, I fully support it.

Sir, along with the discussion, I would urge upon the Hon. Minister that Kerala should also be considered as destination of the Sports University. Either a Regional Centre or some other centre may be considered for Kerala. So, adequate representation, sufficient importance and significance should be given to the State of Kerala also.

Sir, academic activities have to be improved and professional training should be given. Otherwise, we need not have a university because institutes are already there. So, we are establishing a Sports University with the specific purpose. In order to have the autonomous character of the university, through this legislation, we are providing the statutory backing.

But, it is quite unfortunate, in certain provisions, to note that the Central Government is having an absolute authority over the National Sports University. If you examine certain provisions of the Bill, the Central Government is exercising its discretion and authority over the autonomous character of the University. That is the only reservation which I would like to make regarding the contents of the Bill or regarding the contents of this Ordinance.

The National Sports University shall never be a department under the Ministry of Sports. It shall not be a University for namesake. Kindly go through the various chapters of the National Sports University Bill. I am not talking about the curriculum and the syllabus of the University. But, regarding the structural organisation, the rules and regulations as well as the inquiry and inspection, in all these cases, it has been seen that the Central Government is absolutely exercising their authority to have control of the University. Even day-to-day affairs of the University are being controlled and regulated by the Central Government which means the autonomous

character of the University is missing in the Bill. That has to be rectified at the earliest. That is the first point which I would like to make regarding the Bill.

I can very well substantiate by reading two clauses, namely, Clause 7 and Clause 25 of the Bill. In clause 7 of the Bill, the unfettered authority is cast upon the Central Government; the Government of India is there in Clause 7 of the Bill. Clause 7 (1) of the Bill says: “*The Central Government may, from time to time, appoint one or more persons to review the work and progress of the University...*” Okay, we can very well understand that the Central Government should have supervision over the University. I accept it. But subsequently, Clause 7 (1) of the Bill says: “*...including outlying campuses, Colleges, Institutions, Regional Centres and Study Centres maintained by it, and to submit a report thereon.....and the University shall abide by such action and be bound to comply with such directions.*”. It means, two persons will be appointed for supervision. It is not only in the University. Suppose you are opening a regional centre in Patiala, you are opening a regional centre in Kashmir under the University, if you are starting some physical education colleges in various parts of the country, the Government of India personnel can directly go to the colleges and have the inspection and the inquiry done. They will submit a report and the University is bound to comply with the directions of the Central Government. Then, what is meant by a University? If it is within the University, we can very well understand it. All the institutions and organisations coming under the University shall be inspected and inquired by the Supervisory Committee and all the directions of the Supervisory Committee have to be abided by the University. It means, it is a Central Government authority. That is why I would say that the National Sports University shall never be a department coming under the Ministry of Sports.

As per Clause 7 (2), the Central Government shall have the right to cause an inspection to be made by such person or persons, as it may direct, of the University, its buildings, sports complexes, libraries, laboratories and equipment, and even of any outlying campus also. I have moved so many amendments regarding deletion of the word 'inquiry'. Inspection is okay. The Central Vigilance Commission is there. If the University is violating the statutes, ordinances and directions of the Government of India, there are so many other provisions in this regard. If everything is being done by the Central Government, then what is the role of the University? As per the Bill, where any inspection or inquiry has been caused to be made by the Central Government, the University shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry. I am not going in details because of paucity of time.

As per Clause 7 (9), – it is very interesting – without prejudice to the foregoing provisions of this section, the Central Government may, by order in writing, annul any proceeding of the University which is not in conformity with the provisions of this Act or the Statutes or the Ordinances.

This is the way the provisions are going. That is why I have an apprehension in this regard. Clause 25 (1) is also there. There also, the Central Government is given an absolute authority to control the affairs of this University.

Regarding the sports, it is a quite pathetic situation of this country. 130 crores Indian population is not able to have an international standard either it be in Olympics or in football. It is a pathetic situation everywhere. The Australian Prime Minister recently visited India and had collaboration with the Indian Government to have five MOUs. He spoke in the function that sports build social capital. It is

absolutely correct. Sports is a very important component of health management and education. My suggestion is that the sports should be made as a compulsory subject in schools. My point is that through '*Khelo India*' programme which is initiated by this Government to develop the sports culture in grass root level, one has to identify the sports persons at the grass root level. If you can identify the sportsperson at the grass root level and give international coaching, training, nourishments and encouragement, definitely, India can develop the sports culture and international sports persons can be built up in this country for which this National Sports University Bill is a welcome step in such a direction.

With these words, I conclude.

HON. DEPUTY SPEAKER: Motions moved:

“That this House disapproves of the National Sports University Ordinance, 2018 (No.5 of 2018) promulgated by the President on 31<sup>st</sup> May, 2018.”

“That the Bill to establish and incorporate a National Sports University in the State of Manipur, a specialised University first of its kind, to promote sports education in the areas of sports sciences, sports technology, sports management and sports coaching besides functioning as the national training centre for select sports disciplines by adopting best international practices and for matters connected therewith or incidental thereto, be taken into consideration.”

[Translation]

SHRI ANURAG SINGH THAKUR (HAMIRPUR): Hon. Deputy Speaker Sir, thank you very much for giving me this opportunity to speak on this Bill.

*Wo saman taiyar karo wo jehan taiyar karo*

*Lage medalon ka ambaar, wo mukan taiyar karo* (Prepare for the moment ,  
create that world,

Make a headway towards the goal of bagging a batch of medals.)

Under the leadership of Hon. Prime Minister, a good number of initiatives were undertaken to promote sports in this country and the establishment of a National Sports University Bill is a very good effort in this regard, in whose support I rise to speak.

If the strength of a country is assessed worldwide, it is on the basis of its economy, military capability or it is judged by its performance in the field of sports.

