

## C O N T E N T S

**Sixteenth Series, Vol.XIV, Sixth Session, 2015/1937 (Saka)  
No. 16, Thursday, December 17, 2015/Agrahayana 26, 1937 (Saka)**

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Shrimati Sumitra Mahajan

**THE DEPUTY SPEAKER**

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Shri Anandrao Adsul

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Dr. Ratna De (Nag)

Shri Ramen Deka

Shri Konakalla Narayana Rao

Shri Hukum Singh

Shri K.H. Muniyappa

Dr. P. Venugopal

**SECRETARY GENERAL**

Shri Anoop Mishra

**LOK SABHA DEBATES**

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LOK SABHA

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Thursday, December 17, 2015/Agrahayana 26, 1937 (Saka)

The Lok Sabha met at Eleven of the Clock

[HON. SPEAKER *in the Chair*]

**FELICITATION BY THE SPEAKER**

**Successful launch of PSLV-C29 from Sriharikota, Andhra Pradesh on 16  
December, 2015**

HON. SPEAKER: Hon. Members, as you are aware, our country has successfully launched six Singapore satellites and put them into orbit through Polar Satellite Launch Vehicles (PSLV-C29) from Sriharikota, Andhra Pradesh on the 16<sup>th</sup> December, 2015. This is the first time that our country tested a multiple burn fuel rocket engine.

We are extremely proud of this accomplishment by our space scientists.

The House conveys its congratulations to the Scientists and Technologists of the Indian Space Research Organisation and wishes them success in all their future endeavours. ... (*Interruptions*)

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HON. SPEAKER: Hon. Members, I have received notices of Adjournment Motion from Dr. A. Sampath, Shri P.V. Midhun Reddy, Shri Ravneet Singh, Dr. M. Veerappa Moily, Shri Mallikarjun Kharge, Shri Jyotiraditya Scindia, Shri K.C. Venugopal, Shri Bhagwant Mann, Prof. Saugata Roy, Shri Sudip Bandyopadhyay, Shri P. Karunakaran, Shri Dushyant Chautala and Shri N.K. Premachandran on different issues.

Some issues have already been raised.

... (*Interruptions*)

HON. SPEAKER: The matters though important enough do not warrant interruption of the Business of the day. The matters can be raised – and I will allow you – through other opportunities.

... (*Interruptions*)

HON. SPEAKER: I have therefore disallowed all the notices of Adjournment Motion.

... (*Interruptions*)

माननीय अध्यक्ष : अभी नहीं, बाद में आपकी बात सुनेंगे।

... (व्यवधान)

**11.03 hours****ORAL ANSWERS TO QUESTIONS**

HON. SPEAKER: Q. 261 – Shri Konda Vishweshwar Reddy

**(Q.261)**

SHRI KONDA VISHWESHWAR REDDY: Madam Speaker, the metric for evaluating a solar power plant is not megawatt but how many units of electricity it is producing. ... (*Interruptions*)

माननीय अध्यक्ष : अभी कुछ नहीं सुनूंगी, 12 बजे सुनूंगी।

...(व्यवधान)

SHRI KONDA VISHWESHWAR REDDY: In the answer to my Question, the Minister has replied that according to the National Solar Mission projects, when they studied the plant load factor it was 16.28 per cent to 21 per cent. ... (*Interruptions*)

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): We can discuss it after the Question Hour. ... (*Interruptions*)

HON. SPEAKER: What is it?

SHRI M. VENKAIAH NAIDU: After the Question Hour, we can discuss the hike in excise duty on petrol and diesel. The Government will be ready to respond to the queries by the Members after the Question Hour once the Chair admits. ... (*Interruptions*) If the Chair desires, after the Question Hour, if the Chair admits, we have no problem with regard to petroleum prices to be discussed in the House. ... (*Interruptions*)

HON.SPEAKER: I am not working on your problem or their problem. I have to run the House. It is not a matter of your problem or their problem but the problem is with regard to running the House. They cannot take assurance from me. I have said that I will allow them afterwards at some other time. It does not mean that I

will allow them to speak at 12.00 or 12.05 p.m. Nobody can suggest like this. मैं रोज़ आपको बोलने का मौका दे रही हूँ, ऐसा कभी नहीं हुई कि न दिया हो। मैं अपनी तरफ से सबको अपने-अपने अधिकार दे रही हूँ। Yes, you can ask your supplementary. It is not like that. एश्योरेंस थोड़े ही दिए जाते हैं। मैं एश्योरेंस कमेटी की अध्यक्ष नहीं हूँ।

**SHRI KONDA VISHWESHWAR REDDY:** Madam, Speaker, in the Ministry's answer he has given that the Plant Load Factor, according to a study by the Government, ranges from 16.28 per cent to 21.75 per cent.... (*Interruptions*)

**माननीय अध्यक्ष:** खड़गे जी, आप बैठ जाएं। यह बात चल पड़ी है, आप सब लोग समझिए कि मेरे कहने के बावजूद आप रोज़ एक घंटा पूरा हंगामा करेंगे, मैं कहती हूँ मैं आपको मौका भी देती हूँ, ज़ीरो ऑवर में भी अपनी बात उठाने का मौका देती हूँ। इसके अलावा आपके द्वारा दिए जाने वाले नोटिसों का उत्तर देते समय मैं कहती हूँ कि सम अदर वे। ऐसा आज तक कभी नहीं हुआ है, आप सब साक्षी हैं, मैं शून्य काल में हो या अन्य अवसर हो, आपको स्थगन प्रस्तावों पर बोलने का मौका देती हूँ। कुछ लोग स्थगन प्रस्ताव का नोटिस इसलिए भी दे देते हैं कि उन्हें शून्य काल में इस पर बोलने का मौका मिलेगा, आई एम सॉरी। आप भी अपनी तरफ से अभ्यास कीजिए, मैं नहीं बोल रही हूँ। आप अपना परीक्षण करें, मैं तब भी मौका देती हूँ। लेकिन मैंने जैसे पहले भी कहा कि प्लेकार्ड मत दिखाएं, आप दिखाते हैं। मैंने कहा कि वेल में नहीं आएँ, आप रोज आते हैं। ये रूल्स मैंने नहीं बनाए हैं, आप सबने मिलकर बनाए हैं। लेकिन रोज़ वेल में एक घंटा हंगामा करें और फिर जाकर करें, this is not the way. Do not take it like that. I am not saying 'no' to anybody. I am allowing you also to speak. ऐसा कभी नहीं हुआ है। मैंने श्रीमती टीचर जी को कल भी वही विषय उठाने का मौका दिया था, जिसके बारे में आज आपने या किसी अन्य साथी ने नोटिस दिया है। It is not like that. सुदीप बंदोपाध्याय जी, मैंने कल आपको भी मौका दिया था। मुझे क्या ऐसे जताना पड़ेगा Please do not do that. इसलिए मेरा यह कहना है कि मैं अलाऊ करूंगी, लेकिन 12 बजे या 12 बजकर पांच मिनट तक I cannot assure like that.

**SHRI KONDA VISHWESHWAR REDDY:** Madam, in the Ministry's answer the Minister has answered that the Plant Load Factor in their study ranges from 16.28 per cent to 21.75 per cent.... (*Interruptions*)

**माननीय अध्यक्ष:** यह पेट्रोल का इश्यू पहले भी उठा है, फिर भी मैं मौका दे दूंगी।

...(व्यवधान)

SHRI KONDA VISHWESHWAR REDDY: Actually, this is very-very good. It compares with international standards of PLF for solar PP but India is inherently suitable, the weather and the temperature, and it is highly doubtful these figures are true. ... (*Interruptions*)

माननीय अध्यक्ष: माननीय सदस्य प्रश्न पूछ रहे हैं, उन्हें डिस्टर्ब न करें।

...(ब्यवधान)

11.08 hours

*(At this stage, Shri K.C. Venugopal and some other hon. Members came and stood on the floor near the Table.)*

... (*Interruptions*)

SHRI KONDA VISHWESHWAR REDDY: Even the industry bodies and the foreign consulting companies gave similar projection for Plant Load Factor. But when independent research organizations, like the Indian Institute of Science, did the Plant Load Factor, it was only between 11 and 15 per cent which makes solar PP not very viable because of various reasons relating to dust. The temperature of solar panels reduces the efficiency of solar panel. If I am a consumer, if I tamper the meter I pay less bill but if I am a producer and I tamper, I end up getting more money from the grid. Spain and Europe have seen such scams where they were artificially producing more solar power. In fact, investigations reveal that even they produce solar energy in the middle of night, supplied and got money. So, my question is what steps the Ministry is taking to prevent such fraud in solar power and to ensure an independent body studies the Plant Load Factor.

SHRI PIYUSH GOYAL: Madam, Speaker, I am very grateful to the hon. Member for talking about that we have to look at the units produced and not MW. This Government has gone even beyond that. This Government has brought in a completely transparent reverse bidding process by which all the powers that the companies purchase or Discoms purchase will be through a transparent process. I am delighted to inform the Members through you that in the most recent auctions that we have had, solar power has come down to as low as Rs.4.63 per unit.

Madam Speaker, they are not small companies. They are international companies of repute. Soft Bank whose subsidiary SBG has got this order in the last tender is a world renowned 20 billion dollar Company. This Company is looking to invest Rs.60,000 crore in India... (*Interruptions*).

Similarly, for domestic content requirement this year, only day before yesterday, the bidding took place and it went on till 4 o'clock through the night. Through that process, a price of Rs.5.12 through domestic made in India product has been discovered... (*Interruptions*). So I do not think there is any scope for manipulation. The States are very conscious and they do control the units of energy that are fed into the grid through proper and smart meters. But having taken the hon. Member's suggestions, we will further examine how we can better it... (*Interruptions*).

SHRI KONDA VISHWESHWAR REDDY: Madam Speaker, the second question I have is that solar is primarily made in Germany and China as also other countries... (*Interruptions*). Why are they not made in India and renewables being promoted? It is because the amount of subsidy for biogas based electricity for the entire country is just Rs.10 crore. I was shocked to find it but thousands of crores of rupees of solar subsidies are given to other made in Germany and China... (*Interruptions*). ...\* So, I think the foreign exchange is not being utilized well by promoting made in Germany and China renewables instead of made in India renewables... (*Interruptions*).

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\* Not recorded.



SHRI PIYUSH GOYAL: Madam Speaker, at the outset, I would like to urge the hon. Member to refrain from quoting very derogatory Australian cartoons. I would urge you, Madam, to consider expunging that portion of his comments because it is not in good taste... (*Interruptions*). Cartoons made by foreign newspapers showing India in poor light are certainly not acceptable to any hon. Member of this House. So I would like you to kindly consider whether that should remain on record... (*Interruptions*).

As regards made in India programme, I think this Government is the first Government in the history which has taken the Made in India and Make in India programme to great heights... (*Interruptions*). The very fact that the domestic content requirement tenders are being taken out with such sincerity and continuously with high periodicity, demonstrate our commitment to encourage domestically made products... (*Interruptions*).

As I said earlier, the prices have come down. Today, I was informed that the price of our latest procurement of domestic product has come down to Rs.5.65 crore per megawatt for the capital equipment including five years maintenance cost. That means the prices have come down of domestic product by nearly Rs.1.5 crore in the last one and a half years. So, this Government is encouraging domestic manufacturing and will continue to encourage it... (*Interruptions*).

As regards biogas, he made a comment that only Rs.10 crore is provided. I have said this in earlier questions that biogas plants which are individual plants are not found viable. We are looking at places and *gaushalas* where there are a large number of bovine animals where we can set up biogas plants. But this Government stands committed to providing any amount of money required to encourage biogas further... (*Interruptions*).

HON. SPEAKER: Shri Kudikunil Suresh – not asking.

... (*Interruptions*)

**DR. PRITAM GOPINATH MUNDE:** Madam, I thank you very much for giving me this opportunity to ask a very important question.

मैं माननीय मंत्री महोदय से यह पूछना चाहती हूँ कि महाराष्ट्र के सूखे की स्थिति से हम सभी अवगत हैं। आज किसानों की जो अनेक समस्याएँ हैं, उनमें बिजली के बिल की भारी दिक्कत है। महाराष्ट्र सरकार किसानों को सोलर पम्पस तो मुहैया करा रही है, लेकिन आने वाले समय में केवल खेती पर निर्भर न रहकर इंडस्ट्रीलाइजेशन को बढ़ावा देने हेतु और महाराष्ट्र में रोजगार निर्माण के लिए क्या केन्द्र सरकार सोलर प्लान्ट्स के लिए कोई सब्सिडी देने का विचार रखती है? सोलर प्लान्ट्स पर टैक्स एगज़म्पशन सोलर प्लान्ट्स पर जरूर हैं, लेकिन वह तो प्लान्ट ईरीक्शन के बाद होंगे। प्लान्ट ईरेक्ट करने के लिए ज्यादा से ज्यादा लोग आकर्षित हों, इसके लिए क्या केन्द्र सरकार कोई सब्सिडी देने का प्रावधान कर रही है?

**श्री पीयूष गोयल :** महोदया, माननीय सदस्या ने बहुत ही महत्वपूर्ण विषय पर ध्यान आकर्षित किया है। मैं सबसे पहले तो महाराष्ट्र के मुख्य मंत्री और सरकार को बधाई दूंगा कि उन्होंने सूखे की स्थिति का आंकलन कर के कल या परसों ही लगभग दस हज़ार करोड़ रुपये का पैकेज अनाउंस किया है। जिसमें विशेष कर जो इलाके सूखे से गंभीर परिस्थिति में हैं, जहां पर किसानों को समस्या है, उनके बिजली के बिल को भी माफ करने का प्रावधान किया गया है। साथ ही साथ बड़े रूप में किसानों को सस्ती दरों पर इलैक्ट्रिसिटी कनेक्शन मिले और कई जगहों पर निःशुल्क सोलर पंपस मिलें, एग्रीकल्चरल पंपस मिलें, इसके लिए मैं माननीय सदस्या के सुझावों को बहुत ही गंभीरता से लेता हूँ कि हम वहां पर और ज्यादा अधिक मात्रा में सोलर पंपस दें। लेकिन बहुत खुशी की बात यह है कि महाराष्ट्र सरकार ने भारत सरकार की कंपनी एनर्जी एफिशिएंसी सर्विसिज़ लिमिटेड (ईईएसएल) जो बड़े पैमाने पर देश भर में एलईडी बलब्स का भी वितरण कर रही है, उस कंपनी के साथ बातचीत शुरू की है कि कैसे लगभग पांच लाख किसानों के पंपस निःशुल्क रिप्लेस किए जाएं। उनको रिप्लेस कर के एनर्जी एफिशिएंट पंपस लगाए जाएं, जिससे किसानों को पर्याप्त मात्रा में पानी भी मिलेगा और बिजली की खपत भी कम होगी। जहां तक महाराष्ट्र में रोजगार बढ़ाने के लिए औद्योगीकरण बढ़ाने की बात है, मुझे सदन को बताते हुए बड़ी खुशी होती है कि केंद्र सरकार एक योजना बनाने जा रही है, जिसमें किसानों को, बेराज़गार युवकों को, महिलाओं को, दलितों को, शेड्युल्ड कास्ट, शेड्युल्ड ट्राइब्स से जो लोग कई वर्षों से पिछड़े रहे हैं और आज़ादी के 68 वर्ष बाद भी जिनके साथ सरकारों ने न्याय नहीं किया है, उन सबको इक्विटी सर्पोट केंद्र सरकार दे। जिससे वे छोटे-छोटे माइक्रो ग्रिड्स लगा कर अपने-अपने रोजगार का स्वयं उत्पादन कर सकें।

**DR. J. JAYAVARDHAN :** Hon. Madam Speaker, thank you for giving me this opportunity.

India lies in the high solar insolation region endowed with huge solar energy potential. To utilize this potential, the Ministry of New and Renewable Energy is giving incentive of Rs. 20 lakh per Mega Watt (MW) for ultra mega solar parks with at least 500 MW capacity. For creating 1 MW capacity solar park, five acres of land is required. So, for an ultra mega solar park of 500 MW capacity 2500 acres of barren land is required. In a State like Tamil Nadu which has its length and breadth covered with agricultural land, finding such a large tract of contiguous barren land with appropriate insolation levels is very difficult. Hence, the financial incentive given to ultra mega power plants should be extended to small and medium solar parks of 1 MW to 10 MW capacity. Further, development of smaller parks has many advantages over ultra mega solar parks in terms of transmission capacity utilization and effective absorption of generated power. This was clearly highlighted in the Memorandum submitted by our hon. Chief Minister of Tamil Nadu Puratchi Thalaivi Amma to the hon. Prime Minister. I would like to know the stand of the Union Government with regard to developing small and medium solar power parks.

SHRI PIYUSH GOYAL: Madam Speaker, I am grateful to the hon. Member for highlighting that India is a high solar insolation country. In fact, recognizing the great potential of solar energy, this Government in the Budget on 20<sup>th</sup> February, 2015 scaled up India's energy ambition through solar energy from 20000 MW by 2022 to one lakh MW which is a growth of five times over the Mission, but actually it is a growth of 35 times over the solar energy as on that day. India had only 3.5 MW and we plan to make it 100 Giga Watt in seven years which is today the world's largest solar programme anywhere in the world.

Madam, I am also happy to report to the House, through you, that in Paris on 30<sup>th</sup> of November, 2015, hon. Prime Minister, Shri Narendra Modi and hon. President of France together launched the International Solar Alliance which is a unique organization which consists of all the countries which lies between the Tropic of Capricorn and the Tropic of Cancer. There are 121 countries which have

very high solar radiation. This body is going to take solar energy to the nook and corner of the world. India and Shri Modi, are providing leadership in that.

As far as the subsidy of Rs. 20 lakhs for Solar Parks is concerned, I appreciate the concern of the hon. Member. Hon. Chief Minister of Tamil Nadu, Amma, has also raised this issue. We shall be happy to allow Tamil Nadu to have smaller Solar Parks if the Government of Tamil Nadu comes up with a proposal. Looking at the great enthusiastic response from various States, the Central Government is considering approval of additional batch of Solar Parks. If Tamil Nadu comes up with a proposal, even if it is not of 500 megawatts but smaller ones, the Central Government is prepared to consider that.

SHRI MUTHAMSETTI SRINIVASA RAO (AVANTHI): Madam Speaker, a photovoltaic power station is also known as a solar park and is a large scale photovoltaic system designed for the supply of merchant power into the electricity grid. The proposition is good and more relevant in the wake of climate change affecting the globe including India where we are facing unprecedented floods and drought and affecting agriculture production. No doubt, it is a green energy. Solar Parks should be concentrated in rural areas and semi urban areas where power supply is erratic.

May I know from the hon. Minister whether he has received any proposal from the Government of Andhra Pradesh to set up Solar Parks in the newly formed State as there is abundant sunshine? If so, what is the fund earmarked for that State for the development of Solar Parks?

I also thank the hon. Minister for including our State for getting power for 24x7. I expect an answer from the hon. Minister regarding setting up of Solar Parks.

SHRI PIYUSH GOYAL: Madam Speaker, I am glad to inform the hon. House through you and the Member will be delighted to know that Andhra Pradesh is taking a leadership role when it comes to developing solar energy. In fact, when we introduced the scheme of Solar Parks, the first three Parks that we received

were from the State of Andhra Pradesh. We have already approved three Parks in the State of Andhra Pradesh. One Park is of 1500 MW called Anantapur Solar Park. It is in the land identified at NP Kunta of Anantapur and Galliveedu of Cuddapah district. The second Solar Park is called Kurnool Solar Park which is of 1000 MW. That is in the Kurnool District and the third Solar Park is the Cuddapah Solar Park in the Galliveedu Madal, Cuddapah District. So, 3500 MW is the largest quantity of Solar Park which we have approved in any State of the country. I compliment the Government of Andhra Pradesh for its leadership.

In fact, I am also delighted to inform the House through you that five States have introduced solar power in a big way. By coincidence, all the five States are BJP and NDA-ruled States. The largest amount of solar generating capacity today is in Rajasthan which has 1256 MW. The second largest one is Gujarat which has 1024 MW. The third largest is Madhya Pradesh which has 678 MW. The fourth largest is Maharashtra which has 378 MW and right now, the fifth largest is Andhra Pradesh with 253 MW.

I am also delighted that all these States are pursuing solar energy with great vigour. I am confident that India will become the solar capital of the world in the years to come.

**(Q. 262)**

SHRIMATI KOTHAPALLI GEETHA: Madam Speaker, I would thank you for giving me this opportunity. One of the oldest legal systems in the world today is the Indian Judicial System in which all Indians take pride. But the present system of functioning of the judiciary in India has lost its relevance and is facing crucial inherent problems such as corruption, huge backlog of pendency of cases, lack of transparency, hardships of the under-trials and also complete isolation from society. Today, there are as many as 2.68 crore cases that are pending at different levels in the country, out of which 58,000 cases are pending in the Supreme Court of India as per the Statement given by the hon. Minister... *(Interruptions)* It has always been loudly discussed to increase the number of judges, to create more courts and speedy disposal but implementation is always late or inadequate.... *(Interruptions)*

As we are all well aware, justice delayed is justice denied. So, at this point, every common citizen of India today looks upon the judiciary for his relief, as the custodian of his fundamental rights.... *(Interruptions)* So, I would like to know from the hon Minister, through you, Madam, whether the Government is planning any measures for the clearance of the pendency of cases, for the speedy disposal of cases as well as fixing accountability and time-frame and also for the appointment of more judges in the relevant courts.

SHRI D.V. SADANANDA GOWDA: Madam Speaker, this Government has taken several initiatives to bring down the pendency of cases in the country. After this Government came into power, we have taken several new legislative measures to see that all these cases are disposed of at the earliest.... *(Interruptions)* Of course, I do concede that there is a huge pendency of cases in this country. Since the last two years, the pendencies are on the decline. I can give the statistics. Of course, the percentage of decline is not up to the expectations of the people.... *(Interruptions)* But I will give the statistics.

The pendency in the Supreme Court as on 31.12.2012 was to the extent of 66,692 cases. But, as on 30.11.2015, it has come down to 58,879 cases. Of course, it is a very less percentage but it is on the decline. Even in the High Courts also, it has come down from 44.34 lakh in 2012 to 41.53 lakh as on 31.12.2014. Even in the Subordinate Courts also, it has considerably come down. But we have taken several initiatives to see that the pendency comes down.... (*Interruptions*)

Madam, we have adopted three different strategies as far as this matter is concerned. One, we have already initiated steps to repeal the redundant clauses. All the obsolete clauses and redundant clauses are taken away from this so that the confusion is brought down. Nearly, 1741 Acts have been identified. We have already removed about 1200 redundant Acts. Amendment to Acts are generating a large number of cases to be settled out of court to avoid proliferation of cases. So many cases can be taken out of the court. That will certainly help. This is the initiative taken by the Government. Amendment to Arbitration and Conciliation Act is one of the main steps we have taken where so many cases can be taken out of the court and settled outright. So, that will certainly help in the reduction of cases. Similarly, the Bill to amend the Negotiable Instruments Act was tabled and it had been passed. It will certainly give a big relief as far as reduction of cases are concerned. I will specially cite the Motor Vehicles Act. There is a proposal to bring the Comprehensive Road Safety Bill because of which the challan cases will come down. So, this Government has taken several initiatives to see that the pendency of cases is reduced. We have already taken initiative to see that some time-bound disposal of cases is done. We are recommending so many things. I have already given a project to the National Law School to see what changes are needed in the legal framework like CPC, Cr.P.C., the Evidence Act, etc. so that we can speed up the disposal of cases. Similarly, at the policy level changes are needed. Administrative changes are needed. Once these recommendations come to us, certainly this Government will take some more initiatives to see the pendency is reduced. Of course, I do concede that the vacancies of judges in various courts

are very huge, especially in the High Courts, more than 400 vacancies are there. In subordinate courts, nearly 5,000 vacancies are there. Of course, the appointment of judges to the Subordinate Courts is the responsibility of the State Governments with the consultation of the High Courts. So we have already requested the Chief Ministers and the Chief Justices of all the High Courts in the meeting held in April to speed up the appointment process so that these vacancies can be filled.

As far as appointment of High Court Judges is concerned, yesterday the Supreme Court has come out with a direction that the Memorandum of Procedure has to be drafted by the Ministry of Law and Justice after due consultation with the High Courts and State Governments. So we are working on it. Certainly, there is no delay on the part of the Government as regards taking new initiatives either for reducing the pendency of cases or filling up of the vacancies of judges to various courts.

SHRIMATI KOTHAPALLI GEETHA: Madam Speaker, I thank the hon. Minister for his elaborate reply. But the pendency of cases has come down by a very small percentage. Still, a large number of cases are pending. We also know that the need of the hour is to introduce reforms in the Judiciary so as to address the defects in the system and also provide justice. Then, in the functioning of the Judiciary, substantial issues like quality of justice that is provided and accountability are also not specified. In view of the immediate need to restructure the functioning of the Judiciary to make it answerable to the needs of the democratic and progressive society, I would like to know from the hon. Minister, through you, whether the Government is moving forward to restructure the Judiciary to make it more transparent and accountable and also to make it fairer.

SHRI D.V. SADANANDA GOWDA: Madam Speaker, of course, it is the need of the hour that the Judiciary should be made more transparent and more accountable. The Government has already taken several initiatives in this direction. As far as judges are concerned, they have been properly trained in various aspects in the Judicial Academy at Bhopal which gives more and more training to the judges.



Similarly, several legislations have been brought before the Parliament which has certainly given a boost to this. Of course, the Judicial Transparency and Accountability Bill had lapsed earlier. We are working on it. We will look into the matter after taking suggestions from various stakeholders.

SHRI PRALHAD JOSHI: Madam Speaker, as explained by the hon. Minister, the pendency of cases has reduced, but it is very marginal. In most of the advanced countries like France, USA etc., there is no provision for vacation for the courts. The judges in this country can take leave according to their convenience without affecting the smooth functioning of the courts. Then, there are so many vacations for the Supreme Court, High Courts and Subordinate Courts and now-a-days there are strikes by lawyers which result in closure of courts. The Justice Malimath Committee which was set up by the Central Government for reforms in the Criminal Justice System has recommended three weeks increase in the annual working days of the Supreme Court and High Courts. So far it has not been implemented. Though the hon. Minister has initiated many reforms under the leadership of Modiji, I would like to know from the hon. Minister, through you, whether he is going to increase the number of working days for the Supreme Court, High Courts and Subordinate Courts and also abolish the system of vacation to courts which has come to us from the colonial days.

SHRI D.V. SADANANDA GOWDA: Madam Speaker, the suggestion is well taken. But we can come to a conclusion on this only after discussions with the Chief Justice of the Supreme Court of India and Chief Justices of all the High Courts. Then, the State Governments should also be taken on board. So, a wider consultation is required on this matter. Certainly, the suggestion of the Member is well taken.

The second issue he has raised is with regard to the Advocates. Of course, it is the Bar Council of India which is looking after all these aspects. The Advocates Act, 1961 gives the clear mandate to the Bar Council of India as well as the Bar Council of the States to look into the matter.... (*Interruptions*)

DR. A. SAMPATH: Thank you, Madam Speaker. Madam Speaker, I would like to say a word of thanks to the hon. Minister for giving a proper reply to the question raised by the hon. Member Shrimati Geetha *ji.* ... (*Interruptions*) It has been put to the notice of this House and, through you, this House has put to the notice of the Government of India that Judiciary lacks accountability, transparency and scrutiny also.... (*Interruptions*)

I would like to invite your attention to the answer given by the hon. Minister Shri Sadananda Gowda *ji.* In the Annexure, in Paragraph 3, regarding the pendency in District and subordinate courts, the number of cases which are pending as on 31<sup>st</sup> December, 2014 is 2.64 crore. ... (*Interruptions*) Approximately, it is equivalent to the total population of my State. It is almost equivalent to the population of the State of Kerala. During the last two years, there has not been much decrease in the pendency of cases. The Minister admits that... (*Interruptions*) There are more than 5000 vacancies to be filled up in the lower and subordinate courts. It is not with the National Judicial Appointment Commission. ... (*Interruptions*) Unless and until the vacancies lying in the subordinate courts are filled up, the pendency of cases cannot decrease.... (*Interruptions*)

So, my humble question to the hon. Minister, through you, is this. What measures the Government is intending to take for the immediate appointment of, for the filling up of all the lower court vacancies in the subordinate courts for the speedy disposal of trial cases? ... (*Interruptions*) Thank you, Madam.

HON. SPEAKER: Already, I think, he has replied.

... (*Interruptions*)

SHRI D.V. SADANANDA GOWDA: Madam Speaker, I made it very clear that the appointment of judges in the subordinate courts is the responsibility of the State Governments and the High Courts concerned.... (*Interruptions*) I had a meeting with the Chief Justices of various High Courts and the Chief Ministers of various States wherein this was elaborately discussed.... (*Interruptions*) A request

has been made to the Chief Justices of the High Courts as well as the Chief Ministers to fill up the vacancies as early as possible.... (*Interruptions*) Especially in certain States, the Public Service Commissions will fill up the vacancies. In some other States, the High Courts will hold some examinations and they will fill up the posts.... (*Interruptions*) Primarily it is their responsibility but we will motivate and we will request the various State Governments and the Chief Justices of the High Courts to fill up the vacancies.... (*Interruptions*)

SHRI P.P. CHAUDHARY: Thank you, Madam. The reply of the hon. Law Minister is very exhaustive and it is commendable that some legislative initiative regarding amendment of the Negotiable Instruments Act, the Arbitration Act and establishment of the commercial courts has been taken. ... (*Interruptions*) My request to the hon. Minister is that three provisions of the Constitution were never invoked which can redress the problem of pendency of cases. One is regarding Articles 124,128 and another is regarding Article 224 A which provide for appointment of the retired Judges in the High Courts and the Supreme Court. ... (*Interruptions*) So, I would like to know whether the Government is proposing to make a request to the Supreme Court and the respective High Courts for their appointment till the time the regular appointments are made to clear the arrears of cases in the Supreme Court and the High Courts.... (*Interruptions*) These Articles provide that the Chief Justice of India and the Chief Justice of the High Court, with the previous consent of the President of India, can appoint the retired judges in the sittings of the Supreme Court and the High Court. ... (*Interruptions*) Apart from this, Article 312 provides for creation of the All India Judicial Services. ... (*Interruptions*) The hon. Law Minister has stated that the appointment of the subordinate judiciary is within the domain of the State Government. But, creation of the All India Judicial Services is within the domain of the Parliament. ... (*Interruptions*) So, is there any proposal to create the All India Judicial Services? Is there any proposal with the Government to request the Chief Justice of India

and the Chief Justice of the High Court to take the services of the retired Judges? ... *(Interruptions)* Thank you very much.... *(Interruptions)*

SHRI D.V. SADANANDA GOWDA: As far as the appointment of Supreme Court Judges and High Court Judges is concerned, yesterday the Supreme Court has come up with a judgment wherein the Ministry of Law and Justice is directed to consult the Chief Justices of the High Courts and the States and draft a Memorandum of Procedure for the appointment of Judges.... *(Interruptions)* We will go through the judgment of the Supreme Court and take suitable steps. ... *(Interruptions)*

My friend has asked a question with regard to the appointment of the retired judges.... *(Interruptions)* It can be done only on the recommendations of the CJI. We will certainly explore the possibility for this.... *(Interruptions)* Only after due consultation and coming to a conclusion as to what needs to be incorporated in the Memorandum of Procedure, we will take up this issue further. ... *(Interruptions)*

SHRI ANIL SHIROLE: Has the Government considered setting up of fast track courts by giving the litigants the choice to expedite their cases by paying suitably high, court fees something like "Tatkal Reservation in Railways?" ... *(Interruptions)*

SHRI D.V. SADANANDA GOWDA: If the Ministry of Railways will propose, we will look into the matter. ... *(Interruptions)*

HON. SPEAKER: Fast-track courts are already there.

... *(Interruptions)*

**डॉ. सत्यपाल सिंह :** अध्यक्ष महोदया, मेरे पास सवाल बहुत हैं लेकिन मैं एक सीधा सवाल आपके माध्यम से माननीय मंत्री जी से पूछना चाहता हूँ। ...*(व्यवधान)* आज हमारे देश के अंदर ऐसी हालत है कि अगर कोई गरीब आदमी एक हजार रुपये की चोरी करता है तो उसके लिए भी वही सजा है...*(व्यवधान)* और एक बिजनेसमैन एक हजार करोड़ रुपये की चोरी करता है तो उसके लिए भी वही दंड है।...*(व्यवधान)* यह ऐसा है कि अगर किसी खेत को बकरी चरे, कोई बैल चरे या हाथी चरे, उनको डंडा एक ही मारा जाता

है।... (व्यवधान) एक डंडे से बकरी मर सकती है।... (व्यवधान) उस डंडे से से मारने से बैल को ज्यादा कुछ फर्क नहीं पड़ेगा।... (व्यवधान) लेकिन उस डंडे से मारने पर हाथी को कोई असर नहीं होगा।... (व्यवधान) क्या माननीय मंत्री जी इस कानून में जूडिशियल रिफॉर्म लायेंगे।... (व्यवधान) जो आदमी जैसा गड़बड़ करे उसी के हिसाब से उसे सजा दी जाये।... (व्यवधान) जैसे पहले मनु और कौटिल्य ने लिखा है कि जिसकी जितनी योग्यता है, जिसका जितना पद है, जितना अनुभव है, उसी के हिसाब से उसको सजा दी जाये। ... (व्यवधान)

मैं आपसे दूसरा प्रश्न पूछने के लिए अनुमति चाहता हूँ।... (व्यवधान) मेरा दूसरा प्रश्न यह है कि जस्टिस मलिमथ ने जूडिशियल रिफॉर्म की जो रिपोर्ट दी है, वह वर्ष 2003 से भारत सरकार के पास पड़ी है। ... (व्यवधान) क्या उसे लागू करने के लिए भारत सरकार विचार कर रही है।... (व्यवधान)

SHRI D.V. SADANANDA GOWDA: As far as Justice Malimath Committee's Report is concerned, certainly we are looking into the matter.... (*Interruptions*) We want to take some initiatives as far as judicial reforms are concerned.... (*Interruptions*)

As far as the penalty and other things are concerned, the Ministry of Law and Justice has already taken note of the provisions of this Report. ... (*Interruptions*) The matter is already referred to the Law Commission for obtaining its opinion. As soon as we get the Law Commission's Report, we will go ahead with this.... (*Interruptions*)

**(Q.263)**

SHRI HARINDER SINGH KHALSA : Madam Speaker, in my question I had specifically asked about the details of the projects and schemes under implementation for cleaning of the river and the success achieved so far. ... (Interruptions) While the hon. Minister has very kindly given the details of the pollution level at different stretches of the river, I did not get the answer of the success achieved in the projects so far.... (Interruptions)

सुश्री उमा भारती : अध्यक्ष महोदया, माननीय सांसद ने बहुत ही महत्वपूर्ण प्रश्न किया है। ... (व्यवधान) हमारे पास जो विवरण है, उसे हम सक्सेस स्टोरी नहीं कह सकते। ... (व्यवधान) दिल्ली में ही यमुना के 20 किलोमीटर स्ट्रेच में 5021.4 एमएलडी गंदगी है और हमारी शोधन क्षमता 3037.8 एमएलडी की है, यह बड़ा गैप है, ... (व्यवधान) और जो क्षमता है वह भी पूरी क्षमता से काम नहीं कर रही है। मैंने चिल्ला में जाकर स्वयं देखा था ... (व्यवधान) कि वह संयंत्र जितने एमएलडी के लिए बना हुआ था वह भी क्षमता के अनुरूप काम नहीं कर रहा था। माननीय सदस्य को यह जानकर खुशी होगी ... (व्यवधान) वर्ष 2017 तक हम 20 किलोमीटर के स्ट्रेच में एक इंटरसेप्टर का निर्माण कर रहे हैं जिससे लगभग 80 परसेंट यमुना की वर्ष 2017 में साफ-सुथरा कर देंगे, इसके लिए हम कटिबद्ध हैं। हमारा प्लॉन इसे अप्रैल से ही प्रारंभ करने का है। मैं आपके माध्यम से यमुना के बारे में सदन को जानकारी देना चाहता हूँ, माननीय सदस्यों को यह जानकर खुशी होगी कि लखवार ब्यासी प्रोजेक्ट जो कई सालों से लंबित था उसे हमने क्लीयर करने का फैसला किया है ... (व्यवधान) जिससे यमुना में पानी की मात्रा बढ़ जाएगी, हथंनी कुंड से यमुना में कम पानी आता है, यमुना की मुख्य समस्या यह थी कि यह अपनी गंदगी को ढो नहीं पा रही थी क्योंकि इसमें पानी की कमी थी। उत्तराखंड सरकार के प्रस्ताव को हमने मंजूर कर लिया है। ... (व्यवधान) मैं आज ही सदन में इसकी सूचना दे रही हूँ, हम लखवार ब्यास प्रोजेक्ट को बनाएंगे और मानसून पिरीअड में यमुना के जल को रोकेंगे और नॉन-मानसून पिरीअड में उसे यमुना में छोड़ेंगे जिससे यमुना में इतना जल रहेगा कि वह अपने प्रदूषण से लड़ सकेगी। ... (व्यवधान) अगर पूरी यमुना के स्ट्रेच को ठीक करना है तो इसके लिए हमारी सचिव की अध्यक्षता में एक बैठक हुई थी, जिसमें अरबन डेवलपमेंट मिनिस्टर, इंडियन वॉटर वेजड मिनिस्टर और मैं भी शामिल थी ... (व्यवधान) दिल्ली सरकार के मुख्य सचिव, अरबन डेवलपमेंट के सचिव, इंडियन वॉटर वेजड के सचिव की एक कमेटी बनी है ... (व्यवधान) मैंने इस कमेटी से रिक्वेस्ट किया है कि दिल्ली सरकार और केन्द्र सरकार यमुना के बारे में मिलकर काम करे, ... (व्यवधान) मुझे यकीन है कि हम मिलकर एक योजना बना लेंगे। मुझे विश्वास है कि राज्य सरकार और केन्द्र सरकार जिसमें अरबन

डेवलपमेंट, इंडियन वॉटर वेजड और हमारा मंत्रालय शामिल है इस योजना को अप्रैल में ही इम्पलिमेंटे करने की स्थिति में लेकर आ जाएंगे, ...(व्यवधान)। मैं इस बात के लिए पूरे सदन को आश्वस्त करती हूँ ... (व्यवधान) माननीय सदस्य को भी इस बात से चिंतामुक्त करने का प्रयास करती हूँ कि वर्ष 2017 तक हम यमुना के 20 किलोमीटर स्ट्रेच को जिसमें लगभग 5000 एमएलडी की गंदगी है उसे हम 80% क्लीयर करके देंगे।

माननीय अध्यक्ष महोदया, मेरा आपके माध्यम से माननीय सदस्यगणों से निवेदन है कि यमुना और गंगा की गंदगी तो मोदी जी ठीक कर देंगे ... (व्यवधान) लेकिन असम के मंदिर में नहीं जा पाना, नेशनल हेराल्ड के मामले में कोर्ट का फैसला होना ... (व्यवधान) एक भ्रष्ट अधिकारी के ऊपर छापा पड़ना, उसमें सदन क्या दोष है, इस गंदगी को कौन ठीक करेगा, ... (व्यवधान) यह मुझे आपसे और कांग्रेस के लोगों से जानना है यहां जो सदन में गंदगी हो रही है ... (व्यवधान) जिसके कारण हम पूरे देश को बहुत सारी बातों का जवाब नहीं दे पा रहे हैं इस गंदगी को ठीक करने की जिम्मेदारी या तो आप लीजिए या कांग्रेस की नेता महोदया लें। ... (व्यवधान)

**SHRI HARINDER SINGH KHALSA :** Hon. Speaker, Madam, while I would not like to digress from the Question the way the hon. Minister has digressed by giving addendum to the answer, I would like to know the number of sewages which are draining into the river right from Yamnotri up to Wazirabad and from Wazirabad to Delhi and beyond Delhi. ... (*Interruptions*) I would also like to know the number of factories which drain their water waste into the river. ... (*Interruptions*)

**सुश्री उमा भारती :** माननीय अध्यक्ष महोदया, अगर आप मुझे अनुमति दें, तो मैं दिल्ली के उन सारे नालों का विवरण पढ़ सकती हूँ। ... (व्यवधान) दिल्ली में 18 मुख्य नाले हैं, जिसमें सबसे बड़ा नाला नजफगढ़ का है। ... (व्यवधान) नजफगढ़ से ओखला तक 20 किलोमीटर के स्ट्रेच में लगभग 80 परसेंट पूरे यमुना की, मतलब यमुनोत्री से प्रयाग तक यमुना का जो स्ट्रेच है, उसमें सबसे ज्यादा गंदगी दिल्ली के इन 18 नालों की है और इन 18 नालों को ... (व्यवधान)

अध्यक्ष महोदया, अगर आप मुझे अनुमति दें, तो मैं उनका विवरण ले आयी हूँ। ... (व्यवधान)

मैं उनको पढ़कर सुना सकती हूँ। ... (व्यवधान)

**माननीय अध्यक्ष :** आप उन्हें लिखकर भेज दीजिए।

... (व्यवधान)

**सुश्री उमा भारती :** अगर आप आज्ञा दे रही हैं, तो मैं माननीय सदस्य महोदय को उसकी जानकारी भेज दूंगी। ... (व्यवधान) लेकिन मैं यह कहना चाहती हूँ कि इस पूरे स्ट्रेच को हम ठीक करने की तैयारी कर चुके हैं, लेकिन फिर भी मुझे यमुना के बारे में एक जानकारी देनी है। ... (व्यवधान) दिल्ली की टोटल गंदगी जो यमुना में जा रही है, उसके लिए सीवर नेटवर्क ठीक करना है ... (व्यवधान) उसके हिसाब से 20 किलोमीटर के स्ट्रेच को 80 परसेंट इंटरसैप्टर द्वारा ठीक करने के बाद भी हम इन 18 नालों को ठीक नहीं कर पायेंगे, क्योंकि 52 परसेंट गंदगी बाकी रह जायेगी। ... (व्यवधान) अगर इसे ठीक करना है तो मैं आपके माध्यम से दिल्ली सरकार से भी निवेदन करूंगी कि हम बहुत जल्दी इसे लेकर एक कार्य योजना बनायें। ... (व्यवधान) इस कार्य योजना में हम पूरी दिल्ली की गंदगी को ठीक करें। ... (व्यवधान) अगर हम अभी की गति से चलें, तो इसे हम वर्ष 2030 तक ठीक कर पायेंगे ... (व्यवधान) लेकिन अगर हमने फास्ट ट्रैक मेजर्स निकालें, तो हम इनको 7-8 साल में भी ठीक कर सकते हैं। ... (व्यवधान)

अध्यक्ष महोदया, इन नालों की सूची मेरे पास है। ... (व्यवधान) आपने कहा है, तो मैं इनकी जानकारी माननीय सदस्यों को भेज दूंगी। ... (व्यवधान)

**श्री रमेश चन्द्र कौशिक :** माननीय अध्यक्ष महोदया, आपने मुझे प्रश्न पूछने का मौका दिया, उसके लिए मैं आपको आभार व्यक्त करता हूँ। ... (व्यवधान) मैं माननीय मंत्री जी से कहना चाहता हूँ कि यमुना नदी में बहुत कम मात्रा में पानी बहकर आता है, जो अत्यधिक प्रदूषित होता है। (व्यवधान) इसे कब तक प्रदूषित रहित कर दिया जायेगा और पर्याप्त मात्रा में स्वच्छ पानी बहने लगेगा। ... (व्यवधान) इसके साथ ही यमुना नदी में पर्याप्त मात्रा में स्वच्छ पानी उपलब्ध कराने के लिए क्या कदम उठाये जा रहे हैं, जिससे सोनीपत से आगरा तक जल प्रवहन का कार्य चालू किया जा सके। ... (व्यवधान) सोनीपत में यमुना के पानी से स्वच्छ पानी भी खराब हो रहा है। ... (व्यवधान) उसमें काफी गंदगी कारखानों से आ रही है, तो इस बारे में मंत्री जी का क्या विचार है? ... (व्यवधान) सोनीपत में बारिश के समय जो फ्लड आती है, उसके लिए क्या कोई बांध बनाने का प्रोग्राम है, ताकि पानी इकट्ठा हो सके। ... (व्यवधान) बारिश के बाद वह पानी सिंचाई और दिल्ली में पीने के पानी के लिए इस्तेमाल हो सके। ... (व्यवधान) यमुना और गंगा को जोड़ने का क्या प्रावधान है और उसे आप कब तक चालू करेंगे? ... (व्यवधान)

**सुश्री उमा भारती :** माननीय अध्यक्ष महोदय, हथिनीकुंड बैराज से अभी जितना पानी आता है, उसे लेकर हमारी बहुत चिंता है, क्योंकि अगर हम हथिनीकुंड बैराज से ... (व्यवधान) यमुना हो या गंगा, इनके प्रदूषण को मुक्त करने का सर्वश्रेष्ठ उपाय यही है कि इनमें जल की मात्रा ज्यादा रहे। ... (व्यवधान) इसके अलावा



गंदे नालों द्वारा इनमें जो गंदगी जाती है, उन्हें रोकने का उपाय हम वर्ष 2017 में यमुना में और वर्ष 2018 तक हम गंगा में कर ही लेंगे। ... (व्यवधान) इसे हम आपके माध्यम से कई बार बता चुके हैं। ... (व्यवधान) माननीय सदस्य ने ज्यादा पानी छोड़ने के बारे में एक स्पेसीफिक सवाल किया है। ... (व्यवधान) इसे लेकर हमारी एक बैठक हो चुकी है, जिसमें दिल्ली, उत्तर प्रदेश, हरियाणा, राजस्थान, हिमाचल और पंजाब की सरकारें, उनके मुख्य मंत्री या उनके प्रतिनिधि आये थे। ... (व्यवधान) उसमें यह बात हुई थी कि क्या हम हथिनीकुंड से बिना सिंचाई की क्षमता को प्रभावित किये अधिक जल छोड़ सकते हैं? ... (व्यवधान) इसमें हमने दिल्ली सरकार से भी अनुरोध किया था कि अगर हरियाणा, राजस्थान और उत्तर प्रदेश हथिनीकुंड से कुछ ज्यादा जल सिंचाई की क्षमता को प्रभावित किये बिना छोड़ा जाये, तो क्या वह उस जल को सीधे मथुरा-वृंदावन तक जाने देगी? ... (व्यवधान) इस बारे में एक सहमति का वातावरण बना था। इसी बीच यह लखवार व्यासी का प्रस्ताव हमारे पास विचाराधीन था। ... (व्यवधान) मैं आपके माध्यम से माननीय सदस्यों को कहना चाहूंगी कि 29 सालों से गंगा और यमुना पर काम चला है, लेकिन वह पूरा काम नालों में बह गया। ... (व्यवधान)

अध्यक्ष महोदया, हम पूरी ईमानदारी से कोशिश कर रहे हैं कि यह काम ठीक ढंग से प्रभावी हो सके। इसके लिए हमें राज्य सरकारों से सहयोग चाहिए। माननीय सदस्य ने सोनीपत की बात कही है, इस संबंध में मैं कहना चाहती हूँ कि मैं स्वयं सोनीपत के एस.टी.पी. को देखने के लिए गई थी, जो JICA के फंड से चल रहा है। उसकी हालत देखकर मुझे दुख हुआ कि जितनी कैपेसिटी का वह प्लांट है, उतनी कैपेसिटी का वह काम नहीं कर पा रहा है। हमने 1664 करोड़ रुपया दिल्ली सरकार को दिया हुआ है। यमुना की सफाई के लिए भविष्य में जो भी जरूरत पड़े, उसके हिसाब से हमारी जो समिति बनी है, वह हमें रिक्मेंड करे और हम अप्रैल में उसे शुरू कर देंगे। वर्ष 2017 में हम 80 परसेंट इसका समाधान कर देंगे।

महोदया, हथिनीकुंड का जो मसला है, उसके लिए आज मैं इस बात को फिर दोहरा रही हूँ कि लखवार वियासी प्रोजेक्ट समय पर पूरा हो जाएगा। आज मैंने तय कर लिया है और आज ही सदन में घोषणा कर रही हूँ कि हथिनीकुंड से भी ज्यादा पानी यमुना में छोड़ने की तैयारी हमने सुनिश्चित कर दी है।  
**श्री दुष्यंत चौटाला:** अध्यक्ष महोदया, माननीय मंत्री जी के मंत्रालय से यही जवाब 15 फरवरी, 2015 को 377 के माध्यम से मुझे प्राप्त हुआ था।

मैं माननीय मंत्री जी से पूछना चाहूंगा कि यमुना एक्शन प्लान 1,2,3 तीन फेज में शुरू किया गया है लेकिन जहां-जहां यमुना एक्शन प्लान की बात की गई, वहां केवल दिल्ली के नालों की सफाई और

दिल्ली का जो वेस्ट है, उसके ट्रीटमेंट पर चर्चा की गई। कहीं भी मंत्री जी के जवाब में फरीदाबाद, पलवल और यमुना से जो ट्रिब्यूटीज अलवर, राजस्थान तक जाती हैं, उसमें जो पीने का पानी लोगों को पहुंचाया जाता है, उसकी सफाई की कोई चर्चा नहीं की गई है। मंत्री जी कह रही हैं कि वर्ष 2019 तक यमुना का पानी साफ हो जाएगा। आज अगर दिल्ली के वेस्टेज से किसी की हैल्थ पर प्रभाव पड़ रहा है तो हरियाणा और राजस्थान के लोगों की हैल्थ पर पड़ रहा है। क्या केंद्र सरकार यमुना एक्शन प्लान को चेंज करके फरीदाबाद, पलवल, मेवात और आगे अलवर जिले तक के पानी के शुद्धिकरण के बारे में भी सोचेगी?

