

SSS-AKG/2U/4.00

**THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE**

**(SHRI P. P. CHAUDHARY):** Thank you, Sir, for permitting me. The Bill was moved by Shri Tiruchi Siva. This is in respect to the Amendment of Article 324 of the Constitution of India where he has suggested that the present provision may be substituted by the provision that the teacher should not be involved in the process of election and he has suggested that “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, excluding school teachers, as may be necessary for the discharge of the functions.” So, what is suggested by the hon. Member is that the school teacher may be excluded from participating in the process of election and in the Statement of Objects and Reasons the Supreme Court judgment has also been cited. And apart from it, it is stated that as per Article 21 of the Constitution of India, education is a fundamental right of children and that education of children is being affected. Therefore, teachers should not be deployed in the process of election and a reference to the provision of Section 27 of the Act of 2009 was

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also made. Now, Sir, apart from the Statement of Objects and Reasons, a reference of the Supreme Court judgment has been made, but a reference to the other direction of the Supreme Court has not been made. The Supreme Court direction is that the teacher should not be employed in the process of election, but the reference has not been made in the Statement of Objects and Reasons to the other direction that the teacher can be employed in the process of election in non-teaching hours, when holidays are there. Sir, as per Article 139 of the Representation of People's Act, it is provided specifically. So, this Bill has been moved for amendment of Section 159 of the Representation of the People Act, 1951. In that Section a provision has been made that the Election Commission can requisite any staff and it includes teachers, Government servants and various authorities from various Departments because it is clearly mentioned that under this provision -- kindly see, the Representation of the People Act where the provision has been made -- that not only the teachers but the Election Commission can also requisite staff from the local authorities, staff from the universities, staff from Government companies as defined under the Companies Act and any other institution, concern or undertaking of the

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Government. So, not only the teachers from various streams and from various authorities, the other staff are also being requisited for conducting elections. For this purpose, no such amendment has been moved and this is a requirement of the law. Under the statute, the Election Commission can requisite the teachers and other staff from various other institutions. Now, so far as Article 21A of the Constitution is concerned, it speaks about the Fundamental Right of Education, but in no way the Fundamental Right of Education of the students is being interfered. And as far as Section 27 of the Act of 2009 is concerned, it specifically provides that the services of the teachers can be taken. Although the Act of 2009 came into effect after the Supreme Court judgment, but under this provision a specific provision has been made that the services of the teachers can be taken. Section 27 of the Act of 2009 says “prohibits deployment of teachers for non-educational purposes, other than decennial population census, disaster relief duties or duties relating to elections to local authority, State Legislatures and Parliament, as the case maybe.”

**SHRI TIRUCHI SIVA:** Is this the RTE Act?

**SHRI P. P. CHAUDHARY:** Yes, The Right to Education Act.

(Contd. by NBR/2W)

-SSS/NBR-RPM/2W/4.05.

**SHRI P. P. CHAUDHARY (Contd):** So, even under the RTE Act where the Fundamental Right of Education is prescribed, a provision has been made by Parliament that services of teachers can be requisitioned for the purpose of election of State Legislature, Parliament and election of local authorities and local bodies. Therefore, there is a specific provision. So, apart from Article 324 of the Constitution, there is also a provision under Section 159 of the Representation of the People Act. There is also a provision under Section 27 of the Right to Education Act. But, no such suggestion has been made by the hon. Member that amendment should also be carried out to these provisions since these are still in force. So, Sir, this provision was made under Section 27 after the judgment of the Supreme Court and it specifically provides that services of teachers can be requisitioned and teachers can be deployed in the process of election.

Coming to the judgment of the Supreme Court, there is no blanket order as mentioned by the hon. Member. Hon. Member has

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mentioned as if Supreme Court has directed that deployment of teachers is prohibited.

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** No, no. The hon. Member said that it is an observation of the Supreme Court.

**SHRI P. P. CHAUDHARY:** Sir, now, kindly see the observation of the Supreme Court. It is at para 32. It says, 'We would, however, notice that the Election Commission before us also categorically stated that as far as possible teacher would be put in electoral role, revision works on holidays, non-teaching days and non-teaching hours. Whereas, non-teaching staff be put on duty any time. We, therefore, direct that all the teaching staff shall be put on duty of roll revisions and election works on holidays and non-teaching days. Teachers should not ordinarily be put on duty on teaching days and within teaching hours.' So, in pursuance of this, the Election Commission, from time to time, issued orders and one such order was issued way back in 2008, making it clear to all the concerned and respective authorities that teachers should not be deployed in view of the Supreme Court judgment. The order was issued by the Election Commission on 28<sup>th</sup> January, 2008. Sir, with your permission, I wish to read it. It says, "As of now, a holiday is declared

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on poll day. The Commission desired that if the day of dispatch of polling party happen to be the teaching day for schools then that day should also be declared a local holiday for school, wherever necessary. The Commission further directed whether teachers are appointed as Presiding Officer or other Polling Officer, the training session for them shall be conducted, as far as practical, on holidays." So, these are the orders. There is not a single order. But, there are so many orders.

