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Title: \* Amendments to the High Court And Supreme Court Judges (Salaries And Conditions of Service) Amendment Bill, 2015.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Madam, I beg to move:

"That the following amendments made by Rajya Sabha in the Bill further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 be taken into consideration:-"

**ENACTING FORMULA**

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

**CLAUSE 1**

2. That at page 1, line 5, *for* the figure, "2015", the figure "2016" be *substituted*.

HON. SPEAKER: The question is:

"That the following amendments made by Rajya Sabha in the Bill further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 be taken into consideration:-"

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\* The Bill was passed by Lok Sabha on the 7th December, 2015 and transmitted to Rajya Sabha for its concurrence. Rajya Sabha passed the Bill with amendments at its sittings held on the 2<sup>nd</sup> March, 2016 and returned it to Lok Sabha on 3<sup>rd</sup> March, 2016.

**ENACTING FORMULA**

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

**CLAUSE 1**

2. That at page 1, line 5, *for* the figure, "2015", the figure "2016" be *substituted*.

*The motion was adopted.*

HON. SPEAKER: We shall now take up amendments made by Rajya Sabha. I shall now put amendment Nos. 1 and 2 made by Rajya Sabha together to the vote of the House.

The question is:

**ENACTING FORMULA**

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

**CLAUSE 1**

2. That at page 1, line 5, *for* the figure, "2015", the figure "2016" be *substituted*.

*The motion was adopted.*

HON. SPEAKER: The Minister may now move the amendments made by Rajya Sabha in the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as passed by Lok Sabha, be agreed to.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Madam, I beg to move:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

HON. SPEAKER: The question is:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

*The motion was adopted.*

HON. SPEAKER: Do you want to take up Item No.24?

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): Madam, the Finance Minister would like to make a request.

THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY): Madam, my request would be that the Bill could be taken up first and then we will continue with the discussion on the General Budget.

DR. P. VENUGOPAL (TIRUVALLUR): Madam, no, we can go ahead with the discussion on the General Budget....(*Interruptions*)

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam, we have certain objections to the Aadhaar Bill being taken up....(*Interruptions*)

HON. SPEAKER: What is it? You can mention it in the evening.

DR. P. VENUGOPAL : Madam, I have already given notice regarding GAIL.

HON. SPEAKER: Arun Jaitley Ji, before taking up the Bill, let me hear him.

Yes, what is it? Is it about your notice for adjournment?

DR. P. VENUGOPAL: Yes, Madam.

HON. SPEAKER: I know it. You only refer to it. I am giving you only one minute.

DR. P. VENUGOPAL: Madam, I want at least 2-3 minutes. This is an important matter.

HON. SPEAKER: Actually, it has already been mentioned by your Member, Vijaya Kumar on 9<sup>th</sup>.

DR. P. VENUGOPAL : No.

HON. SPEAKER: Yes. All right, you mention it in one minute only.

DR. P. VENUGOPAL: Madam Speaker, through you, I would like to draw the attention of the Government to a matter of urgent and grave importance.

The proposed gas pipeline project of GAIL would go through seven districts of Tamil Nadu, namely, Tirupur, Erode, Coimbatore, Salem, Namakkal, Dharmapuri and Krishnagiri. This is going to be a 20 metre wide pipeline covering 310 kilometres in these seven districts. This will cause a huge loss and irreparable damage to agriculture and residential properties in these districts. This is going to have a severe implications for the farmers and the common people in Tamil Nadu.

The impact of laying the pipeline by GAIL is wide and is going to affect the life and livelihood of farmers in more ways than one. It is going to expose them to other risks also like the accident that happened in Andhra Pradesh recently. So, it is all the more essential that the alignment is shifted away from the residential areas.

This proposed pipeline project is going to uproot more than 1,20,000 fruit-bearing mango, jackfruit and coconut trees.

When this issue went to the High Court of Madras, it ordered the Government of Tamil Nadu to conduct public hearings where the farmers raised severe objections to this proposal. On the one hand, the compensation that will be paid is very meagre and on the other hand, even though the State Government had ordered to plant at least 10 trees for each tree cut, it would be next to impossible for the GAIL to plant 12 lakh trees in this area.

In view of the above, the Government of Tamil Nadu on 2<sup>nd</sup> February, 2013 suggested that GAIL may stop the work of laying the pipeline in the proposed alignment.

Section 7(1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, makes it mandatory that no pipeline shall be laid under lands which are used for residential purposes or near permanent structures.

In this regard, the Supreme Court also had made it clear that once the right of land use is notified, the State Government has no power; and for all practical purposes, the "appropriate Government" will be the Central Government. While respecting this verdict of the Supreme Court, the Government of Tamil Nadu has prepared a review petition.

The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 is one of the 13 Acts which have been exempted from the mandatory requirement of carrying out Social Impact Assessment under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013.

I would like to point out here that, technically speaking, this Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 is not a Land Acquisition Act.

Under these circumstances, the Tamil Nadu Government strongly believes that realignment of pipeline along the highway is the best way possible to implement the project.

In this connection, the Chief Minister of Tamil Nadu, Dr. Amma had written a letter to the hon. Prime Minister of India on 8<sup>th</sup> February, 2016 requesting the Centre to urgently intervene in the matter, and to rescind all the Notifications issued in this regard. In the meantime, the GAIL may be directed not to act as per those Notifications, pending final decision in the matter.