**सुश्री उमा भारती :** अध्यक्ष जी, मैंने पहले ही कहा है कि दिल्ली के 20 किलोमीटर के स्ट्रैच में 80 परसेंट प्रदूषण है लेकिन 20 परसेंट तो वही है जो माननीय सदस्य ने कहा है। सदन में एक दूसरी माननीय सदस्या श्रीमती हेमामालिनी बैठी हुई हैं जो मथुरा से सांसद हैं और कई बार चिंता व्यक्त कर चुकी हैं। भले ही उन्होंने आज सवाल नहीं किया है, लेकिन मैं आपके माध्यम से उन्हें आश्वस्त करूंगी कि अभी माननीय सदस्य ने जो सवाल किया है, वह बहुत महत्वपूर्ण सवाल है। हमें किसी प्लान को चेंज करने की जरूरत नहीं है, बल्कि हमें प्लान में कुछ एड करने की जरूरत है। हमने सौ प्रतिशत यमुना को साफ करने का प्लान बनाया है जिसमें मथुरा, वृंदावन का भी स्ट्रैच है। अगर हमें मथुरा, वृंदावन को ठीक करना है तो हमें पलवल, फरीदाबाद को भी ठीक करना ही पड़ेगा। मैं आपके माध्यम से माननीय सदस्य को बताना चाहती हूँ और उन्हें यह जानकर खुशी होगी कि मथुरा, वृंदावन, पलवल और फरीदाबाद की जो गंदगी है, उसे लेकर हम हफ्ते या दस दिनों में अंतिम फैसला करने वाले हैं।

**(Q. 264)**

SHRIMATI P.K. SHREEMATHI TEACHER : Madam, yesterday we had a thorough discussion on the pendency of cases. Today also, the hon. Minister answered about the pendency of cases. My question is about the Nyaya Panchayats. ... *(Interruptions)* In the answer, the Minister is saying, "The Ministry of Panchayati Raj had prepared a Draft Nyaya Panchayat Bill during 2010 and it is forwarded to the Ministry of Law and Justice." My question is, whether the Ministry of Law and Justice has given any comments regarding the Constitutional validity of Nyaya Panchayats and if so, the details thereof?... *(Interruptions)*

SHRI CHAUDHARY BIRENDER SINGH: Madam Speaker, this Bill was prepared after constitution of a Committee which was headed by Mr. Baxi in 2006 and after that the Bill was framed based on Mr. Baxi's recommendation.

**12.00 hours**

In October 2007, a draft Bill was circulated to the Ministries, the Departments of Central Government, all the States and the Union Territories. The Bill was modified in the light of the comments received from them and again circulated to the stakeholders on 23<sup>rd</sup> January, 2008. ... *(Interruptions)*

Madam, a Cabinet Note was sent in August 2009 for introducing the Bill in Parliament. The same was returned by the Cabinet Secretariat with the advice that the Ministry may hold further inter-Ministerial consultation to arrive at consensus. ... *(Interruptions)* Then, we wrote to the States latest on 23<sup>rd</sup> and 29<sup>th</sup> October this year and we convened a meeting of all the stakeholders and all the Secretaries of Law Departments of the States. ... *(Interruptions)* Then, there was an objection by the Ministry of Law and Justice. One of the major factors for that objection was that Ministry of Law has already passed an Act which is called the Gram Nyayalayas Act, 2008 and 10 States are functioning under that Act. ... *(Interruptions)*

Madam, the main constraint in the latest consultation which we had with different State Secretaries was about the funding. Primarily, at present, we are in a position to have 1,50,000 gram Panchyat Nyayalayas but for that an additional amount of Rs.1200 crore is required. If the entire system is to be covered under this provision, we will be requiring more than Rs.3000 crore. ... (*Interruptions*) So, if we are in a position to have that much of funding, then only we can think of introducing the Bill. ... (*Interruptions*)

HON. SPEAKER: The Question Hour is over.

... (*Interruptions*)

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HON. SPEAKER: Shri Deepender ji, I have received your notice regarding question of privilege.

... (Interruptions)

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, this will not do. We will not agree to this behaviour. ... (Interruptions) They have disturbed the House for one full hour. ... (Interruptions) Everyday for last two weeks they are doing this... (Interruptions) This will not do.... (Interruptions)

HON. SPEAKER: This issue is a different one.

... (Interruptions)

HON. SPEAKER: Shri Deepender ji, please speak.

... (Interruptions)

**माननीय अध्यक्ष :** मैं दीपेन्द्र जी की बात कर रही हूँ।

...(व्यवधान)

**श्री दीपेन्द्र सिंह हुड्डा (रोहतक) :** माननीय अध्यक्ष महोदया, आपने मुझे एक गंभीर विषय को उठाने की अनुमति दी है।...(व्यवधान)

**माननीय अध्यक्ष :** विषय उठाना नहीं है, आप केवल अपनी बात कहें।

...(व्यवधान)

**श्री दीपेन्द्र सिंह हुड्डा :** एक जनप्रतिनिधि को उसके लोक सभा क्षेत्र में ...(व्यवधान) भारत सरकार द्वारा आयोजित एक कार्यक्रम में पहले निमंत्रण देना ...(व्यवधान) और अंतिम समय में जिला प्रशासन और प्रदेश सरकार द्वारा ...(व्यवधान) उस निमंत्रण को खारिज करने के विषय को मैं उठाना चाहता हूँ। ...(व्यवधान) भारत सरकार के स्वास्थ्य मंत्रालय द्वारा ...(व्यवधान) राष्ट्रीय कैंसर संस्थान के भूमि-पूजन के आयोजन से जुड़ा यह विषय है। ...(व्यवधान) हालांकि उस भूमि-पूजन के आयोजन के औचित्य पर प्रश्न उठ रहे थे ...(व्यवधान) क्योंकि यह जो प्रोजेक्ट है, वह वर्ष 2013 में मंजूर हो चुका था। ...(व्यवधान) वर्ष 2014 में डॉ. मनमोहन सिंह जी ...(व्यवधान) और गुलाम नबी आज़ाद जी उसका शिलान्यास कर चुके

थे। ... (व्यवधान) हम यहाँ नहीं बोलेंगे तो कहाँ बोलेंगे? जब भूमि-पूजन का आयोजन किया गया... (व्यवधान)  
इस आयोजन का फैसला लिया गया... (व्यवधान)

**माननीय अध्यक्ष** : मैं किसी को नहीं रोक सकती हूँ।

... (व्यवधान)

**श्री दीपेन्द्र सिंह हुड्डा** : उस समय मेरे पास विधिवत निमन्त्रण आया, सारे इश्तहारों में मेरा नाम भी लिखा गया।... (व्यवधान)

HON. SPEAKER: I have received your notice and it is under my consideration. So, I will see to it. Now, it is okay.

... (*Interruptions*)

**12.06 hours****PAPERS LAID ON THE TABLE**

HON. SPEAKER: Now, papers to be laid on the Table – Shri D.V. Sadananda Gowda.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Madam, I beg to lay on the Table:-

- (1) A copy of the Annual Report (Hindi and English versions) of the Indian Law Institute, New Delhi, for the year 2014-2015, alongwith Audited Accounts.
- (2) Statement regarding Review (Hindi and English versions) by the Government of the working of the Indian Law Institute, New Delhi, for the year 2014-2015.

[Placed in Library, See No. LT 3627/16/15]

THE MINISTER OF RURAL DEVELOPMENT, MINISTER OF PANCHAYATI RAJ AND MINISTER OF DRINKING WATER AND SANITATION (SHRI CHAUDHARY BIRENDER SINGH): Madam, I beg to lay on the Table:-

- (1) A copy of the Annual Report (Hindi and English versions) of the National Rural Roads Development Agency, New Delhi, for the year 2014-2015, alongwith Audited Accounts.
- (2) A copy of the Review (Hindi and English versions) by the Government of the working of the National Rural Roads Development Agency, New Delhi, for the year 2014-2015.

[Placed in Library, See No. LT 3628/16/15]

**वस्त्र मंत्रालय के राज्य मंत्री (श्री संतोष कुमार गंगवार):** अध्यक्ष महोदया, मैं निम्नलिखित पत्र सभा पटल पर रखता हूँ:

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

- (क) (एक) ब्रिटिश इंडिया कारपोरेशन लिमिटेड, कानपुर और उसके समनुषंगी के वर्ष 2014-2015 के कार्यकरण की सरकार द्वारा समीक्षा ।  
 (दो) ब्रिटिश इंडिया कारपोरेशन लिमिटेड, कानपुर और उसके समनुषंगी का वर्ष 2014-2015 का वार्षिक प्रतिवेदन, लेखापरीक्षित लेखे तथा उन पर नियंत्रक-महालेखापरीक्षक की टिप्पणियां।

[Placed in Library, See No. LT 3629/16/15]

- (ख) (एक) नेशनल टेक्सटाइल कारपोरेशन लिमिटेड, नई दिल्ली के वर्ष 2014-2015 के कार्यकरण की सरकार द्वारा समीक्षा ।  
 (दो) नेशनल टेक्सटाइल कारपोरेशन लिमिटेड, नई दिल्ली का वर्ष 2014-2015 का वार्षिक प्रतिवेदन, लेखापरीक्षित लेखे तथा उन पर नियंत्रक-महालेखापरीक्षक की टिप्पणियां।

[Placed in Library, See No. LT 3630/16/15]

- (ग) (एक) जूट कारपोरेशन ऑफ इंडिया लिमिटेड, कोलकाता के वर्ष 2014-2015 के कार्यकरण की सरकार द्वारा समीक्षा ।  
 (दो) जूट कारपोरेशन ऑफ इंडिया लिमिटेड, कोलकाता का वर्ष 2014-2015 का वार्षिक प्रतिवेदन, लेखापरीक्षित लेखे तथा उन पर नियंत्रक-महालेखापरीक्षक की टिप्पणियां।

[Placed in Library, See No. LT 3631/16/15]

- (घ) (एक) नेशनल हैण्डलूम डेवलपमेंट कारपोरेशन लिमिटेड, लखनऊ के वर्ष 2014-2015 के कार्यकरण की सरकार द्वारा समीक्षा ।



- (दो) नेशनल हैण्डलूम डेवलपमेंट कारपोरेशन लिमिटेड, लखनऊ का वर्ष 2014-2015 का वार्षिक प्रतिवेदन, लेखापरीक्षित लेखे तथा उन पर नियंत्रक-महालेखापरीक्षक की टिप्पणियां।

[Placed in Library, See No. LT 3632/16/15]

- (ड.) (एक) कॉटन कारपोरेशन ऑफ इंडिया लिमिटेड, नवी मुंबई के वर्ष 2014-2015 के कार्यकरण की सरकार द्वारा समीक्षा ।

- (दो) कॉटन कारपोरेशन ऑफ इंडिया लिमिटेड, नवी मुंबई का वर्ष 2014-2015 का वार्षिक प्रतिवेदन, लेखापरीक्षित लेखे तथा उन पर नियंत्रक-महालेखापरीक्षक की टिप्पणियां।

[Placed in Library, See No. LT 3633/16/15]

- (2) (एक) इंडियन जूट इंडस्ट्रीज रिसर्च एसोसिएशन, कोलकाता के वर्ष 2014-2015 के वार्षिक प्रतिवेदन की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण) तथा लेखापरीक्षित लेखे।

- (दो) इंडियन जूट इंडस्ट्रीज रिसर्च एसोसिएशन, कोलकाता के वर्ष 2014-2015 के कार्यकरण की सरकार द्वारा समीक्षा की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।

[Placed in Library, See No. LT 3634/16/15]

- (3) (एक) सेंट्रल सिल्क बोर्ड, बंगलोर के वर्ष 2014-2015 के वार्षिक प्रतिवेदन की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।

- (दो) सेंट्रल सिल्क बोर्ड, बंगलोर के वर्ष 2014-2015 के वार्षिक लेखाओं की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण) तथा उन पर लेखापरीक्षा प्रतिवेदन ।

- (तीन) सेंट्रल सिल्क बोर्ड, बंगलोर के वर्ष 2014-2015 के कार्यकरण की सरकार द्वारा समीक्षा की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।

[Placed in Library, See No. LT 3635/16/15]

(4) (एक) बाम्बे टेक्सटाइल रिसर्च एसोसिएशन, मुंबई के वर्ष 2014-2015 के वार्षिक प्रतिवेदन की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण) तथा लेखापरीक्षित लेखे।

(दो) बाम्बे टेक्सटाइल रिसर्च एसोसिएशन, मुंबई के वर्ष 2014-2015 के कार्यक्रम की सरकार द्वारा समीक्षा की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।

[Placed in Library, See No. LT 3636/16/15]

(5) (एक) साउथ इंडिया टेक्सटाइल रिसर्च एसोसिएशन, कोयम्बटूर के वर्ष 2014-2015 के वार्षिक प्रतिवेदन की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण) तथा लेखापरीक्षित लेखे।

(दो) साउथ इंडिया टेक्सटाइल रिसर्च एसोसिएशन, कोयम्बटूर के वर्ष 2014-2015 के कार्यक्रम की सरकार द्वारा समीक्षा की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।

[Placed in Library, See No. LT 3637/16/15]

(6) राष्ट्रीय जूट बोर्ड अधिनियम, 2008 की धारा 3 की उपधारा 4(ख) के अंतर्गत जारी अधिसूचना संख्या का.आ. 2353(अ) जो 28 अगस्त, 2015 के भारत के राजपत्र में प्रकाशित हुई थी तथा जो राष्ट्रीय जूट बोर्ड में आधिकारिक सदस्यों के इस अधिसूचना के जारी होने की तारीख से दो वर्ष की अवधि के लिए पुनर्गठन किए जाने के बारे में है, की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।

[Placed in Library, See No. LT 3638/16/15]

(7) जूट पैकेज सामग्री (वस्तु पैकिंग अनिवार्य प्रयोग) अधिनियम, 1987 की धारा 3 की उपधारा (2) के अंतर्गत अधिसूचना संख्या का.आ. 2640(अ) जो 28 सितम्बर, 2015 के भारत के राजपत्र में प्रकाशित हुआ था तथा जिसमें निदेश है कि 30 सितम्बर, 2015 को समाप्त होने वाले आदेश की अधिमानता उक्त आदेश के समाप्त होने से और तीन महीने की अवधि तक अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाई जाएगी, की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।

[Placed in Library, See No. LT 3639/16/15]

THE MINISTER OF STATE OF THE MINISTRY OF POWER, MINISTER OF STATE OF THE MINISTRY OF COAL AND MINISTER OF STATE OF THE MINISTRY OF NEW AND RENEWABLE ENERGY (SHRI PIYUSH GOYAL):

Madam, I beg to lay on the Table:-

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

(a) (i) Review by the Government of the working of the NHDC Limited, Bhopal, for the year 2014-2015.

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

[Placed in Library, See No. LT 3640/16/15]

(b) (i) Review by the Government of the working of the NHPC Limited, Faridabad, for the year 2014-2015.

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

[Placed in Library, See No. LT 3641/16/15]

(c) (i) Review by the Government of the working of the Power Grid Corporation of India Limited, New Delhi, for the year 2014-2015.

(ii) Annual Report of the Power Grid Corporation of India Limited, New Delhi, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT 3642/16/15]

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

[Placed in Library, See No. LT 3643/16/15]

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

[Placed in Library, See No. LT 3644/16/15]

- (f) (i) Review by the Government of the working of the Indian Renewable Energy Development Agency Limited, New Delhi, for the year 2014-2015.
- (ii) Annual Report of the Indian Renewable Energy Development Agency Limited, New Delhi, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT 3645/16/15]

- (g) (i) Review by the Government of the working of the Coal India Limited, Kolkata, and its subsidiary companies for the year 2014-2015.
- (ii) Annual Report of the Coal India Limited, Kolkata, for the year 2014-2015, and its subsidiary companies alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT 3646/16/15]

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Wind Energy, Chennai, for the year 2014-2015, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Institute of Wind Energy, Chennai, for the year 2014-2015.

[Placed in Library, See No. LT 3647/16/15]

- (3) A copy of the Joint Electricity Regulatory Commission for the State of Goa & Union Territories (Standard of Performance for Distribution Licensees) Regulations, 2015 (Hindi and English versions) published in Notification No. 19/20/2015-JERC/1680 in Gazette of India dated 27<sup>th</sup> July, 2015 under Section 182 of the Electricity Act, 2003 read with Section 2(64) of the said Act.

[Placed in Library, See No. LT 3648/16/15]

- (4) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.
- (5) (i) A copy of the Annual Report (Hindi and English versions) of the Central Power Research Institute, Bangalore, for the year 2014-2015, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Central Power Research Institute, Bangalore, for the year 2014-2015.

[Placed in Library, See No. LT 3649/16/15]

- (6) (i) A copy of the Annual Report (Hindi and English versions) of the Sardar Swaran Singh National Institute of Renewable Energy, Kapurthala, for the year 2014-2015, along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Sardar Swaran Singh National Institute of Renewable Energy, Kapurthala, for the year 2014-2015.

[Placed in Library, See No. LT 3650/16/15]

THE MINISTER OF STATE OF THE MINISTRY OF CULTURE, MINISTER OF STATE OF THE MINISTRY OF TOURISM AND MINISTER OF STATE IN THE MINISTRY OF CIVIL AVIATION (DR. MAHESH SHARMA): Madam, I beg to lay on the Table:-

- (1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of Section 619A of the Companies Act, 1956:-
- (i) Review by the Government of the working of the Pawan Hans Limited, New Delhi, for the year 2013-2014.
- (ii) Annual Report of the Pawan Hans Limited, New Delhi, for the year 2013-2014, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library, See No. LT 3651/16/15]

- (3) A copy of the Memorandum of Understanding (Hindi and English versions) between the Pawan Hans Limited and the Ministry of Civil Aviation for the year 2015-2016.

[Placed in Library, See No. LT 3652/16/15]

- (4) A copy of the Aircraft (Carriage of Dangerous Goods) Amendment Rules, 2015 (Hindi and English versions) published in Notification No. G.S.R. 296(E) in Gazette of India dated 17<sup>th</sup> April, 2015 under Section 14A of the Aircraft Act, 1934, together with an explanatory note.

[Placed in Library, See No. LT 3653/16/15]

जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय में राज्य मंत्री (प्रो. सांवर लाल जाट): अध्यक्ष महोदया, मैं निम्नलिखित पत्र सभा पटल पर रखता हूँ:

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

(क) (एक) नेशनल प्रोजेक्ट्स कंसल्टेशन कारपोरेशन लिमिटेड, नई दिल्ली के वर्ष 2014-2015 के कार्यक्रम की सरकार द्वारा समीक्षा ।

(दो) नेशनल प्रोजेक्ट्स कंसल्टेशन कारपोरेशन लिमिटेड, नई दिल्ली का वर्ष 2014-2015 का वार्षिक प्रतिवेदन, लेखापरीक्षित लेखे तथा उन पर नियंत्रक-महालेखापरीक्षक की टिप्पणियां ।

[Placed in Library, See No. LT 3654/16/15]

(ख) (एक) डब्ल्यूएपीसीओएस लिमिटेड, नई दिल्ली के वर्ष 2014-2015 के कार्यक्रम की सरकार द्वारा समीक्षा ।

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

[Placed in Library, See No. LT 3655/16/15]

(2) (एक) नर्मदा कंट्रोल अथॉरिटी, इंदौर के वर्ष 2014-2015 के वार्षिक प्रतिवेदन की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण) तथा लेखापरीक्षित लेखे।

- (दो) नर्मदा कंट्रोल अथॉरिटी, इंदौर के वर्ष 2014-2015 के कार्यकरण की सरकार द्वारा समीक्षा की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।

[Placed in Library, See No. LT 3656/16/15]

- (3) (एक) ब्रह्मपुत्रा बोर्ड, गुवाहाटी के वर्ष 2014-2015 के वार्षिक प्रतिवेदन की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण) तथा लेखापरीक्षित लेखे।

- (दो) ब्रह्मपुत्रा बोर्ड, गुवाहाटी के वर्ष 2014-2015 के कार्यकरण की सरकार द्वारा समीक्षा की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।

[Placed in Library, See No. LT 3657/16/15]



THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS AND MINISTER OF STATE IN THE MINISTRY OF SHIPPING (SHRI PON RADHAKRISHNAN): Madam, I beg to lay on the Table:-

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

(a) (i) Review by the Government of the working of the Cochin Shipyard Limited, Kochi, for the year 2014-2015.

(ii) Annual Report of the Cochin Shipyard Limited, Kochi, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT 3658/16/15]

(b) (i) Review by the Government of the working of the Indian Road Construction Corporation Limited, New Delhi, for the year 2014-2015.

(ii) Annual Report of the Indian Road Construction Corporation Limited, New Delhi, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT 3659/16/15]

(c) (i) Review by the Government of the working of the Shipping Corporation of India Limited, Mumbai, for the year 2014-2015.

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

[Placed in Library, See No. LT 3660/16/15]

(d) (i) Review by the Government of the working of the Sethusamudram Corporation Limited, Chennai, for the year 2014-2015.

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

[Placed in Library, See No. LT 3661/16/15]

(2) (i) A copy of the Annual Administration Report (Hindi and English versions) of the Calcutta Dock Labour Board, Kolkata, for the year 2014-2015, alongwith Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Calcutta Dock Labour Board, Kolkata, for the year 2014-2015.

[Placed in Library, See No. LT 3662/16/15]

(3) (i) A copy of the Annual Administration Report (Hindi and English versions) of the Paradip Port Trust, Paradip, for the year 2014-2015.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Paradip Port Trust, Paradip, for the year 2014-2015.

[Placed in Library, See No. LT 3663/16/15]

(4) (i) A copy of the Annual Accounts (Hindi and English versions) of the Tariff Authority for Major Ports, Mumbai, for the year 2014-2015, together with Audit Report thereon.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the Audited Accounts of the Tariff Authority for Major Ports, Mumbai, for the year 2014-2015.

[Placed in Library, See No. LT 3664/16/15]

- (5) (i) A copy of the Annual Administration Report (Hindi and English versions) of the Cochin Port Trust, Cochin, for the year 2014-2015.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Cochin Port Trust, Cochin, for the year 2014-2015.

- (iii) A copy of the Annual Accounts (Hindi and English versions) of the Cochin Port Trust, Cochin, for the year 2014-2015, together with Audit Report thereon.

- (iv) A copy of the Review (Hindi and English versions) on the Audited Accounts of the Cochin Port Trust, Cochin, for the year 2014-2015.

[Placed in Library, See No. LT 3665/16/15]

- (6) (i) A copy of the Annual Report (Hindi and English versions) of the Inland Waterways Authority of India, Noida, for the year 2014-2015, alongwith Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Inland Waterways Authority of India, Noida, for the year 2014-2015.

[Placed in Library, See No. LT 3666/16/15]

- (7) (i) A copy of the Annual Administration Report (Hindi and English versions) of the Visakhapatnam Port Trust, Visakhapatnam, for the year 2014-2015, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Visakhapatnam Port Trust, Visakhapatnam, for the year 2014-2015.

[Placed in Library, See No. LT 3667/16/15]

- (8) A copy each of the following Notifications (Hindi and English versions) under Section 10 of the National Highways Act, 1956:-
- (i) S.O. 1134(E) published in Gazette of India dated 24<sup>th</sup> April, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 65 (Hisar Section) in the State of Haryana.
- (ii) S.O. 1061(E) published in Gazette of India dated 9<sup>th</sup> April, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 22 (Solan-Shimla Section) in the State of Himachal Pradesh.
- (iii) S.O. 3280(E) published in Gazette of India dated 26<sup>th</sup> December, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 21 (Ner Chowk-Manali Section) in the State of Himachal Pradesh.
- (iv) S.O. 705(E) published in Gazette of India dated 10<sup>th</sup> March, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 65 (Ambala-Kaithal Section) in the State of Haryana.
- (v) S.O. 512(E) published in Gazette of India dated 16<sup>th</sup> February, 2015, regarding acquisition of land for building, maintenance,

- management and operation of National Highway No. 21 (Ner Chowk-Manali Section) in the State of Himachal Pradesh.
- (vi) S.O. 711(E) published in Gazette of India dated 10<sup>th</sup> March, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 22 (Parwanoo-Shimla Section) in the State of Himachal Pradesh.
- (vii) S.O. 396(E) published in Gazette of India dated 6<sup>th</sup> February, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 10 (Rohtak-Hisar Section) in the State of Haryana.
- (viii) S.O. 344(E) published in Gazette of India dated 4<sup>th</sup> February, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 8 (Gurgaon-Kotputli-Jaipur Section) in the State of Haryana.
- (ix) S.O. 749(E) published in Gazette of India dated 13<sup>th</sup> March, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 10 (Rohtak-Hisar Section) in the State of Haryana.
- (x) S.O. 578(E) published in Gazette of India dated 20<sup>th</sup> February, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 65 (Ambala Section) in the State of Haryana.
- (xi) S.O. 318(E) published in Gazette of India dated 2<sup>nd</sup> February, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 21 & 95 (old) and 5 (New) (Ludhiana-Chandigarh Section) in the State of Punjab.

- (xii) S.O. 663(E) published in Gazette of India dated 4<sup>th</sup> March, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 65 (Ambala-Kaithal Section) in the State of Haryana.
- (xiii) S.O. 658(E) published in Gazette of India dated 5<sup>th</sup> March, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 22 (Solan-Shimla Section) in the State of Himachal Pradesh.
- (xiv) S.O. 339(E) published in Gazette of India dated 5<sup>th</sup> February, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 65 (Hisar Section) in the State of Haryana.
- (xv) S.O. 231(E) published in Gazette of India dated 23<sup>rd</sup> January, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 152 (Kaithal-Narwana Section) in the State of Haryana.
- (xvi) S.O. 701(E) published in Gazette of India dated 7<sup>th</sup> March, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 65 (Ambala-Kaithal Section) in the State of Haryana.
- (xvii) S.O. 341(E) published in Gazette of India dated 5<sup>th</sup> February, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 65 (Hisar Section) in the State of Haryana.
- (xviii) S.O. 336(E) published in Gazette of India dated 5<sup>th</sup> February, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 73 (Yamunanagar-Panchkula Section) in the State of Haryana.

- (xix) S.O. 845(E) published in Gazette of India dated 20<sup>th</sup> March, 2014, authorising the Officers, mentioned therein, as the competent authority to acquire land for building, maintenance, management and operation of National Highway No. 65 (Ambala Bypass) in the State of Haryana.
- (xx) S.O. 1588(E) published in Gazette of India dated 24<sup>th</sup> June, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway Nos. 21 (Old) and 205(New) (Kharar-Kurali Section) in the State of Punjab.
- (xxi) S.O. 1589(E) published in Gazette of India dated 24<sup>th</sup> June, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 65 (Ambala Section) in the State of Haryana.
- (xxii) S.O. 499(E) published in Gazette of India dated 21<sup>st</sup> February, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 10 (Hisar-Dabwali Section) in the State of Haryana.
- (xxiii) S.O. 1025(E) published in Gazette of India dated 3<sup>rd</sup> April, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 5 (Ludhiana-Chandigarh Section) in the State of Punjab.
- (xxiv) S.O. 247(E) published in Gazette of India dated 28<sup>th</sup> January, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 95 (New NH No. 5) (Ludhiana-Chandigarh Section) in the State of Punjab.
- (xxv) S.O. 319(E) published in Gazette of India dated 2<sup>nd</sup> February, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway Nos. 21 & 95

(Old) and 5 (New) (Ludhiana-Chandigarh Section) in the State of Punjab.

- (xxvi) S.O. 402(E) published in Gazette of India dated 6<sup>th</sup> February, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway Nos. 21 & 95 (Old) and 5 (New) (Ludhiana-Chandigarh Section) in the State of Punjab.
- (xxvii) S.O. 501(E) published in Gazette of India dated 21<sup>st</sup> February, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 71A (Rohtak-Jind Section) in the State of Haryana.
- (xxviii) S.O. 734(E) published in Gazette of India dated 11<sup>th</sup> March, 2014, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 21 (Bilaspur-Ner Chowk Section) in the State of Himachal Pradesh.
- (xxix) S.O. 1302(E) published in Gazette of India dated 16<sup>th</sup> May, 2014, making certain amendments in the Notification No. S.O. 2777(E) dated 14<sup>th</sup> September, 2013.
- (xxx) S.O. 363(E) published in Gazette of India dated 5<sup>th</sup> February, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 21 (Ner Chowk-Manali Section) in the State of Himachal Pradesh.
- (xxxii) S.O. 510(E) published in Gazette of India dated 16<sup>th</sup> February, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 21 (Kiratpur-Bilaspur Section) in the State of Himachal Pradesh.
- (xxxiii) S.O. 645(E) published in Gazette of India dated 3<sup>rd</sup> March, 2015, regarding acquisition of land for building, maintenance,



- management and operation of National Highway No. 65 (Ambala-Zirakpur Section) in the State of Punjab.
- (xxxiii) S.O. 704(E) published in Gazette of India dated 10<sup>th</sup> March, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 65 (Ambala-Kaithal Section) in the State of Haryana.
- (xxxiv) S.O. 942(E) published in Gazette of India dated 7<sup>th</sup> April, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 15 (Amritsar-Pathankot Section) in the State of Punjab.
- (xxxv) S.O. 943(E) published in Gazette of India dated 7<sup>th</sup> April, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 15 (Pathankot-Amritsar Section) in the State of Punjab.
- (xxxvi) S.O. 946(E) published in Gazette of India dated 6<sup>th</sup> April, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 15 (Amritsar-Pathankot Section) in the State of Punjab.
- (xxxvii) S.O.1038(E) published in Gazette of India dated 17<sup>th</sup> April, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 15 (Amritsar-Pathankot Section) in the State of Punjab.
- (xxxviii) S.O. 1040(E) published in Gazette of India dated 17<sup>th</sup> April, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway Nos. 21 (Old) and 205 (New) (Kharar-Kurali Section) in the State of Punjab.
- (xxxix) S.O. 1157(E) published in Gazette of India dated 1<sup>st</sup> May, 2015, regarding acquisition of land for building, maintenance,

- management and operation of National Highway No. 71 (Rohtak-Jind Section) in the State of Haryana.
- (xl) S.O. 1158(E) published in Gazette of India dated 1<sup>st</sup> May, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 71 (Rohtak-Jind Section) in the State of Haryana.
- (xli) S.O. 1159(E) published in Gazette of India dated 1<sup>st</sup> May, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 71 (Rohtak-Jind Section) in the State of Haryana.
- (xlii) S.O. 1235(E) published in Gazette of India dated 8<sup>th</sup> May, 2015, regarding acquisition of land for building, maintenance, management and operation of National Highway No. 1 (Panipat-Jalandhar Section) in the State of Haryana.
- (xliii) S.O. 1785(E) published in Gazette of India dated the 1<sup>st</sup> July, 2015, regarding rates of fees to be recovered from the users of National Highway No. 66 (formerly NH-47) (Edapilly-Vytilla-Aroor Section) in the State of Kerala.
- (xliv) S.O. 1880(E) published in Gazette of India dated the 13<sup>th</sup> July, 2015, regarding rates of fees to be recovered from the users of National Highway No. 28 (formerly NH-47) (Lucknow to Faizabad to Gorakhpur to Uttar Pradesh/Bihar Border) in the States of Uttar Pradesh and Bihar.
- (xlv) S.O. 2041(E) published in Gazette of India dated the 24<sup>th</sup> July, 2015, regarding rates of fees to be recovered from the users of National Highway No. 66 (Guwahati Bypass-Nagaon-Daboka-Udauli Section) in the State of Assam.
- (xlvi) S.O. 2646(E) published in Gazette of India dated the 28<sup>th</sup> September, 2015, regarding rates of fees to be recovered from the users of

National Highway No. 1 [Delhi/Haryana (Kundli) Border to Panipat Section] in the State of Haryana.

- (xlvii) S.O. 1724(E) published in Gazette of India dated the 26<sup>th</sup> June, 2015, entrusting the stretches, mentioned therein, to the National Highways and Infrastructure Development Corporation Limited.
- (xlviii) S.O. 1725(E) published in Gazette of India dated the 26<sup>th</sup> June, 2015, making certain amendments in the Notification No. S.O. 1096(E) dated 4<sup>th</sup> August, 2005.
- (xlix) S.O. 1726(E) published in Gazette of India dated the 26<sup>th</sup> June, 2015, directing Border Roads Organization to exercise the function relating to the development and maintenance of the stretches, mentioned therein, in the State of Himachal Pradesh.
- (l) S.O. 1727(E) published in Gazette of India dated the 26<sup>th</sup> June, 2015, making certain amendments in the Notification No. S.O. 1096(E) dated 4<sup>th</sup> August, 2005.
- (li) S.O. 1728(E) published in Gazette of India dated the 26<sup>th</sup> June, 2015, entrusting the stretches, mentioned therein, to the National Highways and Infrastructure Development Corporation Limited.
- (lii) S.O. 1729(E) published in Gazette of India dated the 26<sup>th</sup> June, 2015, making certain amendments in the Notification No. S.O. 1096(E) dated 4<sup>th</sup> August, 2005.
- (liii) S.O. 1921(E) published in Gazette of India dated the 15<sup>th</sup> July, 2015, making certain amendments in the Notification No. S.O. 1096(E) dated 4<sup>th</sup> August, 2005.
- (liv) S.O. 2102(E) published in Gazette of India dated the 3<sup>rd</sup> August, 2015, making certain amendments in the Notification No. S.O. 1532(E) dated 14<sup>th</sup> June, 2013.

- (lv) S.O. 2123(E) published in Gazette of India dated the 5<sup>th</sup> August, 2015, making certain amendments in the Notification No. S.O. 1096(E) dated 4<sup>th</sup> August, 2005.
- (lvi) S.O. 2337(E) published in Gazette of India dated the 25<sup>th</sup> August, 2015, making certain amendments in the Notification No. S.O.689(E) dated 4<sup>th</sup> April, 2011.
- (lvii) S.O. 2338(E) published in Gazette of India dated the 25<sup>th</sup> August, 2015, declaring highways, mentioned therein, as new National Highways.
- (lviii) S.O. 2339(E) published in Gazette of India dated the 25<sup>th</sup> August, 2015, making certain amendments in the Notification No. S.O.689(E) dated 4<sup>th</sup> April, 2011.
- (lix) S.O. 2334(E) published in Gazette of India dated the 25<sup>th</sup> August, 2015, making certain amendments in the Notification No. S.O. 1096(E) dated 4<sup>th</sup> August, 2005.
- (lx) S.O. 2335(E) published in Gazette of India dated the 25<sup>th</sup> August, 2015 entrusting the stretches, mentioned therein, of new National Highway No. 47 to National Highway Authority of India in the State of Kerala.
- (lxi) S.O. 2336(E) published in Gazette of India dated the 25<sup>th</sup> August, 2015, making certain amendments in the Notification No. S.O. 1096(E) dated 4<sup>th</sup> August, 2005.
- (lxii) S.O. 2526(E) published in Gazette of India dated the 17<sup>th</sup> September, 2015, making certain amendments in the Notification No. S.O. 689(E) dated 4<sup>th</sup> April, 2011.
- (lxiii) S.O. 2529(E) published in Gazette of India dated the 17<sup>th</sup> September, 2015, making certain amendments in the Notification No. S.O. 1096(E) dated 4<sup>th</sup> August, 2005.

- (lxiv) S.O. 2530(E) published in Gazette of India dated the 17<sup>th</sup> September, 2015, making certain amendments in the Notification No. S.O. 1096(E) dated 4<sup>th</sup> August, 2005.
- (lxv) S.O. 2532(E) published in Gazette of India dated the 17<sup>th</sup> September, 2015, directing Border Roads Organization to exercise the function relating to the development and maintenance of the stretches, mentioned therein, in the State of Punjab.
- (lxvi) S.O. 2533(E) published in Gazette of India dated the 17<sup>th</sup> September, 2015, making certain amendments in the Notification No. S.O. 1096(E) dated 4<sup>th</sup> August, 2005.
- (lxvii) S.O. 2534(E) published in Gazette of India dated the 17<sup>th</sup> September, 2015, making certain amendments in the Notification No. S.O. 1096(E) dated 4<sup>th</sup> August, 2005.
- (lxviii) S.O. 2527(E) published in Gazette of India dated the 17<sup>th</sup> September, 2015, making certain amendments in the Notification No. S.O. 689(E) dated 4<sup>th</sup> April, 2011.
- (lxix) S.O. 2528(E) published in Gazette of India dated the 17<sup>th</sup> September, 2015, entrusting the stretches, mentioned therein, of new National Highway No. 216A to National Highway Authority of India.
- (lxx) S.O. 2697(E) published in Gazette of India dated the 5<sup>th</sup> October, 2015, entrusting the stretches, mentioned therein, of new National Highway No. 32 to National Highway Authority of India.
- (lxxi) S.O. 2698(E) published in Gazette of India dated the 5<sup>th</sup> October, 2015, making certain amendments in the Notification No. S.O. 1096(E) dated 4<sup>th</sup> August, 2005.

- (lxxii) S.O. 2827(E) published in Gazette of India dated the 14<sup>th</sup> October, 2015, making certain amendments in the Notification No. S.O. 689(E) dated 4<sup>th</sup> April, 2011.
- (lxxiii) S.O. 2346(E) published in Gazette of India dated 26<sup>th</sup> August, 2015, regarding rates of fees to be recovered from the users of National Highway No. 45 (Tindivanam-Ulundurpet Section) in the State of Tamil Nadu.
- (lxxiv) S.O. 2483(E) published in Gazette of India dated 14<sup>th</sup> September, 2015, regarding rates of fees to be recovered from the users of National Highway No. 3 in the States of Uttar Pradesh, Rajasthan and Madhya Pradesh.
- (lxxv) S.O. 2484(E) published in Gazette of India dated 14<sup>th</sup> September, 2015, regarding rates of fees to be recovered from the users of National Highway No. 12 (Jhalawar-Rajasthan/MP Border Section) in the State of Rajasthan.
- (lxxvi) S.O. 2645(E) published in Gazette of India dated 28<sup>th</sup> September, 2015, regarding rates of fees to be recovered from the users of National Highway No. 5 (Vijayawada to Vishakhapatnam Section) in the State of Andhra Pradesh.
- (lxxvii) S.O. 2081(E) published in Gazette of India dated 30<sup>th</sup> July, 2015, regarding exemption of collection of user fee at Gangadhar bridge on National Highway No. 31 at Golokganj over river Gangadhar in the State of Assam with effect from 4.8.2015 or the date of expiring of the existing toll fee leave period whichever is earlier.
- (lxxviii) S.O. 2095(E) published in Gazette of India dated 31<sup>st</sup> July, 2015, authorising the Deputy Commissioner, Hailakandias the competent authority to acquire land for building, maintenance,

management and operation of National Highway No. 53 (Bagmara to Badarpurghat Section) in the State of Assam.

[Placed in Library, See No. LT 3668/16/15]

(9) A copy each of the following Notifications (Hindi and English versions) issued under sub-section (1) of Section 47 of the Indian Maritime University Act, 2008:-

- (i) Notification No. F. No. IMU/HQ/ADM/Notification/2015 published in Gazette of India dated 9<sup>th</sup> April, 2015, regarding repealing of Recruitment Rules for the post of Vice Chancellor, Indian Maritime University.
- (ii) Notification No. IMU/HQ/ADM/RR/2015 published in Gazette of India dated 3<sup>rd</sup> September, 2015, regarding repealing of Recruitment Rules for the post of Junior Engineer (Civil) and (Electrical), Pro Vice Chancellor, Internal Audit Officer and Junior Assistant.
- (iii) Notification No. F. No. IMU/HQ/ADM/Notification/2015 published in Gazette of India dated 3<sup>rd</sup> September, 2015, regarding Ordinances governing administrative and academic matters.

[Placed in Library, See No. LT 3669/16/15]

(10) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at item No. (i) of (9) above.

(11) A copy each of the following Notifications (Hindi and English versions) issued under Merchant Shipping Act, 1958:-

- (i) G.S.R.864(E) published in Gazette of India dated 17<sup>th</sup> November, 2015, rescinding the Merchant Shipping (Distressed Seamen) Rules, 1960.

- (ii) G.S.R.865(E) published in Gazette of India dated 17<sup>th</sup> November, 2015, rescinding the Merchant Shipping (Certificate of Service) Rules, 1970.
- (iii) G.S.R.866(E) published in Gazette of India dated 17<sup>th</sup> November, 2015, rescinding the Merchant Shipping (Rates) Rules, 1977.
- (iv) G.S.R.867(E) published in Gazette of India dated 17<sup>th</sup> November, 2015, rescinding the Merchant Shipping (Radio) Rules, 1983.
- (v) G.S.R.868(E) published in Gazette of India dated 17<sup>th</sup> November, 2015, rescinding the Merchant Shipping (Examination of Masters and Mates) Rules, 1985.
- (vi) G.S.R.869(E) published in Gazette of India dated 17<sup>th</sup> November, 2015, rescinding the Merchant Shipping (Examination of Engineer Officers in the Merchant Navy) Rules, 1989.
- (vii) G.S.R.870(E) published in Gazette of India dated 17<sup>th</sup> November, 2015, rescinding the Merchant Shipping (Certificates of Competency) Rules, 1989.
- (viii) G.S.R.871(E) published in Gazette of India dated 17<sup>th</sup> November, 2015, rescinding the Lifeboatmen's (Qualification and Certification) Rules, 1963.
- (ix) G.S.R.872(E) published in Gazette of India dated 17<sup>th</sup> November, 2015, rescinding the Merchant Shipping (Distress Messages and Navigational Warnings) Rules, 1964.
- (x) G.S.R.873(E) published in Gazette of India dated 17<sup>th</sup> November, 2015, rescinding the Merchant Shipping (Pilot Ladder) Rules, 1967.
- (xi) G.S.R.874(E) published in Gazette of India dated 17<sup>th</sup> November, 2015, rescinding the Merchant Shipping (Muster) Rules, 1968.



- (xii) G.S.R.875(E) published in Gazette of India dated 17<sup>th</sup> November, 2015, rescinding the Merchant Shipping (Safety Convention Certificates) Rules, 1968.
- (xiii) G.S.R.876(E) published in Gazette of India dated 17<sup>th</sup> November, 2015, rescinding the Merchant Shipping (Radio Direction Finders) Rules, 1968.

[Placed in Library, See No. LT 3670/16/15]

(12) A copy of the Merchant Shipping (Levy of Seamen's Welfare Fee)(Amendment) Rules, 2015 (Hindi and English versions) published in Notification No. G.S.R. 720(E) in Gazette of India dated 18<sup>th</sup> September, 2015 issued under Section 458(3) of the Merchant Shipping Act, 1958.

[Placed in Library, See No. LT 3671/16/15]

(13) A copy of Notification No. S.O. 2122(E) (Hindi and English versions) published in Gazette of India dated 5<sup>th</sup> August, 2015, appointing the Officer, mentioned therein, of the National Highways Authority of India to exercise the powers and discharge the functions conferred on it under Sections 24, 25, 26, 27 and 43 of the Control of National Highways (Land and Traffic) Act, 2002 under sub-section (3) of Section 50 of the said Act.

[Placed in Library, See No. LT 3672/16/15]

(14) A copy of the National Highways Authority of India (Recruitment, Seniority and Promotion) Third Amendment Regulations, 2015 (Hindi and English versions) published in Notification No. 11012/248/2015-Admn. in Gazette of India dated 19<sup>th</sup> November, 2015 under Section 37 of the National Highways Authority of India Act, 1988.