In view of the order of the hon. Supreme Court, the Election Commission has directed the following:

"Whenever teaching staff is put on duty of poll revision, the DEOs, EROs shall prescribe holiday and non-teaching days and non-teaching hours as the duty period of this work. Such appointees may be asked to avoid teaching hours and for undertaking roll revision work during roll revision wherever teachers are appointed as designated officers to make."

In view of the above, it is clear that even the Election Commission has taken precaution. So, the Bill moved by the hon. Member is devoid of any force and it lacks merit. The question is, in pursuance of the

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order of the hon. Supreme Court, the Election Commission has issued necessary orders and those orders are being followed.

Besides, we have to look at Article 51A of the Constitution which specifically provides the Fundamental Duties. It says, 'It shall be the duty of every citizen of India; (d) to defend the country and render national service when called upon to do so.'

(CONTD. BY USY/2X)

USY/2X/4.10

**SHRI P. P. CHAUDHARY (CONTD.):** Conducting election is basically a sovereign function. It cannot be conducted through the outsourced staff of various agencies of the private people because it is a question of accountability. It is a national service. Participation in democratic process is a national duty. It is not just a fundamental duty, but the process of democracy is the basic foundation of the Constitution of India. Apart from the constitutional provisions and apart from statutory provisions, the conduct of elections is just like a celebration. As per the basic structure of our Constitution, it is above Fundamental Rights. In case of a conflict between Fundamental Rights and the basic structure

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of the Constitution, the basic structure will have an overriding effect. So, the democracy is the essence of the Preamble of our Constitution, which is the basic structure of Constitution. Not only this, not only our students, even the foreign students visit India to see how elections are conducted in the biggest democracy of the world. They stay here for months together and study the election process. So, it is basically an education. It is not wastage of time. In other words, it is wrong to say that it is waste of teachers' time and wastage of teaching time. To my mind, not only the teachers, there must also be a participation of the students in the process of elections. So, I suggest Mr. Tiruchi Siva to move another Bill for making a provision that not only teachers, but students should also participate in the process of democracy because it is the cardinal principle of the Constitution of India and the Preamble of the Constitution of India. ...(Interruptions)... We are, now, in a digital world. ...(Interruptions)...

**SHRI TIRUCHI SIVA:** He is provoking me. ...(Interruptions)...

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** No; no. Please be cool.

**SHRI P.P. CHAUDHARY:** Time is not far away, when we can have a 3-D form of education in all the schools all over the country. There are almost four lakh senior secondary schools in the country. So, the need of the teachers will be less. So, the participation of the teachers should be there in the election process. Participation of the students should be there in the election process, so that they can learn. It is a part of the education. We cannot say that it is not a part of the education. It is a part of the democratic process and helps us to learn about the strength of the democracy of our country. ...(Interruptions)... It has also been raised that there is a paucity of teachers. ...(Interruptions)... I have come to understand that the matter of the paucity of teachers is pending before the Supreme Court of India. So, I would not like to comment on that count. Moreover, it is not under the domain of our Ministry.

As I have said, the elections are democratic process and conducting elections is a sovereign function. We cannot outsource the staff from private bodies for this purpose. This duty has to be performed by the people who can be held accountable and responsible. As I have already said, under section 159 of the

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Representation of People Act, 1959, not only teachers, the Election Commission takes staff not only from various Government departments, but also from the local authorities and even from the Government companies also. It is our duty to conduct free and fair elections. And, for this purpose, we need a large number of personnel to conduct the elections. It is only the schools that are spread in every part of the country. Their employees are spread all over the country. They are better equipped to participate in conduct of free and fair elections. Therefore, participation of teachers and also the participation of students should be made mandatory for a healthy democratic process.

(Contd. by 2y \_\_\_\_ PK)

PK-VNK/2Y/4.15

**SHRI P. P. CHAUDHARY (CONTD.):** It is an experience which is gained by the teachers. It is an experience which can also be gained by the students. If participation of students is not there, then, participation of teachers could be there. More experience about how our democracy is functioning will be gained by the teachers, which can, in turn, be taught by them to students in the schools.

