

KLS/2B-2.30

**The House reassembled after lunch at thirty minutes
past two of the clock, MR. DEPUTY CHAIRMAN in the Chair**

...

SHRI JAIRAM RAMESH: Sir, I have a point of order.

MR. DEPUTY CHAIRMAN: Let me first do the introduction. I will allow you.

Don't start with point of order as soon as I come.

PRIVATE MEMBERS' BUSINESS

BILLS INTRODUCED

MR. DEPUTY CHAIRMAN: Now, Private Members' Legislative Business --
Bills for introduction. Shri Rajkumar Dhoot. He is not present. Shri
Bhupender Yadav. He is not present.

THE CONSTITUTION (AMENDMENT) BILL, 2016 (AMENDMENT OF ARTICLES 109,117, 198 AND 207)

DR. K.V.P. RAMACHANDRA RAO (TELANGANA): Sir, I move for leave to
introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

DR. K.V.P. RAMACHANDRA RAO: Sir, I introduce the Bill.

(Ends)

THE CLINICAL ESTABLISHMENTS

(REGISTRATION AND REGULATION) AMENDMENT BILL, 2016

SHRI MOHD. ALI KHAN (ANDHRA PRADESH): Mr. Deputy Chairman, Sir,
I move for leave to introduce a Bill further to amend the Clinical
Establishments (Registration and Regulation) Act, 2010.

The question was put and the motion was adopted.

SHRI MOHD. ALI KHAN: Sir, I introduce the Bill.

(Ends)

SHRI JAIRAM RAMESH: Sir, my point of order is on this Bill.

MR. DEPUTY CHAIRMAN: That is correct. After introduction, I will allow
you. Shri Shantaram Naik. He is not present. Shri Pradeep Tamta. He is
not present. Shrimati Vandana Chavan. She is not present. Dr. Kanwar
Deep Singh. He is not present. Shri Husain Dalwai. He is not present. Shri
Sanjay Seth. He is not present. Dr. T. Subbarami Reddy. He is not
present.

(Followed by 2C/SSS)

**THE CONSTITUTION (AMENDMENT) BILL, 2017 (AMENDMENT OF
ARTICLE 366)**

SHRI SUKHENDU SEKHAR ROY (WEST BENGAL): Sir, I move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI SUKHENDU SEKHAR ROY: Sir, I introduce the Bill.

(Ends)

**THE REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL, 2016**

SHRI VIVEK GUPTA (WEST BENGAL): Sir, I move for leave to introduce a Bill further to amend the Representation of the People Act, 1951.

The question was put and the motion was adopted.

SHRI VIVEK GUPTA: Sir, I introduce the Bill.

(Ends)

THE POPULATION (STABILIZATION) BILL, 2017

SHRI VIVEK GUPTA (WEST BENGAL): Sir, I move for leave to introduce a Bill to increase the minimum age of marriage for women from eighteen years

to twenty-one years and to establish a National Population Stabilization Authority to look into the schemes to encourage two child norm and having an appropriate gap between children, incentivizing adoption, creating recreational centres in villages, formulating policies wherein certain minimum criteria is present before a family can start having children and for all matters connected herewith and incidental thereto.

The question was put and the motion was adopted.

SHRI VIVEK GUPTA : Sir, I introduce the Bill.

(Ends)

THE CONSTITUTION (AMENDMENT) BILL, 2017 (INSERTION OF NEW ARTICLES 275A AND 371K)

SHRI VIVEK GUPTA (WEST BENGAL): Sir, I move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI VIVEK GUPTA: Sir, I introduce the Bill.

(Ends)

MR. DEPUTY CHAIRMAN: Has Shri Sanjay Seth come?

SHRI SANJAY SETH: Yes, Sir.

MR. DEPUTY CHAIRMAN: You can move the Bill.

THE RIGHT TO ADEQUATE HOUSING BILL, 2016

श्री संजय सेठ (उत्तर प्रदेश) : महोदय, मैं प्रस्ताव करता हूँ कि देश में गरीबी रेखा से नीचे रहने वाले अथवा निम्न आय वर्ग के अंतर्गत आने वाले परिवारों हेतु एक निःशुल्क अथवा ऐसी उचित लागत पर आवास प्रदान करके तथा आवास खरीदने हेतु निम्न आय वर्ग के परिवारों को ब्याज मुक्त ऋण प्रदान कर उनके लिए यथोचित निवास-गृह का उपबंध करने तथा तत्संसक्त और उसके आनुषंगिक विषयों का उपबंध करने के लिए एक विधेयक को पुरःस्थापित करने की अनुमति दी जाए।

The question was put and the motion was adopted.