[Placed in Library, See No. LT 3673/16/15]

**ग्रामीण विकास मंत्रालय में राज्य मंत्री (श्री सुदर्शन भगत) :** अध्यक्ष महोदया, मैं निम्नलिखित पत्र सभा पटल पर रखता हूँ:

1. राष्ट्रीय ग्रामीण विकास और पंचायती राज संस्थान, हैदराबाद के वर्ष 2014-15 के वार्षिक प्रतिवेदन की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।
2. राष्ट्रीय ग्रामीण विकास और पंचायती राज संस्थान, हैदराबाद के वर्ष 2014-15 के वार्षिक लेखाओं की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण) तथा उन पर लेखापरीक्षा प्रतिवेदन।
3. राष्ट्रीय ग्रामीण विकास और पंचायती राज संस्थान, हैदराबाद के वर्ष 2014-15 के कार्यकरण की सरकार द्वारा समीक्षा की एक प्रति (हिन्दी तथा अंग्रेजी संस्करण)।

[Placed in Library, See No. LT 3674/16/15]

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**12.06 ½ hours****STANDING COMMITTEE ON PERSONNEL,  
PUBLIC GRIEVANCES, LAW AND JUSTICE  
79<sup>th</sup> Report**

SHRI M. UDHAYAKUMAR (DINDIGUL): Madam, I beg to lay the Seventy-ninth Report (Hindi and English versions) of the Standing Committee on Personnel, Public Grievances, Law and Justice on the Subject 'Feasibility of Holding Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies'.

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**12.07 hours****STATEMENTS BY MINISTERS**

**(i) Status of implementation of the recommendations contained in the 3rd Report of the Standing Committee on Water Resources on Demands for Grants (2015-16), pertaining to the Ministry of Water Resources.\***

जल संसाधन, नदी विकास और गंगा संरक्षण मंत्री (सुश्री उमा भारती) : अध्यक्ष महोदया, जल संसाधन मंत्रालय से संबंधित अनुदानों की मांगों (2015-16) के बारे में जल संसाधन संबंधी स्थायी समिति के तीसरे प्रतिवेदन में अंतर्विष्ट सिफारिशों के कार्यान्वयन के बारे में एक वक्तव्य सभा पटल पर रखती हूँ।

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\* Laid on the Table and also Placed in Library See No. LT 3675/16/15.

**12.07 ½ hours**

**(ii) (a) Status of implementation of the recommendations contained in the 203rd Report of the Standing Committee on Transport, Tourism and Culture on 'Privatization of Services at Airports', pertaining to the Ministry of Civil Aviation. \***

THE MINISTER OF STATE OF THE MINISTRY OF CULTURE, MINISTER OF STATE OF THE MINISTRY OF TOURISM AND MINISTER OF STATE IN THE MINISTRY OF CIVIL AVIATION (DR. MAHESH SHARMA): Madam, I beg to lay the following statements regarding the status of implementation of the recommendations contained in the 203<sup>rd</sup> Report of the Standing Committee on Transport, Tourism and Culture on 'Privatization of Services at Airports', pertaining to the Ministry of Civil Aviation.

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**12.07 ¾ hours**

**(ii) (b) Status of implementation of the recommendations contained in the 215th Report of the Standing Committee on Transport, Tourism and Culture on Action Taken by the Government on the recommendations/ observations contained in the 203rd Report of the Committee on 'Privatization of Services at Airports', pertaining to the Ministry of Civil Aviation.\***

THE MINISTER OF STATE OF THE MINISTRY OF CULTURE, MINISTER OF STATE OF THE MINISTRY OF TOURISM AND MINISTER OF STATE IN THE MINISTRY OF CIVIL AVIATION (DR. MAHESH SHARMA): Madam, I beg to lay the following statements regarding the status of implementation of the recommendations contained in the 215<sup>th</sup> Report of the Standing Committee on Transport, Tourism and Culture on Action Taken by the Government on the recommendations/ observations contained in the 203<sup>rd</sup> Report of the Committee on 'Privatization of Services at Airports', pertaining to the Ministry of Civil Aviation.

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\* Laid on the Table and also placed in Library, See No. LT 3676/16/15 and LT 3677/16/15 respectively.

HON. SPEAKER: Now, 'Zero Hour'.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE (GULBARGA): Madam Speaker ...  
(*Interruptions*)

HON. SPEAKER: What is it?

... (*Interruptions*)

माननीय अध्यक्ष : मैंने उनका इश्यू बोल दिया है, अब आप बैठिए। हो गया।

... (व्यवधान)

HON. SPEAKER: Shri B.B. Patil.

SHRI BHEEMRAO B. PATIL (ZAHEERABAD): Madam Speaker, as the House is aware, ASHA workers are on strike for more than 100 days demanding a solution to a charter of demands. ... (*Interruptions*)

माननीय अध्यक्ष : आपके लोग ही आपको डिस्टर्ब कर रहे हैं, सभी नहीं।

... (व्यवधान)

HON. SPEAKER: Your people were disturbing. I am sorry.

... (*Interruptions*)

माननीय अध्यक्ष : मैंने आपको बोलने का मौका दिया था, आप एक मिनट में बोल सकते थे, फिर आप लम्बा बोलने लगे। नहीं, अब बैठिए। अब नहीं।

... (व्यवधान)

माननीय अध्यक्ष : मैंने उसकी नोटिस ली है। बैठिए।

It is okay.

... (*Interruptions*)

SHRI BHEEMRAO B. PATIL: At present, ASHA workers are being paid incentive for their performance at the rate of Rs. 300 per delivery, Rs. 150 per FP case and Rs. 150 for follow up of immunization after delivery. ... (*Interruptions*)

HON. SPEAKER: I have told that the privilege notice is with me. आप बैठिए। आप हरेक की वकालत मत कीजिए। बैठ जाइए।

... (*Interruptions*)

HON. SPEAKER: Only Shri B.B. Patil's statement will go on record.

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

SHRI BHEEMRAO B. PATIL: On an average, ASHA workers are getting only Rs. 1,500 per month. This amount is shared by both the Central Government and the State Government and paid through DMHO. ... (*Interruptions*) The demands of the striking employees include according recognition to ASHA workers as second Auxiliary Nurse Midwives and issuance of health cards and insurance; Rs. 15,000 per month salary against incentives; pending salary amount of 39 months of community health workers; pension, gratuity and maternity leaves; demand of pending bills, uniforms and other due payments; increase of *Prasuti Seva* incentive; and TA / DA allowances as they also have to visit habitations and keep officials informed about the outbreak of any seasonal diseases. ... (*Interruptions*)

It is not out of place to mention here that ASHA workers belonging to the Health Department have to discharge duties such as attending to women during labour pain; educate rural women on good health practices; and take care of newborn babies among many others, which are practically very difficult. ... (*Interruptions*) They are also responsible for the implementation of health schemes launched by the State and Central Governments, and they play a key role in the society. ... (*Interruptions*)

**माननीय अध्यक्ष:** अब अपनी बात समाप्त कीजिए, शून्य काल में इतना नहीं बोलते और पूरा पढ़ते भी नहीं हैं, सिर्फ संक्षेप में अपनी बात कहते हैं।

SHRI BHEEMRAO B. PATIL : But, unfortunately, they are not considered as health workers by the Government and are paid very less amount of money as incentives. ... (*Interruptions*) Be it mid-day meal, Anganwadi or ASHA workers,

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\* Not recorded.

several Governments changed, but their intentions and policies remained the same. ... (*Interruptions*)

Hence, I would request the Government to be sensitive to the demands of ASHA workers and consider their regularization as Government employees and fixation of minimum wages, which are genuine. ... (*Interruptions*) Thank you. ... (*Interruptions*)

HON. SPEAKER : Shri Bhairon Prasad Mishra and Shri Shivkumar Udasi are permitted to associate with the issue raised by Shri Bheemrao B. Patil.

... (*Interruptions*)

**माननीय अध्यक्ष:** मैंने पहले ही कह दिया है कि it is under my consideration.

**कुँवर पुष्पेन्द्र सिंह चन्देल (हमीरपुर):** अध्यक्ष महोदया, मैं आपके माध्यम से एक गम्भीर विषय सदन के सामने रखना चाहता हूँ। जब किसी व्यक्ति के शरीर का तापमान एक डिग्री या दो डिग्री बढ़ जाता है तो कहा जाता है कि इसकी तबीयत खराब है, किसी डॉक्टर को दिखाना चाहिए।

**माननीय अध्यक्ष:** सदन का तापमान भी बढ़ा हुआ है।

**कुँवर पुष्पेन्द्र सिंह चन्देल :** ठीक बात है इसलिए यहां भी आवश्यक है कि सदन का तापमान कम रहे।... (व्यवधान)

**माननीय अध्यक्ष:** आप अपनी बात कहें।

**कुँवर पुष्पेन्द्र सिंह चन्देल:** पूरी दुनिया में ग्लोबल वार्मिंग के कारण धरती माता का तापमान बढ़ा है उस कारण फसल का उत्पादन कम हो रहा है। पूरी दुनिया में गम्भीर खाद्यान्न संकट उत्पन्न हो गया है। भारतीय दर्शन पर्यावरणीय संतुलन के लिए प्राचीन काल से संवेदनशील रहा है। लगभग तीन हजार वर्ष पूर्व प्राचीन यजुर्वेद में उल्लिखित शांति पाठ इसका द्योतक है। आज के समय ग्लोबल वार्मिंग के गम्भीर परिणाम सामने आ रहे हैं। जहां हाल ही में चेन्नई में बाढ़ आई, वहीं ग्लोबल वार्मिंग के कारण मेरे संसदीय क्षेत्र हमीरपुर, महोबा, तिनवारी और सम्पूर्ण बुंदेलखंड में पिछले दस सालों से लगातार सूखा पड़ रहा है। फसल चौपट है और किसान बदहाल है। वैश्विक तापमान में वृद्धि एक सत्यता है एवम् इसके कारणों की सही व्याख्या आज के समय की मांग है।

प्रधान मंत्री नरेन्द्र मोदी जी के नेतृत्व वाली एन.डी.ए. सरकार के नेतृत्व में आई.आई.एफ.सी. बेंगलुरु इस पर काम कर रहा है। वह बधाई का पात्र है, जिसने पर्यावरण और जलवायु परिवर्तन पर नवीन शोध शुरू किए हैं। ग्लोबल वार्मिंग सिर्फ मानवीय कारणों से नहीं, बल्कि प्राकृतिक कारणों से भी हो रही है।

भारत जैसे विकासशील देशों पर अंतरराष्ट्रीय व्यापार पर अन्य देशों द्वारा कार्बन टैक्स लगाना न्यायोचित नहीं है। यह कुछ देशों का कूटनीतिक हथियार हो सकता है। परंतु भारत अब समर्थ है, सक्षम है, दबाव नहीं मानेगा।

अतः मैं आपके माध्यम से भारत सरकार से निवेदन करता हूँ कि ग्लोबल वार्मिंग से होने वाले खतरे, कम कृषि उत्पादन, विशेषकर बुंदेलखंड में लगातार घटती उत्पादकता के कारण लोगों की आजीविका एवम् अर्थव्यवस्था पर पड़ने वाले बुरे प्रभाव को कम करने के लिए उचित प्रयास किए जाएं। इसके साथ ही देश में ग्लोबल वार्मिंग से प्रभावित क्षेत्रों विशेषकर मेरे बुंदेलखंड इलाके में कम लागत वाले वैश्विक और ऊर्जा संसाधनों एवम् उद्योगों का उच्च प्राथमिकता के आधार पर विकास किया जाए।

**माननीय अध्यक्ष :** श्री भैरों प्रसाद मिश्र, श्री केशव प्रसाद मोर्य, श्री राघव लखनपाल, श्री देव जी एम. पटेल, श्री राहुल कस्वां को कुँवर पुष्पेन्द्र सिंह चन्देल द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

DR. RATNA DE (NAG): Madam, it is a matter of astonishment for me as know that arsenic poisoning has spread to 12 States. Arsenic groundwater contamination was first detected in West Bengal in 1983. By 2020, its spread was reported from the Ganges-Brahmaputra fluvial region covering Jharkhand, Bihar etc. At present, 96 out of 640 districts have high concentration of arsenic. ... (*Interruptions*) Most disturbing news at present is that arsenic poisoning has entered food chain through farm products. A Committee of Secretaries in a report to the Government has estimated that over seven lakh people have been affected by arsenic with around 3 lakh people having arsenic related diseases. Around 30 per cent of this three lakh people having arsenic related disease are poor and malnourished. A plan of action should be put in place immediately to ensure that arsenic contamination does not enter into our food and farm products in these 12 States.

Under these circumstances, I would strongly urge the hon. Minister to address the issue of arsenic poisoning and get rid of arsenic content in our farm products and food. ... (*Interruptions*)

HON. SPEAKER: Dr. Kirit P. Solanki is permitted to associate with the issue raised by Dr. Ratna De (Nag).



**माननीय अध्यक्ष :** आप क्यों चिल्ला रहे हैं? आपकी कोई भी बात रिकार्ड में नहीं जा रही है।

...(व्यवधान)

**माननीय अध्यक्ष :** खडगे जी, आप बैठ जाइए। प्रिवलेज मोशन में कोई बात लम्बी-चौड़ी नहीं कही जाती है।

...(व्यवधान)

HON. SPEAKER: I have taken it. I am sorry.

... (Interruptions)

**माननीय अध्यक्ष :** दीपेन्द्र जी, मैंने आपको बोलने के लिए समय भी दिया था। बार-बार यह नहीं होता है।

...(व्यवधान)

**माननीय अध्यक्ष :** दीपेन्द्र जी, आप बैठ जाइए।

...(व्यवधान)

**माननीय अध्यक्ष :** सौगत जी, आपको अपना कोई इश्यु उठाना है तो बताइए। आप दूसरे की वकालत मत कीजिए। आप बैठ जाइए।

...(व्यवधान)

**श्री राहुल शेवाले :** अध्यक्ष महोदया, आपने मुझे मेरे संसदीय क्षेत्र साउथ-सेन्ट्रल मुम्बई के बारे में एक महत्वपूर्ण विषय उठाने का अवसर दिया है, इसके लिए मैं आपका आभारी हूँ...(व्यवधान)

अध्यक्ष जी, मुम्बई में सायन कोलीवाड़ा में कोली समाज हाउसिंग के निवासी पिछली सरकार की लापरवाही का खामियाजा आज तक उठा रहे हैं...(व्यवधान) यहां कोयले के भण्डारण के कारण प्रदूषण फैल रहा है। इसके कारण यहां के निवासियों की सेहत निरंतर बिगड़ती जा रही है...(व्यवधान) इसी प्रकार से पिछले दस साल से शिवड़ी निवासी कोल पॉल्यूशन की वजह से बीमार हैं। हाजी बंदर से जो कोयला लाया जाता है, वह यहां स्टोर किया जाता है...(व्यवधान) सायन, शिवरी, मुम्बई पोर्ट ट्रस्ट आदि क्षेत्रों में कोयले का आपार भंडार होता है...(व्यवधान)

### **12.17 hours**

*(At this stage, Shri Mekapati Raja Mohan Reddy and some other hon. Members came and stood on the floor near the Table.)*

**12.18 hours**

*(At this stage, Shri Mekapati Raja Mohan Reddy and some other hon. Members went back to their seats.)*

HON. SPEAKER: Nothing will go on record.

... (Interruptions)... \*

**श्री राहुल शेवाले (मुम्बई दक्षिण मध्य)** :यहां कोयले की छंटाई-सफाई होने से वातावरण में कोयले की धूल हमेशा छाई रहती है। इसके कारण यहां के निवासी खांसी, अस्थमा और टीबी की बीमारियों से ग्रस्त हैं...(व्यवधान) खुले ट्रकों से कोयला और कोयला डस्ट रेल वैगनों में लादने के लिए ले जाया जाता है, जो बहुत बड़ी मात्रा में प्रदूषण फैलाता है। इस प्रदूषण के कारण रेल लाइन के आस-पास के निवासी बीमारियों से जूझ रहे हैं...(व्यवधान) बड़े आश्चर्य की बात है कि गूगल मैप में वर्ष 2009 में और वर्ष 2015 में साफ तौर से दिखाया गया है कि यहां की ग्रीन बेल्ट ब्लैक और ग्रे धरती में बदल रही है, फिर भी सरकार का ध्यान इस ओर नहीं है...(व्यवधान)

अतः मैं आपके माध्यम से सरकार से अनुरोध करता हूं कि सायन कोलीवाड़ा, शिवरी और आस-पास के क्षेत्रों से कोयले के इस भंडारण को स्थांतरित किया जाए, जिससे इन क्षेत्रों के निवासियों की सेहत में सुधार हो सके तथा आगे और ज्यादा लोग बीमारियों से ग्रस्त न हो सके। धन्यवाद। ...

(Interruptions)

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

**DR. J. JAYAVARDHAN (CHENNAI SOUTH)**: Hon. Speaker, Madam, the entire country is aware of the devastation caused by the recent floods in Tamil Nadu. Many families have lost their huts and dwelling places along with all the household belongings. In Chennai City, about 50,000 families have already been surveyed and identified living along the banks of the Adayar and Cooum Rivers and the Buckingham Canal. Out of these 50,000 families, the Government of Tamil Nadu would be able to accommodate 25,000 families in tenements already constructed and under construction by the Tamil Nadu Slum Clearance Board. For the remaining 25,000 families particularly those residing along the Buckingham

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\* Not recorded.

Canal and for a further 25,000 families residing in the vicinity of other water courses and water bodies in Chennai City affected in the recent flooding, our hon. Chief Minister of Tamil Nadu Puratchi Thalaivi Amma has prepared a project to construct 50,000 multi-storeyed tenements on various pieces of land that are available with the State Government. The construction cost is expected to be Rs.10 lakh per unit. The total cost of this massive special housing project will be Rs.5,000 crore. Therefore, a special scheme should be sanctioned for constructing 50,000 houses for the urban poor who are to be resettled from water courses and water bodies at a cost of Rs.5,000 crore.

Madam Speaker, in addition to the special scheme, under the existing programmes of the Government of India Rs.1.5 lakh is provided as a grant for reconstruction of houses *in situ*. It is estimated that there are 50,000 such houses in Chennai and adjoining urban areas which were damaged in the floods. Therefore, a special allocation of Rs.750 crore for 50,000 houses at a rate of Rs.1.5 lakh per house as Central grant should be sanctioned. The State Government will add a further Rs.1 lakh per house to provide a grant of Rs.2.5 lakh per house for *in situ* reconstruction of houses in slum areas affected by the floods. Thank you.

SHRI P.V. MIDHUN REDDY (RAJAMPET): Madam Speaker, the genesis of granting Special Category Status to Andhra Pradesh began when hon. Prime Minister gave a categorical assurance in Rajya Sabha on 20<sup>th</sup> February, 2014 while intervening in the discussion on the Andhra Pradesh Reorganisation Bill. The Government had taken it to the Union Cabinet and the Union Cabinet had approved granting Special Category Status to Andhra Pradesh for five years on 2<sup>nd</sup> March, 2014, and sent the proposal to Planning Commission for implementation.

During Lok Sabha Elections, BJP had taken this further by including it in the manifesto and saying that if it came to power it will grant Special Category Status to Andhra Pradesh not for five years but ten years. It is now almost 18 months since the Government had given that assurance. But instead of progressing

on the proposal, it appears that the Government is intentionally regressing. It is not acceptable to the people of Andhra Pradesh.

In March this year, hon. Minister for Planning in reply to a question about special category status to Andhra Pradesh said in this august House that presently there is no proposal before the Government of India to accord Special Category Status to any State. YSR Congress Party and people of Andhra Pradesh were shocked on hearing this news and there were big dharnas, rasta rokos and other protests held all over the State. Our Party President Jagannmohan Reddy-garu undertook a fast unto death and our Party protested in this House and gave notices of adjournment motion and calling attention to raise the issue.

We request the Government of India to announce Special Category Status to Andhra Pradesh without any further delay as committed in the House to protect the interests of the people of Andhra Pradesh. Without any further delay, the Government of India should announce Special Category Status to Andhra Pradesh. It is the responsibility of both the BJP and the TDP Governments to honour the commitments made on the floor of the House and as promised in the NDA manifesto about according Special Category Status to Andhra Pradesh without any further delay. We want the Government of India to give a clear statement in the House about according special category status to Andhra Pradesh. ...  
(Interruptions)

**माननीय अध्यक्ष :** एसोसिएट कर दीजिए, इसमें हरेक को नहीं बोलना है।

...(व्यवधान)

**माननीय अध्यक्ष :** जितेंद्र रेड्डी जी, इस पर हर कोई नहीं बोलेगा।

...(व्यवधान)

SHRI A.P. JITHENDER REDDY (MAHABUBNAGAR): Madam Speaker, I welcome the demand made by the hon. Member. And I would like to say that on the line of the request made for Andhra Pradesh, Telangana should also be given a special category status.

**श्री परेश रावल (अहमदाबाद-पूर्व) :** मैडम स्पीकर, आजकल हमारे देश के अंदर काफी सारी बातें ऑर्गनाइज़ होने लगी हैं। ऑर्गनाइज़ शोर भी किया जाता है। ऑर्गनाइज़ माफिया भी है। एजुकेशन का सैक्टर भी ऑर्गनाइज़ होने लगा है। मेरा सीधा इशारा कोचिंग क्लासेज़ की ओर है। मैं समझता हूँ कि जो प्राइव स्कूल में एडमिशन लेते हैं, पहले तो डोनेशन भरना पड़ता है, कैंपिशन फी वगैरह भरनी पड़ती है। ये सरकारी स्कूल में नहीं जा सकते हैं, क्योंकि अच्छी तरह जानते हैं कि सरकारी स्कूल का स्टैण्डर्ड कैसा है। वहां जाने से कोई फायदा होने वाला नहीं है। मैं यह समझता हूँ कि अगर सरकारी कर्मचारियों के बच्चे सरकारी स्कूलों में जाने लगे, सरकारी अस्पताल में जाने लगे, सरकारी ट्रांसपोर्ट यूज़ करने लगे तो उसका स्टैण्डर्ड ऊपर उठ सकता है। लेकिन यह कब होगा, भगवान तो छोड़िए रजनीकांत भी नहीं जानते होंगे। मैं यह समझता हूँ इन सारी चीजों से बचने के लिए प्राइवेट स्कूल में चले जाते हैं, लेकिन वहां जाने के बाद भी उनको यह डर रहता है कि अगर मेरा बच्चा कोचिंग क्लास के अंदर नहीं गया तो **he will not be able to excel.** तो उसे कोचिंग क्लास में भर्ती होना पड़ता है। इन कोचिंग क्लास के अंदर वही टीचर्स आते हैं, जो सरकारी स्कूलों में पढ़ाते हैं। यह एक पूरा नेक्सस चलता है। कभी-कभी ऐसा होता है, कुछ कोचिंग क्लासेज ऐसे भी हैं, जिनका सीधा कनेक्शन उनसे है, जो एग्जामिनेशन पेपर्स सेट करते हैं। वहां से पेपर लीक होता है, एग्जामिनेशन के मार्क वगैरह मैनुपुलेट किये जाते हैं। मैं यह समझता हूँ कि हमारा पूरा कल्चर धीरे-धीरे सेकेंड ओपिनियन कल्चर होने लगा है कि अगर हम यहां पर नहीं गए, उसके पास नहीं गए तो हमारा बच्चा एक्सेल नहीं कर पाएगा। वहां चले जाते हैं तो यह भी बोझ माँ-बाप के ऊपर, मिडिल क्लास के ऊपर आता है।

दूसरी बात यह है कि ये जितने भी कोचिंग क्लासेज हैं, किसी को कोचिंग क्लास खोलने के लिए कोई परमीशन की जरूरत नहीं है, कोई लाइसेंस की जरूरत नहीं है, वे कहीं भी खोल देते हैं। अगर स्कूल खोलने के लिए परमीशन ली जाती है, उसी तरह से कोचिंग क्लासेज के लिए भी रूल्स बनाने चाहिए, कोई कानून बनाना चाहिए। जिसके मन में आता है, वह कोचिंग क्लास खोलकर बैठ जाता है और यह पूरा कारोबार चलता रहता है। मुझे डर लगता है कि ये आर्गनाइज़ माफिया भी नहीं हैं, यह एक एजुकेशन टेररिज्म है। जिस तरह गवर्नमेंट के पास यह सूची नहीं है कि कौन टेररिस्ट है, उसी तरह गवर्नमेंट के पास यह सूची भी नहीं है कि कितने कोचिंग क्लासेज हैं। उसके पास कोई लिस्ट ही नहीं है। मैं यह समझता हूँ कि गवर्नमेंट को इसके बारे में कोई कदम उठाना चाहिए, वरना आने वाली पूरी पीढ़ी की एजुकेशन की हार्ड डिस्क पूरी तरह से करप्ट हो जाएगी। धन्यवाद।

**माननीय अध्यक्ष :** श्री केशव प्रसाद मौर्य, श्री अजय मिश्रा टेनी, श्री रामसिंह राठवा, श्री रवीन्द्र कुमार जेना, श्री देवजी एम. पटेल, श्री शिवकुमार उदासि, डॉ. संजय जायसवाल, श्री रवीन्द्र कुमार पाण्डेय, डॉ. किरिट पी. सोलंकी, श्री नारणभाई काछडिया, श्री प्रहलाद जोशी, श्री विनोद कुमार सोनकर, श्री सतीश कुमार गौतम, श्रीमती किरण खेर, श्रीमती मीनाक्षी लेखी, श्री श्रीरंग आप्पा बारणे, श्रीमती पूनम महाजन, कुँवर पुष्पेन्द्र सिंह चन्देल, श्रीमती अंजू बाला, श्रीमती संतोष अहलावत, श्रीमती रीती पाठक, श्री नाना पटोले, कुमारी शोभा कारान्दलाजे, श्री राजेश रंजन, श्री निशिकान्त दुबे और श्री भैरों प्रसाद मिश्र को श्री परेश रावल द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

**श्री हरिओम सिंह राठौड़ (राजसमन्द) :** महोदया, आपने मुझे बोलने का अवसर दिया, इसके लिए मैं आपका धन्यवाद देता हूँ। राजस्थान के मेवाड़ क्षेत्र में स्थित विश्वविख्यात युद्ध क्षेत्र हल्दीघाटी के विकास के संदर्भ में मैं अपनी बात आपके माध्यम से सरकार से निवेदन करने के लिए खड़ा हुआ हूँ।

प्रातः स्मरणीय महाराणा प्रताप व अकबर की सेनाओं के मध्य लड़ा गया हल्दीघाटी का यह युद्ध, राष्ट्र का प्रथम स्वतंत्रता संग्राम माना जाता है, जहां विदेशी ताकतों की प्रभुसत्ता अस्वीकार कर दी गई थी। महाराणा प्रताप ने सारी विपरीत परिस्थितियों के बावजूद भी स्वतंत्रता से कोई समझौता नहीं किया। अपने सीमित साधनों के बावजूद भी अकबर की विशाल सेना को लोहे के चने चबवाये थे। विश्व भर में जहाँ-जहाँ भी ऐसे युद्ध स्थान हैं, वे स्थान उन राष्ट्रों के गौरव के केन्द्र हैं। हल्दीघाटी स्वतंत्रता संग्राम भी हमारे राष्ट्र का गौरव का विषय है। इस युद्ध क्षेत्र का एक विस्तृत प्लान बनाकर उसका विकास किया जाता है तो राष्ट्र गौरव के साथ-साथ बहुत बड़ी संख्या में देशी और विदेशी पर्यटकों को वहाँ आकर्षित किया जा सकता है। ऐतिहासिक स्थानों के संरक्षण के साथ-साथ स्थानीय लोगों को नए रोजगार के साधन उपलब्ध कराए जा सकेंगे। बहुत-बहुत धन्यवाद।

**माननीय अध्यक्ष :** श्री सुमेधानन्द सरस्वती, डॉ. किरिट पी. सोलंकी, कुँवर पुष्पेन्द्र सिंह चन्देल और श्री भैरों प्रसाद मिश्र को श्री हरिओम सिंह राठौड़ द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

**SHRIMATI KIRRON KHER (CHANDIGARH):** Hon. Speaker Madam, according to the Census 2011, 2.68 crore persons with disabilities and 9.68 crore senior citizens reside in India. Despite this, the specific needs of such vulnerable road users during commuting have not been addressed by the existing transport system. The concerns have aggravated, particularly in metropolitan cities due to

bad road design along with neglect of pedestrians in the urban and transport policies.

Our roads are designed only keeping motorized vehicles in mind. As we are all aware, majority of roads do not even have usable footpaths. So, road users are forced to walk on the roads making them vulnerable to road accidents. This situation is especially dangerous for people with disabilities. We, therefore, need a significant overhaul of the urban design and road engineering standards in India.

The NDA Government is already taking proactive measures in this regard. On 3<sup>rd</sup> December, the International Day for Persons with Disabilities, the hon. Prime Minister introduced the *Sugamya Bharat Abhiyan* to make environment, public transport and IT infrastructure completely accessible for all. I am delighted to learn that the hon. Minister of Road Transport and Highways has also committed to introducing the safe system approach in road design and engineering.

Along with these initiatives, I appeal to the hon. Ministers of Road Transport and Highway and Urban Development to establish minimum safety standards, incorporating universal design for all roads, footpaths and other walking spaces. It is imperative that we make our footpaths, roads and transportation system inclusive for all categories of road users.

HON. SPEAKER: Shri Keshav Prasad Maurya, Shri P.P. Chaudhary, Shrimati Poonam Mahajan, Shri Pushpendra Singh Chandel, Shri Ashwini Kumar Chaubey, Shri Shivkumar Udasi, Dr. Sanjay Jaiswal, Kumari Shobha Korandlaje and Shri Bhairon Prasad Mishra are permitted to associate with the issue raised by Shrimati Kirron Kher.

...(व्यवधान)

**डॉ. वीरेन्द्र कुमार (टीकमगढ़) :** अध्यक्ष महोदया, मैं अति महत्व के विषय को आपके माध्यम से सदन के सामने लाना चाहता हूँ। अभी पिछले दिनों चेन्नई में लगातार और असामयिक वर्षा से वहां का समूचा जनजीवन अस्त-व्यस्त हो गया और वहां की पूरी अर्थव्यवस्था प्रभावित हुई। समूची व्यवस्था को पटरी पर लाने में काफी समय लग जायेगा। वहां की आदरणीय मुख्यमंत्री अम्मा ने अपने स्तर से काफी प्रयास वहां

पर प्रारम्भ किये। हमारे देश के संवेदनशील प्रधानमंत्री आदरणीय नरेन्द्र मोदी जी ने भी तत्परता से चेन्नई में वर्षा प्रभावित क्षेत्रों में मदद करने के लिए अपने कदम आगे बढ़ाये। माननीय सांसदों के द्वारा भी इस सम्बन्ध में पहल प्रारम्भ की गई।

हमारे देश के किसी भी हिस्से में कोई भी प्राकृतिक आपदा हो, चाहे वह उड़ीसा और गुजरात का चक्रवात हो, उत्तराखण्ड और हिमाचल प्रदेश में बादल फटने की घटनाएं हों, इस तरह की प्राकृतिक आपदाएं आने पर वहां की राज्य सरकारों और केन्द्र सरकार द्वारा तत्परता से मदद की जाती है। इस सम्बन्ध में पूरे देश के द्वारा अभियान चलाये जाने की आवश्यकता है, जैसे हमारे देश के प्रधानमंत्री आदरणीय नरेन्द्र मोदी जी के द्वारा स्वच्छता अभियान चलाया गया था। इस स्वच्छता अभियान में पूरे देश के विद्यार्थी, कर्मचारी, फिल्मकर्मी, रंगकर्मी, कलाकार, न्यायाधीश तक सभी ने इसमें आकर पहल की थी और अपने देश की एकता का प्रदर्शन किया था।

मैं आपके माध्यम से सदन के सामने रखना चाहता हूं कि हमारे देश में लगभग 70-80 करोड़ मोबाइल का उपभोग करने वाले उपभोगकर्ता हैं। इस सम्बन्ध में एक नीति बनाये जाने की आवश्यकता है। हमारे दूरसंचार विभाग के द्वारा उसका एक कॉमनकोड नम्बर बनाया जाये, जैसे कि 555555 एक नम्बर बनाया जाये और वह नम्बर लगाने पर मोबाइलकर्ता जब फोन लगाएगा तो फोन लगाने पर एक रुपया उससे कट जायेगा। वह एक रुपया कटने पर पूरे देश से लगभग 70-80 करोड़ रुपये एक बार में इकट्ठा हो जायेंगे और पूरे देश की जनता की जनभावनाएं भी उसके साथ जुड़ेंगी। हमारे देश के किसी भी हिस्से में प्राकृतिक आपदा आने पर समूचा देश अपनी एकता का प्रदर्शन करते हुए उसमें आगे आने में अपनी मदद भी कर सकेगा।

इस नम्बर के साथ ही साथ कई व्यक्ति ऐसे भी होंगे, जो एक रुपये से ज्यादा मदद करना चाहते हैं तो 555555 नम्बर डायल करने के बाद एक, दो या तीन नम्बर डायल करके उसमें व्यक्ति 25 रुपये, 50 रुपये या सौ रुपये या पांच सौ रुपये का सहयोग करना चाहता है तो बीप के बाद वह नम्बर डायल करने से कर सकेगा। इस तरह से बहुत बड़ी राशि के द्वारा हमारे देश के किसी भी क्षेत्र में प्राकृतिक आपदा आने पर मदद के लिए समूचे देश की भावनाओं को जोड़ा जा सकता है।

मेरा आपके माध्यम से केन्द्र सरकार से अनुरोध है कि प्राकृतिक आपदाओं का सामना करने के लिए देश की जनता का सहयोग जोड़ने के लिए मोबाइल फोन के साथ में इस तरह का नम्बर डायल करवाने की व्यवस्था करवाने की शीघ्र व्यवस्था की जाये। बहुत-बहुत धन्यवाद।



**माननीय अध्यक्ष :** श्री राजेन्द्र अग्रवाल, श्री रामसिंह राठवा, श्री केशव प्रसाद मौर्य, श्री सतीश कुमार गौतम, श्री भैरों प्रसाद मिश्र, कुँवर पुष्पेन्द्र सिंह चन्देल, श्रीमती अंजू बाला, श्रीमती संतोष अहलावत, श्रीमती रीती पाठक, श्रीमती कृष्णा राज, श्रीमती रंजनबेन भट्ट, श्री पी.पी. चौधरी, श्री गणेश सिंह, डॉ. संजय जायसवाल, श्री देवजी एम. पटेल, श्री अर्जुन राम मेघवाल, श्री शिवकुमार सी. उदासी, श्री आर. ध्रुवनारायण, श्री अश्विनी कुमार चौबे और कुमारी शोभा कारानन्दलाजे को डॉ. वीरेन्द्र कुमार के साथ सम्बद्ध होने की अनुमति प्रदान की जाती है।

इसके लिए मोबाइल ठीक चलना भी चाहिए। श्री सुदीप बन्दोपाध्याय।

SHRI SUDIP BANDYOPADHYAY (KOLKATA UTTAR): Madam, I want to raise an issue and want to draw the attention of the hon. Finance Minister also. ...  
(Interruptions)

The call drop issue has become a very sensitive issue throughout the country. While talking for ten to fifteen minutes, the line is being disconnected for at least 15 to 17 times. What for do I want to draw your attention? The private group assured that they would pay Re. 1 charge to the customer. I would like to know whether the Government has taken any step to collect or to pay this amount to those customers who are using these telephone lines whether it is Vodafone, AirTel, Idea, Reliance or even BSNL or MTNL and how much money has been collected. In my opinion, I think the whole House will also agree that this problem has caused tremendous anxiety in the country. Why is the Government not taking up the issue on the floor of the House so that we can elaborately discuss it? I will be very happy if the Government or at least somebody from the Government would respond and give us light how we are coming out of these typical call drop problems which are prevailing in the whole country. ... (Interruptions)

HON. SPEAKER: Shri Rajeev Satav, Shri M.B. Rajesh, Shri P.K. Biju, Dr. A. Sampath, Shri Jose K. Mani, Shri Joice George, Shri Bhairon Prasad Mishra, and Shri Nishikant Dubey are permitted to associate with the issue raised by Shri Sudip Bandyopadhyay.

... (Interruptions)

SHRI P.V. MIDHUN REDDY (RAJAMPET): Food adulteration is a major issue our country is facing. A lot of people are getting affected by food adulteration. Even extensive use of pesticides is affecting the poor people.

In my constituency, there is a huge demand for a dialysis centre as a lot of people's kidneys are affected because of extensive use of pesticides and a lot of people are suffering. Earlier, you were kind enough to make me talk on this issue under Calling Attention and the Minister had announced a Committee which was to report in 45 days but I do not think anything substantial has taken place. I request the Government to place strict laws to curb food adulteration and restrict the use of pesticides which are harming the people.

HON. SPEAKER: Shri Devji Patel, Dr. Sanjay Jaiswal and Shri Shivkumar Udasi are permitted to associate with the issue raised by Shri P.V. Midhun Reddy.

**श्री जगदम्बिका पाल (डुमरियागंज):** अध्यक्ष महोदया, आज देश की मलिन बस्तियों में आई.सी.डी.एस. के माध्यम से कार्य कर रही आंगनबाड़ी की कार्यकर्ती और सहायिका मातृ एवं शिशु मृत्यु दर की कमी में एक महत्वपूर्ण योगदान दे रही हैं। कुपोषण को कम करने में उनका एक बहुत महत्वपूर्ण योगदान है। पिछले 40 वर्षों से समाज में केवल महिलाएं इस पूरे आंगनबाड़ी और आई.सी.डी.एस. के कार्यक्रमों में लगी हुई हैं। उन्होंने दूसरे बच्चों की मृत्यु दर में कमी करने में तो महत्वपूर्ण भूमिका निभाई है, कुपोषण को कम करने में उन्होंने बहुत महत्वपूर्ण भूमिका निभाई है, लेकिन आज उनकी स्थिति यह है कि उनके लिए कोई स्पष्ट नीति नहीं बन पाई है।

आज उत्तर प्रदेश के आंगनबाड़ी में जो कार्यकर्ती काम करती हैं, उनको 3200 रुपए और उनकी सहायिका को 1600 रुपए दिए जाते हैं। किसी भी अन्य राज्य में उन्हें पांच हजार रुपए से कम नहीं मिलते हैं। हरियाणा और दूसरे राज्यों में तो उन्हें 9,000 रुपए दिए जाते हैं।

महोदया, मैं आपके माध्यम से मांग करना चाहता हूँ कि आज जब रेगुलर कर्मचारियों के लिए महंगाई के कारण समय-समय पर पे-कमीशन की रिपोर्ट आती है, तो पिछले 40 सालों से लगातार जिस स्थिति में ये आंगनबाड़ी की महिलाएं, कार्यकर्ती और सहायिका काम कर रही हैं, तो इनके लिए एक स्पष्ट नीति बननी चाहिए और इनके कार्य के लिए सभी राज्यों में एकसमान मानदेय मिले। यह पैसा भारत सरकार से ग्रांट्स के माध्यम से जाता है। किसी राज्य में कुछ मानदेय है और दूसरे राज्य में अलग मानदेय है। हम आपके माध्यम से सरकार से मांग करना चाहते हैं कि देश के सभी राज्यों में आंगनबाड़ी में कार्यरत जो

हमारी कार्यकर्ती हैं, सहायिका हैं, उन सबको समान वेतन और मानदेय मिले। उनकी राष्ट्रीय कार्यक्रमों जैसे पल्स पोलियो और जनगणना इत्यादि कार्यक्रमों में जैसी महत्वपूर्ण भूमिका है, तो इन्हें आज एक सरकारी कर्मचारी के रूप में भी नियुक्त करने की कोई योजना होनी चाहिए। इनके मानदेय में पिछले पांच-छः वर्षों में कोई बढ़ोतरी नहीं हुई है।

HON. SPEAKER: S/Shri Sharad Tripathi, Shivkumar Udasi, Devji M. Patel, Nana Patole, Harish Dwivedi, Satish Kumar Gautam, Bhairon Prasad Mishra, Bhanu Pratap Singh Verma, Keshav Prasad Maurya, P.P. Chaudhary, Rajeev Satav, Kunwar Pushpendra Singh Chandel, Dr. Sanjay Jaiswal, Dr. Manoj Rajoria are permitted to associate with the issue raised by Shri Jagdambika Pal.

SHRI PRALHAD JOSHI (DHARWAD): Madam, you are quite aware that Railway is playing a pivotal role in overall development of the country. One of such projects is Hubli-Ankola railway line the foundation stone of which was laid by Shri Vajpayee in 2002. Subsequently, in 2004 the Ministry of Environment rejected the proposal saying that it destroys the prime forest land. We represented the Environment Ministry and it suggested the User Agency Railways to review the entire project. The Railway reviewed it and 920 hectare of the forest land was reduced to 700 hectares. It was once again presented to the Environment Ministry. In the meanwhile people went to the Green Bench. Recently, the Green Bench has rejected it.

My humble submission to the Ministry of Environment is, this is one of the important lines where the Karnataka Government is also ready to share 50 per cent of the cost of the project. It connects the hinterland to the West coast and also provides boost for the trade and commerce community from various parts of the country. I very humbly suggest the Environment Ministry to go for a review in the Green Bench and properly argue the case so as to provide permission for Hubli-Ankola railway project in Karnataka, which is a very important project connecting hinterland to the West coast.

HON. SPEAKER: Shri Shivkumar Udasi is permitted to associate with the issue raised by Shri Pralhad Joshi.

SHRIMATI KOTHAPALLI GEETHA (ARAKU): Thank you, Madam, Speaker, for giving me this opportunity to speak in this august House regarding the atrocities against women. Today, we commemorate the third death anniversary of Nirbhaya incident. India is a spiritual land where women are worshiped in various forms. The status of women in India has been subjected to various changes and the history has been quite eventful. However, women in India today continue to face so many problems, like violent victimization through rape, acid throwing, dowry killings and forced prostitution of young girls.

As we commemorate the death of Nirbhaya, I would like to draw the attention of this House to a statement that has been given by a convict in the gang-rape case who is in jail. He said:

“Women who go out in the night had only themselves to blame if they attracted the attention of the molesters.”

In this interview to the BBC documentary, he says that a girl is more responsible than a boy. I wonder whether we are living in a civilized society or we are still living in the jungle law.

Hence I would request this august House to join hands in framing legislations for protecting women from such violent incidents. We will all rise under your able leadership, Madam, to empower women to safeguard themselves from such acts.

**माननीय अध्यक्ष :** श्री भैरों प्रसाद मिश्र, श्री पी.पी.चौधरी, श्री राजीव सातव को श्रीमती कोथापल्ली गीता द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

**श्री राजेन्द्र अग्रवाल (मेरठ):** आदरणीय अध्यक्ष महोदया, आपने मुझे बोलने का अवसर दिया, इसके लिए मैं आपको धन्यवाद देता हूँ। व्यवस्था की संवेदनहीनता किस प्रकार एक गरीब किसान को बर्बाद करने पर तुली है, मैं ऐसा एक प्रकरण आपके माध्यम से सदन में प्रस्तुत करना चाहता हूँ।

मेरठ के निवासी रघुराज सिंह के पुत्र विवेक सांगवान ने बीटेक की शिक्षा हेतु पंजाब नेशनल बैंक की जानी शाखा से वर्ष 2009 में 3,13,800 रुपए का कर्ज लिया था। बीटेक की अंतिम वर्ष की परीक्षा देने के बाद ही विवेक सांगवान के कैंसर रोगी होने का पता चला। अपने पुत्र के स्वास्थ्य के लिए रघुराज सिंह

ने निजी स्तर पर कर्ज लेकर तथा जमीन बेचकर उसका इलाज कराया, परन्तु विवेक को बचाया नहीं जा सका। उसका 1 नवंबर, 2013 को देहान्त हो गया। रघुराज सिंह को उनके पुत्र विवेक की मृत्यु के पश्चात् बैंक द्वारा उन्हें सहऋणी मानते हुए कर्ज की वसूली हेतु नोटिस दिए जा रहे हैं तथा ऋण भुगतान न करने पर कानूनी कार्रवाई करने की धमकी दी जा रही है।

अध्यक्ष जी, शिक्षा ऋण हेतु किसी भी अन्य व्यक्ति के गारंटर होने अथवा किसी अन्य गारंटी की अनिवार्यता नहीं है। ऋण की आवश्यकता के दबाव में प्रायः सभी छात्र तथा अभिभावक बैंक की शर्तों को विस्तार से पढ़े बिना बैंक के प्रबंध तंत्र की सलाह पर ऋण के अनुबंधनीय प्रपत्र पर हस्ताक्षर कर देते हैं। मेरा अपना अनुभव है। मैंने होम लोन लिया। 40 या 45 जगह पर मैंने हस्ताक्षर किए। मैं खुद उनको नहीं पढ़ सकता था। बैंक के सामान्यतः प्रोफार्मा इस प्रकार के होते हैं। श्री रघुराज सिंह ने भी निश्चित रूप से ऐसा ही किया है।

अध्यक्ष जी, अपने पुत्र को पहले से ही गंवा चुका यह गरीब किसान ऋण का भुगतान किस प्रकार करे, अपनी बची हुई जमीन बेचे, जेल में जाए या फिर निराश होकर आत्महत्या करे। इस संबंध में मैंने मण्डल प्रमुख से बातचीत की। मैंने वित्त मंत्रालय को पत्र लिखा। वित्त मंत्रालय से मण्डल प्रमुख को पत्र गया। उसने कहा कि हमारे पास कोई व्यवस्था नहीं है। इसलिए वह ओटीएस के अंतर्गत हमसे कोई सैटलमेंट कर ले। ओटीएस के अंतर्गत सैटलमेंट करने लायक पैसा भी उस गरीब किसान के पास नहीं है। अब उसको 6 नवम्बर को नोटिस दिया गया है कि या तो आप हमारा भुगतान करें, नहीं तो हम आपके खिलाफ कार्रवाई करेंगे।

महोदया, मैं आपके माध्यम से ध्यान आकृष्ट करना चाहता हूँ कि इस प्रकार के मामलों में निर्देश दिए जाने चाहिए, सहऋणी बनाकर उसके पिता को बर्बाद करने की कोशिश नहीं होनी चाहिए। ऐसे कितने मामले इस देश के अंदर होंगे? इस प्रकार से जिन बच्चों की मृत्यु हो गई, भगवान न करे किसी अन्य बच्चे की मृत्यु हो, लेकिन मृत्यु यदि होती है तो उसके परिवार से ऋण वसूली नहीं की जानी चाहिए। मेरा आपसे यही निवेदन है, बहुत-बहुत धन्यवाद।

**माननीय अध्यक्ष :** श्री केशव प्रसाद मौर्य और कुँवर पुष्पेन्द्र सिंह चन्देल को श्री राजेन्द्र अग्रवाल द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्रीमती वीणा देवी - उपस्थित नहीं।

श्रीमती जयश्रीबेन पटेल।

**श्रीमती जयश्रीबेन पटेल (मेहसाणा) :** महोदया, आपने मुझे समय दिया, इसके लिए मैं आपको धन्यवाद देती हूँ। मैं आपके माध्यम से कृषि मंत्री का ध्यान आकर्षित करना चाहती हूँ।

वैद्यनाथन कमेटी के तहत पुनरुद्धार पैकेज 828.69 करोड़ रूपए है, जो कि केन्द्रीय सरकार द्वारा जारी किया गया है। यह कृषि ऋण सहकारी संरचना के माध्यम से प्रदान किया जा रहा है, जो संरचना को मजबूत बनाने, प्राथमिक समितियों को सी.आर.ए.आर. बनाए रखने तथा कुछ अन्य मानकों को बनाए रखने के लिए जिला केन्द्रीय सहकारी बैंकों के लिए कुछ राशि प्रदान की गई है। इसमें से केवल 567.76 करोड़ रूपए ही गुजरात को दिए गए हैं। इसमें से 260.91 करोड़ रूपए अभी तक गुजरात को प्राप्त नहीं हुए हैं।

इसकी शेष राशि 253.88 करोड़ रूपए 11 जिलों की सहकारी बैंकों को और 7.03 करोड़ रूपए प्राथमिक कृषि सहकारी समितियों के बीच में वितरित की जाने वाली है।

अतः मेरा आपके माध्यम से सरकार से, कृषि मंत्री जी से अनुरोध है कि शेष राशि को जल्द से जल्द गुजरात राज्य को दिया जाए। यह इन सहकारी संस्थाओं को पूँजी आधार बढ़ाने के लिए अति आवश्यक है।

**श्री पशुपति नाथ सिंह (धनबाद) :** माननीय अध्यक्ष महोदया, मैं आपके प्रति आभारी हूँ कि आपने मुझे शून्य काल के अंतर्गत अतिमहत्वपूर्ण लोक महत्व के विषय पर बोलने का अवसर प्रदान किया है। मैं सदन के माध्यम से माननीय मानव संसाधन विकास मंत्री जी का ध्यान अपने संसदीय क्षेत्र की ओर आकृष्ट कराना चाहता हूँ कि हमारे संसदीय क्षेत्र धनबाद के इंडियन स्कूल ऑफ माइन्स को आई.आई.टी. संस्थान बनाये जाने के लिए पिछले बजट सत्र में घोषण हुयी है। इंडियन स्कूल ऑफ माइन्स के कैम्पस में ही निजी विद्यालय इंडियन स्कूल ऑफ लर्निंग वर्ष 1989 से चल रहा है। वहां लगभग 1500 विद्यार्थी शिक्षा ग्रहण कर रहे हैं, जो बारहवीं कक्षा तक का निजी विद्यालय है। इंडियन स्कूल ऑफ माइन्स लर्निंग जो कि आई.एस.एम. के कैम्पस में स्थित है और आई.एस.एम. से लीज पर था जिसकी लीज वर्तमान में समाप्ति की ओर है, अर्थात् आई.एस.एम. चाहता है कि इंडियन स्कूल ऑफ लर्निंग उसके कैम्पस से अपने विद्यालय को हटा ले, जो वहां अध्यनरत लगभग 1500 विद्यार्थियों के भविष्य के लिए अत्यंत ही दुखदाई और दुर्भाग्यपूर्ण होगा।

अतः मेरा माननीय मानव संसाधन विकास मंत्री जी से विनम्र आग्रह है कि निजी विद्यालय इंडियन स्कूल ऑफ माइन्स, जहां इंडियन स्कूल ऑफ माइन्स के प्रोफेसर कर्मचारी के बच्चे भी पढ़ते हैं उसको उसी स्थान पर चलाने की अनुमति प्रदान करें।

HON. SPEAKER Shri Nishikant Dubey is permitted to associate with the issue raised by Shri Pashupati Nath Singh.