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Coming to the number of booths, now, approximately, 10,00,000 polling booths are there in our country. Approximately, 8,00,000 polling personnel are employed. Therefore, teachers alone are not enough. Requisitions are sent by the Election Commission for conducting of elections. That is why, Sir, our hon. Prime Minister has suggested that there must be a deliberation on the issue of conducting of simultaneous elections of Parliament, Lok Sabha, and the State Legislature. Sir, I thank all the Members who participated in the discussion -- Shrimati Viplove Thakur, Shri La. Ganesan who suggested use of technology in education, Shrimati Vijila Sathyananth, Dr. K.V.P. Ramachandra Rao, Shri Ananda Bhaskar Rapolu, Shri A. Navaneethakrishnan and Shri Shankarbhai Vegad. Sir, now, I request Shri Tiruchi Siva to kindly withdraw his Bill. Thank you very much, Sir.

(Ends)

**SHRI TIRUCHI SIVA:** Mr. Vice-Chairman, Sir, actually, I was in a mood to withdraw the Bill after having heard the Minister's reply. But his reply was not convincing to me. He spoke as a Law Minister and not as a people's representative. He should represent all sections of the society. When the Minister of HRD has gone out to say ' deliberations

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are on to find out the solutions so that teachers are not occupied in such non-academic work which adversely affects the education of children', the Law Minister is speaking controversial. Two Ministers in the same Government are contradicting themselves. Sir, my intention to move this Bill was with a concern about two sections --one is the student community and the other is the teacher community. The students are deprived of having their education with the absenteeism of their school teachers. Already, I have said in my introductory speech -- I think the hon. Law Minister was not here then -- that there are about 9,00,000 posts vacant in this country. Even in his own State, -- he knows very well -- the number is not less than a lakh. For UP and all, I have cited statistics also; I don't want to repeat that. So, already, there are vacancies and the teachers who are presently employed are being deployed for non-educational duties! I don't disagree with you that every one should have a responsibility in conducting elections, in holding elections, or, to be a part of that. But who are you deploying? In what type of job are they involved in? For example, I would say that in Tamil Nadu, when we were the ruling party, when our Leader, Dr. Kalaignar, was the Chief Minister, he engaged

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only lady teachers up to the level of fifth standard, because only they know how to deal with the students of that age. So, students, who are our future, need more attention of the teachers. As I rightly pointed out at the very outset itself, the quality of a nation depends upon its citizens, the citizens' quality is determined in a way, at least, by way of education and education is, undoubtedly, determined by the quality of the teachers. You were suggesting that they could be used during holidays. So, the teachers don't require rest at all! Whole day, they will be at school, teaching students of different ages and of different temperaments, taking too much of pain; they have got their own families also; and, at the same time, you will also deploy them for non-educational duties, which means that teachers are not at all considered with some concern. So, the Minister, I think, spoke with a closed mind. He was not even able to convince me or say that it will be considered. The other Minister, who is related with the teachers and the students, ....(Interruptions).. -- let me complete -- has said that. I am glad that some people got themselves committed. They are against the teachers' community.

(Contd. by PB/2Z)

PB/2Z/4.20

**SHRI TIRUCHI SIVA (CONTD.):** Sir, the agony and the pain through which the teachers are undergoing when they are deployed for election duty, only they know that. I think, if opportunity warrants, some of the people would have listened to this debate. See, I have nothing personal with this. But a section of the society who is responsible for the future generation's upcoming, to bring them up, when they are in distress, when they are undergoing mental strain, when they are not able to take care of their family because the whole day, they will be in the school ... (Interruptions) ... Let me complete.

**SHRI P. P. CHAUDHARY:** Just a minute.

**SHRI TIRUCHI SIVA:** Let me complete. ... (Interruptions) ... No, no. Please. I am not yielding. ... (Interruptions) ... I will just conclude.

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** Please continue.

**SHRI TIRUCHI SIVA:** They spend the whole of the day at school with the students, teaching them, preparing themselves also. When they go to the school next day, they have to prepare themselves what to teach, how to teach. Other than the academic syllabus, they also have to

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teach them the value of life, the moral values of life, ethics of life. All these responsibilities are vested with the teachers and they have got their own family also, whereas, you will deploy them even during holidays for the election or non-academic duties. I think, it means there is no concern for the teachers' community. So, in that respect, you could at least consider it. What I suggested, in USA and in Australia, they have some voluntary programme. When I said that some people who can offer themselves to work for election duty could be deployed for this purpose, some apprehension were raised even by my esteemed colleague, Mr. La. Ganesan, that they are not accountable. Who is accountable, who is not accountable, no one can be assured of. Everyone will be inclined to some political party or the other. A Judge in the court who is expected to be impartial, he also goes to a polling booth to vote. It doesn't mean that the party to which he is voting, he is associated with that. In a democratic country, every person has got a right to vote and that doesn't mean that they are inclined to that. So, the youth community, whom I said the 'unemployed youth', could be deployed for election duty after giving some proper training. You can deploy retired teachers. When you are re-recruiting teachers for