श्री संजय सेठ : महोदय, मैं विधेयक को पुरःस्थापित करता हूँ।

(समाप्त)

MR. DEPUTY CHAIRMAN: Now we will take up further consideration of the Bill. Today, being Friday, the House will sit up to 5.00 P.M. Do you all agree?

SOME HON. MEMBERS: Yes.

MR. DEPUTY CHAIRMAN: What is your point, Shri Jairam Ramesh?

SHRI JAIRAM RAMESH: Sir, please listen to me carefully because it is a very important point of order. It has a bearing on all the 30 Bills that have been listed today in today's List of Business and it will have a bearing on all Private Members' Bills in future. So, please bear with me for a couple of

minutes, Sir. Sir, I am very careful. I am not going to say anything which will force you to expunge what I said.

MR. DEPUTY CHAIRMAN: Why do you think like that?

SHRI JAIRAM RAMESH: Last time, on a Private Members' Bill, you ended up expunging it. I will be very careful.

MR. DEPUTY CHAIRMAN: No, no; I will be very careful to expunge if there is anything unparliamentary.

SHRI JAIRAM RAMESH: I am very careful, Sir. Sir, we all know under which Rule of the Rajya Sabha's Rule of Procedure and Conduct of Business a particular Private Members' Bill is classified as a 'Money Bill' or 'not a Money Bill'. We all know that. It is there in the Constitution. It is there in the Rules of Procedure. The decision of the Speaker of the Lok Sabha is final. You refer to it if there is a doubt and the Speaker gives a decision. So, that chapter is over. My clarification which I am seeking from you relates not to Money Bills, but relates to Financial Bills of Category A.

(Contd. by NBR/2D)

-SSS/NBR-GS/2D/2.40.

SHRI JAIRAM RAMESH (CONTD.): And, I have three clarifications to seek from you. First, I would like to know under which rule of the Rules of Procedure and Conduct of Business in the Council of States a particular

Private Member's Bill is classified as a Financial Bill of Category 'A'. This is number one.

The second one is: I would like to know under which rule of the Rules of Procedure and Conduct of Business in the Council of States a reference is made to the Ministry of Law and Justice for determining whether a Private Member's Bill is a Financial Bill of Category 'A'.

My third clarification from you is: Under which rule of the Rules of Procedure and Conduct of Business in the Council of States is the decision of the Lok Sabha Secretary-General -- not the hon. Speaker -- taken as the final decision whether a Private Member's Bill is a Financial Bill of Category 'A'.

So, in short, Sir, my clarification is on Financial Bill of Category 'A'. I have three questions: First, which rule is used to determine whether a Bill is Financial Bill of Category 'A'. Second, under which rule does the Rajya Sabha make a reference to the Ministry of Law and Justice to determine whether it is a Financial Bill of Category 'A'. And, third, under which rule does the Rajya Sabha accept decision of the Lok Sabha Secretary-General on that particular Bill being a Financial Bill of Category 'A'?

Sir, these clarifications affect all Private Members' Bills. It affects the independent functioning, autonomy and dignity of this House and it is because of this I have raised the point of order. Thank you.

(Ends)

MR. DEPUTY CHAIRMAN: Okay. Now, I understood, you are very clever and intelligent too, because you are indirectly coming back to a particular Bill on which there is a ruling.

SHRI JAIRAM RAMESH: Sir, it is only out of academic interest I have asked.

MR. DEPUTY CHAIRMAN: That is why I have said you are very clever. I can appreciate the academic aspect. Since you did not refer to any particular ruling, I come to what you said.

First you want to know as to who will decide that it is a Financial Bill.

SHRI JAIRAM RAMESH: Under which rule?

MR. DEPUTY CHAIRMAN: I will tell you. The Constitution is very clear about the Money Bill and the Constitution also mentioned clearly what constitutes a Financial Bill. With regard to Money Bill, if any question is raised or if there is any doubt, certainly, it is the hon. Speaker who will decide. But, with regard to Financial Bill, we need not refer it to the Speaker; it is for us to decide and the decision will be taken here. That is number one. But, it is

again according to the provisions of the Constitution and rules, if there are any. That is relating to Financial Bill. So, we will take the decision.