SHRI HEMANT TUKARAM GODSE (NASHIK): Hon. Speaker, Madam, thank you for giving me this opportunity. I would like to draw the attention of the Government on the forthcoming toll plaza in my Nashik constituency at Shinde village on Nashik – Sinnar NH-50 for only 25 kilometres small urban stretch.

The proposed toll is on the boundary of Nashik Municipal Corporation. The distance between the boundary of Nashik NMC and Sinnar Corporation is only 7 to 8 kilometres which will be developed within 4 to 5 years and the two cities will be combined by completion of this project.

In Sinnar there is an industrial zone whose work force stay in Nashik and travel daily. All agricultural goods and vegetables are carried by farmers from Sinnar to Nashik on this route by mini trucks and tempos. Also, due to social, personal and for visiting hospitals thousands of people travel and use this route for personal needs and not for commercial needs.

A provision for a monthly pass of Rs. 215 for a non-commercial vehicle and 50 per cent additional of the prescribed rate for commercial vehicle is made for 20 kilometres distance from the proposed toll plaza. But because of this distance Nashik city, Sinnar town and hundreds of villages will get affected and also the burden will be on about 35 to 40 lakhs of people and needy users in this urban area for the next 18 years.

For this 25 kilometres small stretch the project cost is Rs. 312.96 crore out of which the Government is funding Rs. 120.51 crore as VGF and the balance Rs. 192.45 crore should also have been funded by the Government but the Government has given on the basis of BOT and as a result of that around 35 to 40 lakhs people will suffer for the next 18 years.

Hon. Madam Speaker, through you, I would like to request the Ministry of Road and Surface Transport to cancel the toll plaza at Shinde village on Nashik – Sinnar NH 50 either by buy backing the toll plaza at Shinde and complete the

entire work on Government funds or re-arrange the toll fee of Shinde toll ahead of the toll plaza towards Pune at Chalakwadi which will be a justice to the passengers traveling long distances. It will also help to reduce the hindrance to traffic and save traffic time. I would, therefore, like to request the Government to do the needful to avoid huge protests and allegations from public and also ensure that the Kolhapur toll incident does not get repeated in Nashik as well.

Thank you.

SHRI ANTO ANTONY (PATHANAMTHITTA): Hon. Madam Speaker, thank you for giving me this opportunity. I would like to request the Government to redress the grievances of the railway passengers in the country. Recent incidents of robbery, damaged coaches, delayed services and unexpected cancellation of trains has made train journey a nightmare. Due to lack of sufficient number of RPF personnel loot gangs are fearlessly wandering through express trains. There were two robberies reported in the Kerala Express in this month only. Sudden spurt in the number of robberies is alarming. As per reports, most of the robberies have taken place between 9 pm and midnight. Therefore, I would like to request the Government to gear up the night patrolling of the RPF personnel in long distance trains.

Unexpected cancellation of trains has become a regular practice in the Indian Railways. In festival seasons, it creates a lot of panic among passengers. It should be noted that the Government has SMS mechanism to intimate railway related information. However, due to the irresponsible attitude of the authorities, passengers are getting information about train cancellation only after they reach the railway station. These types of unfortunate incidents should be avoided by disseminating the information regarding cancellation through SMS.

Another concern relating to train journey is delayed services. Sometimes, long distance trains run eight to ten hours late. Average travel time to Kerala bound train is 50 hours. Therefore, taking eight to ten hours more for a journey is a



cumbersome experience. Coaches of most of the Kerala bound trains are damaged. During rainy season, it is difficult to travel in these coaches.

In addition to this problem, rat menace in the coaches also creates a lot of troubles to the passengers.

Therefore, I request the Government to take favourable action in matters related to the railway passengers in the country.

HON. SPEAKER: Shri Abhijit Mukherjee, Adv. Joice George, Shri P.K. Biju, Shri M.B. Rajesh, Shri Jose K. Mani and Dr. A. Sampath are permitted to associate with the issue raised by Shri Anto Antony.

**श्री जय प्रकाश नारायण यादव (बाँका) :** अध्यक्ष महोदय, बिहार में पर्यटन की अपार संभावनाएं हैं, प्रकृति ने यहां अपार स्थल दिए हैं। बाँका जिले में मंदार, बौसी, तेलडिहा, सुल्तानगंज में कमरिया, देवघर जहां लोग पैदल यात्रा तक जाते हैं, जहां विश्व प्रसिद्ध मेला लगता है, बेलहर, चानन कटोरिया विक्रमशीला, मसूदन मंदिर और मुंगेर के सीताकुंड, सीताचंद और जमुई का लछुआ जैन मंदिर, इस संबंध में गवर्नमेंट ऑफ इंडिया ने एक चिट्ठी भी दी कि

“Keeping in view the vast tourism potential of the State of Bihar, the Ministry of Tourism decides to consider seven tourist circuits, namely, Vaishali and Bodhgaya development alongwith other places in Buddhist Circuit including Vikramshila (Rs. 200 crore); Sultanganj to Deoghar Project (Rs. 50 crore); Patna Sahib (Rs. 50 crore); Mahatma Gandhi Circuit (Rs. 50 crore); Ramayan Circuit (Rs. 100 crore); Jain Circuit including Champapuri and Pawapuri (Rs. 50 crore); Circuit for Mandar Hills and Ang Kshetra (Rs. 50 crore)”

मैं आपके माध्यम से माननीय मंत्री जी से जानना चाहते हैं कि जो घोषणा किया गया है उसके लिए कब पैसा दिया जाएगा, कौन डीपीआर बनाएगा, कौन एजेंसी काम करेगा? बाँका के मंदार, कमरिया, धर्मशाला और देवघर इन पर्यटक स्थलों को मजबूत करने के लिए पैसा रिलिज किया जाए।

DR. ANBUMANI RAMADOSS (DHARMAPURI): Madam, we all know about the recent flood in Tamil Nadu, specially Chennai and Cuddalore regions. Hundreds of people lost their lives; hundreds of thousands of people lost their property and houses; and lakhs of farmers have lost their crops. It has been three weeks since then but normalcy has not yet returned.

We have seen a huge deluge in Chennai. This deluge has been partly natural and partly manmade. ... (*Interruptions*)... (*Not recorded*). People were not warned. ... (*Interruptions*)

माननीय अध्यक्ष : आप अपनी बात कहिए, ऐसा नहीं होता है।

...(ब्यवधान)

SHRIMATI V. SATHYABAMA (TIRUPPUR): Madam, he is completely misleading the House.... (*Interruptions*)

DR. ANBUMANI RAMADOSS: Due to this, hundreds of people died and thousands lost their property. ... (*Interruptions*)

Madam, I would like to bring to the notice of the Government some glaring issues during this disaster. We have the National Disaster Management Act enacted in 2005... (*Interruptions*)

माननीय अध्यक्ष : एलिंगेशन मत लगाओ।

...(ब्यवधान)

DR. ANBUMANI RAMADOSS: It has been ten years since that Act has been enacted and during this disaster, we found that the National Disaster Management Authority was lacking.

I request the hon. Prime Minister to review the National Disaster Management Authority.

I say this because there was absolutely no coordination among the Disaster Management Authority, the Army, the State Government and the Central Government. There is a huge lapse in communication. So, I kindly urge upon the hon. Minister to do the needful.... (*Interruptions*)

HON. SPEAKER: Shri P.R. Sundaram. Do you want to say something?

... (*Interruptions*)

SHRI K. ASHOK KUMAR (KRISHNAGIRI): Our Chief Minister has taken immediate action.... (*Interruptions*)

HON. SPEAKER: Now, you take your seat. You have already said whatever you wanted to.

... (*Interruptions*)

HON. SPEAKER: I will see it. If there are any allegations or something, it should not go on record.

... (*Interruptions*)

HON. SPEAKER: Shri Sundaram, I think you do not want to say anything.

... (*Interruptions*)

SHRI P.R.SUNDARAM (NAMAKKAL): Hon. Speaker, I thank you for giving this opportunity. Please allow me to speak in Tamil.

HON. SPEAKER: Yes.

\*SHRI P.R.SUNDARAM (NAMAKKAL) : Tamil Nadu has been devastated by the recent heavy rains causing loss to lives and property at large scale. I wish to quote here the emotional Address of Hon. Chief Minister Dr. Puratchithalaivi Amma to the people of Tamil Nadu.:

“I am deeply pained at the sorrows and sufferings faced by you due to the recent heavy rains and floods unseen in last 100 years. Don't worry. This is your Government. You have given me the power to withstand and win over anything. I am With You and For You always. I assure that I will get you relieved soon from your miseries and I will add renewed vigour to your life. I have ensured relief works to be undertaken on war footing basis. I am carrying with me all your sufferings. You are my life. My home and heart is Tamil Nadu. I don't have a life on my own.....

.... (Interruptions)

HON. SPEAKER: Your Party Member is speaking. You are disturbing him.

Nothing else will go on record. Only Shri Sundaram's statement will go on record.

....(Interruptions)

SHRI P. R. SUNDARAM: I don't have relatives. I am never selfish.

HON. SPEAKER: Why are you disturbing your own Party Member?

....(Interruptions)...

SHRI P. R. SUNDARAM: .....I am even forgetting my real name as all of you fondly call me 'Amma'. I am dedicated to work for your welfare throughout my life.”

HON. SPEAKER: Shri Sundaram. What is your demand? All these things will not go on record.

....(Interruptions)..

SHRI P. R. SUNDARAM: Only one minute I will take. Tamil Nadu Government is known for its ability to tackle any kind of natural disaster of any magnitude. I have whole faith that Amma's hands are there to help us at times of distress. Some

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\* English translation of the Speech originally delivered in Tamil.

people are raising issues in this august House against the government of Tamil Nadu. The State led by Hon. Amma is undertaking all measures on war footing basis. The Address of Amma has instilled enormous confidence in the minds of people of Tamil Nadu.

HON. SPEAKER: What is it? You are not saying anything. You want relief. You are not speaking about relief.

....(Interruptions)...

SHRI P. R. SUNDARAM: I therefore request that as demanded by Hon. Amma, Rs.8481 crore should be provided to flood-affected Tamil Nadu. Besides Rs. 5000 crore should be provided for construction of 50000 houses for the homeless, on war footing basis. Under the 'Housing for All' Scheme, Rs. 750 Crore should be provided for construction of 50000 houses for those who lost their huts in recent floods. Hon. Amma has urged Ministry of Urban Development to allocate Rs. 3770 crore for revival Chennai Metro Rail Services. I urge the Union Government should allocate funds as demanded by Hon. Amma. I request you to kindly release funds and provide support to continue the relentless efforts of Hon. Puratchithalaivi Amma for the welfare of people of Tamil Nadu. Thank you.

HON. SPEAKER: Shri Ravneet Singh. Do you want to say anything? All right, you do not want to say anything. Shri Rajan Vichare.

... (Interruptions)

HON. SPEAKER: I will allow you after Shri Rajan Vichare.

### **13.00 hours**

श्री राजन विचारे (ठाणे) : माननीय अध्यक्ष जी, मैं इस सदन का ध्यान ऑनलाईन दवा बिक्री से दवा विक्रेताओं को हो रही परेशानियों के संबंध में दिलाना चाहता हूँ। वर्तमान समय में आज सब कुछ ऑनलाईन हो रहा है जिसे आधुनिक समाज की प्रगति का सूचक माना जाता है। इसी कड़ी में अब दवाएं भी आ रही हैं, जिसे ऑनलाईन पद्धति द्वारा बेचा जा रहा है। इसके खिलाफ महाराष्ट्र के करीब 55 हजार दवा विक्रेताओं ने 14 अक्टूबर, 2015 को अपनी दुकानें बंद कर विरोध प्रकट किया था। मेरे स्वयं के संसदीय

क्षेत्र ठाणे जिले के करीब 3700 मेडिकल स्टोर मालिकों ने भी ऑनलाईन दवा बिक्री के खिलाफ अपनी दुकानें बंद रखी थी और इसके खिलाफ मोर्चा खोल दिया है...(व्यवधान)

भारत में करीब 20 लाख से ज्यादा छोटे गांव है, जहां पर अधिकांश लोगों को कम्प्यूटर का ज्ञान नहीं है ऐसे में ऑनलाईन पद्धति से दवा खरीदने में वे असमर्थ है। यदि किसी की अचानक तबियत खराब हो जाती है, जैसे बुखार होना, जुलाब जैसी समस्याएं इत्यादि में तुरंत वो नजदीकी के मेडिकल स्टोर जाकर दवाई खरीद लेते हैं, लेकिन ऑनलाईन पद्धति आने पर यदि वह ज्यादा पढ़ा-लिखा नहीं होने के कारण एवं उसे कम्प्यूटर का ज्ञान न हो तो वह कैसे ऑनलाईन दवाएं खरीद पाएगा? आजकल नकली दवाओं का व्यापार भी बड़े जोर से चल रहा है। ऑनलाईन पद्धति आ जाने से इसका कारोबार और ज्यादा बढ़ेगा। जब एक आदमी दवाई लेने मेडिकल स्टोर पर जाता है तो उसे दवाई की पूरी खुराक दवाई विक्रेता द्वारा समझायी जाती है। लेकिन ऑनलाईन पद्धति में उन्हें दवाईयों की खुराक कौन समझाएगा? आज कई लोग नशे की दवाइयां सोने के लिए लेते हैं एवं इस पद्धति के आ जाने पर ऑनलाईन दवाइयां बेचने वाली कई कंपनियां मार्केट में आ जाएगी एवं नशा करने वाले लोग और ज्यादा नशा करेंगे जो उनके स्वास्थ्य के लिए खतरनाक होगा। ड्रग्स एण्ड कोसमेटिक्स एक्ट के अनुसार नकली दवाइयां रखने एवं इसे बेचने वालों को कानून में कड़ी सजा का प्रावधान है। ऐसे में यदि ऑनलाईन पद्धति द्वारा नकली दवाइयां लोग खरीदेंगे तो उनकी जान भी जा सकती है। आखिर इसकी जिम्मेदारी कौन लेगा?

मैं इस सदन के माध्यम से माननीय स्वास्थ्य मंत्री जी से मांग करता हूं कि वे इस गम्भीर विषय में हस्तक्षेप कर कोई उचित रास्ता निकालें...(व्यवधान)

HON. SPEAKER: I will allow you. The first is Shri Veerappa Moily. I am allowing him you to raise the issue of petrol and diesel.

प्रो. रविन्द्र विश्वनाथ गायकवाड़, डॉ. मनोज राजोरिया, श्री पुष्पेंद्र सिंह चंदेल और श्री श्रीरंग अप्पा बारणे को श्री राजन विचारे द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

... (Interruptions)

**श्री राघव लखनपाल (सहारनपुर) :** महोदया, शिवालिक पहाड़ियों से हिंडन व कृष्णा नदी निकलकर मेरे लोक सभा क्षेत्र सहारनपुर के सैंकड़ों गांवों से होते हुए यमुना नदी में जाकर मिलती है। पिछले कई वर्षों से औद्योगिक इकाइयों द्वारा और शहर के प्रदुषित सीवरेज पानी के द्वारा इन दोनों नदियों को प्रदुषित किया जा रहा है। हाल यह है कि इस प्रदुषित पानी को पीने से आस-पास के गांवों के लोगों की पिछले चार-पांच वर्ष में तीन सौ से भी अधिक लोगों की मृत्यु हो गयी है। आज भी पांच-छः सौ लोग गंभीर बीमारियों से पीड़ित हैं। चाहे कैंसर हो, चाहे चर्म रोग हो और चाहे जौंडिस हो। एक लाख से भी अधिक लोग इस हिंडन नदी के

प्रदूषण से प्रभावित हैं। एनजीटी ने प्रदेश सरकार को निर्देशित किया था कि इस नदी को स्वच्छ किया जाए। प्रदेश सरकार ने एक स्टेट कमेटी भी बनायी है और एक दो जगह रिज़रवोइर बनाने की बात भी हुई है। लेकिन मुझे यह डर लगता है कि कहीं यह सारा काम कागज पर ही न रह जाए और वहां बेगुनाह लोगों की मृत्यु होती रहे। इसलिए मेरा आपके माध्यम से सरकार से यह आग्रह है कि आप उत्तर प्रदेश सरकार को निर्देशित करें कि शीघ्र ही हिंडन नदी को स्वच्छ बनाने का काम किया जाए। यदि इसके लिए संसाधनों की आवश्यकता है तो वह संसाधन भी केन्द्र सरकार द्वारा प्रदेश सरकार को उपलब्ध करवाए जाएं।  
धन्यवाद...(व्यवधान)

**माननीय अध्यक्ष :** श्री पुष्पेंद्र सिंह चंदेल, श्री भैरों प्रसाद मिश्र, श्री केशव प्रसाद मौर्य और डॉ. सत्यपाल सिंह को श्री राघव लखनपाल द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

...(व्यवधान)

**माननीय अध्यक्ष :** पेट्रोल-डीजल पर बोलने के लिए वीरप्पा जी का पहला नाम है। I am allowing you.

... (Interruptions)

HON. SPEAKER: I am sorry. Let me say something. आपने पेट्रोल-डीजल पर बोलने के लिए आपने नोटिस दी थी। I am allowing you raise the issue of petrol and diesel. If you want to say something on that, you can.

... (Interruptions)

**श्री मल्लिकार्जुन खड़गे (गुलबर्गा) :** मैडम, जीरो ऑवर में...(व्यवधान)

**माननीय अध्यक्ष :** आपकी जीरो ऑवर की नोटिस नहीं है, बाकी सभी ने कुछ न कुछ बोलने के लिए नोटिस दिया है।

...(व्यवधान)

**श्री मल्लिकार्जुन खड़गे :** मैडम, मैंने नोटिस दिया है। मैंने रिक्वैस्ट दी है कि जो अरुणाचल में कांस्टीट्यूशनल क्राइसिस हो रहा है...(व्यवधान)

HON. SPEAKER: Arunachal Pradesh issue was over yesterday. No. Nothing will go on record.

... (Interruptions)... \*

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\* Not recorded.

HON. SPEAKER: I am sorry.

... (*Interruptions*)

HON. SPEAKER: Do not raise the Arunachal Pradesh issue. It was over yesterday.

... (*Interruptions*)

HON. SPEAKER: The House stands adjourned to meet again at 2.05 pm.

**13.05 hours**

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



**14.07 hours**

*The Lok Sabha re-assembled at Seven 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 the text of the matter at the Table of the House within 20 minutes. Only those matters shall be treated as laid for which text of the matter has been received at the Table within the stipulated time. The rest will be treated as lapsed.

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\* Treated as ordered by Chair.

**(i) Need to amend Gazette Notification to facilitate issuance of caste certificate to all the people having the surname as Mina or Meena.**

डॉ. मनोज राजोरिया (करौली-धौलपुर) : मैं अपने संसदीय क्षेत्र करौली-धौलपुर में अनुसूचित जनजाति वर्ग के छात्र-छात्राओं को जाति प्रमाण-पत्र बनवाने में हो रही दिक्कत की ओर सरकार का ध्यान आकर्षित करना चाहता हूँ। भारत सरकार ने गजट नोटिफिकेशन में जन-जाति वर्ग में मीणा-मीना को अंग्रेजी ग्ज़ए में लिखा था। राजस्थान में पाणी-पाणी आदि की तरह मीणा और मीना भी एक ही जाति वर्ग का हैं किन्तु बोल-चाल में मीणा बोला जाता है। इस विसंगति को दूर कर जन-जाति वर्ग को आ रही कठिनाईयों को दूर करने के लिए राजस्थान सरकार ने मीणा-मीना सर्टिफिकेट बनाने हेतु अधिकारियों को निर्देश दे रखे हैं कि प्रत्येक जन-जाति वर्ग के छात्र-छात्राओं का जाति प्रमाण-पत्र बने। मेरा अनुसूचित जन-जाति आयोग एवं भारत सरकार से आग्रह है कि इस विषय में छात्र-छात्राओं के भविष्य के मद्देनज़र गजट नोटिफिकेशन में सुधार करके मीणा-मीना हिन्दी भाषा में एवं ग्ज़ए-ग्ज़ए अंग्रेजी भाषा में एक ही मानकर लिखा जाए जिससे कि पूर्व में बने जन-जाति प्रमाण-पत्रों एवं भविष्य में बनने वाले जन-जाति प्रमाण-पत्रों में अधिकारिक रूप से कोई अड़चन पैदा न हो जिससे जन-जाति के छात्र-छात्राओं का भविष्य बचाया जा सके।

**(ii) Need to formulate a comprehensive policy for conservation and promotion of various forms of folk art in the country.**

श्री केशव प्रसाद मोर्य (फूलपुर) : मैं सरकार का ध्यान भारत की लोक कलाओं एवं लोक कलाकारों के संरक्षण और संवर्धन की ओर दिलाना चाहता हूँ।

भारत जैसे विशाल देश जिसके गौरवमयी इतिहास और समृद्ध परम्पराओं को आज तक हमारे पास पहुँचाने की वाहक बनीं हमारी अनगिनत लोक कलाएं जिनके लाखों-लाख साधक, मर्मज्ञ एवं विशेषज्ञ आज बेबसी व लाचारी का जीवन जीने को मजबूर हैं। यह सोचनीय विषय है कि आज जो लोक कलाएँ खेत-खलिहान, जंगल-पेड़, जल-जमीन, रीति-रिवाज तथा तीज-त्यौहार की बात करती हों और जिन लोक कलाओं ने इतने महत्वपूर्ण योगदान दिये हों, क्या उनकी अनदेखी करना उचित है? वर्तमान परिदृश्य में विलुप्ति के कगार पर पहुँची लोक कलाएं, लोक कलाकारों की दयनीय, सामाजिक एवं आर्थिक स्थिति, मरते लोक कलाकार, सिसकती लोक कलाएं, कितनी लोक कलाओं की आशा उनके अन्तिम अवशेष, चन्द बुजुर्गों पर टिकी हैं जो कि उनके अवसान के साथ ही दम तोड़ देंगी। अवसर, सम्मान और अनुदान के अभाव ने लोक कलाओं की जड़ें सुखा दी हैं।

मेरा अनुरोध है कि संस्कृति मंत्रालय द्वारा निम्न नीति निर्धारण तथा उच्च प्राथमिकता के आधार पर निम्न कार्यों का क्रियान्वयन किया जाए:-

लोक कला अध्यादेश जिसके तहत भारत वर्ष की समस्त लोक कलाओं और कलाकारों को सांस्कृतिक मुद्दों में सर्वोच्च प्राथमिकता प्रदान करते हुए संरक्षित और दुर्लभ श्रेणी में रखा जाए। लोक कलाओं को राष्ट्रीय धरोहर घोषित कर संरक्षित किये जाने संबंधी नीति का निर्माण किया जाए।

बुजुर्ग कलाकारों को पेंशन, विशेषकर 70 वर्ष के ऊपर के कलाकारों को तत्काल फार्म प्राप्ति पर पेंशन व अनुदान दिया जाए।

लोक कलाओं के लिए क्षेत्रवार और विधावार बजट का आवंटन होना चाहिए ताकि अनुदान प्रत्येक लोक कला और लोक कलाकार तक पहुँच सके। राष्ट्रीय लोक कला अकादमी की स्थापना राजधानी दिल्ली में होनी चाहिए तथा लोक कलाकारों के गरीबी उन्मूलन हेतु वैकल्पिक आय वृद्धि योजना की नींव रखी जाए।

**(iii) Need to change in guidelines of the Mahatma Gandhi National Rural Employment Guarantree Scheme works in the labour-material ratio from present 60:40 to 50:50.**

श्री सी.आर. चौधरी (नागौर) : मैं महात्मा गाँधी राष्ट्रीय ग्रामीण रोजगार गारन्टी योजना (मनरेगा) से संबंधित तथ्य रखकर माननीय ग्रामीण विकास मंत्री जी का ध्यान आकर्षित करना चाहता हूँ।

वर्ष 2015-16 में महात्मा गाँधी राष्ट्रीय ग्रामीण रोजगार गारन्टी योजना के कुल बजट का 60 प्रतिशत व्यय कृषि कार्यों एवं जल संरक्षण के साधन बनाने पर होगा। इनमें खेतों में तलाई, टांका, डिग्गी निर्माण, खेतों की मेड़ बन्दी, पशुओं के लिए चारागृह, शीघ्र नष्ट होने वाले उत्पादों को रखने के लिए शीतगृह आदि बनाये जाने का प्रावधान रखा गया है। इस हेतु सरकार बधाई की पात्र है। पंचायत समितियों के सदस्यों, सरपंचों एवं जिला परिषद की बैठकों में ज्ञात हुआ कि महात्मा गाँधी राष्ट्रीय ग्रामीण रोजगार गारन्टी योजना की गाइडलाइन्स में दो बिन्दुओं में संशोधन की अति आवश्यकता है। प्रथम, मजदूरी एवं सामग्री अनुपात वर्तमान में 60 : 40 को 50 : 50 किया जाए, क्योंकि सामग्री पर पक्के एवं स्थाई कार्यों पर खर्चा अधिक आता है। दूसरे, राजस्थान में जोत की सीमा अन्य राज्यों की तुलना में अधिक है जबकि इस योजना में वहीं काश्तकार लाभ उठा सकते हैं जो लघु एवं सीमान्त काश्तकार हों, उनमें भी अनुसूचित जाति एवं जनजाति के लोगों को प्राथमिकता दिये जाने का प्रावधान है। इससे मध्यमवर्गीय काश्तकार वंचित रह जाते हैं। खेतों में तलाई निर्माण, शीत भण्डार आदि वही काश्तकार बनाते हैं जिनके पास जोत सीमा सीमान्त काश्तकार से ज्यादा होती है।

अतः मेरा केंद्र सरकार से अनुरोध है कि सीमान्त काश्तकारों की सीमा से दुगुनी जमीन वालों को भी इसका लाभ दिया जाए। साथ ही सामग्री एवं मजदूरी का अनुपात भी 50 : 50 रखा जाए।

**(iv) Need to shut down slaughter houses being operated in the heart of the cities in Uttar Pradesh and shift them to places far from human habitations.**

योगी आदित्यनाथ (गोरखपुर) : नेशनल ग्रीन ट्रिब्यूनल ने कुछ माह पूर्व देश के अन्दर खासतौर पर उत्तर प्रदेश में चल रहे अवैध बूचड़खानों तथा खुले मांस की बिक्री पर चिन्ता व्यक्त करते हुए इन्हें तत्काल बन्द करने का आदेश उत्तर प्रदेश सरकार को दिया था लेकिन चार माह बीत जाने के बाद भी नेशनल ग्रीन ट्रिब्यूनल के आदेश पर कोई प्रभावी कार्यवाही उत्तर प्रदेश सरकार द्वारा नहीं की गयी है। उत्तर प्रदेश में चल रहे अवैध बूचड़खाने जहां नेशनल ग्रीन ट्रिब्यूनल के आदेश की खुलेआम अवहेलना कर रहे हैं, वहीं पर्यावरण के लिए भी यह एक गंभीर चुनौती है। खुलेआम चौराहे और हर मौहल्ले में मांस की बिक्री की जा रही है। खुला मांस तमाम प्रकार की संक्रामक बीमारियों के साथ-साथ स्वाइन फ्लू और बर्ड फ्लू आदि की दृष्टि से भी खतरनाक है।

अतः मेरा केन्द्र सरकार से अनुरोध है कि उत्तर प्रदेश में चल रहे अवैध बूचड़खाने तथा खुलेआम बेचे जा रहे मांस की दुकानों को तत्काल प्रभाव से रोकने अथवा उन्हें मानव बस्तियों से दूर स्थानान्तरित करके पर्यावरण और मानव स्वास्थ्य के साथ किये जा रहे खिलवाड़ को बन्द किया जाए।

**(v)Need to address the problems being faced by differently- abled persons in the country**

SHRIMATI BIJOYA CHAKRAVARTY (GUWAHATI): Among millions of people nearly seven crores are differently-abled persons. It is not that disabilities are man-made. But differently-abled persons are part of society. As such, they need humane treatment. Many differently-abled persons are achievers and offer services to the humanity. Although Government offer them lots of help but my plea is to let these differently-abled persons lead a life of dignity and honour. We have seen the plight of these people, who are begging, are treated as a curse. I urge the Government through you to create a support base for differently-abled persons. States be asked to fill the job quota meant for them. Both at the Centre and state level, job quota for them be increased. They should be given right kind of skill training.

I, therefore, urge upon the Government that the differently-abled persons be provided the financial assistance which should be sustainable for them.

**(vi) Need to construct a boundary wall around Velavadar National Park in Bhavnagar Parliamentary Constituency, Gujarat to restrict the movement of Blackbucks often straying into agricultural fields and causing damage to crops.**

डॉ. भारतीबेन डी. श्याल (भावनगर) : मेरे संसदीय क्षेत्र भावनगर (गुजरात) में सौराष्ट्र के भाल क्षेत्र में वेलावदर राष्ट्रीय पार्क वर्ष 1976 से अवस्थित है जो लगभग 42 किलोमीटर क्षेत्र में फैला है। इस राष्ट्रीय पार्क में हज़ारों की संख्या में काले हिरण पाए जाते हैं। इस पार्क के चारों तरफ कोई बाउण्ड्री वॉल नहीं है जिसके कारण हिरण आस-पास के कृषि क्षेत्र में विचरण करते हैं और खड़ी फसलों को हानि पहुंचाते हैं। इस राष्ट्रीय पार्क को पर्यटन स्थल भी बनाया जा सकता है लेकिन जीर्णोद्धार व सुविधाओं के अभाव में यह केवल जंगल बनकर रह गया है।

अतः मेरा केंद्र सरकार से अनुरोध है कि वेलावदर राष्ट्रीय पार्क के चारों ओर बाउण्ड्री वॉल करायी जाए ताकि किसानों की फसलों को बचाया जा सके तथा इसका जीर्णोद्धार कर इसे राष्ट्रीय पर्यटन स्थल बनाया जा सके।

**(vii) Need to undertake repair of National Highways in Jalaun Parliamentary Constituency, Uttar Pradesh and redesign the roads and dividers often causing fatal accidents and also send a central team to undertake physical inspection of N.H. No. 25 between Kanpur and Jhansi.**

श्री भानु प्रताप सिंह वर्मा (जालौन) : मेरे संसदीय क्षेत्र जालौन (उत्तर प्रदेश) के जालौन-गरौठा-भोगनीपुर से गुजरने वाले राष्ट्रीय राजमार्ग प्राधिकरण (पीआईयू) द्वारा झॉंसी में करीब 100 करोड़ का कार्य वर्ष 2005 में आवंटित किया गया था जो वर्ष 2014 में समाप्त हुआ जिसकी लागत करीब 1200 करोड़ से अधिक आई है। इसके साथ ही कई करोड़ रूपए कन्सलटेंसी में खर्च किये गये। कई करोड़ के ऑर्बिटेशन बाद में भी चल रहे हैं। इतनी राशि खर्च होने के बावजूद सड़कों की स्थिति दयनीय है तथा ओवर ब्रिज से उतरने के लिए एक भी सड़क मानकों के अनुरूप नहीं बनायी गयी है। यहाँ तक कि फोर लाइन को जोड़ने वाली दोनों ओर की सड़कें भी जर्जर हालत में हैं। इसमें जगह-जगह गड्ढे हो गए हैं, रोड़ उखड़ गई है और एट टोल बूथ के पहले एक प्राइवेट टोल बूथ लगा है जो ट्रकों से पैसे वसूल करता है। रोड़ ठीक न होने एवं डिवाइडर ठीक तरीके से न बनाये जाने के कारण आये दिन सड़क दुर्घटना हो रही है। उरई तहसील के ग्राम बड़ागांव, सोमई में वाहन सड़क दुर्घटनाओं के कारण कई लोगों की मृत्यु हो चुकी है एवं कालपी नगर में लगभग दो किलोमीटर का रोड़ आज तक नहीं बना है जिसकी वजह से राष्ट्रीय राजमार्ग पर घण्टों जाम लगा रहता है जिससे कई मरीजों की समय से अस्पताल न पहुँच पाने के कारण असमय मृत्यु हो जाती है।

अतः मेरा केंद्र सरकार से अनुरोध है कि केन्द्रीय जाँच समिति का गठन कराकर राष्ट्रीय राजमार्ग कानपुर-झॉंसी राष्ट्रीय राजमार्ग-25 का भौतिक सत्यापन कराया जाए तथा कालपी नगर में अधूरे कार्य को पूर्ण कराया जाए जिससे सड़क दुर्घटनाओं एवं जाम की समस्या से निजात मिल सके।



**(viii) Need to take steps to ensure release of Indian fishermen captured by Pakistani soldiers from Indian territorial waters.**

श्री देवेन्द्र सिंह भोले (अकबरपुर) : विगत अक्टूबर माह में गुजरात प्रान्त के ओखा निकट द्वारिका में भारतीय मछुआरों को पाकिस्तानी सैनिकों द्वारा भारतीय समुद्री सीमा में घुसकर अपहरण कर पाकिस्तान ले जाया गया है। पकड़े गए सभी मछुआरों में से तीन मछुआरे जयचन्द्र कुमार पुत्र श्री गंगा प्रसाद, रविशंकर पुत्र श्री बुद्धि लाल एवं संजय दत्त पुत्र श्री राम प्रताप, समस्त निवासी ग्राम मोहम्मदपुर नर्वल, ब्लॉक भीतरगॉव, तहसील घाटमपुर, जनपद कानपुर नगर (उत्तर प्रदेश) के निवासी हैं जो मेरे संसदीय क्षेत्र की घाटमपुर विधान सभा क्षेत्र के अंतर्गत आता है। उक्त तीनों मछुआरे अपने परिवार की जीविकोपार्जन के लिए अपने पैतृक कारोबार हेतु गुजरात प्रान्त के ओखा निकट द्वारिका से समुद्र में वोट सं. जी.जे. 11 एम. एम. 11333 माहेश्वरी 2 से दिनांक 08.1.2015 को समुद्र में गए थे। समुद्र तट से कुछ ही दूरी पर स्थित जखउ नामक स्थान से पाकिस्तानी सैनिकों द्वारा अपहरण कर लिया गया है। समुद्री तट पर होने वाले मछुआरों के अपहरण की घटना दिनों-दिन बढ़ती जा रही है। पकड़े गए मछुआरों के संबंध में अभी तक कोई जानकारी न होने के कारण मछुआरों के परिवारजन अत्यंत चिन्तित हैं।

अतः मेरा केन्द्र सरकार से अनुरोध है कि इस संबंध में अविलम्ब हस्तक्षेप कर पकड़े गए मछुआरों को पाकिस्तान जेल से छुड़ाए जाने हेतु संबंधित अधिकारियों को आवश्यक आदेश निर्गत करने की कृपा करें।

**(ix) Need to promote places of tourist attractions in Rajouri-Poonch district in Jammu & Kashmir.**

श्री जुगल किशोर (जम्मू) : जम्मू-कश्मीर में पर्यटन को बढ़ावा देने हेतु सरकार का ध्यान आकर्षित करना चाहेंगा। वाघा बॉर्डर की तरह सुचेतगढ़ बॉर्डर का अगर विकास किया जाए तो यहाँ पर्यटन को एक बड़ी सफलता मिलेगी। जम्मू-कश्मीर में पर्यटन को बढ़ावा देना अति आवश्यक है। यहाँ पर 7 झीलें राजौरी-पुंछ में है जो “सेवन लेक” के नाम से जानी जाती है। यहां पर बाबा अमरनाथ-तत्ता पानी-मगला देवी-मानतलाई-सरुईसर-मानसर इत्यादि कई ऐसे पर्यटक स्थल हैं, जिनकी ओर ध्यान देने की जरूरत है। यहाँ पर्यटन को बढ़ावा देने से नौजवानों को रोज़गार तो मिलेगा ही, उसके साथ कई और समस्याओं का समाधान भी होगा।

**(x) Need to improve rail connectivity in Jharkhand**

SHRI NISHIKANT DUBEY (GODDA): Left Wing Extremism (LWE) problem is one of the most serious internal security challenges faced by the country. Jharkhand is amongst the worst affected states in this regard. The state has remote and inaccessible areas which need significant improvement in rail connectivity for providing the necessary impetus for economic development. Poor railway connectivity is also hampering fight against Left Wing Extremism.

I request for setting up of the following rail lines:-

1. Rail link of 65 kms between Godda and Pakur
2. Pirpainti to Naughachia via Bateshwarsthan
3. KasiyaTand (JamtaraJ to Basukinath via Chitra – Palojori

As part of PPP initiatives in the Santhal Pargana regions, it may be stated that a Railway Line under the latest committed funding policy of the Ministry of Railways with Government of Jharkhand has already been sanctioned for Pirpainti to Jasidih via Godda, Hansdiah and second line from Bhagalpur to Rampurhat via Hansdiha and Dumka.

These extension lines would be of help in transporting a large quantities of coal from three incoming projects like Simlmg Expansion, Hura "C" and Chupertvita and existing mines of chitara of ECL.

The mineral rich state of Jharkhand is the single largest revenue contributor to the coal India. However, the state received step-motherly treatment all along. The above said rail lines will connect five major lines as follows:-

- A) Delhi to Guwahati via Naugachia, Bateshwarsthan
- B) Bhagalpur to Howrah via Pirpainti,Pakur

C) Bhagalpur to Rampurhat via Hansdiha

D) Delhi to Howrah and Kharagpur via Jasidih

F) Howrah to Delhi via Dhanbad

These railways will also connect ports like Haldia and Paradip. The deprived Tribals of the region and the state of Jharkhand would benefit from the above mentioned lines. I, therefore, urge upon the Government to take necessary steps in this regard.



**(xii) Need to set up industries based on agriculture, dairy development, fisheries and setting up of a mega food park in Hamirpur Parliamentary Constituency, Uttar Pradesh.**

**कुँवर पुष्पेन्द्र सिंह चन्देल (हमीरपुर) :** बुन्देलखण्ड सहित पूरे देश में रोज़गार प्राप्ति हेतु पलायन एक सामाजिक दंश है और इसको रोकने के लिए समन्वित प्रयास की आवश्यकता है।

वर्ष 2011 की जनगणना के अनुसार देश में 23 करोड़ लोगों ने रोज़गार के लिए पलायन किया है। इतनी बड़ी संख्या में लोगों के पलायन को देखते हुए रोज़गार की नीति की समीक्षा की आवश्यकता है। उत्तर प्रदेश में स्थिति और भी चिन्ताजनक है जहाँ 60 प्रतिशत पलायन अन्य राज्यों में हुआ है और जी.डी.पी. में वृद्धि के उपरान्त भी कृषि में 95 प्रतिशत रोज़गार का ह्रास हुआ है। बुन्देलखण्ड का मुख्य व्यवसाय कृषि है। कृषि में रोज़गार की कमी के कारण बहुत बड़ी संख्या में लोगों का पलायन अन्य क्षेत्रों में हुआ है।

अतः मेरा केन्द्र सरकार से अनुरोध है कि मेरे संसदीय क्षेत्र हमीरपुर (उत्तर प्रदेश) के हमीरपुर-महोबा-तिन्दवारी (बुन्देलखण्ड) में कृषि विकास के साथ-साथ कृषि आधारित उद्योग, डेयरी विकास, मछली पालन, मेगा फूड पार्क निर्माण की आवश्यकता है और इस क्षेत्र में यमुना के किनारे उपलब्ध पर्याप्त मात्रा में जमीन, सघन श्रम उपलब्धता उद्योग जगत के लिए एक आकर्षक निवेश स्थल भी है।

**(xiii) Need to set up a branch of Allahabad University or Banaras Hindu University and Institute of Technical Education in Kaushambi district, Uttar Pradesh.**

श्री विनोद कुमार सोनकर (कौशाम्बी) : मेरे लोक सभा क्षेत्र कौशाम्बी अंतर्गत जनपद कौशाम्बी का सृजन 4 अप्रैल, 1997 को इलाहाबाद जनपद से 3 तहसीलों को अलग कर किया गया। यह जनपद आज भी मूलभूत सुविधाओं से वंचित है तथा विकास से कोसों दूर है। खासकर शिक्षा के क्षेत्र में अति पिछड़ा है। कौशाम्बी जनपद इलाहाबाद से अलग होने से सभी शिक्षण संस्थान इलाहाबाद में चले गये। हमारे संसदीय क्षेत्र के जनपद कौशाम्बी में एक भी राजकीय डिग्री कालेज, तकनीकी संस्थान एवं कृषि विद्यालय न होने से छात्र-छात्राओं को शिक्षण कार्य हेतु दूरदराज के क्षेत्रों में जाना पड़ता है जिससे काफी कठिनाई होती है।

अतः मेरा केंद्र सरकार से अनुरोध है कि मेरे संसदीय क्षेत्र कौशाम्बी (उत्तर प्रदेश) के जनपद कौशाम्बी में उच्च शिक्षा हेतु इलाहाबाद विश्वविद्यालय की कोई शाखा, संस्थान या कृषि शिक्षा हेतु वाराणसी हिन्दू विश्वविद्यालय की शाखा, संस्थान अथवा तकनीकी शिक्षा हेतु कोई भारत सरकार का संस्थान खोलने की कृपा की जाए।

**(xiv) Need to undertake electrification of the villages under Den Dayal Upadhyaya Gram Jyoti Yojana in Jharkhand.**

श्री राम टहल चौधरी (राँची) : मैं सरकार का ध्यान झारखण्ड राज्य में पूर्व में चल रहे ग्रामीण विद्युतीकरण के कार्यों की तरफ दिलाना चाहता हूँ। झारखण्ड में अभी तक पूरे राज्य में ग्रामीण विद्युतीकरण का कार्य नहीं हुआ है। कई गाँवों में तार नहीं हैं और कई गाँवों में अभी तक खम्बे नहीं लगे हैं। झारखण्ड में अभी भी ऐसे कई गाँव हैं, विशेषकर आदिवासी एवं अन्य ग्रामीण क्षेत्रों में जहाँ पर अभी तक बिजली नहीं पहुँची है और गाँव में 10 के.वी. या 15 के.वी. के ट्रांसफार्मर लगे हैं जो बिजली का लोड सहन नहीं कर पाते और फुंक जाते हैं। ग्रामीण विद्युतीकरण योजना में एक गाँव के एक दो घर का विद्युतीकरण होता था तो आस-पास के गाँवों का विद्युतीकरण होना मान लिया जाता था।

अतः मेरा केंद्र सरकार से अनुरोध है कि सरकार ने ग्रामीण क्षेत्रों में बिजली उपलब्ध कराने हेतु दीनदयाल उपाध्याय ग्रामीण विद्युतीकरण योजना को शुरू किया है, उसे केवल झारखण्ड में ही नहीं अपितु पूरे देश में अच्छे ढंग से लागू किया जाए। जिन गाँवों में उपकरणों की कमी है, वहाँ उपकरणों की आपूर्ति की जाए जिससे झारखण्ड के सभी गाँवों में विद्युतीकरण हो सके तथा बिजली की आपूर्ति 24 घण्टे की जा सके।



**(xv) Need to issue necessary directions to the Government of Maharashtra for immediate release of water to Karnataka from Kalamnavadi reservoir**

SHRI PRAKASH B. HUKKERI (CHIKKODI): “Doodhganga” Project is the inter-state irrigation project between the States of Karnataka and Maharashtra. A Kalamnavadi reservoir has been constructed river Doodhganga near Asangao village in Radhanagari tauka of Kilhapur district in Maharashtra.

Under the irrigation project 4.0 TMC of water is allocated to Karnataka to irrigate to irrigate about 15167 hectares of land in Chikkodi taluka of Belagavi district in Karnataka. Since the said project is still under progress, the Karnataka’s share of water is being released from Nidhori canal to Doodhagnga and Vedaganga rivers for the use of Karnataka. Out of 4 TMC water, 0.57 TMC water is released during monsoon. The remaining water would be released depending upon the availability of water of Kalamnavadi reservoir from October to May every year.