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teaching in the universities, why don't you recruit them or appoint them as electoral officer? So, I suggested some other alternates. You can find some other alternates if that doesn't work or if you have some apprehensions or you are doubtful about the sincerity and credibility of the youth community who are unemployed. They are going to become police officers, they are going to become teachers, and they are going to occupy many other positions. They are going to come here as law-makers. How can you doubt them that if they go to polling booth, they will have some inclination? No. We cannot distrust anyone and we cannot undermine the sincerity or credibility of anyone. So, my basic intention is one that teachers must be relieved of this. Think of the lady teachers who go to these election booths. These polling booths will be in a remote corner somewhere where there will be no commodity. They don't have travelling facility. They will engage someone to go there. Where to stay at night? Who will take care of them? Who will provide them food? And those lady teachers don't have any place in a remotest village. In Bihar -- the hon. Minister, Shri Ravi Shankar Prasad, will agree -- in some polling booths, even those polling boxes are taken by way of boats. They don't have roads even. In such places, if some

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teachers are deployed, do we realize the pains that they undergo? Why don't we realize that? First of all, a politician or a law-maker should have a human approach. Then only law, then only everything else comes. When you are citing Supreme Court and some people are telling that this amendment is not necessary, I am happy that you confirm yourself that you are against the teaching community, you don't have any soft corner towards them. I quote it again. The Supreme Court has rightly observed, 'Holding of an election is no doubt of paramount importance but the education of children cannot be neglected for this purpose! With an advent of technology, the requisitioning of a large number of people may not be necessary. We notice that the Election Commission has different roles to play. The Election Commission in our opinion can formulate an effective scheme to see that the services of a large number of teachers is not required. The state of primary education in India is in a deplorable condition. There is a heavy dropout from the schools particularly from the municipal schools. Sir, the Judiciary looks at issues on the lines of law but we, who are here as representatives of the people, should have an outlook of the people in a different manner. That should be human. We should have a concern for the poor, for the

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needy who are suffering. In that respect, so many teachers have represented to us. Some who have been teachers and now who are not teachers may not realize the pain or would have forgotten the pain.

(Contd. by 3a/SKC)

SKC/3A/4.25

**SHRI TIRUCHI SIVA (contd.):** But those who are employed now have come to us and literally cried before me. It is that which prompted me to bring this Bill. He says, 'Why has he not brought a Bill for amending the RP Act?' That would follow, Mr. Minister. Even the Constitution is undergoing so many changes. We are amending the Constitution, which had been discussed at length for more than three years extensively in the Constituent Assembly. A Constitution that is considered superior all over the world is still undergoing amendments and you expect a Private Member Bill to bring forth all the amendments! Does your law or the Bills that you bring forth fully cover everything? Your Acts are amended again and again. They are relooked. So many things are being done. You brought the 2009 RP Act. What was the

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previous Act about? Why did you bring the 2009 Act? What does the RTE Act say? In a single Bill, I cannot provide that the RTE Act must be amended, the RP Act must be amended, the Constitution must be amended, and so on. That is not my job. My intention is to convey, through this House, or to create an awakening in the Government, to kindly consider and realize the pain and the agony that teachers of this country face because of their being deployed for election duties or non-academic duties. When we talk about post offices, they are also engaged in various activities, but what is the job that the teachers are doing? They are dealing with children. They are teaching them. They are preparing them for the future of the country. They hold this big responsibility. Don't deprive them of this responsibility. Don't let them undergo mental strain. It is in this backdrop that I said that this amendment is necessary.

Sir, I am very thankful for this discussion. Many hon. Members have contributed and supported this Bill. The Minister's reply did not show any intent to consider this issue. Some people believe that whatever I bring forth must be opposed by them. In our State, if the

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State Government brings forth some legislation which is necessary for the people, we support it. There the Party does not come in.

**SHRIMATI VIJILA SATHYANANTH:** Sir, we do not have any inclination to... (Interruptions)...

**SHRI TIRUCHI SIVA:** But here, it is the convention... ..(Interruptions)...

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** Shrimati Vijila, please....(Interruptions)...

**SHRI TIRUCHI SIVA:** Sir, in a way, I am happy that they have themselves agreed that they are against the concerns of the teaching community and the pains that they are undergoing. ...(Interruptions)....