What you want to ask, as per my understanding, is who decided that it is a Financial Bill? We decided it as a Financial Bill. For that, we are not asking the Speaker.

What is your second question?

SHRI JAIRAM RAMESH: Under which rule is a reference made to the Ministry of Law and Justice?

MR. DEPUTY CHAIRMAN: You have asked that question. You did not say, but I can say this. You asked that question out of a ruling given here because there is a reference. I know that. That is why you have asked it. But, you are intelligent enough not to divulge it; I understand that. I appreciate your keenness. But, the point is this.

(CONTD. BY USY/2E)

USY-HMS/2E/2.45

MR. DEPUTY CHAIRMAN (CONTD.): That is a procedural matter, done in the Secretariat. Therefore, it cannot be discussed here. However, you are free to approach the Chairman in his Chamber and raise this issue. This being a Secretariat matter, I cannot allow a discussion on this here. ... (Interruptions)...

DR. K.V.P. RAMACHANDRA RAO: But, Sir, other Members also have a right to know as to what is happening behind the curtains.
...(Interruptions)...

SHRI JAIRAM RAMESH: This is not an issue of one Bill. It affects all the Members. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Yes; yes. I do not dispute your point. Even though there is no point of order in what you have said, yet I concede that *prima facie* there is some point in it. I concede that. That is why ...(Interruptions)... Please sit down, Dr. Ramachandra Rao. I know you are interested in this. I also know that you are behind it. So, please sit down. ...(Interruptions)... Please sit down. ...(Interruptions)... You are not only standing behind, you are behind it. Please sit down. ...(Interruptions)... Please sit down. ...(Interruptions)...

SHRI JAIRAM RAMESH: Sir, that remark of yours that he is behind it...(Interruptions)...

MR. DEPUTY CHAIRMAN: He is standing behind you. That is why I have said this. ...(Interruptions)...

SHRI JAIRAM RAMESH: He is only physically behind me, not behind it.
...(Interruptions)...

MR. DEPUTY CHAIRMAN: Okay. You put it like that. I have no problem.

श्री मोहम्मद अली खान : डिप्टी चेयरमैन सर, यह मुद्दा खाली श्री जयराम रमेश से जुड़ा नहीं है, यह इस हाउस से जुड़ा है। इसलिए इसका disposal भी हाउस के अंदर होना चाहिए।

جناب محمد علی خان : ڈپٹی چیئرمین سر، یہ مدعا خالی شری جے رام رمیش سے جڑا نہیں ہے، یہ اس ہاؤس سے جڑا ہے۔ اس لئے اس کا disposal بھی ہاؤس کے اندر ہونا چاہئے۔

MR. DEPUTY CHAIRMAN: No; no. Whatever reply is to be given, I am giving. I replied to the first point, 'Who decides'? We decide. Second, what is the rule? It is decided according to the provisions of the Constitution. But, since referring a Bill to the Law Ministry is a procedural matter, which is dealt with by the Secretariat, of course, the ultimate responsibility lies with the hon. Chairman. But, we cannot discuss a Secretariat's matter here. My advice is that you can approach the hon. Chairman in his Chamber. ...(Interruptions)...

DR. K. KESHAVA RAO: Then, I request you also to be present there. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: No; no. You have not raised it. Only he has raised it. ...(Interruptions)... Then, what was your third point?

SHRI JAIRAM RAMESH: My third point is, under which rule the Rajya Sabha decides on the decision of the Secretary-General, Lok Sabha, whether a Bill is a financial Bill or not? ...(Interruptions)...

MR. DEPUTY CHAIRMAN: There is no rule by which we decide. We go by the advice, if at all there is any, of our Secretary-General, not the Secretary-General of the Lok Sabha. We do not seek advice from the Secretary-General of the Lok Sabha. We do not do that. ...(Interruptions)...

SHRI JAIRAM RAMESH: Sir, what you have said forces me to refer to a case in the recent past. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: I had already told you. ...(Interruptions)... I have understood. ...(Interruptions)...

SHRI JAIRAM RAMESH: Two months ago, the observation of the Secretary-General of Lok Sabha was quoted to determine whether a Bill...(Interruptions)...