Accordingly, in the current year, apart from 0.57 TMC water of monsoon allocation 3.43 TMC water is to be released to Karnataka. But in the wake of deficient rainfall, water storage in Kalamnavadi reservoir has come down, consequently Karnataka’s share of water also reduced from 3.430 TMC to 2.442 TMC water. The water should be released from Nidhori canal to Dooghganga and Vedeganga rivers during November, 2015 to April, 2016.

Due to severe drought, people living in border villages of both Karnataka and Maharashtra facing drinking water crisis. They are depending on the water from Kalamnavadi reservoir to meet their drinking water needs as well as that of their cattle. But the Government of Maharashtra is not willing to release the Karnataka’s share of water, even though water availability in the reservoir is sufficient to release to Karnataka.

Therefore, my humble submission to the Union Government that people of both Karnataka and Maharashtra are facing drinking water crisis in the border

villages of both the states and there is a need to fulfill the drinking water needs of people of inter-state border villages. In such a situation I request the Union government a direction should be issued to the Government of Maharashtra for immediate release of 2.442 TMC water to Karnataka's share from Kalamavadi reservoir and also proportionate water from Maharashtra's share to ensure the availability of drinking water to all the people living in the border of both Karnataka and Maharashtra .

**(xvi) Need to undertake gauge conversion of railway line between Saharsa and Forbesganj and provide a rail link between Saraigarh and Nirmali in Supaul Parliamentary Constituency, Bihar.**

श्रीमती रंजीत रंजन (सुपौल) : पूर्व-मध्य रेलवे के समस्तीपुर मण्डल के अंतर्गत सहरसा-फारबिसगंज रेल खण्ड को रेलवे के द्वारा 1996 में आमान परिवर्तन हेतु चिन्हित किया गया था एवं तत्कालीन रेल मंत्री के द्वारा इस रेल खण्ड का शिलान्यास भी किया गया था लेकिन इतने साल बीतने के बाद भी इस खण्ड में आमान परिवर्तन का कार्य पूरा नहीं हुआ है। इसमें अभी तक मिट्टी का भी कार्य पूरा नहीं हुआ है। सहरसा-फारबिसगंज इस क्षेत्र का एकमात्र रेलखण्ड है जो भारत और नेपाल के लोगों के आवागमन का एकमात्र रास्ता है। विगत वर्ष फारबिसगंज से राघोपुर के बीच मेगा ब्लॉक लिया गया एवं अभी तक कुछ कार्य भी नहीं हुआ जिसके चलते आम जनता की समस्या के साथ-साथ रेलवे के राजस्व की भी भारी हानि हो रही है। अभी एक दिसम्बर से राघोपुर से सरायगढ़ तक भी मेगा ब्लॉक लिया गया है एवं सरायगढ़ से निर्मली के बीच कोसी महासेतु बनकर तैयार है। इस परिस्थिति में उक्त दोनों खण्ड फारबिसगंज से राघोपुर एवं राघोपुर से सरायगढ़ तक मेगा ब्लॉक का कार्य अविलम्ब कराना जनहित एवं रेलवे के हित में अत्यावश्यक है।

अतः मेरा माननीय रेल मंत्री जी से अनुरोध है कि सहरसा से फारबिसगंज रेल खण्ड का आमान परिवर्तन का कार्य अविलम्ब कराया जाए एवं साथ ही साथ सरायगढ़-निर्मली रेल लाइन को भी शीघ्र पूर्ण कराया जाए ताकि इससे आम जनता को सुविधा के साथ-साथ रेलवे को राजस्व की भी प्राप्ति हो सके एवं इससे दो प्रमण्डल कोसी एवं दरभंगा भी एक-दूसरे से जुड़ जाएंगे जिससे इस इलाके का सीधा सम्पर्क दिल्ली से हो जाएगा।

**(xvii) Need to mitigate the sufferings of tea garden workers**

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Workers in closed tea gardens of north Bengal have been leading a life of hell. The workers do not have access to even the basic human needs. Poverty and penury have become the hallmark of their lives. They do not have adequate food to eat, no electricity in their homes, no water supply, no health facilities and other amenities. All of them have been victims of malnutrition. They are on the brink of starvation death. In spite of no fault committed by them, they have been left in the lurch by the owners of tea gardens. Wages have been denied to them. Provident fund has not been paid to them.

My humble request to the Government is that they be saved from starvation deaths.

**(xviii) Need to provide timely subsidy to the farmers of Krishnagiri district in Tamil Nadu engaged in horticulture**

SHRI K. ASHOK KUMAR (KRISHNAGIRI): Krishnagiri district is one of the major districts in producing horticultural crops under polyhouse in India. Our farmers have been cultivating for the past ten years on areas extending upto 75 lakh square meters.

Many horticulture farmers have been benefitted by implementing new technologies like protected cultivation in polyhouse by availing subsidies from the National Horticulture Board.

The farmers constructed their polygreen houses last year. But so far they have not got the subsidy. This leads to heavy burden on the farmers. The banks did not release the term loan due to non-release of the letter of intent from the Board.

Madam, this is a pioneer project in horticulture and will bring Indian agriculture to international standards. Hence, I request the Union Government to release funds to the National Horticulture Board to avoid paying more interest on term loans.

**(xix) Need to re-open Railway Gate No. 436 in Srivilliputtur town  
in Tamil Nadu**

SHRIMATI M. VASANTHI (TENKASI): Srivilliputhur town has around 1 Lakh population with the world renowned Sri Andal Temple is situated here. Srivilliputhur Municipality is a first grade municipality in Virudhunagar District of Tamil Nadu situated in my Tenkasi Parliamentary Constituency.

There is an urgent need for reopening of the railway Gate No. 436 to facilitate vehicles and people to pass through. The railway gate was closed for some reasons and after people's demand, it was reopened temporarily for some time. This gate should be opened permanently as a manned railway gate. currently, the people of all sections are finding it difficult to pass through a small subway. The subway instead of being helpful causes hindrances.

Therefore, I urge the Union Government to reopen the Railway gate No. 436 situated in Srivilliputhur Town.

**(xx) Need to revisit the transplantation of human organs Act to disseminate awareness about organ donation**

DR. RATNA DE (NAG) (HOOGHLY): Even after 65 years of independence, in our country organ donation is a taboo. Many patients are waiting for kidney transplant. Many patients are not lucky to get donated organ. It is estimated that 500000 people die every year in India due to non-availability of organs. Another startling data is that 0.08 people per million population are organ donors on an average. It is stated that in India 150000 to 200000 new patients with severe kidney problems are there, but only 6000 of these new patients get a kidney transplant. It is said that by way of organ donation, one can give live to as many as five persons. Families who lose their loved ones should be asked to extend this gesture in order to promote organ donations so that a nation with 1.2 billion people would be proud of taking a leapfrog in the field of organ donation. I would like to put emphasis upon awareness about organ donation by the Government by way of national campaigns. There is a need to revisit the 'Transplantation of Human Organs Act' to disseminate much needed awareness about organ donation.

**(xxi) Need to accord priority in employment opportunities in the mining work to locals.**

श्रीमती सकुंतला लागुरी (क्योंझर) : मेरा संसदीय क्षेत्र क्योंझर (उड़ीसा) एक अत्यन्त पिछड़ा जिला है जहाँ पर लौह अयस्क एवं खनिज खदानों एवं खानों में सरकारी क्षेत्र तथा निजी क्षेत्रों पर जो खदान कार्य चल रहा है, इन खदान कार्यों में स्थानीय लोगों को कार्य नहीं दिया जाता है जबकि इन लौह अयस्क खदानों में खनन कार्य हेतु भूमि लिये जाने से मेरे संसदीय क्षेत्र के स्थानीय लोग विस्थापित हुए हैं। मेरा संसदीय क्षेत्र एक आदिवासी एवं जनजाति बाहुल्य क्षेत्र है जहाँ गरीबी एवं बेरोज़गारी काफी तादाद में है। इस संबंध में खानों में खनन कार्यों में लगे स्थानीय लोगों को इन खानों में रोज़गार दिलाने हेतु नियम बनाया जाना जरूरी है।

अतः मेरा केंद्र सरकार से अनुरोध है कि आदिवासी एवं जनजाति बाहुल्य क्षेत्रों में खानों में खनन कार्यों में लगे स्थानीय लोगों को रोज़गार दिलाने में प्राथमिकता प्रदान की जाए।



**(xxii) Need to take suitable measures to correct the Olympic record books published in 2008 and 2012 wrongly depicting Norman Pritchard who won two silver medals in 1900 Paris Olympic as British athlete.**

श्री राजन विचारे (ठाणे) : मैं सरकार का ध्यान 1900 के पेरिस ओलम्पिक की तरफ आकर्षित करना चाहता हूँ जिसका संबंध देश के गौरव एवं उसकी प्रतिष्ठा से जुड़ा है जिसमें नॉर्मन प्रिचर्ड नाम के एक युवक ने 200 मीटर की दौड़ एवं 200 मीटर की हर्डल दौड़ प्रतियोगिताओं में हिस्सा लेकर 1-1 रजत पदक जीतकर भारत का नाम रोशन किया था। नॉर्मन प्रिचर्ड का जन्म एवं परवरिश भारत में होने के कारण वह एक भारतीय था। अतएव, उसने अपने द्वारा जीते दोनों रजत पदकों को भारत के नाम लिखवाया। जिन उपलब्धियों का उल्लेख भी वर्ष 2004 के पूर्व प्रकाशित हुए हर एक रिकॉर्ड बुक एवं ओलम्पिक से संबंधित हर एक किताब में लगभग 140 वर्षों तक भारत के नाम पर ही दर्ज था लेकिन दुर्भाग्यवश वर्ष 2004 से एथेन्स ओलम्पिक के दौरान मार्क बटलर नाम के क्रीड़ा विशेषज्ञ ने रिकॉर्ड बुक्स के साथ छेड़-छाड़ कर दोनों रजत पदकों को ब्रिटेन के नाम कर दिया जो भारत के नाम थे जिसके परिणामस्वरूप वर्ष 2008 तथा 2012 में लिखे गए रिकॉर्ड बुक्स में उन दो रजत पदकों का हकदार ब्रिटेन को बताया गया है जो गलत है। यदि समय रहते ही देश के ओलम्पिक संगठन ने इस तरह की हेराफेरी के विरोध स्वरूप अपनी आवाज उठाई होती तो देश का गौरव देश में ही रहता।

अतः मेरा माननीय खेल मंत्री जी से अनुरोध है कि मामले की गंभीरता को समझते हुए इस मामले को उचित अंतर्राष्ट्रीय मंच पर उठाकर नॉर्मन प्रिचर्ड द्वारा जीते गए अंतर्राष्ट्रीय ओलम्पिक संगठन के पदकों को रिकॉर्ड बुक्स में भारत के नाम दर्ज करवाने की पहल की जाए।

**(xxiii) Need to provide clean drinking water in fluoride affected regions in the country**

SHRI KESINENI SRINIVAS (VIJAYAWADA): I would like to bring to the notice of the Government the problem relating to high levels of fluoride in the ground water in Vijayawada Parliamentary Constituency.

High amount of fluoride that is greater than 1.5 parts per million (ppm) in drinking water is a serious issue in many parts of India. Fluorosis has been a serious issue in Andhra Pradesh. Evidence indicates that 70-100% parts of the state are afflicted with the problem.

Fluoride is often called a two-edge sword — in small dosages, it has remarkable influence on the dental system by inhibiting dental caries, while in higher dosages causes dental and skeletal fluorosis. When present in concentration of 0.8-1.0 mg/L, fluoride is beneficial for calcification of dental enamel especially for the children below 8 years of age. At higher concentrations (1.5-2.0 mg F/L), fluoride affects adversely and leads to dental fluorosis. At still higher concentration, (3-6 mg *FIL*) skeletal fluorosis occurs. The disease affects the bone and ligaments. Intakes of 20-40mg F/day over long period have resulted in crippling skeletal fluorosis.

Fluoride contaminated ground water is creating health problems in India. Nearly 90 million people including 6 million children in the country in 200 districts in 15 states are affected with dental, skeletal and/or non-skeletal fluorosis.

According to a Central Ground Water Board report, ground water in 20 districts of undivided Andhra Pradesh was found to have concentration of fluoride above 1.5mg per litre.

Doctors assert that 2 mg per litre of fluoride content leads to dental fluorosis. Depending on the length of the exposure, it affects different tissues in the human body affecting teeth, bones, making them brittle and also causing ageing.

People in rural areas generally consume water without any filtration and are adversely affected by dissolved impurities like Fluoride.

In view of the serious health repercussions of fluoride in drinking water, I request the Government to take necessary action to provide clean drinking water to people in excess fluoride affected regions of the country.

**(xxiv) Need to provide a relief package to address the problems being faced by domestic rubber plantation farmers in Kerala**

SHRI JOSE K. MANI (KOTTAYAM): India's domestic rubber plantation sector provides livelihood to more than 12 lakh small and marginal plantation farmers and meets, to a large extent, India's demand for natural rubber. Slump in domestic rubber market due to indiscriminate imports has crippled the rubber plantation sector saddled with unsold stocks season after season. With mounting debt burden the farmers are incapable of switching over to alternative crops and have been solely counting upon market intervention by the Government.

It is in the interest of providing a level playing field for the home-grown produce to restrict rubber imports. The Government's apathy towards the well-being of the domestic rubber producers has emboldened the rubber industry to stock up through cheap imports at the cost of a stable domestic market. The Government seems to have no regulatory mechanism to monitor the quantum of imports much beyond the estimated gap in supply and demand, emboldening the rubber industry to build up inventories far above the projected requirements.

Adhocism has debilitated the domestic plantation sector with a moribund Rubber Board waiting to be resurrected to the status enjoyed by other commodity boards. What is urgently needed is the infusion of at least Rs. 500 crores to the Price Stabilization Fund for plantation crops to supplement the efforts of the State Government.

Hence, I call upon the Centre to provide relief package to the plantation farmers of Kerala.

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SHRI MALLIKARJUN KHARGE (GULBARGA): Mr. Deputy Speaker, Sir, I want to make a submission for two minutes.

HON. DEPUTY SPEAKER: Not two minutes, you say it in one minute only.

श्री मल्लिकार्जुन खड़गे : अरुणाचल प्रदेश में कांस्टीट्यूशनल क्राइसिस हो गया है।... (ब्यवधान)

The Congress Party has got two-thirds majority there and 47 MLAs belong to the Congress Party. The Central Government is instigating\* to divide the Ruling Party there. ... (*Interruptions*)

HON. DEPUTY SPEAKER: No, the Governor's name will not go on record.

SHRI MALLIKARJUN KHARGE: Sir, this is a new development. They have conducted the Assembly sitting outside the Assembly Hall. They have conducted it in a Community Hall. They have removed the Speaker and the Deputy Speaker has presided over the sitting. ... (*Interruptions*)

HON. DEPUTY SPEAKER: This is a State Subject. Please conclude.

SHRI MALLIKARJUN KHARGE: Where is democracy? ... \*

HON. DEPUTY SPEAKER: No, such things will not go on record.

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

SHRI MALLIKARJUN KHARGE: Sir, if you allow, the Government itself participates in the division... (*Interruptions*) In the morning also, I requested ... (*Interruptions*)

HON. DEPUTY SPEAKER: Conduct of a Governor cannot be discussed here. Regarding the Governor, whatever he said, cannot go in the records.

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

SHRI MALLIKARJUN KHARGE: Unfortunately the Speaker did not allow me. This is very bad. Sir, you allow me. At least, I will put forward certain things.... (*Interruptions*)

HON. DEPUTY SPEAKER: Already you have said about that.

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\* Not recorded.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: This is a new development. *Hangama* is going on. Tear gases are being thrown. So, this is very important. If the Government behaves like this, dividing the people and defecting people from the Congress, they want to instal BJP Government with the help of others. ... (*Interruptions*)

HON. DEPUTY SPEAKER: That is enough.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: This is very bad, undemocratic, unconstitutional ... (*Interruptions*)

HON. DEPUTY SPEAKER: I have already allowed you.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: I will tell you. You show me. You are also a very senior leader. You are a senior leader ... (*Interruptions*) Can a Governor interfere in the internal matter of the Government without consulting the Government?... (*Interruptions*)

HON. DEPUTY SPEAKER: Whatever is said about the Governor cannot go on record. I would not allow it.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: Without consulting the Cabinet, they are doing it. We do not want to participate; we will boycott the proceedings for the whole day.... (*Interruptions*)

### **14.12 hours**

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

**14.12 ½ hours**

**STATUTORY RESOLUTION RE: DISAPPROVAL OF ARBITRATION  
AND CONCILIATION (AMENDMENT) ORDINANCE, 2015  
AND  
ARBITRATION AND CONCILIATION (AMENDMENT) BILL, 2015 –  
Contd.**

HON. DEPUTY SPEAKER: Now we are taking up Item Nos. 14 and 15 together.

Motions moved:

“That this House disapproves of the Arbitration and Conciliation (Amendment) Ordinance, 2015 (No. 9 of 2015) promulgated by the President on 23 October, 2015”.

“That the Bill to amend the Arbitration and Conciliation Act, 1996, be taken into consideration.”

Shri B. Senguttuvan to speak.

SHRI B. SENGUTTUVAN (VELLORE): Hon. Deputy Speaker, Sir, I thank you for affording me this opportunity to participate in the crucial debate on the important subject of Arbitration and Conciliation (Amendment) Bill, 2015.

This Amendment Bill introduced by the hon. Minister for Law and Justice seeks extensively to amend the existing provisions of the Arbitration and Conciliation Act, 1996 so as to make the Arbitration and Conciliation law one of the most effective instruments of alternate dispute resolution.

Whilst the Bill was pending in the Parliament, the hon. Law Minister introduced certain more amendments to the Amendment Bill as well as to the Principal Act. The Amendment Bill is perhaps one of the preparatory steps to welcome foreign investors to India to do business in a very conducive climate. Originally the Law of Arbitration was found in the three enactments, namely, the Arbitration Act 1940, the Arbitration (Protocol and Convention) Act 1937, and the

Foreign Awards (Recognition and Enforcement) Act, 1961. The law of Arbitration, as it stood under these enactments was rather incipient and underdeveloped. Perhaps, with the liberalization of the Indian economy, the need to having a more responsive law on arbitration was felt. Therefore, the Arbitration and Conciliation Act, 1996 came to be enacted.

The Arbitration and Conciliation Act of 1996 is actually a model law framed by the United Nations Commission on International Trade Law (UNCITRAL). The United Nations Commission on International Trade Law adopted in 1985 a model law on international commercial arbitration. The General Assembly of the United Nations also recommended that the member countries do give due consideration to the said model law. The single most important feature of the UNCITRAL model law and rules was that they harmonized concepts on arbitration and conciliation found in various legal jurisdictions all over the world and thus they contained provisions which are designed for universal application. Therefore the enactment of the Arbitration and Conciliation Act, 1996 was actually a welcome measure as it enabled the parties to easily resolve their disputes by having recourse to arbitration rather than try it by any other mode or in any other forum. I am talking about the 1996 Act.

It was modelled on the United Nations Commission on International Trade and Trade Law. It had universality of application. However, in the course of its practical implementation, we came to experience that the law is far from perfection and that there are several hiccups and shortcomings in the working of the provisions of the Act. Therefore, the present amendments are being brought about. The Law Commission of India, in its Report no. 246, also suggested that these amendments be carried out to the 1996 Act.

Sir, there are a number of crucial amendments brought about by the Amendment Bill. The first amendment relates to the definition of court in Section 2 of Clause 'e' of the Principal Act. According to the Amendment, the court of jurisdiction in a case of an international commercial arbitration is that of the High Court.... (*Interruptions*)



HON. DEPUTY SPEAKER: Mr. Senguttuvan, hon. Minister would like to say something. You can continue your speech after him.

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Deputy Speaker Sir, I am told that certain remarks have been made against the Governor and also what is happening in Arunachal Pradesh. On behalf of the Government, I have to put the record straight. I do not want to join issue with them in detail. But let me make it very clear that the Governor, as per the Articles 174, 175, 181 of the Constitution, has acted within his rights and from time to time he has been informing the hon. President of India. The legislators, who are in the Ruling Party, they broke away from that Party for whatever reasons know to them, gave a No-Confidence Motion against the Speaker. Then, the Governor has asked the Speaker to face the House and take this No-Confidence Motion. They did not immediately respond to that. So, the Governor has summoned the Assembly and fixed the date of 16<sup>th</sup> yesterday for deciding the No-Confidence Motion on the Floor of the House. Then, the Speaker surprisingly disqualified 14 MLAs. He is facing No-Confidence Motion and he disqualified 14 MLAs. It is really a shame and a challenge to the system. Later, some of the ministers led by the Chief Minister went to Governor on the pretext of discussing something. Instead of discussing, they accused, abused and threatened the Governor. It is really bringing a shame to the system and democracy. If you have majority, you must rule the State. If you do not have majority, you must quit. If you have any doubt then the trial of strength must be taken in the Assembly. They have locked the Assembly. Deputy Speaker has to convene the meeting outside the Assembly Hall. So, surprising things are happening. I am not justifying this party or that party. Earlier also we have seen there, wholesale people coming from that side to this side and wholesale people going from this side to that side. लोकतंत्र में यह कोई शोभा नहीं देता, लेकिन सिस्टम ऐसा है कि हम क्या करें। मेरा यही कहना है कि इसमें केन्द्र सरकार का कोई

हस्तक्षेप नहीं है। There is no role for the Central Government. बार-बार प्रधान मंत्री जी का नाम लेना, बार-बार केन्द्र सरकार को एक्यूज़ करना, आलोचना करना और आरोप लगाकर चले जाना, यह उचित नहीं है।

Sir, lastly, I would like to conclude by saying that in the morning when this issue was to be raised, even the petroleum prices, I stood up and offered by saying: “After the Question Hour the Government will be willing to respond.” The Speaker said: “You cannot decide what is to be admitted.” Yes, Speaker is right. The Speaker has to admit. I said: “Only if the Speaker admits then I am ready.” They did not care for that. They created *hungama* for one hour. They did not allow the Question Hour. They have taken the rights of all the members of the House. Later, they went back to their seats and started demanding: “We should be given an opportunity.” Then, Mr. Deputy Speaker Sir, they were giving slogans, लोकतंत्र की हत्या हो रही है। खुद एक घंटे हत्या की और बाद में सदन से नारे लगाते हुए चले गए। This is becoming a regular practice. This cannot be accepted at all. Everyday the Adjournment Motion is given. I would like to take the entire country into confidence here. One of the Adjournment Motions is to discuss about ‘Tourism in Bihar’. They want the adjournment of the House on this issue. You can understand the seriousness of this issue. Let us follow the rules. Let us go by the Chair. Let us respect the Chair. Then, whatever Chair decides, that is final.

With regard to Governor, there is a clear Ruling by the Chair in the Lok Sabha saying: “You cannot discuss the conduct of the Governor except issues on which he has acted in his discretionary power.”

Here also you can discuss the discretionary power in the House and at the end of the day, the ruling says very clearly that the decision of the Governor cannot be questioned. That is the ruling of the Chair. That is the position of the Constitution.

If they have any grievance, they should approach the court. Instead of doing that, coming here, accusing the Government and abusing the Governor is

not acceptable. Any reference to Governor or his action or any reference to the Arunachal Pradesh Assembly, if they have gone into record, I would urge upon the hon. Deputy Speaker to please remove them from the record.

HON. DEPUTY SPEAKER: Already I gave the ruling that whatever they have raised regarding the Governor's action cannot go into the record. That is expunged. I already gave that ruling. Therefore, that question does not arise.

Now, Shri Senguttuvan, you please continue.

SHRI B. SENGUTTUVAN: Thank you, hon. Deputy Speaker.

The amendment to Section 2 and Clause (e) of the Principal Act runs as follows: “The court of jurisdiction in a case of an international commercial arbitration is that of the High Court and in any other case, the principal Civil Court of the District.”

Clause (f) of Section 2 is also amended whereby a new proviso is incorporated. Section 7 of the principal Act is also amended.

Section 8 in the principal Act which deals with the power of a judicial authority to refer the Parties to arbitration where there is an arbitration agreement.

This amendment seeks to substitute the entire sub-section (1) of Section 8 of the principal Act and adds a proviso to the existing sub-section (2). The purport of the amending exercise is to refer the parties to arbitration and the only limitation to this power of referral is that there is *prima facie* no valid arbitration agreement.

Section 9 of the Arbitration and Conciliation Act is a crucial provision, and this provision also undergoes an amendment in the Amendment Bill. Section 9 deals with the power of the court to pass interim orders pending arbitration proceedings. Whilst the existing provision becomes sub-section (1), new sub-sections 2 and 3 are now added by way of this Amendment Bill. Where the court has passed an interim order of protection under Section 9, prior to the commencement of the arbitral proceedings, then it becomes mandatory as per this amendment to commence the arbitral proceedings within 90 days. This is to do away with the inconvenience caused by interim *ex parte* orders passed in original applications. Hence, the amendment requiring commencement of arbitral proceedings within a period of 90 days of obtaining interim order from the court is certainly a welcome measure. The Court is also under an obligation not to grant such a relief as one that would be denied by the arbitral tribunal in the circumstances of the case.

Section 11 of the Principal Act which deals with appointment of arbitrator, is also extensively amended by Clause 6 of the Amending Bill, 2015. Section 11A has been inserted by Clause 7 of this Amending Bill.

Section 12 deals with the neutrality of the arbitrator. Section 12 of the principal Act is amended under Clause 8 of the Amending Bill. The entire sub-section (1) of Section 8 is substituted with a new sub-section. The arbitrator whilst entering upon arbitration is required to make certain disclosures that may raise justifiable doubts as to his neutrality. He is ineligible to arbitrate when found to have bias in favour of either of the parties.

It may be noticed here that to ensure neutrality of arbitrators, the amended Section 12 of the principal Act provides that when a person is approached in connection with possible appointment of arbitrator, he shall disclose in writing about the existence of any relationship or interest of any kind, which is likely to give rise to justifiable doubts about his neutrality; and the circumstances that are likely to affect his ability to devote sufficient time to complete the arbitration within the stipulated period of 12 months. Further, Sir, if a person is having specified relationship, he shall be ineligible to be appointed as an arbitrator.

Explanation one of the Bills provides that the first Schedule in the Bill guides the grounds giving rise to justifiable doubts about the independence or impartiality of the arbitrator. As per Explanation two which is also being inserted by this amendment, the disclosure shall be made in the form specified in Schedule 6. Schedule 7 sets out the circumstances which affect the ability of the Arbitrator to conclude the Arbitration proceedings within twelve months. Schedules 4 to 7 are new additions under the Amendment Bill.

These are very important provisions. These provisions ensure that the neutrality of the arbitrator is maintained at all costs.

Sir, it is noticed that a new provision of Section 29A inserted by this Amendment provides that the Arbitral Tribunal shall make its award within a period of twelve months. Parties may by consent extend such period up to six

months. Thereafter, the mandate of the arbitrator will terminate unless it is extended by the Court, on sufficient cause being shown. The Court while extending the period may also order reduction of fees of arbitrators not exceeding five per cent for each month's delay, if the court finds that the proceedings have been delayed for reasons attributable to the arbitral tribunal. If the award is made within a period of six months, arbitrator may get additional fees if the parties agree.

The newly inserted section 29B, makes for fast track procedure for conducting arbitration. Under this section, the parties to the dispute may agree to their dispute being resolved through fast track procedure by excluding oral evidence. Award in such cases may be given within a period of six months.

But, Sir, we have our own reservations with reference to the efficacy of this limitation of twelve months period. In the Indian context, it would not be possible to wrap up the entire arbitral proceedings in a period of just twelve months. Arbitration is just not restricted to pleadings alone; but may involve reception of oral/documentary evidence. On occasions, the documentary evidence to be adduced in the arbitration proceedings may not be available immediately and the procurement of which may take considerable time. Therefore, to expect the arbitrator to conclude the proceedings in twelve months is simply not possible given the circumstances prevailing in India.

Sir, we are apprehensive that this requirement of having to complete the arbitration proceedings in a matter of just twelve months, extendable by court by another six months is a counter-productive measure. Since it is feared that it is not possible to wind up proceedings in twelve months and if no agreement is reached for extension, the matter would be taken to court. Years may elapse before a verdict is reached. That is why, it is considered appropriate to provide the time limit of 24 months to conclude the arbitral proceedings. In this connection, I have moved an amendment to sub-section (1) of section 29A to the effect that the "award shall be made within a period of 24 months".

I apprehend that the new provisions by which the fees of the arbitrators are docked by five per cent for the delay which is attributable to him and the provision that his fees may be hiked by consent for quick disposal appear to be opposed to public policy or established judicial principles.

This kind of carrot and stick policy towards the arbitrator is not the right approach. An arbitrator should function with a free and fair mind; and he should give an award based on principles of fairness and established laws of the land. He should not be goaded either by the sense of fear of losing his fees or by the motive of aggrandisement which will not be in public interest. I think it is best that the Government removes this carrot and stick clause from the purview of these amendments.

It is further noticed that the whole of Section 17 of the principal Act has been substituted by a new Section. The new provisions of Section 17 empower the arbitral tribunal with power and discretion to grant extensive interim relief.

It is noticed again that provisions of Section 23, 24 and 25 have also been amended and new Sections 25A, 29A and 29B have been inserted by the amending Bill. By these provisions, the Arbitral Award is to be made within a period of 12 months; and if the parties agree, they may fast-track the procedure to conclude the arbitration in six months. Section 31 has also been amended. A new Section 31A has been incorporated by this amending Bill.

Very importantly, Section 34 has been amended. Section 34 in the principal Act relates to the application to set aside the Arbitral Award. One of the grounds for setting aside the Arbitral Award is that the Arbitral Award is opposed to “public policy”. Experience shows that many an Award, the products of years of arbitral wrangling, have been simply got set aside on the ground that it was opposed to the amorphous concept of ‘public policy’. This amendment has been necessitated by the fact that the Supreme Court of India in the cases of ONGC Ltd. Vs. Western Geco International Ltd., and Associate Builders Vs. Delhi

Development Authority interpreted the definition of “public policy” rather expansively according to the Law Commission.

These judgments of the Supreme Court introduced a justifiable fear that every award could be set aside on the ground of its being opposed to public policy. That is why, the present amendment seeks to introduce a new Explanation to Section 34 restricting the grounds on which an award can be set aside on the ground of its being opposed to public policy.

The amendment Bill further amends Sections 36, 37, 47, 48, 56 and 57 and adds Schedules IV to VII.

In conclusion, we welcome these amendments subject to our reservation on one aspect relating to the period of limitation provided for concluding the arbitration, regarding which I have already said that I am moving an amendment.

Sir, there was some doubt with regard to the prospective and retrospective nature of the amendments. There is a Constitutional prohibition against *ex post facto* criminal laws. All laws would have prospective application unless the intention is very clear that they have retrospective operation. Usually amendments affecting substantive laws will have prospective application and only procedural laws could have retrospective application. However, pending the Amendment Bill, an amendment to the principal Act by way of a new provision of Section 25A has been introduced by the hon. Minister as per which the amendments are prospective in nature as they would not affect the pending proceedings unless the parties otherwise agree.

Barring the reservation to Section 29A, we welcome the legislation as they are intended to speed up the arbitral proceedings and confer jurisdiction on the Indian courts to pass interim orders even where the seat of arbitration is in a foreign country. These amendments consolidate and strengthen the Indian law of arbitration and conciliation. Arbitration and conciliation are two different but very effective modes of Alternative Dispute Resolution Mechanism. In Tamil Nadu, the Government under our hon. Chief Minister, Dr. Puratchi Thalaivi Amma has



provided the courts with the facility of mediation centres, whereby the process of conciliation dispute-resolution is usually reached.

While welcoming this amendment Bill I feel obliged to state that the legal professionals of London, which was the preferred destination for international arbitration, have been able to earn for the country nearly Rs.3 lakh crore per annum by way of arbitration. I fervently wish that India would likewise be a preferred destination for international arbitration and our legal profession would rise up to the challenge. I thank you for this opportunity.

**श्री जगदम्बिका पाल (डुमरियागंज):** उपाध्यक्ष महोदय, मैं आपका अत्यन्त आभारी हूँ कि आपने एक महत्वपूर्ण बिल 'दि आर्बीट्रेशन एण्ड कंसीलिएशन एमेंडमेंट बिल, 2015' पर आपने मुझे बोलने का अवसर दिया है।

आज सम्मानित सदन इस बात का गवाह है, आज क्वश्चन ऑवर में पूरा सदन इस बात से चिन्तित था कि देश में, चाहे वे सर्वोर्डिनेट कोर्ट्स हों, लोअर कोर्ट्स हों, हाई कोर्ट्स हों, सुप्रीम कोर्ट हो, आज पूरे हिन्दुस्तान में जो वादकारियों के हित हैं और जो मुकदमों की पेंडेंसी है, वह 3,06,11,879 है तो स्वाभाविक है कि जस्टिस डिलेड, जस्टिस डिनाइड और इस बात पर माननीय मंत्री जी ने काफी विस्तार से कहा है कि जो देश में केसेज़ की पेंडेंसी है, उन केसेज़ को कम करने के लिए या लोगों को जस्टिस मिल सके, उस दिशा में हमारी सरकार प्रयास कर रही है और निश्चित तौर से हम सरकार को बधाई भी देंगे, क्योंकि पेंडेंसी तो लगातार पिछले वर्षों से चली आ रही है, चाहे वे सर्वोर्डिनेट कोर्ट्स हों, चाहे हाई कोर्ट्स हैं, चाहे सुप्रीम कोर्ट हो, लेकिन उस दिशा में इस सदन में चिन्ता व्यक्त होती है, अदालतों में चिन्ता होती है, वादकारियों के हितों की बात और उनके हक-हुकूम की हिफाजत की बात होती है, लेकिन उस दिशा में कोई कदम नहीं उठाये गये।

मुझे इस बात की खुशी है और मैं निश्चित तौर से अपनी सरकार को बधाई दूंगा कि आज इस पेंडेंसी को कम करने के लिए केवल एक दिशा में नहीं, कई कदम एक साथ उठाये गये हैं। जैसे निगोशिएबल इंस्ट्रूमेंट एक्ट, 1981 को एमेंड करने का काम किया गया है। निगोसिएशन में लोगों के बीच में डिस्प्यूट्स वर्षों बरस चलते हैं, उससे कम से कम लोगों को सुविधा हो या यह 1940 का ओरिजिनल हमारा आर्बीट्रेशन एण्ड कंसीलिएशन एक्ट है, उसको 1996 में एमेंड किया गया, आज उसको हम एमेंड करने की दिशा में इस सम्मानित सदन के समक्ष खड़े हैं या कल ही जिस तरीके से कॉमर्शियल अपीलेट डिवीज़न के कोर्ट्स या कॉमर्शियल डिवीजन के और हाई कोर्ट के लेवल पर भी एक डिवीजन बनाने की बात हुई है, जिससे कि आज जो तमाम कॉमर्शियल डिस्प्यूट्स हैं, वर्षों तक जिनका निस्तारण नहीं होता था और जिससे विकास भी अवरुद्ध होता है, क्योंकि आज कहीं भी कोई डिस्प्यूट हो, कल एम.ओ.यू. हो जाये, किसी के बीच में, दो पार्टियों में एग्रीमेंट हो, गवर्नमेंट और प्राइवेट पार्टी में एग्रीमेंट हो और किसी बात पर कोई डिस्प्यूट उत्पन्न हो जाये तो निश्चित तौर से उस कोर्ट में जाने के बाद सिविल ज्यूरिस्ट्रिक्शन में वर्षों तक उसका कोई निस्तारण नहीं होता और फिर हाई कोर्ट, सुप्रीम कोर्ट तक जाते थे। कोई टाइम बाउंड उसका कोई निस्तारण नहीं होता था, लेकिन आज कम से कम इस सरकार ने इस बात का प्रयास किया

है कि अब इस तरह से जो विकास में या कहीं भी कोई भी एग्रीमेंट हो, प्राइवेट पार्टिज़ में आपस में या गवर्नमेंट के साथ, पी.एस.यूज़. के साथ कोई डिस्प्यूट होगा तो उस डिस्प्यूट को भी हम लोअर लेवल पर सबोर्डिनेट कोर्ट्स में और हाई कोर्ट में एक टाइम बाउंड डंग से उसको निस्तारित करने का काम करेंगे।

आने वाले दिनों में निश्चित तौर से इन केसेज़ की पेंडेंसी भी कम होगी और इस देश में विकास भी बढ़ेगा। जहां तक आज इस एक्ट की बात है, आर्बिट्रेशन एक्ट के एमेंडमेंट को लेकर के माननीय मंत्री जी आये हैं तो इसमें निश्चित तौर से अभी तक जो स्थिति थी कि हमारे यहां आर्बिट्रेशन जो आउट ऑफ कोर्ट डोमैस्टिक इश्यूज़ में होता था, या तो वह मामला कोर्ट में लम्बित हो और दोनों पार्टी इस बात के लिए एग्रीड हैं कि हम आर्बिट्रेशन के लिए तैयार हैं तो कोर्ट निश्चित तौर से उनको एक मौका देती है कि आउट ऑफ कोर्ट दोनों आर्बिट्रेशन कर सकें, लेकिन आज पूरी दुनिया में बड़े पैमाने पर जब भी कहीं इंटरनेशनल कोई एग्रीमेंट होता है, किसी के साथ कोई व्यापार होता है, कोई ट्रेड होता है तो उसमें एक क्लॉज़ अब आर्बिट्रेशन का भी है। लेकिन, पहले हमारे यहां इंटरनेशनल आर्बिट्रेशन के लिए कोई इफेक्टिव या कोई टाइम-बाउण्ड एक्ट नहीं था। आज इसे प्रभावी ढंग से लागू करने के लिए हमने 1996 के एक्ट में अमेंडमेंट किया है। इसके दो बड़े महत्वपूर्ण पार्ट्स हैं। इसमें पार्ट-वन में है - **any arbitration conducted in India.** यह उसके इंफोर्समेंट के लिए है। जो दूसरा पार्ट-टू है, उसमें **enforcement of foreign awards** है। इसमें साफ दिया गया है कि अगर कोई डोमैस्टिक अवार्ड होगा, वह पार्ट-वन के माध्यम से गवर्न होगा और अगर कोई इंटरनेशनल अवार्ड होगा, वह पार्ट-टू से गवर्न होगा। इंटरनेशनल अवार्ड पर न्यूयार्क कंवेंशन और जेनेवा कंवेंशन एप्लाइ करेगा और यह पार्ट-टू से गवर्न होगा। वर्ष 1996 के एक्ट में जो दो अन-युजुअल फीचर्स थे, उसमें एक लॉ था, उस लॉ को भी हमने अपने इंटरनेशनल कॉमर्शियल आर्बिट्रेशन के साथ किया है। इस संबंध में माननीय मंत्री जी बड़े स्पष्ट तौर पर अपना अमेंडमेंट लेकर आए हैं।

इस अमेंडमेंट का मूल उद्देश्य दो-तीन चीज़ें हैं। एक तो यह कि अभी तक ज्युरिस्टिक्शन तय नहीं था कि अगर हमारा डोमैस्टिक आर्बिट्रेटर होगा, वह किस लेवल पर जाएगा? वे अब सिविल के जो ऑरिजिनल ज्युरिस्टिक्शन कोर्ट होंगे, उसमें जाएंगे। अगर कोई इंटरनेशनल डिस्प्यूट होगा, उसके लिए केवल हाई कोर्ट के लेवल पर ही जा सकते हैं। पहले आर्बिट्रेटर की जो नियुक्ति की बात थी, वह कितने दिनों में होगी, यह निश्चित नहीं थी। आर्बिट्रेशन की बात हो जाने के बाद भी आर्बिट्रेटर की नियुक्ति नहीं होती थी। आर्बिट्रेशन भी अब टाइम बाउण्ड हो जाएगा। इस प्रकार, आर्बिट्रेशन के पीछे की जो मंशा थी कि अगर दो पार्टियों के बीच कोई डिस्प्यूट है, तो उस डिस्प्यूट को आउट-ऑफ-कोर्ट सुलझाने के लिए एक

समयबद्ध ढंग से काम कर सकें, तो उस दिशा में इस एक्ट के आने के बाद से करोड़ों-अरबों रुपए के जो डिस्प्यूट्स आज भी कई अदालतों में पड़े हुए हैं, उनका आज एक ज्युरिस्ट्रिक्शन भी तय हो जाएगा कि डोमेस्टिक और इंटरनेशनल आर्बिट्रेशन के लिए क्या होगा?

जैसा हमारे अन्य माननीय सदस्यों ने भी कहा है, *from the date of service on the opposite party*, ऑपोजीट पार्टी को नोटिस हो जाने के 60 दिनों के भीतर इसकी नियुक्ति करना एकदम निश्चित तौर से जरूरी हो जाएगा। इसी तरीके से इसमें कहा गया है - *The award shall be made within 12 months*. इसके लिए भी 12 महीने का समय दिया गया है। इसके लिए फास्ट ट्रैक प्रोसीजर होगा।

It is clearly mentioned in clause 2(1) of the Bill :

“(e) “Court” means—

(i) in the case of an arbitration other than international commercial arbitration, the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a suit, but does not include any Civil Court of a grade inferior to such principal Civil Court, or any Court of Small Causes;”

अब इससे स्पष्ट हो गया कि अगर कोई डोमेस्टिक आर्बिट्रेशन होगा, वह इस कोर्ट में ही होगा। It further reads:

“(ii) in the case of international commercial arbitration, the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a suit, and in other cases, a High Court having jurisdiction to hear appeals from decrees of courts subordinate to that High Court;”

कम से कम अभी तक हमारे देश जुरिस्ट्रिक्शन तय नहीं था कि हम किसी आर्बिट्रेशन को किस लेवल के कोर्ट पर लेकर जाएंगे, सिविल कोर्ट्स के सबऑर्डिनेट कोर्ट में ले जाएंगे या हाई कोर्ट के लेवल पर ले जाएंगे। इस अमेंडमेंट के लिए मैं माननीय मंत्री जी को बधाई दूंगा। आज देश में हजारों, लाखों, करोड़ों डिस्प्यूट्स हैं और आर्बिट्रेशन की बात होती है, तो उससे कम से कम एक स्पष्ट जुरिस्ट्रिक्शन हो जाएगा। इसी तरह से सेक्शन 12बी है और उसके 13 में जो अमेंडमेंट हुआ है,

“(13) An application made under this section for appointment of an arbitrator or arbitrators shall be disposed of by the Supreme Court or the High Court or the person or institution designated by such Court, as the case may be, as expeditiously as possible and an endeavour shall be made to dispose of the matter within a period of sixty days from the date of service of notice on the opposite party.”

कम से कम जो अभी तक विसंगतियां थीं, अभी तक जो दुविधा थी कि कितने दिन में मुकर्रर होगा, तो वह इसमें साफ हो गया है कि अगर अपोजिट पार्टी को एक नोटिस मिल गया तो 60 डेज में जो भी प्रेसक्राइड हाई कोर्ट हो, सुप्रीम कोर्ट हो, इसके अंतर्गत उसकी नियुक्ति हो जाएगी। इसी तरीके से साफ है, जो सेक्शन 15 है,

“After section 29 of the principal Act, the following new sections shall be inserted, namely:— “29A. (1) The award shall be made within a period of twelve months from the date the arbitral tribunal enters upon the reference.”

इसमें भी साफ है कि आज कम से कम जो एम्बिग्विटी थी कि कोई टाइम लिमिट नहीं थी, तो अब कम से कम इस 29ए और 29बी के जो न्यू सेक्शंस को इनसर्ट किया जा रहा है, इससे कम से कम आर्बिट्रियल अवार्ड में टाइम लिमिट होगी कि इसमें 12 महीने से ज्यादा नहीं लगेंगे। निश्चित तौर से लोगों को एक सुरक्षा मिलेगी। वादकारियों के हितों के लिए पहले एक आर्बिट्रेशन मुकर्रर हो जाता था, उसके बाद कोर्ट समझती थी कि हमने एक आर्बिट्रेटर मुकर्रर कर दिया या नियुक्त कर दिया, लेकिन उस आर्बिट्रेटर के लिए कोई टाइम लिमिट नहीं होती थी, तो जो परपज होता था, वह परपज भी डिफीट हो जाता था। 29बी में भी है कि इसको हम टाइम बाउंड करें और इसके साथ ही जो प्रोसीजर हो वह फास्ट ट्रैक हो।

“29B. (1) Notwithstanding anything contained in this Act, the parties to an arbitration agreement, may, at any stage either before or at the time of appointment of the arbitral tribunal, agree in writing to have their dispute resolved by fast track procedure specified in sub-section (3).”