**SHRIMATI VIJILA SATHYANANTH:** Sir, we are not against... (Interruptions)...

**SHRI TIRUCHI SIVA:** Sir, I am not yielding. I am not yielding. ...(Interruptions)...

**SHRIMATI VIJILA SATHYANANTH:** We are with the teachers. We stand by... ...(Interruptions)...

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**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** Please sit down. ...(Interruptions)... He has not named anybody. Please sit down. ...(Interruptions)...

**SHRI TIRUCHI SIVA:** Sir, I am not yielding. The floor is meant for me. ...(Interruptions)...

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** Please don't do this. ...(Interruptions)...

**SHRIMATI VIJILA SATHYANANTH:** Sir, he should not criticize what our Government... ...(Interruptions)...

**SHRI TIRUCHI SIVA:** It was deliberately done. ...(Interruptions)...

I am very happy that they have been exposed today again. ...(Interruptions)... They are against a section of the society. ...(Interruptions)...

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** No, no. This is not fair. ...(Interruptions)...

**SHRIMATI VIJILA SATHYANANTH:** Sir, the hon. Member should not criticize any of the views placed before this House. ...(Interruptions)...

**SHRI TIRUCHI SIVA:** That is because they are against the fact that a Bill has been moved by a person from a Party that they oppose. They have exposed themselves. ...(Interruptions)...

**SHRIMATI VIJILA SATHYANANTH:** That is not our intent. ...(Interruptions)... We are not against the teachers. We are with the teachers. ...(Interruptions)...

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** You have made your point. ...(Interruptions)... Both of you have made your points. Now, please sit down. ...(Interruptions)...

**SHRI TIRUCHI SIVA:** Sir, everything is on record. ...(Interruptions)... It was registered here that this amendment is not necessary. ...(Interruptions)...

**SHRIMATI VIJILA SATHYANANTH:** He must respect that somebody who.. ...(Interruptions)...

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** Please sit down. ...(Interruptions)...

**SHRI TIRUCHI SIVA:** Sir, I do not wish to be interrupted. ...(Interruptions)... This is what I said. ...(Interruptions)...

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** Please sit down. Let him complete. ...(Interruptions)... Don't divert the issue. ...(Interruptions)...

**SHRI TIRUCHI SIVA:** I did not interrupt anybody. ...(Interruptions)...

**SHRIMATI VIJILA SATHYANANTH:** Sir, we are not interrupting, but by... ...(Interruptions)...

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** No, no. He has not named anybody. ...(Interruptions)...

**SHRIMATI VIJILA SATHYANANTH:** He should not blame us. ...(Interruptions)...

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** He has not blamed you. He did not name any particular party. ...(Interruptions)...

**SHRI TIRUCHI SIVA:** I didn't speak against anybody in particular. ...(Interruptions)... I did say anything about anybody in particular. ...(Interruptions)... The cat is out of the bag! The cat is out of the bag! ...(Interruptions)... I didn't point at anyone, Sir. ...(Interruptions)...

**SHRIMATI VIJILA SATHYANANTH:** How will the Election Commission carry out this process? That is what we asked. ...(Interruptions)...

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**SHRI TIRUCHI SIVA:** Sir, I may be allowed to speak. ... (Interruptions)... Everyone is concerned about... .. (Interruptions)...

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** Please allow him to speak. ... (Interruptions)... Mr. Siva, please address the Chair.

**SHRI TIRUCHI SIVA:** Sir, I said, we are concerned about this democratic country. Holding elections is a mandatory job. And I say it again to the hon. Minister that it is the people's responsibility to get involved themselves and contribute to democracy, not just by way of casting their votes. They may say that they are contributing to democracy, but they should also volunteer themselves by coming and working for the elections. They must help the Government and the Election Commission. Everyone has got that responsibility. When you cite article 51A of the Constitution, 'Fundamental Duties', what does it say? It says that the parents have the responsibility to impart education to their children aged between 6 and 14. Now, while you are concerned about a part of the Constitution, I am concerned about other things as well. That is also a fundamental duty. When students are deprived of

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education because of the absence of teachers in the school, what will the parent do?

(CONTD. BY HK/3B)

HK/3B/4.30

**SHRI TIRUCHI SIVA (CONTD.):** So, Sir, my Bill's intention is simply based on two things. I am concerned about the future of the posterity. The younger generation should be fruitful citizens and they should set examples. Our country is thickly populated with youth community. Teachers are also undergoing the pain. I am very sorry that some people are opposing it. I don't mind that they have different views because this is a forum which has got different views. The debate is always that. Not everybody could be for; they could be against. But, at least, they should realize how it is to be done. They should have an outlook for those who are undergoing trouble. It has to be done in a different manner. Technology is improving. There are so many people to offer themselves to take up the same duty. You consider some other sources. When I say, unemployed youth or retired teachers, you can say that you are not happy with this experiment. Then you find some

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other alternative. But you cannot outrightly reject that this amendment is not needed and only teachers should be committed and students should also come for election duties. Mr. Minister, I don't understand it. Students should not get involved in politics. It is the concern of even political parties. They should know politics but if they get into politics their future will be at stake. What is expected of teachers is basically to teach children and to shape the future of the country. In that situation, I brought this Bill. If I get a solid assurance from the Minister, I will withdraw it or else I move the Bill for passing.