A few moments back now Shri Ravi Shankar Prasad while speaking on the previous Bill maintained that Indian Economy has left France behind and has overtaken it. Everyone is happy that India is moving forward. But, have we been able to go as far as we ought to scale up in the field of sports?

Commonwealth Games were talked about with regard to large events of sports. I don't know how it happened. But there was a big blot on the organizers and the power that be. Even on the pretext of creating infrastructure for sports, sports were not left out. There too corruption we smacked of rampant corrupt practices all across.

Hon. Minister, I want to congratulate your Ministry because you have taken a good step in the direction which did not happen in 70 years. I have full faith; it will give strength to the sports.



Rs.524 crores will be spent on this National Sports University to be set up in Manipur. It will be a specialised university of its kind to promote sports education in the disciplines of sports sciences, sports technology, sports management and sports coaching.

Efforts have been made to cover every sector. It will be a National Training Centre for Select Sports Disciplines. Through this, center of excellence will be opened at different places. But here a fundamental question arises as to why finally India could not grow so far in the field of sports? We have the largest youth population in the world. We say we have challenges before us. If they are not offered proper orientatin , that would probably pose a very big challenge before this country. But an attempt has been made. Hon. Prime Minister himself has been a sports administrator, a sports enthusiast and increased the budget for taking sports forward. But I believe that the budget of Rs.21 lakh crores is also less.

It is said that sports figures in the list of State subjects. How much money does the State pay for this? How much does it cost? Some schemes are also run through the Ministry of Human Resource Development. Many schemes have also been run through the Ministry of Youth Affairs and Sports. But all in all, the amount is very little, very limited. How will we be able to create big players?

I have a question for the Hon. minister, and I would like him to answer this: Do you have the statistics of sports infrastructure at the State, District and Block levels in India? Which game do we have at the country level, at the district level, at the State level and at the Block level, do you have data on it? What is the availability of coaches at the national, State, District and block level, do you have the data? What sports are you going to prioritize? Which sports should be given the highest priority

in which we can win medals and which sports should figure at the last wrung in the order of priority? How big is the global sports market around the world, how big is the American sports market and how big is the Indian sports market, do you have figures for this? How much employment can we provide in the field of sports manufacturing? How much employment will you get through sports management? How many tournaments are available with the players? Do players have a platform to showcase their performance?

There is talk of winning medals in the Olympics. Do we ever work out in such detail how many medals are there in track and field, fencing and different sports in the Olympics? Have we set a target on this? What are the sports opportunities in India? Shouldn't we collect data from the bottom? Where is the infrastructure in the schools and universities of the country, which universities are able to give opportunities to advance the sports and how much budget is available to those universities through you or through the Ministry of Human Resource Development? If we talk about the Olympic Games of the year 2016 and if Stanford University is seen alone in that category, I think it will come at number 5, which would have won the most medals. Is there a single university in India? Is there any such school of sports? Which another institute were we able to set up in 70 years other than National Institute of Sports, Patiala? In physical education, we established an institute in Gwalior. What else have we offered to this country?

We say that our country houses 130 crore people out of which 65 percent are young, players are with us, but what do we have on Research and Development? I want to ask the Hon. minister as to how many sportspersons from India go abroad for training? How much money is spent on them? If that money had been spent in the last 10-20 years to create infrastructure inside India, then not only the players of India

would have played here, but we could have tried to bring players from all over the world to India. Why was this initiative not undertaken by the previous Government? What is our government doing in this direction?

I will request through you, the challenges are on several fronts. It begins with a mindset. Every family in our country wants its child to be physically and mentally healthy. They are expected to grow as Tendulkar, Dhoni, Virat Kohli or player of any other game. But as soon as the child turns 14, his or her parents start mounting pressure not to stay inclined to choose a career in sports, and to stay focussed on pursuing one's hard and fast studies. Why don't they envisage their children's future in sports? What is the reason for that? The 14-year-old in the US and the other countries is encouraged to go ahead and take up sports. Their hand is held from school to university, and sports facilities are extended to them. Why are these shortcomings there in our country?

Just a few days ago, Dushyant ji came with the players of table tennis to call on the Hon. Prime Minister. The Prime Minister himself wanted to meet the players who performed well. The country whose Prime Minister boosts the morale of the sportspersons, I am happy that Hon. Modi ji does this and also goes too far to promote sports. This has been done by our Hon. Prime Minister Narendra Modi. The player wants respect. He wants a platform to play. He wants an opportunity to move forward. Somewhere the previous government would talk of Look East Policy with a hype. You have taken an initiative to set up a University in the State of Manipur with a corpus of rs 524 crore under Act East Policy for which you deserve wide appreciation and encomium.

This effort of yours in the North-Eastern State is also unique in itself other than being a praiseworthy and welcome step forward. Everyone will also get an opportunity to make a visit to Manipur. At the end of the year whether they get degrees, awards, it will also lead to promotion of Tourism in the North-Eastern Region.. Institutes across the country will also get affiliated to it.

I would like to make a request to you and propose here that we should give the bicycle rim model here, so that schools and universities across the country can be associated with it. There the National Sports University should work as an excel and our schools and universities as rim. To speak otherwise, this University ought to function as a centripetal tool allowing the allied ones to move forward in a Simple Harmonic Motion.

*[English]*

HON. DEPUTY SPEAKER: Hon. Member, you may continue your speech tomorrow.

Hon. Members, as you know, we are having a function in the Central Hall. The hon. President, the Hon. Prime Minister and all other dignitaries are coming.

Therefore, the House stands adjourned to meet again on Thursday, the 2<sup>nd</sup> August, 2018 at 1100 a.m.

**17 22 hrs**

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, August 2, 2018/ Shravana 11, 1940 (Saka).*

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