मैं समझता हूँ कि 29बी इनसर्ट करने के बाद, इस अमेंडमेंट के बाद अब जो कार्रवाई होगी, इससे फास्ट ट्रैक प्रोसीजर होगा। मुझे लगता है कि आज सदन कम से कम माननीय मंत्री जी और हमारी सरकार को इस बात के लिए बधाई देगा कि चाहे वह कामर्शियल डिस्प्यूट्स हों, चाहे आर्बिट्रेशन की बात हो या चाहे निगोसिएशन एक्ट हो, आज हर तरफ जिस तरीके के अमेंडमेंट ला रहे हैं, उसे लाने का एक ही उद्देश्य है, एक ही परपज है कि देश के गांव, गरीब, खेत-खलिहान में बैठे हुए लोगों को भी सस्ता और

सुलभ न्याय मिल सके, उस दिशा में यह सरकार प्रयास कर रही है। हम इसके लिए माननीय मंत्री जी को बधाई देना चाहते हैं और सरकार को बधाई देना चाहते हैं कि आने वाले दिनों में जो हम लोगों को वादकारियों के हितों की चिंता थी, जिस तरीके से पेंडेंसी थी, उस पेंडेंसी को कम करने की दिशा में अग्रसर होंगे।

अभी तक सिविल नेचर के जो केसेज होते थे या जो आईपीसी, सीआरपीसी के केसेज होते थे, उसी की चिंता होती थी कि उसके निपटारे हों, लेकिन दूसरी तरफ जो इकॉनॉमिक आफेंसेज, इकॉनॉमिक डिस्प्यूट्स या इकॉनॉमिक इस तरीके की विसंगतियां थीं, उसके संबंध में अभी तक सरकारों ने कोई कार्रवाई नहीं की थी। अब सरकार उस डिस्प्यूट के संबंध में एक समयबद्ध फास्ट ट्रैक प्रोसीजर के साथ जूरिस्टिक्शन स्पष्ट करते हुए इसे करने जा रही है, तो निश्चित तौर से इस देश को और लोगों को आने वाले दिनों में लाभ मिलेगा।

महोदय, आपने समय दिया इसके लिए मैं धन्यवाद देते हुए इस बिल का सपोर्ट करता हूं।

**श्रीमती अर्पिता घोष (बालूरघाट):** सर, मैं आपका और अपनी पार्टी का बहुत आभारी हूँ कि मुझे Arbitration and Conciliation (Amendment) Bill, 2015 पर बोलने का मौका दिया गया है। यह सबको पता होगा कि यह बिल राज्य सभा में वर्ष 2003 में आया था, उसके बाद में यह पार्लियमेंट्री स्टैंडिंग कमेटी में गया। वर्ष 2005 में कमेटी की रिपोर्ट सब्मिट हुयी। उसके बाद 10 सालों तक इसके ऊपर कोई काम नहीं हुआ। We really welcome it and we thank the Minister for expediting it. वह उस को एक्सपीडाइट किये हैं और इस बिल को सदन में चर्चा के लिए प्रस्तुत किया है, जो बहुत जरूरी था। यह दस साल से पड़ा हुआ था। यह टाइम बाउंड होना बहुत जरूरी था। India is ranking 178 among 189 nations on enforcing contracts. We welcome it. यह यूजर्स फ्रेंडली है, यह कॉस्ट इफेक्टिव होगा, इससे केस का जल्दी डिस्पोजल होगा। यह हमारे लिए बहुत जरूरी था। हमने देखा है कि लिटिगेशन बहुत सालों तक चलता रहा। अभी जो बिल आया है, उसमें मुझे यह अच्छा लगा है कि इसमें टाइम बाउंड लिमिटेशन कर दी गयी है कि यह बारह महीने में खत्म होगा, जब जरूरत पड़ेगी या कोर्ट के पास यह आयेगा कि इसके लिए थोड़ा समय बढ़ाया जाये तो इसका समय छः महीना और बढ़ाया जा सकता है, उसके लिए कोर्ट सोचेगी। कोर्ट सोचेगी कि 18 महीने के बाद इसे कैसे क्या किया जाये तभी यह काम ठीक-ठाक हो सकता है। फीस के बारे में भी हम देख रहे हैं कि इसे जल्दी खत्म किया जाये, छः महीने के अंदर इसे खत्म किया जाये, उसके लिए पार्टीज सहमत होते हैं तो उसके लिए एडीशनल फी की परमिशन दी जा रही है, मतलब कोई प्राइस देने की सोच रहे हैं। आप किसी को कोई भी काम के लिए प्राइज देते हैं तो उसके अंदर यह भावना पैदा होती है कि काम का निपटारा जल्दी से किया जाये। मिनिस्टर साहब ने यह सोचा है, उसके लिए हम बहुत आभारी हैं। उनकी सोच बहुत अच्छी है कि जल्दी काम कैसे किया जाये। इंडिया में बहुत फॉरेन इन्वेस्टमेंट की जरूरत है और वे आ भी रहे हैं। वर्तमान समय में ये सब चीजें सामने नहीं आयेंगी तो हमारे भविष्य के लिए अच्छा नहीं होगा। हमें लगता है कि यह बिल सदन से पास होकर जल्दी लागू होना बहुत ही जरूरी है। एप्वाइंटमेंट ऑफ आर्बिट्रेटर्स के विषय में जो कहा गया है, जो इम्पार्शियल पार्ट है, यह भी बहुत महत्वपूर्ण है। बहुत क्लॉजेज आये हैं कि इम्पार्शियल पार्ट होना बहुत जरूरी है। किसी को कहीं पर कोई भी कनेक्शन रहा तो उसको नहीं लिया जाये, या उसके लिए कोर्ट विचार करे, उसके लिए जो इसमें क्लॉजेज दिए गये हैं, वे बहुत महत्वपूर्ण हैं। यह कनेक्शन होने से हमने देखा है कि काम ठीक से निपटारा नहीं जाता। इसके बारे में भी मिनिस्टर साहब ने बहुत बढ़िया सोच रखा है और क्लॉजेज बहुत अच्छे रखे हैं। Under the Appointment of Arbitrators, cases may be disposed of expeditiously and endeavour should be made to dispose of the matter

within a matter of sixty days. यह भी बहुत जरूरी था, नहीं तो यह देखा गया है कि आगे चल कर डिफॉल्टर बहुत होते हैं। ज्यादातर देखा गया है कि सेन्ट्रल गवर्नमेंट सबसे ज्यादा डिफॉल्टर रही है। मिनिस्टर साहब इसके बारे में सोचेंगे कि इसको कैसे हैंडल किया जाये?

मैं दूसरी बात कहना चाहती हूँ कि अभी जो आर्बिट्रेटर्स नियुक्त किये जाते हैं या पैनल ऑफ आर्बिट्रेटर्स हैं, वे ज्यादातर सुप्रीम कोर्ट या हाई कोर्ट के रिटायर्ड जज होते हैं। अगर नॉन-लीगल एक्सपर्ट्स लिए जायें, जैसे इंटरनेशनल आर्बिट्रेटर सेन्टर्स हैं, वैसे नॉन-लीगल कुछ पर्सन्स इस पैनल में आ जायें तो बेहतर होगा। रिटायर्ड जजेज को छोड़ कर रेलगुलराइज लीगल एक्सपर्ट्स का आना बहुत जरूरी होगा। कुछ नये आर्बिट्रेशन सेन्टर्स खोलने की जरूरत है, ट्रेनिंग सेन्टर्स बढ़ाने की जरूरत है, इग्जिस्टिंग ट्रेनिंग सेन्टर्स को मॉडिफिकेशन की जरूरत है क्योंकि आर्बिट्रेशन केसेज जितनी जल्दी निपटाया जायेगा, हमारे देश के लिए उतना अच्छा होगा। मुझे आशा है कि इन सब के बारे में गवर्नमेंट सोचेगी कि कैसे इसे जल्दी किया जाये, उनके अप्वाइंटमेंट के बारे में और ज्यादातर लोग आर्बिट्रेशन के क्षेत्र में आयें और जो मॉड्यूल बनता है। जब लीगल पढ़ाया जाता है तो इसे स्पेशल मॉड्यूल बनाकर आर्बिट्रेशन में लाना चाहिए तभी बेहतर होगा। मुझे आशा है कि आगे चलकर सेन्ट्रल गवर्नमेंट इस बारे में सोचेगी। जो स्टेप्स सरकार ले रही है, मुझे लगता है कि यह स्टेट के लिए बहुत ही अच्छा रहेगा। **We really welcome this once again.** लेकिन ये स्टेप्स 10 साल बाद आए हैं, इसे जल्दी किया जाना चाहिए **Implementation is the most important part.** हमलोग लॉ बना लेते हैं, इम्पलिमेन्टेशन के लिए हमको ठीक तरह से सोचना चाहिए, आगे चलकर यह हमारे लिए फायदेमंद होगा। **Thank you very much.**



SHRI TATHAGATA SATPATHY (DHENKANAL): Sir, namaskar. I rise to speak on the Arbitration and Conciliation (Amendment) Bill, 2015.

As you know, it is a well-established fact that unfortunately both the Central Government and most of the State Governments invariably lose cases when it comes to arbitration. It is also a fact that for the past 15 years or so, maybe a little longer from 1992 onwards when that so-called liberalization took place, our legal system, our Government have more or less been run from the shadows by foreign consultants and mega Indian corporates.

It is true that arbitration and conciliation are both necessary components for creating a proper environment for conducting business between any two parties. But this also gives me a peep into the governance angle vis-à-vis the legal side of this country. If the Government can so bravely go ahead and pass an Amendment Bill stating that a certain timeframe is set by which time a particular arbitration has to be completed, why cannot the hon. Minister think that a similar timeframe should be set for civil and criminal cases of different magnitudes? Maybe we can have different timings. A murder case could take shorter time, a rape case could take even shorter time and other cases could take slightly longer.

But it is not only justice delayed is justice denied. That is too oft repeated and it makes no sense. The other part that is actually taking place in this country is people are losing faith in our judicial system because they feel that there is no justice, it never comes, when it comes also it has no significance. All these plethora or slew of regulations that are being brought to Parliament – yesterday there was that commercial courts Bill as you are aware and today this Arbitration and Conciliation (Amendment) Bill – show the Government's eagerness for strengthening the mindset of ease of doing business. And this Bill professes to create an alternative dispute resolution mechanism.

Here the assumption is that the arbitrator will be unbiased. It is in Section 12. And it is up to the magnanimity of the arbitrator to be honest or not and come out clean with her or his connections with either of the concerned parties.

Government here should also consider setting up an institute like the ones you have for training the IPS and the IAS officers. Like that you can have a training institute where you create a bunch of arbitrators who are trained professionally. We should not take retired people because it is time our mindset moved beyond retired people. We should employ younger people who can put in longer hours. Give them proper salaries, check their background and train them to be arbitrators.

I will give an example of how arbitration takes place currently. In the Krishna-Godavari Basin gas field, the bid was put up in 1999.

### **15.00 hours**

Interestingly, ONGC and Reliance were two bidders and both of them took 10 years, from 1999 when they got the bid, to start the work. In 2009, they started the work. ONGC, which is a Government company funded by taxpayers' money is supposed to be doing good for the country. In 2013, ONGC claimed that Reliance had siphoned off Rs 11,000 crore worth of gas from ONGC blocks. That means they had dug in, made a pipeline and siphoned off gas from ONGC blocks.

I am happy that my colleagues are interested that Reliance should be investigated. I for one have always been saying that our mega corporates have not become mega by inventing something. They are not Microsoft, they are not Apple, they are not Ford. They have become rich, super rich and maybe one of the richest in the country simply by looting the national resources. These people have managed to corner our coal, our petroleum, our gas, our land through bureaucratic grip, through bureaucratic strength and they have become rich. We have yet to see an Indian company make a mark in the world theatre by creating something. We have not seen that as yet.

Going back to Krishna-Godavari basin case, Reliance India Limited did not even bother to reply. Then the Directorate General of Hydrocarbons set up an independent study by a US-based consultant DeGolyer and MacNaughton. The consultant submitted that ONGC's claims were valid. ONGC filed a case in Delhi High Court in May, 2015 against Reliance Industries Limited. Reliance India

Limited is already contesting three arbitration suites in connection with its KG basin operations. Reliance Industries Limited ignored the national interest.

Similarly, it is very surprising in the case of Vodafone. I am not sitting here and judging whether Vodafone is right or wrong. But Vodafone has been slapped with a huge income tax claim by the Ministry of Finance of the Government of India. It is through a process of law and who has passed that law? This very House, these hon. Members have passed that law. Basing on that law, taking strength from that law, Vodafone was slapped with an income tax amount to be paid. Unfortunately, our system is such that Vodafone has not even bothered to go in appeal and it has not asked for arbitration. Yet, it is there all over this country and the Government sits quiet. We do not have the teeth to implement our own Government's orders.

You have brought in an amendment to Section 25 (a) saying that this Act will not be retrospective. When the Bill for judges' pension and salary could be retrospective, why can you not amend it with retrospective effect so that ONGC-RIL case could be brought under this Act and let it be adjudicated as early as possible within 18 months and let the people of this country get some justice some time. Let us be fair to them.

Sir, we have very big legal luminaries in this Government who we know are going through bad times. I am not mentioning DDCA; that is not my concern. You were there in the earlier House also. You have seen how those same lawyers managed to destroy and pull down that Government and destroyed the country in the process. So, we know the acumen and the ability of our lawyers. They are great people. Nobody can challenge their intelligence. But as far as matters of governance go, I do not think or I do not agree that they are actually good at it.

This section 24 says that there will be hearings on a daily basis without adjournments. I mentioned the point that if you can actually legislate like that and complete cases within a specific time, please consider whether this could be done for other cases also.

I would like to give one small example. When we have this law in force, let us say, suppose a company like Adani goes for arbitration with an arbitration case to the Orissa High Court – it has not gone, I am just giving an example. I do not know who Adani is. It goes to the Orissa High Court and asks for an arbitration and the High Court sets up an arbitration desk or court and they file a case regarding a port that they own in the State, let us assume. It could be Chennai. One day you will be happy or you will be surprised to know that the Chennai Port also belongs to Adani. It is not impossible. ... (*Interruptions*)

SHRI NISHIKANT DUBEY (GODDA): Who is Adani? ... (*Interruptions*)

SHRI TATHAGATA SATPATHY : I do not know. It could be Nishikantji also. ... (*Interruptions*) I am not saying anything. Nishikant Dubeyji is present in the House; so, I can take his name. Now, I am scared. I am looking around. I am seeing whoever is around because I can take only their names. Otherwise, it seems, you cannot take the name of John F. Kennedy because he is not present in the House. How do we know? His ghost might be here. ... (*Interruptions*)

Anyway, I am coming back to arbitration. They have placed this Adani agent in the Paradip Port Trust now. This gentleman is busy damaging the port and making it grind to a halt. They are in the process of completely destroying Paradip Port. When you can do that, is it possible that in this arbitration thing, unless you have a professional team of arbitrators, the Government will set up arbitrators who will seem suitable to say, Mukeshji. ... (*Interruptions*) No, he is not in the House. I was talking about that Hindi film singer. Is it possible that there can be spot fixing or match fiction? I would like clarity of vision in this case.

I would also request this in the end. Have you worked out any process for the common citizen owning a small business establishment who gets involved in a litigation of a small amount to get justice faster? Or, will this only be a country of corporates? Ease of doing multi-billion dollar business may become our national slogan instead of Satyameva Jayate.

Thank you, Sir.

**श्री श्रीरंग आप्पा बारणे (मावल):** महोदय, मैं मध्यस्थता और सुलह अधिनियम, 2015 के समर्थन में बोलने के लिए खड़ा हुआ हूँ। हालांकि मध्यस्थता और विवाद निस्तारण का तेज और सस्ता विकल्प माना जाता है लेकिन सर्वोच्च न्यायालय ने हाल ही में एक फैसले में कहा है कि यह तरीका निहायत महंगा और समय खपाऊ है। यह बात सर्वोच्च न्यायालय ने अपनी एक सुनवाई के दौरान कही है। यह भी कहा है कि इसी प्रक्रिया को निर्विवाद रूप से अदालत में चुनौती दी जाती है।

मध्यस्थता और सुलह अधिनियम के कुछ प्रावधान ऐसे हैं जो इस पूरे क्षेत्र को ही इस विषय पर अधिवक्ताओं के लिए जोरदार बना देते हैं। वर्ष 1996 का यह अधिनियम संयुक्त राष्ट्र के अंतर्राष्ट्रीय व्यापार कानून अथवा यू.एन.सी.आई.टी.आर.एल. के अनुकरण में बनाया गया है। अगर हम उच्च न्यायालय तथा उच्चतम न्यायालय के दिए गए फैसलों को देखें तो यह मामला अब गहरी कानूनी अव्यवस्था का रूप ले चुका है। हाल ही में सर्वोच्च न्यायालय ने एक फैसला दिया, जिसमें विवाद की शुरुआत सन् 1995 के आसपास हुई थी जबकि फैसला सन् 2005 में सुनाया गया। दिल्ली उच्च न्यायालय की एकल पीठ के समक्ष पहली चुनौती का निस्तारण वर्ष 2006 में हुआ और इसी न्यायालय के समक्ष अपील का निस्तारण वर्ष 2012 में हुआ। इसके उपरांत भी ऐसा नहीं लगता है कि ये मामले यहीं पर खत्म हो जाते हैं बल्कि गलतियों में सुधार के लिए समीक्षा याचिका और उपचारात्मक याचिका के रूप में अलग-अलग तरह से न्यायालय का दरवाजा खटखटाया जाता है।

यह अधिनियम अपील की गुंजाइश को सीमित करता है। बहरहाल उस शाब्दिक प्रावधान ने अपीलों के लिए कोई चुनौती पेश नहीं की और एसोसिएटेड बिल्डर्स मामले में दिए गए फैसले में कम से कम 20 नजीरों का उल्लेख है। किसी भी मामले में दिए गए फैसले को तब चुनौती दी जा सकती है, जब वह भारतीय कानून अथवा देशहित या फिर न्याय और नैतिकता के प्रतिकूल हो। ये लचीलें वाक्यांश हैं और विभिन्न मामलों में उनको अलग-अलग तरीके से परिभाषित किया जा सकता है। अदालती हस्तक्षेप की रोक के बावजूद सर्वोच्च न्यायालय मध्यस्थता के मामलों में हर साल बड़ी संख्या में सुनवाई करता है और फैसले सुनाता है। उच्च न्यायालय के पास अपनी समस्याएं हैं। मध्यस्थों की नियुक्ति ही पहला और सबसे विवादास्पद मसला है। अनेक मामलों में सर्वोच्च न्यायालय के एक लंबे फैसले की हिचकिचाहट के बाद वापस लेना पड़ा क्योंकि न्यायाधीशों ने कुछ तथ्यों की अनदेखी कर दी थी।

एक सवाल अक्सर उठाया जाता है कि अनुबंध में मध्यस्थता का प्रावधान है या नहीं। यहां तक कि सर्वश्रेष्ठ मसौदाकार भी गलतियां करने से बच नहीं पाता। एक और मुद्दा जिस पर बार-बार असहमति पैदा होती है कि मध्यस्थता पंचाट का क्षेत्राधिकार क्या हो? कुछ अन्य मसले जो अदालती आदेश तक मध्यस्थता

के मामलों को ठिठकाए रखते हैं, वे हैं मध्यस्थ का आचरण, अंतर्राष्ट्रीय अनुबंधों में प्रशासनिक कानून और विदेशी मामलों में दिए गए फैसलों को प्रवर्तन आदि।

विधि आयोग ने अपनी 246वीं रिपोर्ट, जिसका संबंध मौजूदा कानून में संशोधन से है, ने कई सुझाव दिए हैं। इसमें तयशुदा शुल्क ढांचा भी शामिल है। यह सिफारिश इसलिए की है ताकि मध्यस्थता के बढ़ते खर्च को सीमित किया जा सके। आदर्श शुल्क का प्रस्तावित ढांचा उतना ही अव्याहारिक होगा जितना कि सर्वोच्च न्यायालय के अधिवक्ताओं के लिए तय प्रस्ताव। सन् 1996 के अधिनियम में सुधार के 100 से अधिक प्रस्ताव लम्बित हैं। इससे पहले भी कानून को सुधारने का प्रयास किया जा चुका है।

महोदय, मैं आपके ध्यान में लाना चाहता हूँ कि देश की विभिन्न अदालतों में लगभग तीन करोड़ से अधिक केस सुनवाई के लिए पेंडिंग पड़े हैं, जिस पर माननीय सुप्रीम कोर्ट ने भी चिन्ता व्यक्त की है। जिला अदालतों में 2 करोड़ 92 हजार से अधिक केस पेंडिंग हैं, जिनमें से 10.40 प्रतिशत केस दस साल से अधिक और 18.02 प्रतिशत केस पांच से दस साल से पेंडिंग हैं। इनमें से 41.64 प्रतिशत केस पिछले दो साल और 29.94 प्रतिशत केस पिछले दो से पांच साल से पेंडिंग पड़े हैं। लगभग 40 लाख से अधिक केस देश के उच्च न्यायालयों में पेंडिंग हैं, लगभग 58,906 से अधिक केस सुप्रीम कोर्ट में पेंडिंग हैं। 56 वर्ष से महाराष्ट्र-कर्नाटक सीमा विवाद सुप्रीम कोर्ट में पेंडिंग है।

इससे पहले भी इस कानून को सुधारने का प्रयास हो चुका है, विधि आयोग की 176वीं रिपोर्ट पर आधारित यह कोशिश इसलिए विफल रही क्योंकि राज्य सभा ने वर्ष 2003 में ही संशोधन पारित कर दिया था, लेकिन स्थायी समिति विधेयक में सुधार करना चाहती थी, लेकिन वह स्वतः समाप्त हो गया। अब एक और मौका है, जिसके जरिए मध्यस्थता में विश्वास बहाल किया जा सकता है।

अतः मैं सरकार द्वारा लाए गए इस विधेयक का पुरजोर समर्थन करता हूँ। लेकिन वह स्वतः समाप्त हो गया। अब यह मौका है जिसके माध्यम से विश्वास बहाल किया जा सकता है। मैं अंत में सरकार द्वारा लाए गए इस विधेयक का समर्थन करते हुए अपनी बात समाप्त करता हूँ।

SHRI A.P. JITHENDER REDDY (MAHABUBNAGAR): Thank you very much, Sir, for giving me this opportunity.

The basic premise behind Alternative Dispute Resolution (ADR) is to provide parties a cheaper, quicker and more flexible alternative to the rigid Court dispute-redressal process. This Amendment Ordinance is a well-intended initiative by the Government to improve the arbitration process, and I welcome the move. However, there are still a few key structural deficiencies with the Ordinance that needs to be addressed immediately. I have also moved an amendment on this.

It is unclear whether the amended provisions shall apply to pending arbitration proceedings. The Law Commission of India, in its 246<sup>th</sup> Report, which recommended amendments to the Arbitration & Conciliation Act, 1996, had proposed to insert a new Section 85-A to the Act, which would clarify the scope of operation to each amendment with respect to pending arbitration proceedings.

However, this specific recommendation has not been incorporated into the Ordinance. One of the reasons for bringing about this ordinance is to instil a sense of confidence in foreign investors in our judicial process, with regard to certainty of implementation in practice and ease of doing business. Therefore, it is strongly urged to incorporate Section 85A as proposed by the 46<sup>th</sup> Report of the law Commission of India, where it clearly states the scope of operation of the amended provisions.

As regards Clause 15 of this Ordinance, which inserts Section 29A - time limit for Arbitral Award is a serious obstacle which creates more problems than it solves. Section 29A sub - section (1) "The award shall be made within a period of twelve months from the date the arbitral tribunal enters upon reference".

This provision sets a 12 month time limit for completion of the arbitration proceedings, failing which, parties can agree for only six months extension. Yes, I do appreciate that it is with good intentions to speed up the process of an

arbitration process but, at what cost? This time limit is quite unreasonable as well as unrealistic in practical terms.

As per Section 29A sub-section (4), failing to complete the arbitration proceeding within 12 - 18 month period will result in the termination of the arbitration, if the Court has not extended the period. And, if the Court does grant an extension, it is only after deducting up to 5 per cent fees from arbitrators for the delay each month. Not only we are creating additional burden for the parties to an arbitration, but we are also burdening the courts. It goes against the objective for bringing in this Ordinance, as an increase in judicial intervention in arbitration matters will only lessen foreign investor confidence in the Indian judicial system. It could also potentially threaten the quality of the final arbitral award as a result of the impractical time limit prescribed. It is problematic for us to determine the time-period for completion of proceedings under Arbitration, as it primarily depends on the case. While a simple contract dispute involving little or no witness evidence might be resolved within 12 months, but what about a complicated construction dispute involving multiple parties (and possibly multiple contracts), tens of complex claims and counterclaims requiring factual and expert evidence, and involving millions or billions of dollars in dispute? Would it not this take substantially longer? Let us not create a restrictive environment even in the world of Alternative Dispute Resolutions which is founded on principles of limited regulation. This specific amendment is based on a faulty premise that one-size fits all approach will work in India irrespective of the nature, complexity and stakes involved in the different disputes.

The London Court of International Arbitration had suggested that the median duration for arbitration was 16 months. However, its website also highlights that "there is no such thing as an "average" arbitration. Sums in issue, and technical and legal complexity may vary greatly between one case and another, as may the volume of evidence, oral and written, that may be required to determine the dispute. We should not intervene and prescribe a time limit for



finalizing a dispute, which is fundamentally a judicial function, and not necessarily a legislative requirement. Therefore, I would strongly urge the Government to address this rigidity in the Amendment Bill and consider either removing this clause which inserts Section 29A from the Bill altogether, or to at least changing the time limit from 12 months to a more realistic 24 months instead. My case has already taken 18 months. The hon. Minister has not solved it yet. You know my arbitration and this arbitration will go for a long time. So, I request that some period should be given otherwise the confidence of the companies will be taken away.

Thank you.

SHRI KESINENI SRINIVAS (VIJAYAWADA): Hon. Deputy-Speaker, Sir, thank you for giving me this opportunity.

The judicial system in India continued to evolve through the reigns of the Maurays, the Mughals and the British. The present system has held India in good stead. However in the significant increase in the role of international trade, the economic development of nations over the last few decades has been accompanied by a considerable increase in the number of commercial disputes as well.

In India too, rapid globalization of the economy and the resultant increase in the competition has led to an increase in commercial disputes. At the same time, however the growth of industrial growth, modernization and improvement of socio economic conditions, in many instances has out-paced the growth of dispute resolution mechanisms. In many parts of India rapid development meant increased case loads of already over-burdened courts further leading to notorious slow adjudication of commercial disputes. As a result alternative dispute resolution mechanism including arbitration has become more crucial for businesses operating in India as well as for those doing business with Indian firms.

In sum, a huge influx of overseas commercial transactions spurred by the growth of Indian economy has resulted in a significant increase of commercial disputes and arbitration practices lagged behind. The present arbitration system in India is still plagued by many loopholes and shortcomings. The quality of arbitration has not qualitatively developed as a quick and cost effective mechanism for resolution of commercial disputes. According to the World Bank's 'Ease of doing Business' Report for the year 2015, India has been ranked 178 of the 189 nations in the world in contract enforcement. The World Bank's 'Ease of doing Business' rankings analysed the whole business eco system in the country. The rankings include parameters like starting a business, dealing with construction permits, getting electricity, access to credit and enforcing contracts amongst a total of ten parameters.

Sir, India has shown a significant jump of nine places in starting a business parameter and 29 places in getting electricity in the 2016 rankings as compared to 2015. However, there is a drop in the ranking by six places on access to credit and the country's rank on enforcing contracts has remained unchanged at the 178<sup>th</sup> position.

The contract enforcement rankings factor in quality of judicial processes. On a scale of 0 to 8, India's index of judicial processes is at 7.5. In the field of case management, India scores as low as 0.5 out of 6. With commercial disputes piling up and investors and business men looking up to foreign jurisdictions to settle disputes, India is losing a valuable opportunity for growth.

India is at a juncture where massive investment is needed to create infrastructure to spur economic growth and improve the living standards of the people. This is not possible solely through Government investment. For instance, urban development and rejuvenation alone require about two trillion US dollars upto 2030. It is imperative that we create an atmosphere where businesses are encouraged to invest in creation of public infrastructure.

Until 1996, the law governing arbitration in India consisted mainly of three statutes. They are the Arbitration (Protocol and Convention) Act, 1937, the Indian Arbitration Act, 1940 and the Foreign Awards (Recognition and Enforcement) Act, 1961. The Government enacted the Arbitration and Conciliation Act, 1996 in an effort to modernise the outdated 1940 Act. The 1996 Act is a comprehensive piece of legislation modelled on the lines of the United Nations Commission on International Trade Law's Model Law.

The primary purpose of 1996 legislation was to encourage arbitration as a cost-effective and quick mechanism for the settlement of commercial disputes. The 1996 Act covers both domestic arbitration and international commercial arbitration. But the current ground realities indicate that these goals are yet to be achieved.

There is a growing recognition that arbitration is becoming a costly affair which is a departure from the intent of the 1996 Act. This is particularly true in ad-hoc arbitration where the fees of the arbitrators are not regulated but decided by the Arbitral Tribunal with the consent of the parties. Some of the Arbitral Tribunals consisting of high profile arbitrators such as the retired Supreme Court and the High Court judges charge high arbitration fees. Further, it is an emerging trend amongst large corporations involved in high stake commercial disputes – including Government Undertakings – to hold ad-hoc arbitrations in five star hotels and other costly venues.

There is a culture of delays where proceedings are frequently adjourned. Arbitration is more cost effective than litigation only if the number of arbitration proceedings is limited.

The prevalent procedure before the arbitrators is as follows: At the first hearing, the claimant is directed to file his claim statement and documents in support thereof. At the second hearing, the opposing parties are directed to file their reply and documents and at the third hearing, the claimant files his rejoinder. At each of these stages, there are usually at least two or three adjournments. The first occasion for considering any question of jurisdiction does not normally arise until the Arbitral Tribunal has issued at least six adjournments. If the respondent is the State or a public sector undertaking, the number of adjournments is higher as it takes more time for these parties in internally finalizing pleadings and documents that are to be filed before the Arbitral Tribunal. Parties pay a fee to the arbitrators for each hearing and thus spend a substantial amount of money. This is in addition to the other costs involved.

To remedy this situation, the Bill stipulates a period of 12 months for the Arbitral Tribunal to make its award.

According to a survey conducted by the Construction Industry Development Council, the amount of capital blocked in construction sector disputes is over 5,40,000 millions. Given the tardy pace of justice and recurring

delays in the judicial system, it is essential that we reform the system to make it more cost effective and less time-consuming.

The Bill moves the country in that direction and would definitely encourage investments and help India become a centre of arbitration. This has been the Government's sincere effort and with this I welcome the Bill and support its passing. Thank you.

SHRI MEKAPATI RAJA MOHAN REDDY (NELLORE): Mr. Deputy-Speaker, Sir, thank you for giving me this opportunity. I welcome and support this Arbitration and Conciliation (Amendment) Ordinance, 2015.

This amends the 1996 Act by providing time limits both for awards and for the time of disposal of appeals by courts. We welcome these amendments as they bring respectability and credibility to alternate dispute resolution mechanism in the country.

One of the main reasons for India's inability to attract FDIs to its potential is the inordinate time taken for legal dispute resolution. Domestic investors too are increasingly becoming wary of this situation. Even arbitration, as per the 1996 Act, has been getting inordinately delayed negating the very objective of quick resolution to disputes. Unless we do something urgently, there will be no prospect of our attracting huge investments that are essential for our economic growth.

The delay of time in arbitral proceedings was not the only malady plaguing arbitration of India, another equally daunting challenge was courts' interference in arbitration under Section 9 and awards being set aside by courts.

It is shocking that arbitration cases, which are supposed for resolution, have remained unresolved for over a number of years. It looks like the present Bill does not bring within its fold the existing cases where the arbitrator is already appointed. In my opinion, even the existing cases should be brought within the purview of this Bill. I would request the Government to include this in the Bill.

The amendments, if passed by us, would be a major game changer and enhance the faith of foreign investors towards arbitration in India. This would signal the start of a new era in the Indian arbitration regime.

It is in this context that the present Bill proposing time limit of one year is highly welcome. It is provided that additional fees shall be provided to the Tribunal if an award is made within six months. If the parties give consent to an extension, it shall be made for a further period up to six months. Similarly, the

Bill sets time limit of one year for disposal of cases by the courts and this will go a long way in addressing the major concerns.

As per the Bill, the only ground on which courts can set aside an award is when it is, (i) affected by fraud or corruption, (ii) in contravention with the fundamental policy of Indian law; or (iii) conflict with the notions of morality or justice.

A new sub-section in Section 11 is to be added to the effect that an application for appointment of an arbitrator shall be disposed of by the High Court or the Supreme Court as expeditiously as possible and an endeavour should be made to dispose of the matter within sixty days.

The Ordinance also permits parties to choose to conduct arbitration proceedings in a fast track manner. The award would be granted within six months.

A new Section 31 A is to be added for providing comprehensive provisions for cost regime. It is applicable both to arbitrators as well as to related litigation in court. It will avoid frivolous and meritless litigation or arbitration.

Section 17 is to be amended for empowering the Arbitral Tribunal to grant all kinds of interim measures which the court is empowered to grant, under Section 9 and such order shall be 'enforceable in the same manner as if it is an order of the court'.

We support the Bill in its entirety and also urge the Government to bring even the existing arbitration cases within the ambit of the present Bill.

With these words, I conclude and I support the Bill. Thank you.

ADV. JOICE GEORGE (IDUKKI): I would thank you, hon. Deputy-Speaker, Sir, for letting me to discuss the Arbitration and Conciliation (Amendment) Bill, 2015.

Sir, we are all discussing how to facilitate the ease of doing business in our country. In fact, we are discussing a very lucrative business of Arbitration and Conciliation not in the domestic arena but in the international sphere also. Nowadays, arbitration and conciliation has become a very lucrative business. In this context, we are looking at this Bill.

Sir, in this Bill, we are trying to reduce the involvement of the court in an arbitration proceedings. For that, we have incorporated certain provisions to restrict the courts from passing interim orders after constitution of an Arbitration Tribunal. We have also reduced the scope of judicial interference in an award by introducing a new section by way of Clause 18. In Clause 18 of the Amendment Bill, an explanation is given to public policy. It says: "For avoiding any doubt, it is clarified that an award is in conflict with the public policy of India, only if,--

“ it is in contravention with the fundamental policy of Indian law and it is in conflict with the most basic notions of morality or justice.”

My humble question to the hon. Minister is whether there can be any distinction among the morality. Is it the basic notion of morality or high grade of morality or the second grade of morality? Is there any differentiation between the standards of morality in our judicial system? If that be the situation, we will also be in predicament. When we come to Section 57, it is said that in order to foreign award may be enforced under this Chapter it shall be necessary that the enforcement of the Award is not contrary to the public policy or the law of India. In this context, I may refer to the decision of the hon. Supreme Court of India in ONGC versus Saw Pipes. In that case, the Supreme Court elaborated the scope of public policy by interpreting that violation of the statutory provisions of Indian law is also against the violation of public policy. If that be the situation, how can we enforce a foreign arbitral award in view of Section 57 where there is a very



specific stipulation that if it is against the public policy, it cannot be enforceable. How can it be enforced? On the one hand, we are reducing the scope of the public policy. More over, in our Constitution, there is a restriction for making law against the public policy and the fundamental feature of our Constitution. So, we are permitting the international forum or the Indian arbitrators to pass an award against the public policy and the notions of morality. Can it not be termed as basic notion of morality? Morality is only one. Therefore, I urge upon the Minister to clarify as to whether there are two standards of morality and that can be possible in our judicial system and justice dispensation system.

Yet another issue is about Section 28A, an arbitral award arising out of arbitration other than international commercial arbitration may also be set aside by the court if the court finds that the award is vitiated by patent illegality appearing on the face of that award. So, we are encouraging international arbitrators to pass orders against our law also. There are provisions in this Act restricting the fee structure. But, as far as the international arbitrations are concerned, the arbitration by the arbitrator sitting outside the nation, there is no bar at all. But even if an international award is passed, that cannot be subject to be challenged on the basis of the illegality appearing on the face of the award in Indian courts. That may lead to another legal lacuna. It may be subjected for challenge before the Supreme Court. Ultimately, this will also create problems because we are now trying to get over the decisions of the Supreme court in the ONGC versus Saw Pipes and the other case.

The other case is the Army Welfare Organisation *Versus* Sumangal Service Private Limited reported in AIR 2014 SC 1344. In this case, there may be issues regarding the judicial interferences, though we are trying to limit the interferences of the Judiciary.

Regarding the time limit prescribed in this enactment, we have fixed certain time limit for passing the award, for concluding the arbitration proceedings. In our experience, we have a lot of enactments prescribing the time limit for concluding

the judicial process but in none of the cases, there is compliance at all. No court is passing the verdict or concluding the proceedings within the time limit prescribed in the enactment. Here also, though we have specified certain time limit for concluding the case and giving the award, we are also giving some grace period of six months over and above the one year prescribed. My apprehension is regarding the specification in the Act to the effect that arbitral tribunals are not going to conclude the proceedings within the time limit prescribed.

The Report of the Standing Committee on the Arbitration and Conciliation (Amendment) Bill, 2013 which was submitted in this House in July, 2015. The Committee had specifically recommended that there should also be some penal provisions incorporated in the Act, including the blacklisting of the arbitrators those who are failing to comply with the time limit prescribed or other standards to be met by them in accordance with the provisions of the Act.

Yet another issue is regarding the institutional arbitration. As I mentioned earlier, the arbitration has become more or less a business. Arbitration Hubs are being developed in all the nations including Singapore. But unfortunately, we cannot attract any litigants or prospective parties in our land for conducting arbitration in our nation because of lack of infrastructure or because of the ambiguities in the prevailing laws. In this context, I may invite the attention of the hon. Minister to the recommendations made by the Standing Committee as regards the institutional arbitration. For institutional arbitration, we should have a specific policy. If such a conducive atmosphere is created in India, international parties would opt for India as a venue for arbitration, and India shall become a major player in the field of international arbitration. If we can introduce such system here, we can avoid huge money that we are spending for international arbitration especially in our Government enterprises. For that, we should have certain measures to be adopted.

First of all, we have to set up centre for excellence for international arbitration. For that, it may be an accredited international centre for excellence. It

may set up its own parameters and shall be independent of Government control. It shall have a statutory apex body with the Chief Justice of India as Chairperson, one or two representatives of the Government and professionals, from the institutions of Chartered Accountants, engineers and lawyers shall be Members. Inclusion of an expert is essential while dealing with specialised cases like maritime insurance, technology, transfer of insurance, building contracts, etc. It shall frame its own rules which will govern the appointments, preparation of panel, fixing of fees, conduct of arbitration as well as that of the arbitration proceedings. Such rules shall be made public. This would provide familiarity not only to the international community who have to look out for a proper arbitration avenue for resolution but would also instil confidence in the minds of public that this is a transparent and reliable institution. This will also ensure accountability of the arbitrators. By this way only, we can ensure the credibility of our arbitration system and thereby attract persons from abroad for conducting arbitration cases in our land.

The awards made by the arbitration shall also be scrutinised by this apex body for the purpose of ensuring more transparency and professionalism. Professional bodies like the Bar Council of India, the Institute of Chartered Accountants, etc. should create arbitration wings. They may be granted affiliation to the main arbitration institution. By this way, we can improve our institution of arbitration system. By virtue of Section 11 of the Act, the Supreme Court and High Courts are entrusted with the responsibility to appoint arbitrators. But the unfortunate thing is, the Supreme Court and High Courts are not discharging the duty up to the expectations of the law making body, that is, the Parliament. In a query put under the RTI Act to the Supreme Court as well as High Courts, it is found that none of the High Courts, except two, are keeping the list of competent arbitrators. The arbitrators are being appointed according to the whims and fancies of the judges and there is no transparency at all. This is also a matter which has to be looked into by this House and there should be some checks and balances to

demarcate the powers of the designated courts and designated judges to appoint arbitrators.

Sir, now we are talking about arbitration, international arbitration, international awards and enforceability of international awards in our country. In this context, I would like to invite the attention of the hon. Minister to yet another issue which is having some connection with this issue. We are signing a lot of international treaties every year. We go on negotiating and we are signing many international treaties. But unfortunately we are not having a separate department for international law under the Ministry of Law and Justice. All these international treaties are being vetted and they are then finalised by bureaucrats. The signing of international treaties has become, more or less, a bureaucratic function. Unfortunately, in our Constitution, there is no provision for getting all these international treaties ratified by the Parliament before their implementation. In the Constitution of USA and in other countries, where there is a federal structure of governance, they are having a provision in their Constitution that unless and until an international treaty gets the nod of the Parliament, it cannot be enforced there. Unfortunately we do not have such a provision in our Constitution. Once we enter into an international treaty, it is binding on us and we will have to follow the regulations or rather the restrictions put on us by that international treaty. So, my humble request to the Minister is that there should be some mechanism in the Ministry of Law and Justice to, at least, see what is exactly happening and what are the treaties which are going to be signed by various Ministries and they should be vetted by the Law Ministry.

In addition to that, I would like to make another point. In the case of rubber and cardamom which are grown in Kerala, we are facing a lot of problems. I am not going to narrate the agonies of the poor farmers there. The issue is that we entered into ASEAN Agreement, WTO Agreement and so many other trade agreements. But when those agreements were signed, at that time there were no consultations held with the stake holders including the States which are having higher stakes in such matters. It was a unilateral exercise carried out by the Central Government and we have signed all these agreements. But due to these agreements, rubber and some other commodities are being imported into our country without any restriction and the poor farmers are suffering. Though there is a renegotiation clause in the treaties, it cannot be invoked by the State Governments; it can only be done by the Central Government and that too only after completing a cumbersome process. So, in these circumstances, we should have a mechanism that even before entering into an international treaty, there should be consultations with all the stake holders and State Governments so as to ensure the protection of the interest of all the stake holders.

Sir, the intention behind this Amendment is laudable. But there are certain pitfalls in this Amendment as I pointed out earlier. If we are having a foolproof system to dispense justice in a speedy and user friendly manner, it would be better. The features of the 1996 Act are party autonomy, minimum judicial intervention and maximum judicial support. If we want to foster all these features of the 1996 Act, there should be some rethinking on the issue specially that the proposed amendments as regards the scope of challenge of the awards passed by international arbitral tribunals as well as our domestic arbitral tribunals specially on the ground of the violation of public policy and the awards passed against the laws prevailing in our land. It is because, we will have to uphold the majesty of the law of our nation, our land. Though there is compulsion on the part of the international community by way of international treaties and conventions, even then we will have to uphold the majesty of our law and our legal system.

With these words, I may conclude. Thank you, Sir.

**15.51 hours**

(Shri Anandrao Adsul *in the Chair*)

**श्री रत्न लाल कटारिया (अम्बाला) :** उपाध्यक्ष महोदय, आदरणीय मंत्री जी को बधाई देना चाहूंगा कि हिन्दुस्तान की उन्नति के लिए एक बहुत ही महत्वपूर्ण बिल आज इस सदन में चर्चा के लिए आया है। कल भी आदरणीय मंत्री जी एक बहुत ही महत्वपूर्ण बिल, कॉमर्शियल कोर्ट से संबंधित बिल सदन में लाये थे, जिसे इस महान सदन ने पास किया। सदन के नेता हमारे लोकप्रिय प्रधानमंत्री, आदरणीय नरेन्द्र मोदी जी ने सारे विश्व का दौरा करके हिन्दुस्तान की छवि को जिस तरह से दुनिया में चमकाया है, यह उसी का ही फल आज देखने को मिल रहा है कि हिन्दुस्तान 'इज ऑफ डूइंग' बिजनेस में पिछड़ रहा था, वह अब धीरे-धीरे आगे बढ़ रहा है। जिस तरह से आज इन्वेस्टर भारत की ओर आकर्षित हो रहे हैं, उनसे हमें लगता है कि हमारा जो संकल्प है कि हम हिन्दुस्तान को चाइना और अमेरिका से भी शक्तिशाली राष्ट्र बनायेंगे, जिस तरह से धड़ा-धड़ एक के बाद एक प्रगतिशील कानून इस महान सदन के माध्यम से पास हो रहे हैं, उसी दिशा में आज यह आर्बिट्रेशन एंड कॉन्सिलिएशन अमेंडमेंट बिल आया है।

डिप्टी स्पीकर सर, यद्यपि इससे पहले भी भारत में वर्ष 1996 का आर्बिट्रेशन एक्ट काम कर रहा था, लेकिन वक्त के साथ चलते हुए जब वर्ष 1991 के बाद उदारीकरण का युग शुरू हुआ, उसके बाद से हम देख रहे हैं कि दुनिया किस प्रकार एक छोटी-सी गेंद की तरह सिमट कर रह गयी है। अभी पेरिस में जलवायु परिवर्तन पर एक बहुत बड़ी मिनिस्ट्रियल कॉन्फ्रेंस हुई। उसमें देखने में आया कि किस प्रकार हमारे देश ने भी एक-एक छोटे-छोटे क्लॉज़ के लिए वहां संघर्ष किया। आज भी केन्या के नैरोबी में डब्ल्यू.टी.ओ. को लेकर एक महत्वपूर्ण और मिनिस्ट्रियल कॉन्फ्रेंस चल रही है। उसके अंदर भी भारत के हितों के बारे में एक-एक प्वायंट के ऊपर लड़ाई लड़ी जाएगी। इन सब चीज़ों को देखते हुए हिन्दुस्तान के अंदर भी वक्त के साथ चलने के लिए, दुनिया के साथ चलने के लिए इस प्रकार के महत्वपूर्ण बिलों का पास होना अति आवश्यक है।

महोदय, इतिहास लिखा जायेगा कि जब भारत मां का लाल नरेन्द्र मोदी हिन्दुस्तान को आगे बढ़ाने के लिए इस महान सदन में चर्चा करा रहे थे, बिलों के ऊपर बातचीत हो रही थी, वहीं पर अपने-आपको हिन्दुस्तान का निर्माता कहने वाली कांग्रेस पार्टी के सीट्स सामने खाली-खाली नजर आ रहे थे।

आज विदेशों में विकास की चर्चा होती है तो न जाने क्यों हमारे सामने बैठे मित्रों के पेट में क्यों दर्द होने लगता है। हमारी सरकार की डेढ़ साल के कार्यकाल को देखने से यह बात सामने आ रही है कि

इनसे हिन्दुस्तान की तरक्की हजम नहीं हो रही है। जिस व्यक्ति को ये लोग जहरीला इंसान कहते थे, मौत का सौदागर कहते थे, आज उस व्यक्ति की सारी दुनिया में चर्चा हो रही है। ओबामा जी हमारे प्रधानमंत्री जी को मैन ऑफ एक्शन कहते हैं, चाहे जापान हो या आस्ट्रेलिया हो चाहे रूस हो, सभी देशों के प्रमुख एक के बाद एक प्रधानमंत्री जी की विजनरी सोच के कायल हो गए हैं। मैं जब अतीत की ओर देखता हूँ तो सोचता हूँ कि जिस व्यक्ति को महारानी कांग्रेस पार्टी मौत का सौदागर कहती थी, अभी हाल ही में हेडली ने खुलासा किया है कि इशरत जहां मानव बम थी, हमारे नेता को पिछले 10-15 सालों में उड़ाने की कोशिश की गई, आतंकवादियों द्वारा उन पर मौत का साया हमेशा मंडराता रहा। अगर वह कांग्रेस पार्टी द्वारा फँलाए जा रहे जहरीले प्रचार का शिकार हो जाते, आज भारत अपना इतिहास बन रहा है, यह वही नरेन्द्र मोदी हैं जिसको मौत का सौदागर कहा जाता था जिसकी आज दुनिया के नेता कायल हो गए हैं। आज दुनिया इस व्यक्तित्व को चाह रही है, सरकार एक से एक क्रांतिकारी कानून पास कर रही है, इस बिल के पीछे यही मंशा काम कर रही है। हिन्दुस्तान भी इंग्लैंड और सिंगापुर की तरह आर्बिट्रेशन का हब बने, जहां पर डिजीजन होने में देर नहीं लगती। इससे पहले हम वर्ष 1940 के आर्बिट्रेशन एक्ट से संचालित होते थे, जो केवल हिन्दुस्तान के अंदर होने वाले आर्बिट्रेशन को ही कवर करता था। लेकिन वक्त के साथ यूनाइटेड नेशन्स के अंतर्गत 1921 में कमीशन ऑन इंटरनेशनल ट्रेड बना, उसके आधार पर वर्ष 1996 में एक बिल लाया गया, उसमें हम आर्बिट्रेटर और कॉन्सिलेशन के बारे में कानून लेकर आए लेकिन वक्त के साथ उस कानून में इतनी कमियां दिखने लगी कि फ़ैसला करने में सालों साल लगने लगे। फीस को लेकर भी कई बार आर्बिट्रेटर की दुविधाएं खड़ी होने लगी। आर्बिट्रेशन फीस के जो मामले लाखों में निपट जाने चाहिए थे वह करोड़ों में जाने लगे, इस तरह के मामले 15-20 सीटिंग में तय हो जाने चाहिए थे, उन मामलों को तय करने के लिए 100-100 सीटिंग होने लगी। न्यूट्रिलिटी को बढ़ावा देने के लिए इस बिल में संशोधन किया गया है। किसी व्यक्ति को आर्बिट्रेटर नियुक्त करने से पहले इन सब चीजों की जांच पड़ताल की जाएगी कि क्या आर्बिट्रेटर दूसरे पक्ष को जानता है क्या इसके भी संदिग्ध होने की संभावना है। इस बिल के अंदर एक टाइम फ्रेम में रिजल्ट देने की बात कही गई है, हमारे देश में वर्षों से मुकद्दमें लंबित पड़े रहते हैं, आज आर्बिट्रेशन के अंदर फ़ैसले लेने की बात क्यों आई?