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**(SHRI P.P. CHAUDHARY):** Sir, the Supreme Court passed the direction in 2007 and in compliance with that direction that the teachers should not be engaged during the working hours or teaching hours, the Election Commission passed the order on 28<sup>th</sup> January, 2008. Thereafter, the Parliament enacted the Act of 2009, that is, the Right to Education Act, whereas the specific provision has been made under Section 27 with regard to the participation of teachers. So, compliance has already been made to a large extent and in view of that the services of teachers are only being utilized on holidays and non-teaching hours.

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The other staff in the country is not enough to conduct such a massive election in such a big country. We are the biggest democratic country where elections are held and where lakhs of polling booths are set up. We use all the staff, not only the teachers. What we are saying is that we are not only using the teachers, we are also using the other Government servants; we are using servants from local authorities and we are using services even from the companies. So far as the teachers are concerned, they are spread all over the country in rural areas. Democracy is the basic structure of the Constitution. To strengthen and conduct the free and fair elections, the services of teachers are required. In view of the Supreme Court's judgment, the services of the teachers are being utilized only during holidays and strict compliance is being made. So, I again request hon. Tiruchi Siva to kindly withdraw it. Hon. Prime Minister's electoral reforms are in pipeline. Whatever suggestions the hon. Member has given, we will take them into consideration; everything is in pipeline. Thank you, very much.

(Ends)

**THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):** Sir, I am very grateful that you have given me the floor,

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though the hon. Minister of State has done a very good job. Sir, I know hon. Member, Mr. Siva, for a long time and he is a distinguished friend and colleague. He has articulated a very serious concern and I do appreciate his concern that teachers must be put to the maximum use for teaching the students only. And that point is fairly well taken. I don't want to go into the judgment also. The judgment also says -- hon. Vice-Chairman, you have a very wide knowledge -- 'Ordinarily they should not be put on working days.' So, it is a wish of the Supreme Court. In view of the mandate of Article 324, hon. Vice-Chairman is very much aware, the entire domain is of the Election Commission. Since the hon. Member has articulated his concern, I wish to assure hon. Member, Mr. Siva, that these concerns shall be conveyed to the Election Commission.

(Contd. by YSR/3C)

-HK/YSR-SC/4.35/3C

**SHRI RAVI SHANKAR PRASAD (CONTD.):** That is what we will do. A serious issue arose here and the Election Commission should do the best while upholding the majesty of free and fair election. Please ensure that students and teachers are not unnecessarily disturbed.

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Kindly appreciate, hon. Vice-Chairman, the fact that whenever examinations are there, elections are normally not held during that time to disturb it in all the States of India, including your State. That care we do take. But a specific issue has been raised. We will convey this very serious concern to the Commission and I hope the Commission will take proactive measures. Our Government, the Prime Minister and the entire House are concerned that we need to further improve the electoral system. A lot of things are in the pipeline and there will be an all-Party discussion also. In fact, on behalf of the Government, I will tell my officers to convey it to the Election Commission that whenever there is any all-Party meeting with regard to electoral reforms, maybe hon. Siva's views should also be conveyed there to see the all-Party consensus on that.

With these kinds of assurances which I am giving to you, I would request you to kindly withdraw the Bill.

(Ends)

**SHRI TIRUCHI SIVA:** Sir, this is what is expected of a Minister. As the MoS has suggested, nothing is static in the world. Even on the Constitution, there is a view that it needs to be relooked. When the

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Supreme Court gives a judgement, we enact a law to supersede that judgement. We have got powers to do that. You cannot cite a Supreme Court judgement and say that we should stop at it. You cannot cite an earlier Act and say that we should stop at it. We should always have an open mind to relook into the views and depending upon the existing situation, we need to amend the laws. That is how the evolution of law has taken place.

I thank my very good friend. I take the privilege of calling him as my very good friend for more than two decades. The hon. Minister is a legal luminary. He has rightly given me the assurance. I know very well that a Bill cannot bring so many revolutions and changes and that too a private Member's Bill. I just wanted to convey the sentiments of the teaching community and the pain which it is experiencing. As a representative of the people, I think I have conveyed it rightly. So many hon. Members have participated in that. Taking his assurance into confidence, I withdraw the Bill. Thank you very much.