MR. DEPUTY CHAIRMAN: No; no. I have got your point. It is a public document. It is in the ruling. In the ruling, it is stated that the Lok Sabha Secretary-General 'opined'. So, that was an opinion. It was only an opinion. Anybody can give an opinion. I can listen to you and your opinion can also be accepted. We have our own Secretariat. We have our own Secretary-General. But, we simply cannot reject that simply because the

Secretary-General, Lok Sabha, has opined like that. That's all. Nothing more than that. That was only an opinion. We go by the decision of the Speaker, Lok Sabha, with regard to the Money Bill. But, the point you are referring here was only an opinion. Whatever ruling was given, it was our ruling. And, that is valid also. I think, I have replied to all the three questions.

SHRI JAIRAM RAMESH: No, Sir. I am not satisfied. Whether a financial Bill is of Category 'A' or not, you are saying, is determined by this House. But, two months ago ...(Interruptions)... We were given to understand that that was not the basis for deciding whether it was a financial Bill or not. The basis was: Number one, the Lok Sabha Secretary-General; number two, the Ministry of Law and Justice.

(Followed. by 2f – PK)

PK-ASC/2F/2.50

MR. DEPUTY CHAIRMAN: That is only a reference.

SHRI JAIRAM RAMESH: Nowhere was it mentioned, Rajya Sabha Secretariat.

MR. DEPUTY CHAIRMAN: That was only a reference made, might have been made or might not have been made. But it is there. I accept, in the ruling it is there. Reference was made.

SHRI JAIRAM RAMESH: Under which rule did you make that reference?

MR. DEPUTY CHAIRMAN: No, no. I have told you that point. That is a procedural matter. I am not ready to reply to that or discuss it. That is a procedural matter. You may approach the hon. Chairman. That's all. That is over. Okay. Nothing more.

DR. K.V.P. RAMACHANDRA RAO: Sir, I should also be allowed.

MR. DEPUTY CHAIRMAN: No, no. That is enough.

DR. K.V.P. RAMACHANDRA RAO: I beg the Chair.

MR. DEPUTY CHAIRMAN: Okay, okay. Nothing more. That is enough.

Now, further consideration of the Bill by Shri Tiruchi Siva. Mr. Siva, you spoke for five minutes that day. So, you will continue.

**THE CONSTITUTION (AMENDMENT) BILL, 2015
(AMENDMENT OF ARTICLE 324) -- CONTD.**

SHRI TIRUCHI SIVA (TAMIL NADU): Sir, my Bill is to further amend the Constitution of India. Why it is needed, I have to elucidate first. Article 324 of the Constitution says, "The superintendence, direction and control of elections..... shall be vested in the Election Commission." In Article 324 (6), it says, "The President, or the Governor of a State, shall, when so

requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1)." Sir, my Amendment is that, here, alongwith 'such staff as may be necessary', 'excluding the teachers' may be inserted. Because of the appointment of teachers as electoral officers, there is a lot of absenteeism of teachers in schools and a lot of repercussion has been felt. Many people belonging to the teacher community approached me and expressed their concerns. Because of being employed for election duty, they undergo a lot of strain, and because of that their concentration on studies is affected. Sir, the American Commission on Teachers' Education very rightly observes that the quality of a nation depends upon the quality of its citizens. The quality of citizens depend, though not exclusively but in critical measure, upon the quality of their education. The education, undoubtedly, depends upon a single factor, that is, the quality of teachers. Sir, the importance of teachers is no secret. Schools and societies seek out for the best teachers they could get because of the belief that the success of the students depends only on teachers. A teacher not only imparts education but also inspires and motivates the students to grow and develop as good citizens. The quality and accent of learner achievement is

certainly determined, primarily, by teachers' competence, sensitivity and teachers' motivation. A true democracy is one where education is universal. But in our country, after many decades of Independence, that is, in the dawn of the 21st Century only, the children aged 6 to 14 of our nation gained the Fundamental Right to Education under Article 21 (A). It says that the State shall provide free and compulsory education to all children of the age of 6 to 14 years in such a manner as the State may by law determine. Sir, India's educational report card leaves ample room for improvement. In 2016, the World Economic Forum's Human Capital Index, which takes into account educational quality in addition to access, ranked India at 105 out of 130 countries. It is a very sorry state of affairs. A developing country, rather a developed country, which is expected to be number one at the global level on many grounds, whereas in education, it is placed at the 105th place among 130 countries. Further, as per the Annual Status of Education Report Survey 2016, which is administered by the Indian NGO, PRATHAM, it was found that learning of mathematics is a serious and major source of concern.