HON. SPEAKER: Now you have made it.

DR. P. VENUGOPAL : So, there is also a need to amend the relevant provisions of Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 so as to conduct the Social Impact Assessment.

The hon. Chief Minister of Tamil Nadu has requested the Centre to direct the GAIL to join the Expert Committee constituted by the State Government so that the possibility of laying of the pipelines alongside the national highways can be explored.

Madam Speaker, in view of the above, I request the Centre to immediately intervene in the matter and render justice to Tamil Nadu for the cause of farming community in the seven districts of the State.

With these words, I conclude. Thank you.

HON. SPEAKER: Now, Item No. 24.

...(Interruptions)

**माननीय अध्यक्ष :** मैं क्या करूँ, इस तरह शून्य काल शुरू करूँ क्या? I am sorry. What is this?

...(Interruptions)

SHRI MALLIKARJUN KHARGE (GULBARGA): Madam, today morning at 10.40, I requested you that time should be given. ...(Interruptions) क्या हो गया, क्या बात कर रहे हैं, बोलिये?

**माननीय अध्यक्ष :** खड़गे जी, प्लीज़ एक मिनट। कोई बात नहीं कर रहे, आप मुझसे बात करिये। आप उनसे बात करने आये हो या मुझे कुछ कह रहे हो, पहले डिसाइड करे। आप बोलिये न।

SHRI MALLIKARJUN KHARGE: Respected Speaker, Madam, I would like to invite your kind attention to a gross injustice done to the entire opposition parties by disallowing them to speak on the issues related to Ishrat Jehan case. The matter was discussed under Rule 197 under which a Member can seek clarification from the Minister regarding the particular issue. Contrary to it, the discussion was biased and the Members were making baseless allegations against the erstwhile UPA Government and its leaders.

Moreover, it was a one sided discussion aimed at making the cooked up stories against the Congress Party and its leaders. Before the commencement of the discussion, the Congress MP, hon. Shri Veerappa Moilyji sought permission to speak on the issue. Unfortunately, it was denied and the discussion happened in one-sided manner, making a reckless allegation against a political party.

**माननीय अध्यक्ष :** आपका हो गया, मैंने आपको बता भी दिया, खड़गे जी हो गया।

SHRI MALLIKARJUN KHARGE : In this regard, I would request you to kindly allow one of the Congress Members to speak on the issue after

completing the Question Hour.

HON. SPEAKER: No, I am sorry, not at all.

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): Madam Speaker, I would like to put the records correct. ...(*Interruptions*)

HON. SPEAKER: No, I am sorry.

...(*Interruptions*)

**माननीय अध्यक्ष :** रूल 197 का नियम है।

SHRI MALLIKARJUN KHARGE : Yesterday, you did not give a chance to clarify certain matters.

HON. SPEAKER: No, I am sorry. You cannot clarify like this.

SHRI MALLIKARJUN KHARGE: Madam, kindly give five minutes.

HON. SPEAKER: Now, we take up Item No. 24. No, nothing can be raised.

SHRI MALLIKARJUN KHARGE: You have allowed so many people on so many occasions. What is this?

SHRI RAJIV PRATAP RUDY: Madam, I would like to put the records straight.

SHRI MALLIKARJUN KHARGE: Madam Speaker, I am on my legs. I have not yielded. ...(*Interruptions*)

**श्री राजीव प्रताप रूडी :** मैडम, मेरा सिम्पल सा सवाल है...(*व्यवधान*)

**माननीय अध्यक्ष :** मैंने आपको बैठने के लिए बोल दिया। आपने जो इश्यू उठाया, ठो गया।

**श्री राजीव प्रताप रूडी :** साइने साहब, आपने अध्यक्षता की। बिजनेस एडवाइज़री कमेटी में यह तय हुआ कि हम कॉलिंग अटेंशन मूव करेंगे और आपने 197 में स्वीकार किया और यह अधिकार था कि मैम्बर्स स्वयं आकर के नोटिस दें और आपने स्वीकार किया। कलिकेश नासयण देव ने भी नोटिस दिया, वे हमारे एन.डी.ए. के पार्टनर नहीं हैं। फिर भी हम लोगों ने स्वीकार किया। अगर आपके सदस्य समय पर नोटिस नहीं दें और फिर बीच में हस्तक्षेप करना चाहें तो यह सदन की जो परम्परा है और कार्य करने की जो पद्धति है, उसको आपके चाहने से परिवर्तित नहीं किया जा सकता। मझेदया, यह पूरी अपोर्तुनिटी दी गई, डिस्कस हुआ, लेकिन आपने भाग लेने के लिए नोटिस नहीं दिया, इसके लिए सरकार जिम्मेदार नहीं है। ...(*व्यवधान*)

**श्री ज्योतिरादित्य माधवराव सिंधिया (गुना) :** इन्होंने परम्परा की चर्चा की, परम्परा में यह भी शामिल है। ...(*व्यवधान*)

**माननीय अध्यक्ष :** आप बैठिये न। मैंने आपको इजाजत नहीं दी है। I am sorry. Whatever he has said is correct. The issue is already over.

**12.29 hours**

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