***The Bill was, by leave, withdrawn.***

(Ends)

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**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** Now, I take up the Women (Equal Participation in Decision Making) Bill, 2015. Shri Anubhav Mohanty. He is absent.

Now, I turn to the Declaration of Countries as Sponsor of Terrorism Bill, 2016. Shri Rajeev Chandrasekhar.

**THE DECLARATION OF COUNTRIES AS SPONSOR OF TERRORISM BILL, 2016**

**SHRI RAJEEV CHANDRASEKHAR (KARNATAKA):** Sir, I beg to move:

That the Bill to declare any country as state sponsor of terrorism and withdraw economic and trade relations with such country and to create legal, economic and travel sanctions for citizens of that country and for matters connected therewith or incidental thereto, be taken into consideration.

Sir, I thank you for allowing this Bill to be debated. On 18<sup>th</sup> September 2016, there was a terror attack in Uri and 19 lives were lost. This was one more incident in a series of incidents that this country had seen and those were lives in a series of lives that India had lost over many decades confronting terrorism.

But for me, it marked a turning point, at least, in my mind and I publicly promised that I would take on the important responsibility of

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calling Pakistan for what they are and what they have always been – a state sponsor of terrorism.

That is why, Sir, in the Winter Session of Parliament, I submitted a Resolution declaring Pakistan a terror state and I also moved a Private Member's Bill which is the Bill that has come up today for discussion and consideration. It is to call out countries like Pakistan that continue to associate, promote, patronise and sponsor terrorism against our nation. I also wrote to the leaders of all political parties to support this Resolution. Regrettably, the Resolution was not taken up. But the Bill was introduced in the Winter Session. Today, I am very happy to have this discussion commenced.

Sir, why this Bill? Many people told me that this is like another Private Member's Bill and that it will not see light of the day, etc. As I have seen from my colleague Shri Tiruchi Siva's Bills, Bills like this do have a purpose.

(Contd. by VKK/3D)

-YSR/VKK/3D/4.40

**SHRI RAJEEV CHANDRASEKHAR (CONTD.):** They start a discussion and a conversation in this House that will perhaps not end and give the

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people of India a conversation or start a conversation on what should be really our relationship with Pakistan given that there is incontrovertible evidence that they support terrorism. Sir, for decades, India and other countries in the region have been victims of numerous terror attacks from organisations and individuals based in and with the support of elements in Pakistan. Yet, for decades, we have remained engaged with Pakistan in an attempt to draw it into the mainstream.

Sir, there is a basic tenet in criminality which you as a lawyer will recognise. Basic tenet of criminality and criminal conduct is that if criminals are not declared criminals and are not made to bear the consequences of their criminal actions, they will continue to be criminals. Sir, I am not a lawyer, but I extend this hypothesis or thesis that this is also true for countries that aid and abet terrorism and use terrorism as a misguided tool of their State policy. Sir, if they are not brought to account, they will continue to violate all established laws and conduct. Sir, therefore, this Bill is to finally put into motion the process of calling terror sponsors to account for years of terror sponsorship and for causing losses of innocent lives not just in India but in the region around us, in other parts of the region and the world.

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Sir, there is another important reason. The world is getting tired and has lost patience with rogue nations, nations that don't conform to global standards of civilised conduct and compliance with law as State sponsors of terrorism. And as world opinion consolidates around the conduct of some countries like Pakistan, the focus will naturally come on what the approach of India and the Indian Parliament to this threat is. Sir, I humbly state that it cannot be our case, as Parliament and as a country, that the world declare and treat Pakistan as a terror-sponsor while all we have done is a 1994 Parliamentary Resolution. Sir, I state humbly that it is time that we stopped running to other countries to declare Pakistan a terror State and stood up and did this job ourselves.

Sir, what is Pakistan's record? There is not one man or woman in this country that does not recognise its direct role in fostering terrorism against India and not just for the last few years but for several decades. Not one man or woman of this country does not want Pakistan to be held to account. Pakistan's history and track record of fostering terrorism and terrorists is long and indeed distinguishable and incontrovertible. For example, Sir, the year 2016, the year that has just gone past, began with a terror attack in Pathankot on 2<sup>nd</sup> January in

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which seven people lost their lives. This was followed by a series of attacks in Gurdaspur, Machil, Pampore, Uri and Nagrota to name just a few. The year 2016 itself ended with an attack in Pampore. In all, we lost 87 lives and 165 militants were killed in 2016. How can we as Parliament forget 13<sup>th</sup> December, 2001 when this very Parliament, the temple of our democracy, was attacked by Pakistan-based terrorists killing as many as 15 people and injuring at least 20 people before our security forces gunned them down? How can we forget 26.11.2008, the Mumbai terror attacks? As the world watched in horror on television screens, Pakistan-based terrorists created a bloodbath in a series of 12 coordinated shooting and bombing attacks which lasted four days, killing 164 and wounding over 300 people. Sir, despite overwhelming evidence, including from captured terrorist Kasab and David Headley pointing to Pakistan, that country continues to do nothing about prosecuting those responsible, confirming and reconfirming its deep involvement as a State that supports these attacks.