### **16.00 hours**

हालांकि कल आदरणीय मंत्री जी ने यह बताया है कि जब से एनडीए सरकार वर्ष 2014 से आयी है तब से चाहे सुप्रीम कोर्ट, हाई कोर्ट या डिस्ट्रिक्ट कोर्ट हो, वहां पर लाखों की संख्या में मुकदमे निपटाये गये हैं और पैंडेंसी घटी है। लेकिन फिर भी आज जनसंख्या के हिसाब से इतने बड़े देश में मामले निपटाने के लिए एक बहुत बड़ा इन्फ्रास्ट्रक्चर खड़ा करने की आवश्यकता है। ... (व्यवधान)

सभापति महोदय, अभी तो...\* होने लगा है। ... (व्यवधान)

**माननीय सभापति :** आपने दूसरी बातें ज्यादा बतायी हैं।

... (व्यवधान)

**माननीय सभापति :** आप अपनी बात एक-दो मिनट में खत्म कीजिए।

... (व्यवधान)

**श्री रत्न लाल कटारिया :** सभापति महोदय, आज इसलिए कहा जाता है कि प्राइवेट सैक्टर और पब्लिक सैक्टर में लिटिगेशन के दायरे को बढ़ाया जाये। जब पब्लिक सैक्टर में लगने लगा कि यहां पर मुकदमों की भरमार है तब यह सोच उत्पन्न हुई कि आर्बिट्रेटर के माध्यम से कुछ सक्षम लोग, कुछ एक्सपर्ट लोग जो समयबद्ध तरीके से मामलों का निर्धारण कर सकें, उन्हें इस काम में लगाया जाये। दुनिया के देश भी भारत को लेकर अशांकित थे कि भारत में जो इज ऑफ डूइंग बिजनेस की प्रक्रिया है, वह बड़ी धीमी है। यहां पर मामले सालों-साल लटके रहते हैं और महंगे भी होते हैं। इन सब चीजों पर पार पाने के लिए यह बिल इस महान सदन में लाया गया है। इसमें इस बात की व्यवस्था की गयी है कि अगर कोई आर्बिट्रेटर समयबद्ध तरीके से समय पर फैसला नहीं देगा, तो उसकी फीस में कटौती हो सकती है। इसमें इस बात का प्रावधान किया गया है कि जो टाइम से पहले जजमेंट देगा, उसे प्रोत्साहन राशि दी जा सकती है। इतना ही नहीं, अगर आर्बिट्रेशन के तहत जो मामले सुलझाये गये हैं, वहां कहीं करप्शन की बू आती है और ऐसा लगता है कि रूल ऑफ लॉ की कसौटी पर आर्बिट्रेटर की वह जजमेंट खरी नहीं उतरती तब इस कानून में हाई कोर्ट और सुप्रीम कोर्ट को पूरा-पूरा अख्तियार दिया गया है कि वह उन फैसलों को रिव्यू करे और कहीं गलती पायी जाती है तो उसका सुधार करे। ... (व्यवधान) ये इस बिल में प्रावधान किये गये हैं।

**माननीय सभापति :** आपकी सारी बातें आ गयी हैं, इसलिए आप अब अपना भाषण समाप्त कीजिए।

**श्री रत्न लाल कटारिया:** सभापति महोदय, अंत में, मैं इस क्रान्तिकारी और बहुत महत्वपूर्ण बिल का समर्थन करता हूं और आदरणीय मंत्री जी को बहुत-बहुत बधाई देना चाहता हूं कि वे एक के बाद एक बहुत ही महत्वपूर्ण बिल सदन में लाये हैं। धन्यवाद।

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\* Not recorded.



**डॉ. अरुण कुमार (जहानाबाद) :** सभापति महोदय, आर्बिट्रेशन और कॉन्सिलेशन बिल, 2015 पर चर्चा पर बोलने के लिए आपने अनुमति दी, उसके लिए मैं आपके प्रति आभार व्यक्त करता हूँ। ... (व्यवधान) सरकार के संकल्प का एक हिस्सा है -- न्याय का सरलीकरण। इसी क्रम में कल भी एक कमर्शियल ऐपीलेट कोर्ट से संबंधित बिल लाया गया और आज भी यह बड़ा महत्वपूर्ण बिल है, जिससे न्याय प्रक्रिया सरलीकृत हो।

महोदय, इसमें जो प्रावधान किये गये हैं, निश्चित तौर पर अभी आर्बिट्रेशन और विवाद के संबंध में जिस तरीके से मामले निपटाये जाते थे, उसमें जो त्रुटि रह गयी है, उन त्रुटियों को ध्यान में रखते हुए इस पर विस्तार से मनन करके बिल लाया गया है।

महोदय, वर्ष 2003 से यह राज्य सभा में लंबित रहा, उसके बाद स्टैंडिंग कमेटी में गया और एक लम्बी प्रक्रिया से गुजरा है। सरकार ने यह महसूस किया कि यह महत्वपूर्ण बिल कई कारणों से लंबित था, निश्चित तौर से क्रियान्वित कराया जाए। इसमें समय सीमा का भी प्रोविजन किया गया है। आर्बिट्रेटर की मनमानी को भी इसमें अड्रेस करने की कोशिश की गयी है। मैं इस बिल का समर्थन करता हूँ साथ ही मेरा मंत्री महोदय से निवेदन है कि इसी तरह का प्रावधान हम फौजदारी मुकदमों के लिए भी करने की व्यवस्था करें। यदि आर्बिट्रेशन की कॉस्ट में कमी आए तो छोटे दीवानी मुकदमे निचली अदालतों में मध्यस्थता के माध्यम से समाप्त किए जा सकते हैं। जिन विवादों का मध्यस्थता के माध्यम से दो करोड़ से ऊपर पैडिंग मुकदमों के लिए भी किया जाए। कई बार ऐसा होता है कि हम गुस्से में केस कर देते हैं और बाद में यह महसूस होता है कि जिस पर केस किया गया है, वह निर्दोष है। इस तरीके से मध्यस्थता का माध्यम अख्तियार करने का एक तरीका कमर्शियल वायब्रेंसी को ध्यान में रखकर और राष्ट्रीय ग्रोथ को ध्यान में रखकर किया गया है। निश्चित तौर से सामाजिक सौहार्द को भी दिमाग में रखकर ऐसे आर्बिट्रेशन के तरीके को लागू किया जाए तो यह एक कारगर कदम साबित हो सकता है। सरकार उन सारी चीजों को अपने परव्यु में ला रही है, जिससे हमारा देश विकसित हो और न्याय प्रक्रिया का सरलीकरण हो। मेरा सुझाव है कि उस पर ध्यान देने का कष्ट करें। इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

**श्री कौशलेन्द्र कुमार (नालंदा) :** महोदय, आपने मुझे मध्यस्थम और सुलह (संशोधन) विधेयक, 2015 पर अपना विचार रखने का अवसर प्रदान किया है, इसके लिए आपको धन्यवाद देता हूँ।

सरकार इस अध्यादेश को डब्ल्यूटीओ के संदर्भ में संशोधन करने का काम कर रही है और विशेषकर अंतर्राष्ट्रीय व्यापार में हो रहे मुकदमों में जटिलता को ध्यान में रखकर अन्तर्राष्ट्रीय व्यापार विधि आयोग की सिफारिशों को कानूनी रूप दिया जा रहा है। मैं भी मानता हूँ और आशा करता हूँ कि कानून के बनने से मुकदमे कम होंगे और सरलता से सुलझाने में मदद मिलेगी। वैसे भी अदालतों में मुकदमा लम्बा चलता है और दोनों पक्ष परेशान होते रहते हैं। व्यर्थ के खर्च होते हैं जैसे अदालती फीस, वकीलों पर खर्च, आने-जाने पर खर्च, समय की बर्बादी और मानसिक परेशानियाँ आदि। इस कानून में संशोधन होने से अब व्यापारिक मुकदमों पर खर्च और समय बचने के अलावा न्यायालय के बाहर मामलों का सौहार्दपूर्ण निपटारा भी होगा और सबसे अहम बात है कि यह तय सीमा में संभव हो सकेगा। वैसे यह वैकल्पिक व्यवस्था है, किन्तु मेरा मानना है कि यह अनिवार्य भी होना चाहिए, जिससे इसका महत्व बढ़ेगा। जहाँ तक मध्यस्थों की फीस तय करने की बात है, यह भी स्पष्ट और पारदर्शी एवं न्यायोचित होना चाहिए। दोनों पक्षों की मध्यस्थों के चुनाव में भागीदारी हो, जिससे दोनों पक्ष उन पर पूर्ण विश्वास कर मामलों को सुलझा सकें।

महोदय, फीस मुख्य बिन्दु है क्योंकि एक-एक सिटिंग के 40 लाख रुपये तक फीस ली जा रही है। यह उच्च न्यायालय की टिप्पणी है। एक केस में तो मध्यस्थों ने एक ही दिन में मध्यस्थों ने दो-दो सिटिंग करके दस-दस लाख रुपये फीस लेकर, अपनी फीस को एक ही दिन में 20 लाख रुपये कर दी। यह भी बात उच्च न्यायालय में आई है। अतः फीस पर पारदर्शिता लानी होगी और फीस नॉमिनल करनी होगी।

मेरा मानना है कि इस कानून को और सख्त बनाया जा सकता है। यदि मध्यस्थों ने समय सीमा के अंतर्गत मामलों का निपटारा नहीं किया तो उनकी फीस से पांच प्रतिशत प्रति महीने कि हिसाब से फीस में कटौती होगी, ऐसा प्रस्ताव है। अतः पूर्णरूपेण देरी होने की स्थिति में फीस नहीं मिले, यह भी व्यवस्था होनी चाहिए। इस तरह मामले अवश्य ही तय समय सीमा में सुलझ सकते हैं क्योंकि उनके ऊपर फीस न मिलने का दबाव हमेशा बना रहेगा। विधि आयोग की सिफारिश थी कि कोई भी मामला छः महीने के अंदर सुलझा लिया जाना चाहिए, वह ठीक रहता, किन्तु सरकार ने समय सीमा को एक वर्ष किया है। यह उचित नहीं है, इसे छः महीना ही होना चाहिए, जिससे मुकदमों का बोझ कम होगा और जल्द मामले सुलझेंगे।

जहाँ तक मध्यस्थों की नियुक्ति की व्यवस्था का प्रश्न है, यह भी साफ होना चाहिए कि केवल सेवानिवृत्त न्यायाधीशों को ही मध्यस्थता के लिए चुना जाएगा या समाज के प्रबुद्ध वर्ग और व्यापार से संबंधित विशेष जानकारी रखने वालों को भी मध्यस्थ बनाया जा सकता है। इसका कार्यकाल क्या होगा?

क्या एक पैनल बनाया जाएगा या कोई सूची बनाई जाएगी। क्योंकि देखा जाता है कि अगर सेवानिवृत्त न्यायाधीश अपने पुराने ढर्रे पर चलेंगे तो शायद इस कानून की विशेषता को प्राप्त नहीं किया जा सकेगा। आशा है कि व्यापारिक मुकदमों में त्वरित न्याय मिलने की दिशा में यह एक महत्वपूर्ण कदम है। धन्यवाद।

**श्री भोला सिंह (बुलंदशहर) :** सभापति महोदय, आपने मुझे महत्वपूर्ण बिल पर बोलने के लिए अवसर दिया है। मध्यस्थम और सुलह संशोधन अध्यादेश, 2015 का समर्थन करते हुए माननीय मंत्री जी को धन्यवाद देता हूँ।

देश में कोर्ट्स में पेंडिंग मुकदमों में होने वाले न्यायिक विलम्ब को कम करने के लिए आर्बिट्रेशन कानून लागू किया गया था, लेकिन न्यायिक प्रक्रिया की जटिलता के कारण विलम्ब हुआ। इस कानून के बदलाव की मांग 1999 से चली आ रही है, लेकिन माननीय मंत्री जी ने इस संशोधन अध्यादेश को पुनः पुरःस्थापित किया है, जिसके लिए मैं मंत्री जी के प्रति आभार व्यक्त करता हूँ।

आज हमारे देश में बहुत से लोग आर्बिट्रेशन के माध्यम से लड़ रहे हैं, उनमें काफी विलम्ब होता है, काफी समय लग जाता है। इसमें जो कानूनी प्रक्रिया है, न्यायपालिका का हस्तक्षेप है, उससे इसको दूर रखना चाहिए। इसके लिए अलग से कोई ट्रिब्यूनल या बॉडी बनाकर, उनके माध्यम से आर्बिट्रेशन केसेज को सुनना चाहिए क्योंकि आर्बिट्रेटर एप्वाइंट करने में कोर्ट का हस्तक्षेप होता है, जिसमें काफी समय लगता है। उसके बाद केस चलते-चलते आर्बिट्रेशन के माध्यम से केस भी डिसाइड हो जाता है, उसके बाद दोनों पार्टीज में से कोई पार्टी हाई कोर्ट में अपील के लिए जाती है और अपील में जाने के बाद उसको डिसाइड करने में कोर्ट में बहुत लम्बा समय लग जाता है। इसलिए मेरा मंत्री जी से आग्रह है कि आर्बिट्रेटर की नियुक्ति की प्रक्रिया में हमें ध्यान रखना चाहिए कि जो आर्बिट्रेटर हम नियुक्त कर रहे हैं, वह ऐसा व्यक्ति होना चाहिए जिसको टेक्नीकल और लीगल नॉलेज हो ताकि कोर्ट और उसके बीच विलम्ब न हो। आर्बिट्रेशन केसेज में जिस तरह से कोर्ट का हस्तक्षेप हो रहा है, उसके लिए अलग से कानून बनना चाहिए। जो केस डिसाइड होना है, उसके लिए कोई ट्रिब्यूनल या ज्यूरी लेकर आना चाहिए। यह मेरा आग्रह है। जो विलम्ब होता है, ज्यादा कोर्ट्स की वजह से होता है।

इसमें अलग से व्यवस्था करके कार्यवाही करनी चाहिए। इसलिए इसमें बदलाव करके इसे रखना चाहिए। जो भी समिति या ट्रिब्यूनल बने, उसके लिए समयसीमा अवश्य निर्धारित हो ताकि जो लोग वर्षों से न्याय के इंतजार में रहते हैं, उन्हें इसका लाभ मिल सके। हमने देखा है कि कई केसेज तो वर्षों तक चलते रहते हैं, यहां तक कि मुकदमा लड़ने वाले की मृत्यु भी हो जाती है, लेकिन उसके परिवार को कोई लाभ नहीं मिल पाता है। इसलिए इसे सरल करके अलग से कोई समिति या ट्रिब्यूनल की व्यवस्था होनी चाहिए।

**श्री जय प्रकाश नारायण यादव (बाँका) :** सभापति जी, मैं मध्यस्थम और सुलभ संशोधन विधेयक पर अपनी बात कहने के लिए खड़ा हुआ हूँ। यह सही है कि कानून सुलभ और जनता की सुविधा के लिए तथा सस्ता होना चाहिए। न्यायिक प्रक्रियाओं को जितना हम सरल बनाएंगे, उतना ही बेहतर होगा। हमारा देश एक गरीब देश है इसलिए यहां के लोगों को कई परेशानियों और चुनौतियों का सामना करते हुए मुकदमें लड़ने पड़ते हैं, जो वर्षों तक चलते रहते हैं। उसका नतीजा यह होता है कि समय और धन दोनों की बर्बादी होती है। कई जगह तो हिंसा भी होती है इसलिए समझौते का या विश्वास का रास्ता कहीं न कहीं तलाशना चाहिए।

पहले समय में गांव की पंचायतों में ही छोटे-मोटे झगड़े सुलझा लिए जाते थे। पंचायतों के लोग बैठते थे और सामाजिक एकता का निर्माण करते थे। वे लोग अपने तरीके से अपने विवाद सुलझा लिया करते थे। धीरे-धीरे विकास होता गया, कई तरह की चुनौतियां आती गईं, गांवों में अब भी पंचायतें हैं, अब भी बात करके चीजों का निपटारा होता है, लेकिन उसका स्वरूप कम हो गया है। अब भी कुछ जगह पंचायतों के जरिए ही छोट-मोटे विवाद निपटा दिए जाते हैं। अगर कहीं कोई बड़ी घटना हो जाए तो पंचायतों द्वारा बातचीत से उनका भी रास्ता निकाल लिया जाता है।

मैं यह कहना चाहता हूँ कि न्याय का सरलीकरण होना चाहिए। आपसी विवादों को समझौते से या अन्य तरीके से हल करने का रास्ता तलाशना चाहिए। हमारे देश में कई राष्ट्रीय और अंतरराष्ट्रीय सवाल भी पैदा होते हैं और व्यापार सम्बन्धी मामले भी फंस जाते हैं, जो 20-30 साल तक चलते रहते हैं। इस वजह से न तो बड़े उद्योग लग पाते हैं और न ही छोटे उद्योग लग पाते हैं, क्योंकि समझौता नहीं हो पाता है। इसके अलावा ऐसे विवादों के चलते रहने से खर्च भी काफी होता है। कई बार तो असत्य मुकदमों में लोगों को, खासकर गरीबों को फंसा दिया जाता है, जिससे वे मुकदमों में ही उलझकर आर्थिक रूप से टूट जाते हैं और बर्बाद हो जाते हैं।

इन सब बातों को ध्यान में रखते हुए मंत्री जी ने जो बिल पेश किया है, वह एक अच्छा कदम है। हम इस बिल का स्वागत करते हैं, क्योंकि यह बिल आना चाहिए और पास होना चाहिए। इसके साथ ही हमारा यह भी कहना है कि किसी भी व्यक्ति को, खासकर गरीब को असत्य मुकदमे में नहीं फंसाया जाए। क्योंकि हमने कई बार देखा है कि चालाक लोग या पुलिस वाले, सामन्तवादी या ज़मीनदार इन लोगों पर असत्य मुकदमा दायर कर देते हैं। इसलिए इस पर ध्यान देने की जरूरत है।

कई बार क्या होता है कि देश के विकास से सम्बन्धित बड़ी-बड़ी परियोजनाएं 30-40 सालों तक फंसी रहती हैं, उनके लिए भी कोई न कोई रास्ता निकालना चाहिए। कई बार सरकार पुल, रोड या रेल

लाइन बनाती है या किसी उद्योग की स्थापना करना चाहती है तो वह परियोजना विवाद में फंस जाती है। इसलिए कोई न कोई रास्ता निकालकर इसका भी समाधान होना जरूरी है।

सभापति जी, हम इस बिल का समर्थन करते हैं, क्योंकि यह एक अच्छा बिल है और यह जरूर पास होना चाहिए। समय की बर्बादी न हो, न्याय सुलभ, सहज और सस्ता हो, खासकर गरीबों के पक्ष में हो। इसके अलावा वह वातावरण खराब करने वाला न हो, तनाव वाला न हो, आपसी समझौते वाला हो और देशी गिट्टी-मिट्टी में रहने वाले लोगों के अनुकूल हो।

SHRI VARAPRASAD RAO VELAGAPALLI (TIRUPATI): Sir, I thank the Chair for this great opportunity and I also congratulate the hon. Minister. He is very sober and dynamic for bringing out the Commercial Courts Bill yesterday and today the Arbitration and Conciliation Bill. It is extremely relevant for the present day as far as India is concerned. We also appreciate the Law Commission for bringing out this after thorough examination, that is, to bring out the alternative dispute resolution mechanism, which the country badly needs in view of the number of cases mounting in all the courts running into crores of cases and lots of vacancies that are there. As a result, justice delayed is justice denied.

One or two points that I would like to mention here is that it should be user-friendly. A common man should also have the facility here. So, the hon. Minister may kindly consider as to how this could be made user-friendly. Secondly, cost-effective is a very relative term here because if we try to minimize the cost, then we may not have quality arbitration. Therefore, a compromise formula has to be evolved if you want to make it quality arbitration, which is really required because lots of foreign investors are involved and the corporates are involved, which is their hard-earned money, etc. Therefore, instead of insisting on cost-effectiveness, we may consider quality arbitration, which is extremely important.

Further, the speedy disposal is also extremely important here. Therefore, whatever timeframe has been fixed of 12 months and another 6 months for the arbitrator, beyond that should not be given. The hon. Minister should also really look into the selection of the arbiter, which is extremely crucial here. It would be extremely difficult for the people to work with this system unless a proper fool-proof mechanism is evolved.

We all know and yesterday also we have thoroughly discussed as to how it is going to help investment, economy, ease of doing business, etc. Therefore, it is very relevant. But one thing where we are really lagging behind is the enforcement of contracts, which is extremely poor in the country. Yesterday, we all have expressed our displeasure because we stand lowest in the queue. I am saying this

because as against 200 countries we stand somewhere at 186<sup>th</sup> position. So, we really want to improve that and for that we need to consider that aspect as well. The enforcement of the contracts is extremely important to either see the essence of the law or the intense of the law. This is very important.

Yesterday, the hon. Minister has also found that we have not got a platform to address certain social and economic issues except a case like this, that is, in the debates on the Bills. Therefore, if slight deviation is there, then the hon. Minister may kindly excuse us because the reason is that this is the only platform where we get the real presence of the hon. Minister and we could express our views. Yesterday, I did mention that and today also I want to mention that this is a socio-economic issue and we have wonderful, free, legal-aid mechanism in India as far as money is concerned. In all States the mechanism is there, but the effectiveness system is extremely poor for various reasons either the money that we are paying to the advocates is so poor as a result that under-trials in the country are remaining as under-trials for decades together. A survey may be conducted by the Government. The reason I am saying this is that whosoever is extremely poor like dalits, minorities and the tribal people are languishing in the courts without trial.

This deviation from the subject is there because the hon. Minister is extremely kind. Therefore, we would really request that the legal-aid system, which is available in the country, which has been created only for the poor, has to come up and that has to be streamlined. As regards the lawyers and all that, even if the cost involved is a little more, more efficient lawyers who have name in society and who have commitment and if need be community-wise also the lawyers have to be picked-up. This is one of the points that I want to mention.

With this, I once again thank the Chair, and I congratulate the hon. Minister for bringing these two Acts, namely the Commercial Courts and this one and making the country more investment-friendly. Thank you very much, Sir. (ends)



**श्री गोपाल शेट्टी (मुम्बई उत्तर) :** सभापति महोदय, आपने मुझे इस विधेयक पर बोलने का अवसर दिया, इसके लिए मैं आपका धन्यवाद करता हूँ। कल ही हमने कमर्शियल कोर्ट का बिल पास किया, यह बिल उसका सपोर्टिंग है, ऐसा मैं मानता हूँ कि यह बिल पास होने से कोर्ट में जो बहुत सारे कमर्शियल व्यापारियों से संबंधित चाहे वे जमीन जायदाद के हों, मूवेबल प्रोपर्टीज़ के हों, इमूवेबल प्रोपर्टीज़ के हों, ऐसे बहुत सारे मसले कोर्ट में पेंडिंग होने से जो बिजनस है, वह डाउन होता जा रहा है। मेरा यह विश्वास है कि सरकार का यह जो प्रयत्न है कि कमर्शियल कोर्ट बिल हो, आर्बिट्रेशन बिल हो, ईज़ ऑफ़ ड्रूइंग बिज़नस हो, ई-गवर्नेंस, कोऑपरेटिव फेडरलिज़्म, जीएसटी, ये सारा अगर इंप्लिमेंट होता है, जैसा हम सोचते हैं, वैसा होता है, तो मेरा यह विश्वास है कि जितना हम सोचते हैं, जीडीपी को उतना आगे ले जाने में हमें आने वाले दिनों में लाभ मिलेगा।

महोदय, जैसा पॉलिटिकल फील्ड का विश्वास देश में लोगों के मन में अलग सा होता जा रहा है, उसी तरह से कोर्ट के बारे में बहुत अच्छी स्थिति हो, ऐसा कम से कम मैं मानने के लिए तैयार नहीं हूँ। इसमें से बाहर निकलने के लिए ये सारे जो बिल हम इन दिनों पास कर रहे हैं, उसका एक बहुत बड़ा लाभ होगा। कोर्ट का मतलब ही यह है कि हम वहां न्याय मांगने के लिए जाएं। लेकिन बाय एण्ड लार्ज कोर्ट में अन्याय करने वाले लोगों की संख्या बहुत ज्यादा बढ़ी है। क्योंकि बिजनस में पैसे का फिगर इतना बड़ा होता गया, फिर अनवांटेड लोग कोर्ट में केस कर देते हैं, और फिर दो अच्छे लोगों के बीच में तीसरा एक व्यक्ति घुस कर दोनों को हैरान, परेशान करने का काम भी बहुत बड़े पैमाने पर चल रहा है। यह सिर्फ सैटलमेंट के लिए लोग करते हैं। हमारे सिस्टम में ऐसा कुछ नहीं है कि अगर कोई फेक केस करता है तो उसको दण्डित करें, उनको हम दोषी बनाएं, इस प्रकार की व्यवस्था वर्तमान कामकाज़ प्रणाली में नहीं है। लेकिन मैं मानता हूँ कि आने वाले दिनों में हमें इसके बारे में सोचना पड़ेगा क्योंकि बहुत बड़ा वर्ग आरटीआई के माध्यम से हो या फिर कोर्ट में अननैसेसरी केसिज़ दायर करना हो, यह बहुत बड़ा एक व्यवसाय करने वाले लोगों को भी हैरान परेशान और सरकार को भी घाटा पहुंचाने का काम करते हैं। इस बिल के माध्यम से मंत्री महोदय को बहुत धन्यवाद देना चाहूंगा कि सन् 1940 के एक्ट को हमने सन् 1996 में एक बार अमेंड किया और फिर एक बार हम अमेंड करने की तरफ जा रहे हैं। इस अमेंडमेंट में हमने आर्बिट्रेशन को समय दे दिया कि 12 महीने में आर्बिट्रेशन पूरा करना चाहिए। फिर छह महीने में कोर्ट को भी उसका निबटारा करना चाहिए। इसका संकेत यह होता है कि आर्बिट्रैटर अगर अच्छा हो तो अगर दो-तीन महीने में अगर आर्बिट्रेशन पूरा करता है तो फिर कोर्ट में जाते हैं तो कोर्ट में भी इसका जल्दी से निबटारा हो सकता है। बहुत सारे केसेज़ में यह देखने को मिलता है कि आर्बिट्रेशन में जाने के बाद भी जो सक्षम

होता है, वह मैनेज कर के वहां पर भी किस तरह डिले कर सकते हों, इसके लिए बहुत सारी कोशिश होती है। मुझे लगता है कि यदि सरकार जागरूक हो, इस प्रकार के बिल अगर हम लाते हैं, तो इस प्रकार की जो जमात है, इस प्रकार की जो टोली है, इनके ऊपर बहुत बड़ा कंट्रोल आने वाले दिनों में आ सकता है। फिर सरकार नाम की भी कोई चीज़ है, कायदा कानून नाम की भी कोई चीज़ है, न्याय प्रणाली भी न्याय के लिए बंधी हुई है, इस प्रकार का एक मैसेज, इस प्रकार की एक मानसिकता अगर देश में विकसित होती है तो मुझे लगता है कि बिज़नेस सर्कल में बहुत बड़ा वातावरण निर्मित होगा और जो लोग देश छोड़ कर बाहर चले जाते हैं या तो फिर देश में रहने के बाद भी व्यवसाय करने से वंचित होते हैं, फिर वे चाइना या अन्य कहीं जगह से उत्पाद ला कर सिर्फ इण्डिया में बेच कर अपना नफा कमाने का जो प्रयास करते हैं, इन सभी की वजह से हमारे देश के लोगों का जो रोज़गार है, वह सारा का सारा चला गया है।

आप तो कोऑपरेटिव मूवमेंट में बहुत बड़ा काम करते हो, इन सारी चीज़ों से वाकिफ हैं। इसलिए मुझे लगता है कि हमें सरकार के माध्यम से आने वाले दिनों में एक चैक एण्ड बैलेंस की भी कोई न कोई व्यवस्था खड़ी करनी चाहिए। कोर्ट में अननैसेसरीली केसेज़ करने वाले लोगों की भी ज़ादी तैयार कर के जैसे कॉन्ट्रैक्टों को हम ब्लैकलिस्ट करते हैं, ऐसे लोगों को अगर ब्लैकलिस्ट कर के या तो कोई नया कायदा बना कर ऐसे लोगों को दंडित करने का प्रावधान हम करते हैं तो मुझे लगता है कि 50% केसेज़ सॉल्व हो सकते हैं और आने वाले दिनों में कोर्ट में लोड कम होगा और जो सच्चे केस चलाना चाहते हैं, उन लोगों को न्या मिलेगा। वर्तमान प्रणाली में भी हम इस प्रकार की व्यवस्था कर सकते हैं। मंत्री महोदय ने कल एक बिल पेश किया और आज एक बिल पेश कर रहे हैं। इन दो बिलों के माध्यम से आने वाले दिनों में लोगों को बहुत बड़ा समाधान मिलेगा। इसके लिए मैं मंत्री जी को धन्यवाद देना चाहूंगा और मैं मंत्री महोदय से इस बात का निवेदन करना चाहूंगा कि इसके जो रूल्स वगैरह जो भी हैं, वह जितना हो सके, जल्दी से जल्दी करना चाहिए। आने वाले दिनों में हमें लोक सभा में भी इस प्रकार की व्यवस्था करनी चाहिए कि गत बार लोक सभा में जितने बिल पास हुए, उसमें से कितने इंप्लिमेंट हुए। अगर इसका लेखा जोखा और अकाउंटेबल सिस्टम अगली लोक सभा में देने का सिस्टम करें तो हमारा जो एक ब्यूरोक्रेटिक सिस्टम है, जो वर्किंग क्लास है, उनके ऊपर भी एक बंधन आ जाएगा। नहीं तो हम लोक सभा में पास करेंगे, राज्य सभा में पास करेंगे, राष्ट्रपति महोदय उसके ऊपर साइन भी कर देंगे, लेकिन बहुत सारे बिल इंप्लिमेंटेशन स्टेज पर आने के बाद बहुत समय लगता है। सभापति महोदय, अगर मैं खुल कर कहूं तो राष्ट्रपति के साइन करने के बाद भी बिल को स्टॉल करने का, बिल को रोकने का प्रयास करने वाली भी एक जमात अपने ही देश में है। ये सारे लोग एक्टिविटी करते हैं। जो अच्छा काम करने वाले हम जैसे लोग हैं या फिर सरकार की जो व्यवस्था है, उसके माध्यम से तो काम होता है, लेकिन एक अदर बहुत

बड़ा वर्ग है, जो इस सारे काम को रोकने का प्रयास करता है और इन दिनों उनका दबदबा है। वे चैलेंज करते हैं कि ठीक है कितने भी बिल बना लो, कितने भी कायदे बना लो, इम्प्लीमेंट क्या करना है और क्या नहीं करना है, यह तो हमारे हाथ में है। इस प्रकार का भी एक बहुत बड़ा वर्ग पूरे देश भर में कार्यरत है।

मैं इस बिल के माध्यम से मंत्री महोदय से यह आग्रह करूँगा कि इम्प्लीमेंटेशन स्टेज पर जाने के बाद में इसका रिजल्ट कितना आया है, अगर यह भी लोक सभा के पटल पर रखने की व्यवस्था करेंगे तो मुझे लगता है कि आने वाले दिनों में एक बहुत बड़ा लाभ देश के लोगों को मिलेगा।

महोदय, आपने मुझे इस बिल के ऊपर बोलने का अवसर दिया, इसके लिए मैं आपका आभार प्रकट करता हूँ। बहुत-बहुत धन्यवाद।

SHRI B. VINOD KUMAR (KARIMNAGAR): Mr. Chairman, Sir, I rise to speak on the Arbitration and Conciliation (Amendment) Bill, 2015. Through this Bill, we are replacing the ninth Ordinance issued by the Government in the year 2015 and the 17<sup>th</sup> under the NDA Government.

The Bill is introduced in the House to strengthen and refine the arbitration process in India for both domestic as well as international arbitration cases. This Bill makes provisions for interim relief by courts and arbitration tribunals. Deadlines for the completion of arbitration process are specified. Eligibility for arbitrators and the fee that can be levied by arbitrators as per case value are also mentioned in the clauses of the Bill.

As all of us know, in 1996 a law was enacted after 56 years of the original Arbitration Act of 1940. Even after Independence we followed that old Act till the Arbitration and Conciliation Act of 1996 was enacted. For the last nearly 20 years, the experience of the Arbitration and Conciliation Act 1996 is also on the lines of the earlier Act of 1940. With great aspirations we thought that this Act will resolve many issues pending before many courts in our country. But ultimately the experience of this Act of 1996 paved way for introduction of this Bill. Through this Bill we are proposing to amend the parent Act of 1996.

There are 26 clauses in this Bill all of which I have gone through. The Standing Committee in Rajya Sabha, after hearing from many persons from different quarters of life like legal experts, tax experts, gave its report on this. Based on that report and the 246<sup>th</sup> Report of the Law Commission, these clauses were introduced in the Bill. I support this Bill with one or two suggestions. Let us hope that through this amendment the parent Act of 1996 will serve the purpose for many people.

**16.34 hours**

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

Mr. Deputy-Speaker, Sir, the Indian arbitration, it is said, is time-consuming, expensive and that many cases are being stalled because of court proceedings. Indian companies themselves prefer arbitration abroad. The domestic

arbitration bodies such as Indian Council of Arbitration and the International Centre for Alternate Dispute Resolution are no match to the foreign bodies such as International Chamber of Commerce, the London Court of International Arbitration, and the Singapore International Arbitration Centre.

Let us take the experience of these international bodies also into account. I hope that through this amendment, the parent Act will serve the purpose.

I have moved a small amendment. I hope that the Law Minister will go through it. It is nothing but a small amendment.

HON. DEPUTY SPEAKER: You may speak about it at the time of amendment.

SHRI B. VINOD KUMAR (KARIMNAGAR): Sir, let the hon. Minister hear it and I hope that the hon. Minister will move it as an official amendment also. In the section 12, the present clauses mention that the arbitrators should give an affidavit saying that they should disclose about any relationship with the dispute. I think in the event they give some false information, they should be punished. That is what the small clause is that I am trying to get inserted in section 12 of the Bill.

In clause 13, there is no need for two lines. Clause 13 says:

“An application made under this section for appointment of arbitrator or arbitrators shall be disposed of by the Supreme Court or the High Court or the person or institution designated by such court, as the case may be, as expeditiously as possible and an endeavour shall be made to dispose of the matter within a period of sixty days from the date of service of notice on the opposite party.’

Sir, ‘within sixty days’ would be fine instead of the unnecessary sentence which says that ‘as expeditiously as possible’ and ‘an endeavour shall be made to dispose of the matter’. Thank you.

**श्री भैरों प्रसाद मिश्र (बांदा) :** उपाध्यक्ष महोदय, माननीय मंत्री जी द्वारा जो आर्बीट्रेशन एण्ट कंसीलिएशन एमेंडमेंट बिल सदन में लाया गया है, मैं उसके समर्थन में बोलने के लिए खड़ा हुआ हूँ। आज देश में निचली अदालतों से लेकर उच्चतम न्यायालयों तक जो लम्बित मुकदमों की संख्या है, उसे देखते हुए मध्यस्तता के द्वारा मुकदमों को सुलझाने हेतु जो प्रयास किये जा रहे हैं, वे सराहनीय हैं और यह स्वागतयोग्य कदम है। इससे मुकदमों की संख्या में तो कमी आएगी ही, मुकदमों में जो लगने वाला समय है, उसकी भी बचत होगी और वादी पर जो आर्थिक भार होता है, उसमें भी कमी आएगी और उसको शीघ्र न्याय मिल सकेगा।

मैं मंत्री जी से एक निवेदन करना चाहता हूँ कि ऐसी अदालतों में यह देखने में आया है कि जैसे एक बार कोई इसमें मध्यस्तता के लिए एक पक्ष प्रस्तुत नहीं हुआ, उसको नोटिस जाता है तो फिर दोबारा उसको सुनवाई का अवसर नहीं दिया जाता है। फिर सीधे उसको हाई कोर्ट तक अपील में जाना पड़ता है। उससे वादी को परेशानी होती है। मेरा अनुरोध है कि इसमें ऐसी व्यवस्था होनी चाहिए कि दूसरे पक्षों को, इसमें जो मध्यस्थ नियुक्त है, या तो वह ठीक से प्रयास नहीं कर रहा, दोनों पक्षों को ठीक से बुला नहीं रहा है और कभी-कभी देखने में आया है, मैंने चण्डीगढ़ में एक उदाहरण देखा था कि वहां पर एक व्यापारिक लेन-देन का मामला था, वह इस कोर्ट में चल रहा था तो एक पक्ष को उन्होंने बाहर जाकर के केवल नोटिस भेज दिया और वह प्रस्तुत नहीं हुआ तो उस मुकदमे का एकपक्षीय फैसला कर दिया गया, जिससे उसको हाई कोर्ट में जाना पड़ा। इससे मैं समझता हूँ कि इसमें जो मध्यस्थ नियुक्त है, उसमें उसकी कमी है, उसको ठीक से अवसर देना चाहिए, यह मेरा अनुरोध है।

दूसरा, माननीय मंत्री जी से मैं कहना चाहता हूँ कि जैसे पहले हमारे गांवों में ग्राम पंचायतें थीं, ग्राम अदालतें थी, जो सरपंच व्यवस्था थी, वह भी गांव के मामले को वहीं पर गांव में दोनों पक्षों को सुन करके, दोनों पक्षों की बातों को जान करके उसको निपटाने का काम किया करते थे, जिससे मुकदमों की संख्या में कमी आती थी और वे निचली कोर्ट से ऊपरी कोर्ट तक नहीं पहुंचते थे। सभी जानते हैं कि जो माल के, राजस्व के मुकदमे होते हैं, जैसे गांव में लोगों के जमीन के मामले होते हैं तो वे कम से कम 2-2, 3-3 पीढ़ी तक चलते हैं और उससे किसान तबाह हो जाता है। मेरे बुन्देलखण्ड क्षेत्र में तो और बुरी हालत है, वहां किसान की हालत खराब है, उसको अगर कहीं कोर्ट में जाना पड़ता है, 10-10 साल, 20-20 साल, 25-25 साल तक उसका फैसला नहीं होता, कहीं-कहीं तो पीढ़ियां तक बीत जाती हैं तो मेरा अनुरोध है कि इसमें एक विचार होना चाहिए और कम से कम जो ग्राम अदालतें थीं, जो कभी सुलह के आधार पर ऐसे मामलों को निपटाया करती थीं, उस पर भी सरकार विचार करे और उन्हें पुनः स्थापित करने का काम

करे। इससे भी मुकदमों की संख्या में कमी आएगी। यही सुझाव देते हुए, इस बिल का समर्थन करते हुए मैं अपनी बात को विराम देता हूँ।

बहुत-बहुत धन्यवाद।

SHRI THOTA NARASIMHAM (KAKINADA): Thank you very much, Deputy Speaker, Sir, for giving me an opportunity to speak a few words on the Arbitration and Conciliation (Amendment) Bill, 2015. We congratulate the Government and the Law Minister Shri Sadananda Gowda on introducing this Bill.

This Amendments Bill is based on the Law Commission's recommendations and suggestions received from stakeholders. The Law Commission of India in its 246<sup>th</sup> Report had recommended various amendments in the Arbitration and Conciliation Act, 1996 in order to pave way for India to become a hub of international commercial arbitration.

Coming to the important aspects of this Bill, it envisages time-bound disposal of matters, the imposition of a verdict based fee structure as opposed to the prevalent hearing-based one, and a cap on the overall fee, perhaps to incentivise speedy disposal of matters.

The amendments seek to make disposal of commercial disputes more user-friendly and cost effective, which, in turn, will lead to expeditious disposal of cases. The key provisions of the Bill make it mandatory for arbitrators to settle disputes within 12 months. This period could be extended by six months only by a court on a sufficient cause. It also envisages a cut in the fees of arbitrators if the court finds that the delay has been caused due to arbitrators. It rewards arbitrators with extra fees in case a matter is disposed of within six months and the parties agree to pay more. It empowers arbitration tribunals to grant all kinds of interim measures that courts provide

I believe that the Government's aim for the amendments to the Arbitration Act is for this law to function in conjunction with other legislations and policies, namely, a national litigation policy focusing on transparency and the setting up of specialised commercial courts and benches. However, both of these are still just proposed by the Law Minister; the policy is yet to be formulated.

The Bill states that in the case of international arbitration the relevant court would only be the High Court having original ordinary jurisdiction. The Ordinance



permits parties to choose to conduct proceedings in a fast-track manner. The award would be granted within six months.

I think, the motivation of the Government in amending the Arbitration Act and in bringing adjacent changes thereto is to make India a more attractive destination for commercial arbitration as well as to compete with the likes of Singapore and London as international commercial hubs. I congratulate the Law Minister on introducing such a useful Bill.

With these few words, I conclude my speech and I wholeheartedly support this Bill from my party.

**श्री अजय मिश्रा टेनी (खीरी) :** माननीय उपाध्यक्ष जी, मैं माध्यस्थम और सुलह (संशोधन) अध्यादेश, 2015 का समर्थन करने के लिए खड़ा हुआ हूँ। वास्तव में यह अध्यादेश बहुत दिनों से लंबित था और इसकी बहुत आवश्यकता थी कि जो निर्णय मध्यस्थों के माध्यम से होते हैं, उनमें लोगों को न्याय मिल सके। हमारी सरकार इस अध्यादेश को लाई है और इसमें संशोधन करने के लिए इसे लगभग पूरे सदन का समर्थन प्राप्त है। मैं भी इस अध्यादेश का समर्थन करता हूँ।

महोदय, इसमें मुख्य बातें हैं, उनमें यह है कि मध्यस्थ ऐसे चुने जाएं, जो तटस्थ हों, जिनकी स्वीकार्यता हो और वे ऐसे निर्णय कर सकें, जो दोनों पक्षों को मान्य हों। इसमें जो समय की सीमा निर्धारित की गयी है, वह एक बेहतर कदम है। इसमें बारह महीने का समय दिया गया है और बाद में दोनों पक्षों की सहमति से छः महीने तक बढ़ाने का समय दिया गया है। न्यायालय को पुनः यह अधिकार दिया गया है कि यदि आवश्यकता हो, तो हम इसके बाद भी इसका समय बढ़ा सकें। मेरे कहने का तात्पर्य है कि इस अध्यादेश में उन सारी बातों का समावेश कर दिया गया है। पहले इसमें जो कठिनाइयां आती थीं, उन कठिनाइयों को दूर करने का प्रयास किया गया है। वास्तव में कोई भी कानून बनाया जाता है, वह लोगों की सुविधा के लिए होता है। जब उसमें कोई असुविधा आए, तो उसे दूर करने की जिम्मेदारी सरकार की होती है और सरकार ने उस जिम्मेदारी का बहुत ठीक ढंग से निर्वहन किया है।

महोदय, इस बिल का समर्थन करते हुए इसमें अपनी तरफ से मैं दो-तीन बातें जोड़ना चाहता हूँ। मैं माननीय मंत्री जी से कहना चाहता हूँ कि हमारे यहां जो न्यायालयीय व्यवस्था है, उसमें अधीनस्थ न्यायालय से लेकर उच्चतम न्यायालय तक मुकदमों की बहुत बड़ी संख्या है, जिनके वाद का वर्षों से निर्णय नहीं हो पा रहा है। मैं समझता हूँ कि इसमें दो-तीन चीजों प्रमुख होती हैं, जिनके कारण ऐसी व्यवस्था है। पहली इसमें जो समस्या आती है, वह प्रक्रिया संबंधी है। मुकदमों में प्रक्रिया ऐसी है कि लगातार तारीखें होते-होते इतने लंबे समय तक खिंच जाते हैं कि समय पर उनका निर्णय नहीं होता है।

दूसरा, जो छोटे-छोटे मामले हैं, उसमें भी अपील का इतना सीमित अधिकार है कि कोई भी व्यक्ति एक बार एक कोर्ट से हारता है, दूसरे कोर्ट में चला जाता है, खासकर दीवानी के मामलों में ऐसा होता है। लोग गांवों में बात करते हैं कि दीवानी दीवाना कर देती है। तीस-चालीस साल तक मुकदमे हल नहीं हो पाते हैं। इसके साथ ही एक सबसे बड़ी समस्या आती है कि जो प्रभावशाली लोग हैं, अगर उनके खिलाफ कोई मुकदमा चल रहा है और जिसमें निश्चित रूप से यह मालूम होता है कि उनको सजा होने वाली है, वे विभिन्न प्रकार के नए-नए वाद दायर करके उस प्रक्रिया को इतना लंबा कर देते हैं कि जो मुख्य मुकदमा होता है, वह पीछे छूट जाता है।

मैं माननीय मंत्री जी से यह अनुरोध करना चाहता हूँ कि जो भी लंबित मामले हैं, उनमें से 80 प्रतिशत से अधिक मामले ऐसे हैं, जो सामान्य श्रेणी के हैं। उन मुकदमों को श्रेणीबद्ध किया जाए और अपीलीय अधिकार को सीमित किया जाए, खत्म न किया जाए, लेकिन एक-दो अपील करने के बाद उस निर्णय को पूरी तरीके से मान लिया जाए। जो प्रभावशाली लोग हैं, जो मुकदमों को लंबित करने के लिए विभिन्न तरीके के उपाय अपनाने के साथ-साथ मुकदमे लगातार दायर करते हैं, उनके लिए यह करें कि अगर दो पक्ष समान हैं और समान मुद्दा है, तो सारी फाइलें एक ही जगह कलेक्ट करके एक ही कोर्ट में उसका निर्णय किया जाए तो उनको लंबित करने का और बार-बार तारीखें लेने का अवसर नहीं प्राप्त होगा।

राजस्व न्यायालय से संबंधित मामला हमारे दूसरे मित्रों ने भी उठाया है। राजस्व के जो न्यायालय हैं, वे गांवों के लिए बहुत आवश्यक हैं। छोटे-छोटे मेड़, चकबंदी ऐसे जो भी मामले होते हैं, वे वर्षों तक खिंचते हैं और किसान उसमें लगातार तारीखें लेते हैं। इसमें उनका धन और समय दोनों खराब होते हैं।

मेरा आपके माध्यम से माननीय मंत्री जी से अनुरोध है कि राजस्व प्रकरणों के लिए अलग न्यायालयों की स्थापना की जाए। आज आपने मुझे अवसर दिया, उसके लिए मैं बहुत धन्यवाद देता हूँ। इस सत्र में कांग्रेस वाले जैसे अवसर लेने नहीं दे रहे थे, आपकी बहुत कृपा रही कि मुझे अवसर मिला, बहुत-बहुत धन्यवाद।

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): I thank all the hon. Members who have supported this Bill from the bottom of their heart. This is one of the finest Bills. It will certainly give a new dimension to the legal system and dispute resolution mechanism in our country. This is the dream of the hon. Prime Minister, Narendra Modi ji also. Ease of doing business and ranking in the World Bank should be geared up and India should be a centre for international arbitration hub.