(Contd. by PB/2G)

PB/2G/2.55

SHRI TIRUCHI SIVA (CONTD.): As per all-India figures, rural figures especially, for basic arithmetic in 2016, only 27 per cent of Class 3 students could do a basic two-digit subtraction. For Class 5 students, the proportion of students who could do a basic two-digit subtraction is, in fact, lower at 26.1 per cent. The reading levels of students is not much better either. As per the ASER Report, 46 per cent of Class 1 students could not even recognize the letters of their preferred language. For Class 3 students, only 25 per cent of the students were able to read a Standard 2 level text. In another independent survey commissioned in 2014 by the Ministry of Human Resource Development, 60.64 lakh students were estimated to be out of school in the age group of 6-13 years. Again, the Ministry of HRD also commissioned two studies for the attendance assessment rate of students and teachers in 2006-07 and 2012-13. As per the study, 15.2 per cent of the teachers at primary schools were absent during 2012-13. The figure was worse for the upper primary schools, with teacher absenteeism at 16.9 per cent during 2012-13.

Sir, the importance of the role played by the Election Commission which is a constitutional body cannot be undermined. While the Parliament is empowered to frame law as regards conduct of elections, the 'superintendence, direction and control of holding the elections' is the sole

responsibility of the Election Commission. Sir, recently, we got an information or a statistic that in Madhya Pradesh 4,000 schools don't have even one teacher. In this situation, when there are so many vacancies employment or appointment of teachers as Election Officers...

MR. DEPUTY CHAIRMAN: Why is there no teacher in 4,000 schools?

SHRI TIRUCHI SIVA: Yes. That has to be gone ...

MR. DEPUTY CHAIRMAN: Are there no teachers, no qualified teachers?

SHRI TIRUCHI SIVA: Sir, schools don't have teachers at all.

MR. DEPUTY CHAIRMAN: We can get any number of teachers.

SHRI TIRUCHI SIVA: It is very alarming, Sir, to receive that. And which are the States? I should say that, given that a total of 9,07,585 posts of teachers are vacant in the country. Already when so many vacancies are there, they are leaving the students without proper coaching. Even the teachers who are employed are sent to an election duty and they are being trained. Teachers, especially lady teachers, who go there, undergo a lot of sufferings. Any person who is employed or deputed for election duty is taken care of by other people whereas these teachers are not taken care of. They don't have any place to go and settle; they don't have any place of convenience for lady teachers for two or three days and they undergo a lot of mental strain during that period, and they are also stamped with some

political affinity whatever may happen there. And when they come back, their concentration on teaching the students come down. It is alarming, Sir. You yourself said this; 9,07,585 posts are vacant.

MR. DEPUTY CHAIRMAN: How is that possible? That is what I am thinking. Is it? How can it be?

SHRI TIRUCHI SIVA: Day-before-yesterday also, a question came that even in the Central Universities, posts of some 6,000 professors are vacant. ... (Interruptions)... Yesterday only, Sir.

MR. DEPUTY CHAIRMAN: For university professors, there may be shortage of qualified ranks.

SHRI TIRUCHI SIVA: No, Sir. They are in abundance. Qualified candidates are available much in the country. It is only because of the recruitment process. It is the administrative mistake only, Sir. It is not because of lack of candidates. Why? They are, of course, qualified. But the recruitment process is not proper in this country. The Delhi University itself has got 3,000 and odd vacancies. It is very, very sad. We say that we are bothered about the standard of education whereas the universities are lying vacant without professors and the schools are having an alarming vacancy of 9,00,000 and all. See, I don't go into evasive collection of reports. Even the Ministry of HRD in 2014 titled 'Education for all towards Quality with Equity'

says which are the vacancies lying in the States. I will say it very, very, shortly. In Uttar Pradesh, vacancies against sanctioned SSA, Sarva Shiksha Abhiyan Posts, are 1,24,196.

MR. DEPUTY CHAIRMAN: My God! How can it be?

SHRI TIRUCHI SIVA: Vacancies against total posts sanctioned under State Programme, 1,45,334. On the whole, Sir, in U.P. only, 2,69,539 vacancies are there.

(Contd. by 2h/SKC)