After elaborate discussions with various stakeholders, after getting suggestions from jurists and after going in detail with the Law Commission's Report I have come up with this Bill before the Parliament. Practically we have to encourage the ADR mechanism for settlement of disputes. In order to improve the World Bank ranking also we should do it. To encourage investors and to make our country an investor friendly country, certainly we should take up such initiatives wherein they should feel that they can invest in India. The Developmental activities are going so fast in India the investors should feel that by investing in India they will not face any trouble during the course of their transaction of business. Especially, the intention of this Bill includes making settlement of disputes more user-friendly, most cost effective and expeditious disposal of the cases.

The Bill was introduced as early as in 2003 during the regime of NDA. Subsequently the matter was referred to the Standing Committee. Standing Committee after holding elaborate discussion submitted its Report in 2005. In fact, while bringing this Bill the suggestions given in the said Report were also taken into consideration. Almost all the suggestions given in that report were also taken into consideration.

The matter was referred back to the Law Commission which held detailed study in the matter. That has also been taken into consideration. Three important aspects have been taken care of which were really hampering the whole process of disposal of disputes under arbitration. One is inordinate delay in disposing of the

cases. Second is the too much interference by the courts. The court itself used to take years together. The persons who went for arbitration could not settle the matter. Thirdly, exorbitant fee charged by the arbitrators. Just now, one of my friends said that they used to charge Rs.5 lakh to Rs.10 lakh for a sitting in the morning and another sitting in the evening. As a whole, the image of our country was tarnished because of all these interferences by the courts, inordinate delay as well as high fee charged by the arbitrators. We have taken all these aspects into consideration and we went ahead.

A number of stringent measures have been taken in the amendment Bill. We have said that the arbitration should be disposed of within a period of 12 months. If the parties agree, it can be extended for a period of six months. So, there is no chance of further extension. If anybody goes to the court under extraordinary circumstances and if the courts feel that it should be extended, then only it can be extended. We have provided for a fast track disposal also. If both the parties agree that it should be tried in the fast track court, within six months it can be disposed of.

For the first time in the history, we have provided for some incentives if the cases are disposed of within six months as also some disincentives if it goes beyond 12 months. This is one area wherein we can see that the arbitration cases can be disposed of speedily.

As far as fee structure is concerned, exorbitant fee was charged earlier. Now we have provided the fee structure in the Fourth Schedule. So nobody can charge beyond that and nobody can demand more fees. So there is much clarity as far as fee structure is concerned.

As regards appointment of arbitrators, we have specifically mentioned the restrictions in the Schedule and have said that such and such persons cannot become arbitrators. So everything has been given in the Bill elaborately and full clarity is there in regard to time schedule, fee structure and appointment of

arbitrators. All these things have been taken into consideration and we have brought this Bill before Parliament.

Nobody has objected to this Bill but some of our friends have observed certain things. They have said that the Bill is the need of the hour and that a good Bill has been brought. A few suggestions have been given by them. One of the suggestions was that it should have retrospective effect. If the parties agree, then there will be no problem. Otherwise, it will only have prospective effect.

Somebody gave a few suggestions like opening new arbitration centres, empanelling arbitrators who are experts and specialists in various subjects as also training institutes should be established. The matter is under consideration of the Government. Certainly, this is one of the good suggestions. The Government has taken note of this and it will consider it.

One of my friends referred to the fee structure and mentioned that quality will go down if the fees are restricted. I may inform the hon. Member that it is not like that. When the fee structure is given, the fees will be applicable for both the parties, for the petitioner as well as the other party. Both the parties will have the same fee structure. So, there will be no problem as far as the fee structure is concerned. The report was given in 2005. At several stages the matter was discussed over the last ten years and finally the Bill has been brought to the House.

My friend mentioned about the notion of morality of justice. Practically, I feel that the Supreme Court has observed this fact in *ONGC versus San Pipes Case* and it is a subject of judicial interpretation as the term cannot be defined in the Bill. So, it is a matter of interpretation and the court can interpret as far as that matter is concerned.

So, all these issues have been properly taken into consideration and the provisions of this Bill certainly give a new direction as far as the Arbitration and Conciliation Act of 1996 is concerned. Therefore, I commend the Bill to be passed by the House.

Thank you.

SHRI N.K. PREMACHANDRAN (KOLLAM): Hon. Deputy-Speaker, Sir, I thank you for giving me this opportunity. Yesterday also the hon. Minister was replying to the questions from this side regarding the pendency of cases and the accumulation of cases in the High Courts and the Supreme Court and other *Muffasil* courts. The basic issue which I would like to highlight even today is that a reply was given by the hon. Minister to my Starred Question No. 521 on 30<sup>th</sup> April, 2015. I am reading the reply given. The data on pendency of cases is maintained by the Supreme Court and the High Courts. As per information furnished by the Supreme Court, 61,081 cases were pending in the Supreme Court as on 01.04.2015; as per information furnished by the High Courts, 41.53 lakh cases are pending in the High Courts as on 31.12.2014.

In reply to the next question on what were the reasons for the pendency of the cases in the Supreme Court and the High Courts, the hon. Minister gave many reasons, but I would like to read out just two reasons. Some of the main reasons for pendency of cases in courts are increasing number of State and Central legislation. The first reason for the pendency of cases in the Supreme Court and the High Courts is increasing number of State and Central legislation. The second reason was continuation of original civil jurisdiction in some of the High Courts. I am only taking these two reasons.

Here, my point is that the number of legislations are increasing and the Government is giving more burden to the High Courts. In this case also if you go through the definition of clause 2, in the definition it says that if it is an international commercial arbitration, then the original jurisdiction will be the High Court. That means the Government is imposing further burden upon the High Courts. We have discussed about the commercial disputes. In the case of an international commercial arbitration also the original jurisdiction is also being given to the High Court. High Courts will be further burdened, pendency will be more and access and as a result of that poor common people will suffer.

In the Arbitration and Conciliation Act there is a provision that the case should be disposed of within 12 months from the date of starting the proceedings and it can go maximum up to 18 months. I fully agree with the hon. Minister on arbitration, fixing of fees, the time schedule, appointment of arbitrators. I agree with him on these points. But the point is that the indirect effect will be on the High Courts which will be heavily burdened. Also, with regard to the international commercial transactions, how has the definition changed? The hon. Minister has not explained that.

### **17.00 hours**

A very interesting fact to be noted is that the definition of an international commercial arbitration in Section 2(f) of the original Act has been very clearly changed. It says: "International commercial arbitration means an arbitration relating to dispute arising out of legal relationship whether contractual or not considered as commercial under the law in force in India where at least one of the parties is outside India." One of the parties should be outside India. Only then it will become an international commercial transaction. In Clause 3, you have very intelligently and cleverly removed the term 'company'.

Sir, you may kindly note that 'company' is defined in the Companies Act, 1956. As per the definition of the company in the Companies Act, 1956, it should be registered in India. Otherwise, it should be a foreign company. So, you have deleted the term 'company'. It is said: "An association or a body of individuals whose central management and control is exercised in any country other than India." Any oil company or any company can very well tell that control, management, administration and everything are there whether the registered head office is not in foreign country or not. They need not have any registered head office in Britain or US or anywhere outside India. Any company in India, a domestic company, can very well argue that my business and administration are being carried outside India, I can be considered as a company operating outside and can come within the purview of international commercial arbitration. So, the



original jurisdiction will go to the High Court. That will be disposed of within 12 months or 18 months. That means, is it for inviting foreign direct investment? Then why have you removed the term 'company' from this definition?

So, in the definition of international commercial arbitration, you have deleted and omitted 'company' with an ulterior motive that any Indian company, whether it is Reliance or whatever it may be, can very well argue the case that they are having an international commercial arbitration and so, it should come within the purview of Section 2 of this Act, that they can directly go to the High Court and can dispose the case within a specific period, as the hon. Minister has cited. That is the first objection which I would to make.

Regarding the next point, yesterday also I have said it and I want to explain that point further. Regarding international commercial transactions, the original jurisdiction is with the High Court. Indian courts have the jurisdiction to enforce and recognise the arbitration award even if the place of arbitration is outside India. I would like to ask the hon. Minister that, by this amendment, Indian courts have to recognise and enforce the awards passed by arbitrators or arbitration courts or whatever they may be, outside India.

My question is, what about the awards passed by the Indian arbitration outside the country? Is there any mutual treaty between India and foreign countries regarding arbitration? So, as far as the foreign arbitration is concerned, when the place of arbitration is outside India, that award has to be complied with and enforced and that has to be recognised in India. But my question is, what about Indian companies and any arbitration award that comes into force in our country? Will that be recognised, respected and enforced in other countries? This is my second point on which I would like to seek a clarification from the hon. Minister.

Regarding Clause 8, once again, I would like to say that it is a very dangerous provision. By means of the intervention of the courts in India, most of the proceedings are being delayed like anything. I do accept it. That is not

because of the courts alone. It is because of the procedural formalities, because of the CPC and the CrPC which the Parliament has passed. We want judicial reforms *in toto* and not in respect of commercial disputes alone and not in respect of arbitration alone. Shri Joice George has made that point. An award cannot be set aside. In the original Act, an arbitral award arising out of arbitration other than international commercial arbitration may also be set aside by the court if the court finds that the award is vitiated by patent illegality appearing on the face of the record.

That is the point which is to be looked into by the Minister. Even though my amendment is not being accepted, kindly look into the fact even in the future course of drafting of all these things. Suppose an award passed in the foreign country, an international award passed in the foreign country, as far as the international commercial arbitration, you cannot question, that means Indian courts cannot question, even if there is a patent illegality appearing on the face of the record. So, even an illegal award passed by the foreign arbitration in the case of an international commercial arbitration, Indian courts cannot question. Even if it is apparent on the face of the record that there is an illegality, the Indian courts have no jurisdiction. I am coming to the proviso also.

It says: "An award shall not be set aside merely on the ground of an erroneous application of the law or by re-appreciation of evidence. These are the two areas that are important. 'Application of law' and 'appreciation of evidence' are the two basic principles of Indian judicial system. We have to implement or we have to use the laws in a proper form. The law has to be applied in a proper way. If the law is applied in an erroneous way, if there is an erroneous application of law, the court has no right to set aside the award. What is this jurisprudence?

Second aspect is 're-appreciation of evidence'. The courts have no right to re-appreciate the evidence. Suppose when the legality of an arbitration award comes to the court, the court has no right to re-appreciate the evidence which was already put before the arbitration. Then what is the scope of appeal? Then what is

the scope of judicial process? The supervisory capacity of the judge or the judiciary is the main fact to be considered. When we are talking about the ease of doing business, even the judicial system is being submitted to the international commercial arbitration. So, these two, 're-appreciation of evidence' and 'erroneous application of law' are the main points. That means you cannot re-appreciate factual evidence. If question of law cannot be considered and question of fact cannot be considered, then what is the role of Indian courts in discussing the veracity and legality of these arbitration awards?

Another point is regarding the 'fundamental policy'. Prior to this amendment, as per the original Act, conflict in award will come, if it is against the 'public policy' of India. Now, it is being changed to mean, 'public policy' means 'fundamental public policy'. Hon. Minister, kindly explain this and enlighten the House as to what is the difference between the 'public policy of India' and 'fundamental public policy of India'. It further says that it is in conflict with the most basic notions of morality or justice. So, if the 'fundamental public policy' is conflicted then the award can be set aside. 'Fundamental public policy' will come only if it is in conflict with the 'most basic notions of morality or justice'. So, my point is that the rights and powers of the judiciary to scrutinise the awards passed by the arbitration is being curtailed by means of this Amendment Act.

I fully agree with the fact that delay is being caused, arbitration proceedings are being prolonged. All these are happening only because of the procedure which we are following in our country, because of the CPC and other procedures which we have enunciated. So, all these points have to be taken into consideration when we are talking about ease of doing business.

I will speak on my amendments when they will be taken up. With these words, once again I move the Resolution disapproving the Ordinance.

With these words, I conclude. Thank you very much.

HON. DEPUTY-SPEAKER: Some Members want to seek clarification.

Shri Sharad Tripathi.

**श्री शरद त्रिपाठी (संत कबीर नगर):** माननीय उपाध्यक्ष जी, हमारे सरकार के मुखिया, प्रधानमंत्री श्री नरेन्द्र मोदी जी की अध्यक्षता में इस विधेयक की मंजूरी मिली। इस विधेयक को हमारे विद्वान मंत्री ने प्रस्तुत भी किया। निश्चित रूप से यह जो पंचायत की व्यवस्था है, मध्यस्थता की व्यवस्था है, भारत की जो पुरानी पंचायत की व्यवस्था थी, यह उसी का एक परिष्कृत और नवीनीकृत रूप है। प्रधानमंत्री जी ने देश के विभिन्न गांवों-कस्बों का दौरा किया है, जिनकी संख्या लगभग तीन हजार से ऊपर है। उनको सच्चाई दिखाई कि किस तरह आज भी पारदर्शी एवं त्वरित न्याय आम लोगों की पहुंच से दूर है। वे उनको पारदर्शी और त्वरित न्याय प्रदान करने के लिए विशेष रूप से गंभीर हैं।

**HON. DEPUTY-SPEAKER:** What do you want? You put the question. 'Clarification' means only putting a question and not making a speech. So, you seek clarification on what you want.

**श्री शरद त्रिपाठी :** उसी के प्रतिफल में माननीय मंत्री जी ने कल कमर्शियल ऐक्ट संबंधी बिल लाया था और आज मध्यस्थता से संबंधित जो विधेयक लेकर आए हैं, मैं उसका पूरा समर्थन करता हूँ और आपके माध्यम से मैं माननीय मंत्री जी आग्रहपूर्वक एक सवाल करना चाहूंगा। हम जितने भी जनप्रतिनिधि लोग हैं। हम लोग जनता के प्रति जवाबदेह-जिम्मेदार हैं। हम लोग जनता की समस्याओं के कारण कभी-कभी धरना-प्रदर्शन में अपनी सहभागिता करते हैं। हम लोगों को पता भी नहीं होता है कि हम लोगों के ऊपर कब कौन-सा मुकदमा कर दिया गया है।

**HON. DEPUTY-SPEAKER:** Shri P.P. Chaudhary. You are not putting questions. I asked you to put question. You have to put the question. I cannot permit it.

**श्री शरद त्रिपाठी :** जैसा कि माननीय मंत्री जी इस विशेष प्रकार के विधेयक के द्वारा लोगों को त्वरित न्याय प्रदान करने के लिए विधेयक ला रहे हैं। मैं माननीय मंत्री जी से अनुरोध करना चाहूंगा कि क्या भविष्य में कोई ऐसे न्यायालय का प्रारूप लाने वाले हैं, जो राजनीतिक न्यायालय के रूप में काम करे और जो जनप्रतिनिधियों के ऊपर आपराधिक मुकदमे किये जाते हैं, उसके कारण जब उनका रिकॉर्ड देखा जाता है, तो वे अपराधियों की श्रेणी में खड़े होते हैं। इसलिए मैं माननीय मंत्री जी से निवेदन करना चाहूंगा कि देश में एक राजनैतिक न्यायालय भी बने, जहाँ केवल राजनीतिक लोगों के मुकदमों का निस्तारण किया जाए।

**HON. DEPUTY-SPEAKER:** It is not connected with this thing. That is the problem. You have to put the question related to the subject, not about other things.

SHRI P.P. CHAUDHARY (PALI): Sir, the Arbitration and Conciliation (Amendment) Bill, 2015 is the need of the hour. It will instill confidence in the minds of the investors. My clarificatory question to the hon. Minister, through you, Sir, is this. This is basically a post-litigation mediation. There are two types of mediations the posts pre-litigation mediations. In our country, we are only having the post-litigation mediation. We do not have the pre-litigation mediation. So, in post-litigation mediation, what is required is the application for appointment of an arbitrator is to be moved before the court. The court is required to decide that application within sixty days. Thereafter, the court can also examine the existence of *prima facie* arbitration agreement. The total period is twelve months. It is required to be decided within 12 months. Further, with the agreement of the parties, it can be extended to six months. Again, on account of "sufficient cause" – the court can extend the time for giving an arbitral award. It is a post-litigation mediation. In other countries of the world just like America, 70 per cent litigation is reduced only on account of pre-litigation mediation. So, in the case of pre-litigation mediation, if the legal status is given, the parties meet together, agree, and enter into an agreement, their agreement is only required to be registered with the Registrar, then, there is no need to file any arbitration application before the court. Is there any move with the Government to create pre-litigation mediation? Thank you.

SHRI VARAPRASAD RAO VELAGAPALLI (TIRUPATI): Sir, the one case that is long-pending is about the Bhopal Gas Tragedy.

The poor people are not able to get justice. Therefore, as the initiative of the Government and the Ministry of Law, Bhopal case could be the first case to be referred to where the worst has happened in the human history so that those people may get justice. The hon. Minister may kindly consider this.

ADV. JOICE GEORGE (IDUKKI): My only clarification is regarding Clause 18 where we have introduced the words 'the fundamental policy of Indian law' and also the words, 'the basic notion'. These words were introduced for the purpose of getting over the implication of judgement in the ONGC case. Again the hon. Minister is saying that this is a matter of interpretation by the court. I fear that we are again throwing the ball in the court of law. We are leaving the entire issue to the wisdom of the court to interpret all these things. That is not the spirit of the amendment because the spirit of the amendment is to reduce the judicial interference. On the one hand, we are talking about reducing the judicial interference, and on the other hand, we are giving again all the responsibilities to the courts to interpret the clauses of the Act, which would be counterproductive. So, kindly clarify on this issue.

**श्री विनोद कुमार सोनकर (कौशाम्बी) :** निश्चित रूप से जो बिल आया है, इससे देश में हजारों मुकदमों को कम करने में सहूलियत मिलेगा। विषय इसी से जुड़ा हुआ है, देश में उपभोक्ता फोरम का गठन हुआ। जिस समय उपभोक्ता कानून को लाया गया, उसके पक्ष में बड़ी-बड़ी दलीलें दी गयीं कि इससे उपभोक्ताओं का हित होगा, साथ ही साथ, त्वरित न्याय होगा, लेकिन आज देश के विभिन्न न्यायालयों में, जिला फोरम में, स्टेट फोरम में और नेशनल फोरम में लाखों मुकदमे उपभोक्ताओं से संबंधित पड़े हुए हैं। मैं मंत्री जी से जानना चाहूंगा कि क्या इनकी मध्यस्थता के लिए या उपभोक्ता फोरम में पड़े हुए मुकदमों के त्वरित निस्तारण के लिए विचार करके कोई कार्यक्रम या विधेयक लाएंगे? धन्यवाद।

SHRI D.V. SADANANDA GOWDA: Sir, I am not totally agreeing with Shri Premachandran's view. I beg to differ from his view. He has raised three issues. Yesterday, while answering I stated that the increasing pendency is due to increase in the number of State and Central legislations. I would like to bring it to the notice of this House this. We have seen the Electricity Act. As soon as the said Act was brought into force, lakhs and lakhs of cases were filed under that Act. Today, we are going in for an amendment to the Negotiable Instruments Act. If a banker files a case or ten cases against one individual; those ten cases can be kept together and the same can be resolved as a single case.

The Domestic Violence Act was brought into force. Within a short period, thousands of cases have been filed. For that reason, I stated that there are certain enactments or new legislations because of which cases have been increased. That is what I told. Same is the case with the Motor Vehicles Act under which challans are collected by some other modes with the result reduction of cases would be there. Likewise, the Arbitration and Conciliation Act.

As far as appeal is concerned, we have provided an appeal for patently illegal cases in the court. If you allow all the cases to go to the court, this Bill will have no base at all. Earlier what happened? If we accept the argument of Shri Premachandran, almost all amendments brought today will have no value at all; it would be infructuous. So, totally to avoid too much interference of the court, we have done all these things. At the same time, as far as ONGC case is concerned, practically the whole judgement was considered and on the basis of that, the present draft has been prepared.

Shri Premachandran had mentioned about the claim of a company as to whether it is a foreign company or not. Practically, reference under Sub-Section 3 is removed because it is already covered under Sub-Section 2 under the terms 'body corporate'. So, there is no confusion as far as the issues which have been raised in the House by Shri N.K. Premachandran. Therefore, I request the House to disapprove his Statutory Resolution.

HON. DEPUTY SPEAKER: I shall now put the Statutory Resolution moved by Shri N.K. Premachandran to the vote of the House.

The question is:

“That this House disapproves of the Arbitration and Conciliation (Amendment) Ordinance, 2015 (No. 9 of 2015) promulgated by the President on 23 October, 2015.”

*The motion was negatived.*

HON. DEPUTY SPEAKER: The question is:

“That the Bill to amend the Arbitration and Conciliation Act, 1996, be taken into consideration.”

*The motion was adopted.*

HON. DEPUTY SPEAKER: The House will now take up clause-by-clause consideration of the Bill.



## Clause 2    Amendment of Section 2

Prof. Saugtata Roy -        Not present.

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

“Page 2, for lines 13 and 14,--

*substitute* ‘(B) in clause (f), in sub-clause (iii), after the words  
“a body of individuals whose”, the words “registered head office,”  
shall be inserted.’” (5)

“Page 2, line 20,--

*after* “this Act”

*insert* “if mutually agreed treaties for enforcement of  
arbitration award are in existence with such  
countries”.” (6)

HON. DEPUTY SPEAKER: I shall now put Amendment Nos. 5 and 6 to Clause 2 moved by Shri N.K. Premachandran to the vote of the House.

*The amendments were put and negatived.*

HON. DEPUTY SPEAKER: The question is:

“That clause 2 stand part of the Bill.”

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clauses 3 and 4 were added to the Bill.*

## Clause 5    Amendment of Section 9

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

“Page 2, line 47,--

*omit* “or within such further time as the Court  
may determine”.” (7)

Sir, the Government can very well accept this amendment. Just now hon. Member Shri P.P. Chaudhary also mentioned about it. It says 'within such further time as the Court may determine'. Then, what is the meaning of giving a prescribed period of 12 months plus six months. After that, again it is said 'or within such further time as the Court may determine'. So, the entire authority is being given to the Court to fix the time as to when it will be disposed of. My point is, this is to be deleted.

HON. DEPUTY SPEAKER: I shall now put Amendment No. 7 to Clause 5 moved by Shri N.K. Premachandran to the vote of the House.

*The amendment was put and negatived.*

HON. DEPUTY SPEAKER: The question is:

“That clause 5 stand part of the Bill.”

*The motion was adopted.*

*Clause 5 was added to the Bill.*

### **Clause 6 Amendment of Section 11**

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

“Page 4, line 15,--

*after* “opposite party”

*insert* “and the procedure for service of notice shall be completed as expeditiously as possible within a maximum period of 60 days from the date of filing of application” ” (8)

“Page 4, line 19,--

*after* “Fourth Schedule”

*insert* “and revise the same from time to time corresponding to the revision made as per Section 11A” ” (9)

Sir, my Amendment No. 8 is about issuance of the notice which is a big problem because most of the time is being taken for the issuance of the notice. So, this should also be taken care of.

My Amendment No. 9 is regarding the fee of the arbitrator. The hon. Minister has stated that the fee of the arbitrator has already been fixed by the Parliament. But the Government can, at any time, change the fee as per Section 11A. So, it is not absolute. I am not objecting to it. My point is, if you can change the fee structure at any time, this should also be incorporated along with other Sections.

HON. DEPUTY SPEAKER: I shall now put Amendment Nos. 8 and 9 to Clause 6 moved by Shri N.K. Premachandran to the vote of the House.

*The amendments were put and negatived.*

Shri Adhir Ranjan Chowdhury - Not present

Shri B. Vinod Kumar - Not present

HON. DEPUTY SPEAKER: The question is:

“That clause 6 stand part of the Bill.”

*The motion was adopted.*

*Clause 6 was added to the Bill..*

*Clause 7 was added to the Bill.*

### **Clause 8 Amendment of Section 12**

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

“Page 5, *omit* lines 11 to 13.” (10)

Sir, my Amendment is that the person who is interested either in the subject matter or is interested in the parties to the dispute cannot be an arbitrator. That is the provision for which we are making an amendment by virtue of the Schedule.

But a proviso has been given, if the parties are in agreement with the issue, then they can have any arbitrator. That cannot be allowed. It is because, suppose the Government of India is a party to the arbitration and a contractor or a claimant is there, the Government and the claimant are making an agreement. Okay, though the arbitrator is having some interest in the subject matter of the dispute, he can be, that shall never be allowed, that is the proviso. That is my amendment.

HON. DEPUTY SPEAKER: I shall now put Amendment No. 10 to Clause 8 moved by Shri N.K. Premachandran to the vote of the House.

*The amendment was put and negatived.*

HON. DEPUTY SPEAKER: Shri B. Vinod Kumar – not present.

The hon. Minister to move Amendment No. 22 to Clause 8.

*Amendment made:*

Page 5, *omit* lines 14 and 16. (22)

(Shri D.V. Sadananda Gowda)

HON. DEPUTY SPEAKER: The question is:

“That clause 8, as amended, stand part of the Bill.”

*The motion was adopted.*

*Clause 8, as amended, was added to the Bill.*

*Clauses 9 to 11 were added to the Bill.*

**Clause 12 Amendment of Section 24**

HON. DEPUTY SPEAKER: Dr. Shashi Tharoor – not present.

The question is:

“That Clauses 12 to 14 stand part of the Bill.”



would like this to be passed while urging the Minister that strictest step should be taken to enforcing contracts also.

I want to mention that here, for the first time, fees for arbitration have been indicated in the Bill. Normally it is not done. So I hope that this will lead to speedier disposal of the cases. I had mentioned to the Minister just one point that this Bill also has the original and appellate jurisdiction.

There are only three courts in the country which have got original jurisdiction, and they are Calcutta, Bombay and Madras, which are a part of the British Presidency. ... (*Interruptions*) Yes, Shimla also. It is high time that we do away with this colonial legacy. With that purpose, I moved the amendment. But this Bill is basically a harmless Bill. It tries to improve the ease of doing business. So, I would like the Minister to go ahead.

SHRI D.V. SADANANDA GOWDA: As far as the hon. Member, Prof. Saugata Roy's objection is concerned, I would like to say that there is a provision under this Act for fast track. Within six months, if both parties agree, they can resolve. Otherwise, a conscious decision has been taken after considering the Report of the Standing Committee, the Law Commission Report and everything. But there is a fast track provision. Under that fast track provision, that can be taken care of.

HON. DEPUTY SPEAKER: I shall now put Amendments Nos. 3 and 4 to Clause 15 moved by Prof. Saugata Roy to the vote of the House.

*The amendments were put and negatived.*

HON. DEPUTY SPEAKER: Shri Adhir Ranjan Chowdhury – not present.

Shri A.P. Jithender Reddy to move the Amendment No. 16.

SHRI A.P. JITHENDER REDDY (MAHABUBNAGAR): I beg to move:

“Page 6, line 27,—

*for “twelve months”*

*substitute “twenty four months”.*” (16)

Sir, I want to prolong it. As many of my colleagues have said, there are lakhs and crores of cases are pending. ... (*Interruptions*)

SHRI D.V. SADANANDA GOWDA: Just now my friend said that there is arbitration between yourself and myself. It is delayed by more than six months. We will reduce it. ... (*Interruptions*)

SHRI A.P. JITHENDER REDDY : Even when this rule is there, arbitration is not going ahead. ... (*Interruptions*)

SHRI D.V. SADANANDA GOWDA: Sir, the purpose will be defeated if it is enhanced. ... (*Interruptions*)

SHRI A.P. JITHENDER REDDY: Even when this rule is there, arbitration is not going forward, and then it will be cancelled. That is why, I am saying that at least let it be prolonged.

HON. DEPUTY SPEAKER: I shall now put Amendment No. 16 to Clause 15 moved by Shri A.P. Jithender Reddy to the vote of the House.

*The amendment was put and negatived.*

HON. DEPUTY SPEAKER: Dr. Shashi Tharoor – not present.

The question is:

“That clause 15 stand part of the Bill.”

*The motion was adopted.*

*Clause 15 was added to the Bill.*

*Clauses 16 and 17 were added to the Bill.*

### **Clause 18 Amendment of Section 34**

HON. DEPUTY SPEAKER: Shri N.K. Premachandran to move the Amendment No. 11 to Clause 18.

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

“Page 9, *omit* lines 21 and 22.” (11)

Sir, my amendment to Clause 18 is re-appreciation of evidence and this application of law, that is erroneous application of law and re-appreciation of evidence. These are the basic principles and rights of the supervisory courts. If

they are being curtailed, definitely this provision will be struck down by the judiciary. So, my humble submission is that these are the basics of jurisprudence having the application of law in a proper way and appreciation of evidence in a proper way. These are being taken away. So, my submission is that this proviso may be taken away. That is my amendment.

HON. DEPUTY SPEAKER: I shall now put Amendment No. 11 to Clause 18 moved by Shri N.K. Premachandran to the vote of the House.

*The amendment was put and negatived.*

HON. DEPUTY SPEAKER: Shri Adhir Ranjan Chowdhury – not present.

The question is:

“That clause 18 stand part of the Bill.”

*The motion was adopted.*

*Clause 18 was added to the Bill.*

*Clauses 19 to 24 were added to the Bill.*

**Clause 25 Insertion of new Fourth Schedule,  
Fifth Schedule, Sixth Schedule  
and Seventh Schedule**

HON. DEPUTY SPEAKER: Hon. Minister to move the Amendment No. 23.

*Amendment made:*

“Page 14, lines 3 to 4,—

*for* “TWENTY-FOUR MONTHS AND RENDER  
AN AWARD WITHIN THREE MONTHS”,

*substitute* “TWELVE MONTHS”.” (23)

(Shri D.V. Sadananda Gowda)



HON. DEPUTY SPEAKER: The question is:

“That clause 25, as amended, stand part of the Bill.”

*The motion was adopted.*

*Clause 25, as amended, was added to the Bill.*

HON. DEPUTY SPEAKER: Hon. Minister to move the motion for suspension of Rule 80 (i).

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

SHRI D.V. SADANANDA GOWDA: I beg to move:

“That this House do suspend clause (i) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No. 24 \*to the Arbitration and Conciliation (Amendment) Bill, 2015 and that this amendment may be allowed to be moved.”

HON. SPEAKER: The question is:

“That this House do suspend clause (i) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No. 24 \*to the Arbitration and Conciliation (Amendment) Bill, 2015 and that this amendment may be allowed to be moved.”

*The motion was adopted.*

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\* *Vide* Amendments list No. 7 circulated on 10.12.2015

### New Clause 25A

*Amendment made:*

“Page 15, after line 12, insert, -

“Act not to apply to pending arbitral proceedings.	25A. Nothing contained in this Act shall apply to the arbitral proceedings commenced, in accordance with the provisions of section 21 of the principal Act, before the commencement of this Act unless the parties otherwise agree but this Act shall apply in relation to arbitral proceedings commenced on or after the date of commencement of this Act.”.	(24)
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(Shri D.V. Sadananda Gowda)

HON. DEPUTY SPEAKER: The question is:

“That new clause 25A be added to the Bill. ”

*The motion was adopted.*

*New clause 25A was added to the Bill.*

### Clause 26          Repeal and savings

HON. DEPUTY SPEAKER: Dr. Shashi Tharoor – not present.

The question is:

“That clause 26 stand part of the Bill.”

*The motion was adopted.*

*Clause 26 was added to the Bill.*

HON. DEPUTY SPEAKER: The question is:

“That Clause 1, the Enacting Formula and the Title stand part of the Bill.”

*The motion was adopted.*

*Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

HON. DEPUTY SPEAKER: The Minister may now move that the Bill, as amended, be passed.

SHRI D.V. SADANANDA GOWDA: Sir, I beg to move:

“That the Bill, as amended, be passed.”

HON. DEPUTY SPEAKER: The question is:

“That the Bill, as amended, be passed.”

*The motion was adopted.*

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**17.36 hours****DISCUSSION UNDER RULE 193****Price Rise**

HON. DEPUTY SPEAKER: The House shall now take item No. 17 - discussion on price rise.

Shri P. Karunakaran.

SHRI P. KARUNAKARAN (KASARGOD): Thank you Deputy Speaker Sir. I am grateful to you because you have permitted me to initiate the discussion and also admitted under Rule 193. ... (*Interruptions*) Sir, we are discussing a very important issue of the price rise which affects the day to day life of the people. The family budgets are shaken due to uncontrolled price rise that we see everyday. The prices of essential commodities are going up everyday. The cost of production of agriculture produce is also rising and at the same time, the prices of the agricultural produce are declining without any control and it is very difficult for the common man to meet both the ends. I have the experience in this House from the 14<sup>th</sup> Lok Sabha onwards. We have been discussing the price rise in every Session but the 'price rise' has never listened to us. It takes its own course leaving the people with strain and pain. I admit that there may be various reasons for the price rise. The experts of economics may term it as demand push inflation... (*Interruptions*) It may be demand push inflation, supply push inflation, wage push inflation and general inflation. Whatever may be term they say, the net result is the rising trend of the price and making more and more misery to the common people. We could witness this period as the period of price rise. The *dal* price has continually been in upwards trend crossing the suffering of the people. The *dal* is now more expensive than chicken with a result the real price exceeds 220 per kilo. The prices of *urad* and *arhar* dal have doubled what it was in 2014. The pulses are items of food security as the bulk of the population derives proteins from pulses. The recommended requirement of pulses for a person is 50 to 60 grams

but now the availability is only 30 grams per day. Though it was considered as a poor man's protein, nowadays, it has become rich man's luxury. It is because of the rise of prices of the pulses. India is the producer of the pulses, consumer of the pulses and also the importer of the pulses.

When we produce 18-19 million metric tonnes, the consumption is 23 million metric tonnes. The deficit is met by imports, as a result of high quantity of imports, the prices in the international market are also increasing. Here the Government has to take steps to boost domestic production. The MSP for pulses should be substantially increased. This is not alone sufficient. The Government has to go for procurement from the farmers. Otherwise, the farmers cannot realise the MSP.

Sir, our Finance Minister said that we are going for buffer stock. It is good. But the buffer stock should be on the basis of domestic production. If it is on the basis of international import, it means, the benefits go to the international traders. So, the Government has to stick on to the procurement on the basis of domestic production. It is reported that for the last seven years the prices of pulses, oil, mutton and other items have doubled. The Economic Survey of Delhi for 2014-15 shows that the prices of pulses and other items are now twice and thrice costly. There is no State that does not consume pulses. Either it is vegetarian food or non-vegetarian food, either in *sambar*, whether it is *chana* or *dal*, or any other food item, it is seen as a source of protein by both vegetarians and non-vegetarians. The jump in the price of pulses has put most of the poor families in difficulty throughout the year. The middle class families are also forced to cut down the intake because of high rise in prices.

At present, the import of pulses by multinational companies and big traders has not eased the situation. They will use the import to stockpile pulses and wait for a better price. In recent times, 75 tonnes of pulses have been seized from hoarders. There are stocks throughout the country. It means, though they import, at the same time they are not giving it to the poor people but they are stocking it and

waiting to get a better price. It means, hoarding and black marketing are going on and the Government is not taking any strict action on this.

The skyrocketing price of onion and other food items show that the prices have more than doubled from last year. Onion is now selling at Rs.80 per kilo in some areas of Delhi compared to Rs.37 per kilo in August last year. The prices of onion and other food items have risen more than 50 per cent in many of the cities.

The prices of rice and wheat show the same upward trend. The prices of rice and wheat have doubled in many places. In almost all the vegetable items, we see the same trend. The Government has no scheme to buffer stock. So, my demand is that the Government has to take up sufficient step for buffer stocking to assist the people.

I do agree that inadequate rain, perhaps, has contributed to the fall in the production of pulses in many parts but that alone is not the reason. You see, when there is 12 per cent decline in production, it leads to 100 per cent price rise. It means, we cannot blame only the monsoon but the policy taken by the Government is also equally important. So, the policy of the Government is also one of the major reasons. We cannot blame the monsoon alone.

One of the main reasons for the burden on the people is that when there is abnormal price rise, there is no corresponding increase in the wage of the workers and employees. One reason is, there is no corresponding increase in the prices of agricultural produce and cash crops also. Again, another reason is that the cost of production in all sectors is going up compared with the increase in price rise. The official figure, especially the Whole Sale Price Index, does not record any rise in prices. Of course, almost all the Finance Ministers say and quote the whole sale prices. We can see that. We may not get any article on the Whole Sale Price Index but at the same time, the Consumer Price Index is the real fact from which we can judge the things. When ordinary people go to the market, they are not able to get it at the whole sale price.

The farmers find it difficult to cultivate their land because it has not only become an unprofitable profession but the prices of agriculture produce and cash crops are also declining. The production can be increased only by assisting the farmers and enabling them to cultivate their land. It should be ensured that they should get Minimum Support Price (MSP), adequate subsidy, financial assistance including low interest rate on the bank loan.

Sir, we do not have adequate storage facilities. It has come out in an answer given to this House itself that due to absence of this storage facility we are losing 30 to 35 per cent of our vegetables, which otherwise rot. The earlier Government had made a scheme for construction of warehouses but no action has been taken after that.

The price rise adversely affects the people. There are other factors also like new taxes imposed by the Central and State Governments which contribute in increasing this burden even more. Take, for example, the Service Tax. It has risen from 12 per cent to 14.5 per cent, which is an additional burden on the common man. For the corporate millionaires it would not be an issue but the common man has to suffer much.

Sir, the best method to control the price rise is the Public Distribution System. Tamil Nadu is the best model in that respect. Once Kerala was the best model but I do not say that today it is so good. Though it is still better, it has weakened now because of many reasons. I would not go into the detail.

Similarly, the Food Security Act passed by the Parliament was a noble Act. But to get this Act implemented, the Centre has to fulfil its responsibilities. In this regard, almost all the States have to get more food grains like wheat, rice and sugar. Otherwise, it would not be possible to implement it.

In earlier discussions, the Government has repeatedly stated in the House that increase in petroleum prices in the international market is the main reason for increase in the prices of essential commodities. I would like to draw the attention of the Government that during the UPA time the then Finance Minister as well as

the Prime Minister would say that if the prices in international markets are increasing, prices in our country would also increase. It is true that if the prices of petrol and diesel go up, there would be a chain reaction in other items as well. But this Government has got in a very comfortable position and the prices of petroleum products have come down to 50 to 60 per cent in the international market. I want to know as to why this Government is not able to transfer this benefit to the common people and to the consumers.

It has been said by many Finance Ministers that whenever there is a reduction in the international prices of petroleum, there should be a corresponding reflection in the domestic market as well. It is interesting to note the variation in price structure of per barrel crude oil, petrol and diesel, for the following period: in January 2011 it was 84.47; in January 2012 it was 91.71; in January 2013 it was 86.75; in January 2014 it was 110; again in mid 2014 it reached 115; in November 2014 it came down to 80.16 and in 2015 it has come down to 45.

Let us compare the price of petrol and diesel over the last five years. In 2011 January, price of petrol was Rs. 58.37 and price of diesel was Rs. 37.75. In 2012 January, price of petrol was Rs. 63.37 and price of diesel was Rs. 41.29. In 2013 January, it was Rs. 67.24 and Rs. 47.15 respectively. In 2014 January, price of petrol was Rs. 72.43 and price of diesel was Rs. 54.34. In 2014 March, it was Rs. 72.26 and Rs. 50.47 respectively. In January 2015, price of petrol was Rs. 61.33 and price of diesel was Rs. 50.41.

Our Finance Minister has raised the excise duty for the sixth time. Yesterday, we got to know it. What is the reason for again raising the prices of petrol and diesel? The Government has increased excise duty on unbranded petrol from Rs. 7.06 to Rs. 7.36 per litre and on branded petrol from Rs. 8.24 to Rs. 8.54 a litre. Similarly, the Government has increased excise duty on unbranded diesel from Rs. 4.66 to Rs. 5.83 per litre and on branded diesel from Rs. 7.02 to Rs. 8.19 per litre. This decision has been taken and conveyed to this House yesterday by the Finance Minister. What is the reason for the Government to raise excise duty



for the sixth time since the present Government came to power one and a half years back? This is the situation when the prices of petrol and diesel have come down. What reason can the Government provide for this? We know the reason.

The price rise has its own effects. When the excise duty is in a comfortable stage and the prices of petrol and diesel are high, of course the Government may get higher income. When the prices of these products come down, of course, the Government will lose. What the Finance Minister is saying is that they are not transferring the benefits to the consumers. At the same time, they want to get the money. That is the reason for this increase.

I would like to say one phrase in Malayalam “*Kurukande Kannu Eppozhum Kozhikuttulu Ayyerkyum*”. It means that a fox is always keen on the poultry cage because at any cost, the fox wants its food. Just like that, our Finance Minister at any cost wants to get more and more money, even at the cost of the lives of the people.

SHRI M.B. RAJESH (PALAKKAD): Sir, price rise is an important issue concerning the Finance Ministry and the Finance Minister is not present here.

HON. DEPUTY SPEAKER: No. The Minister of Food, Shri Ramvilas Paswan is sitting here. He is a Cabinet Minister.

... (*Interruptions*)

HON. DEPUTY SPEAKER: There are three Cabinet Ministers sitting.

... (*Interruptions*)

HON. DEPUTY SPEAKER: There are three Cabinet Ministers. They will take care. Do not worry.

... (*Interruptions*)

HON. DEPUTY SPEAKER: Whatever he has said, nothing will not go on record.

... (*Interruptions*)

HON. DEPUTY SPEAKER: Shri Karunakaran, please continue.

... (*Interruptions*)

**उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्री (श्री राम विलास पासवान) :** प्राइस राइस के सम्बन्ध में जो डिस्कशन हो रहा है, यह बहुत ही महत्वपूर्ण और गम्भीर मुद्दा है। कैबिनेट की ज्वाइंट रिस्पांसिबिलिटी होती है और मोर ओवर जो माननीय सदस्य ने डिस्कशन शुरू किया है, वह दाल से शुरू किया है, खाद्य पदार्थ से शुरू किया है। मैं आपको विश्वास दिलाना चाहता हूँ कि जो खाद्य पदार्थ से सम्बन्धित है, उसका जवाब मैं दूँगा और फाइनेंस मिनिस्टर ओवर ऑल जवाब देंगे।... (व्यवधान) मैं सारे प्वाइंट्स को नोट कर रहा हूँ। करुणाकरण जी बहुत ही अच्छी तरह से बोल रहे हैं। मैं इसमें कोई पार्टी पॉलिटिक्स नहीं चाहता हूँ।

मैं माननीय सदस्य से यह भी आग्रह करूँगा, चूँकि जब मैं बोलूँगा तो दोनों प्वाइंट्स को रखूँगा। हम लोग आज पोजीशन में हैं, पहले अपोजीशन में थे। यह हमेशा की बात है। मैं जरूर यह चाहूँगा कि आप सरकार की जमकर क्रिटिसाइज कीजिए, लेकिन थोड़ा सा सजेशन भी देते जाइए कि इसको रोकने के लिए क्या-क्या हो सकता है? जैसा आपने खाद्य के संबंध में कहा कि हमारा प्रोडक्शन कम हो रहा है, हमारी डिमांड बढ़ती जा रही है। फॉरेन की पॉलिसी यह है कि वहां भी प्राइस राइज है। वहां अब दाल मिल नहीं रही है। आपने कहा कि किसान को अधिक से अधिक उत्पादन करना चाहिए, एमएसपी ज्यादा होनी चाहिए, लेकिन आपको मालूम है कि एमएसपी से बहुत ज्यादा रेट पर अनाज मिलता है। एमएसपी बहुत कम होता है। आप उसे कितना भी बढ़ाइएगा, उसकी बराबरी नहीं हो पाती है। कल हम लोगों ने गन्ने के ऊपर चर्चा की थी। गन्ना कैश क्रॉप है। कितना भी उसका दाम कम दीजिए, लेकिन किसान गन्ना उपजाएगा। वह मर जाये तो मर जाये, वह उसे उपजायेगा। दाल कैश क्रॉप में नहीं आता है, फूड पदार्थ कैश क्रॉप में नहीं आता है। इसलिए हम चाहेंगे कि आप प्रब्लम्स को भी रखें और उसके साथ-साथ सुझाव भी देने का काम करें तो हमारे लिए वह बहुत लाभदायक होगा।

**SHRI P. KARUNAKARAN:** Sir, during my deliberation, I made all those points clear as regards procurement, storage facilities, domestic production, etc. Though I had criticized, but I had also made all these points.

**SHRI RAMVILAS PASWAN :** No, I have noted down all your points.

**SHRI P. KARUNAKARAN:** Sir, price rise has its own adverse affect on the family budget, which destabilizes their family; it has its own effect on the day to day life of the people all together; and it has its own effect on the political structure also. It has also become a determining factor in the political changes that we can see in our country. I remember that the first Chief Minister of Kerala, Shri

E. M. S. Namboodiripad, who was not only a Communist, but he was a good administrator, a historian, and also an orator. He was known to all. In a discussion during the election review at a time when we had a set back, he said that : “Do not think that voters are always your tenants. When they feel they will react.” Of course, it was a lesson for us at that time. When the UPA Government was there, along with BJP we fought against price rise. The then Finance Minister, Mr. Chidambaram and Dr. Manmohan Singh were making the same argument that the international prices were going up. Hence, what can we do about it. They also talked about the failure of monsoon, etc., and they were not ready to accept the real factors responsible for it. But when the elections took place, the people were not ready to accept their arguments. Hence, they lost and they were reduced to 42 or 44 in number.

The present Government -- within one and a half years -- have also realized this issue. You are also arguing on the same facts and you are also making the same arguments, and you also got the answer in Bihar elections, Delhi elections, Gujarat elections, and even in the MP elections where we got the highest majority as you lost that seat by 90,000 votes to the Congress. Why is it so? There are a number of other issues, but this is the most important issue. This is the lesson that we have to learn from the people. When they have pain and when they feel, then they would react. It would be better if you realize it. It would be better for your Party and the Government. Otherwise, more dangerous days are coming to address you.

With these words, I conclude.

HON. DEPUTY SPEAKER: The House stands adjourned to meet tomorrow the 18<sup>th</sup> December, 2015 at 11 am.

**17.59 hours**

*The Lok Sabha then adjourned till Eleven of the Clock  
on Friday, December 18, 2015 / Agrahayana 27, 1937 (Saka).*

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