Sir, the irony is, despite undeniable evidence, incontrovertible evidence and widespread desire of the people of India, we have continued to engage Pakistan diplomatically, culturally and

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economically in a meaningless engagement, which, in my opinion, serves only one purpose – for time to pass by and memories to fade about the last terror attack. These meaningless dialogues have exposed one fundamental reality that Pakistani State will not do anything unless they are coerced or pressured to do so.

(Contd. by BHS/3E)

-VKK/BHS-HMS/3E/4.45

**SHRI RAJEEV CHANDRASEKHAR (CONTD.):** It is a fact, Sir, and we all can recognise it and we all must recognise it, that it is only after the Kargil bloody nose on Pakistan, the 97<sup>th</sup> bloody nose on Pakistan, that Pakistan turned responsive.

According to data from 1988 to 29<sup>th</sup> January, 2017, 14,741 civilians have been killed in terror attacks in this country, 6,274 security force personnel lost their lives and we have killed 23,146 terrorists. On 22<sup>nd</sup> January, 1994, we, in this very House, unanimously adopted a Resolution condemning “strongly the continued support and encouragement Pakistan is extending to subversive and terrorist activities in the Indian State of Jammu & Kashmir”, stopping short of a stronger resolution to send a message to not only Pakistan but also the

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rest of the world that we will not take Pakistan sponsored terrorism as business as usual. We stopped short, Sir.

Until now, successive Governments, except for Shrimati Indira Gandhi's 1971 defeat of Pakistan in Bangladesh and Shri Atal Bihari Vajpayee's crushing of Pakistan in Kargil, have done very little and continued to have meaningless debates and kept running to major powers to pressure Pakistan. It is for first time with this Government that we have demonstrated military resolve and use of the Army with its surgical strikes. But there is more that we can do and must do by using our diplomatic, legal and economic strengths. Our basket of options to bring Pakistan to book must be expanded beyond military. Which is precisely why I have introduced this Bill to use economic trade, sports, cultural sanctions with Pakistan, to review and repeal the Most-Favoured Nation Status given by India to Pakistan and to review the Indus Water Treaty and to further punish those who aid and abet Pakistan.

Sir, let me just describe the Bill in a few sentences. The Bill is to declare any country, this is the format that will help India, and the Parliament and the Government can declare any Government, any state

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that sponsors terrorism against India. Whilst we recognise Pakistan as our principle aider and abettor of terrorism, this Bill can apply in future to other countries also that directly or indirectly aid terror attacks against India. I will not mention the names, Sir, but we have a fair understanding of which the other countries are.

This Bill, in Section 2(b), defines what a state sponsor of terrorism is. It is any country which, through its instrumentalities or retired officials or through deliberate negligence, provides support to terrorist acts directly or indirectly. Sir, this Bill defines terrorist act. It defines in 2(b) the state sponsor of terrorism and in 2(c) it defines terrorist act.

As one of the principal victims of terrorism for many, many decades, we can set the basis of defining what a terror act is even while the United Nations still struggles to define terrorism. It is one of the ironies of the contemporary age that the United Nations even today struggles for declaring Hafiz Saeed a terrorist because they are quibbling about the definition of terrorist act. So, this Act defines under 2(c) what a terrorist act is. Through the following clauses, it lays out in very clear form what the economic and other consequences are that

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would be applicable to a state sponsor of terrorism that aids, abets, directly or indirectly, the terrorist act.

Sir, take for example, it talks about Heads of States of state sponsor of terrorism being prohibited to travel to and from India. It talks about business entities that are linked to the state sponsor of terrorism being sanctioned against conducting trade, investment or any form of other economic and commercial activity with any entity or the state, the country of India.

(Contd. by DC/3F)

DC-ASC/4.50/3F

**SHRI RAJEEV CHANDRASEKHAR (CONTD.):** It talks about overflight restrictions for entities that are linked to the state sponsor of terrorism. It talks about coastal prohibitions for entities that are linked to the state sponsor of terrorism. Sir, I will conclude now. I can go on and on about this but I believe that the Government and Parliament must act now. The winds of change are blowing in the world against terrorism and terror sponsors. This is obvious and was obvious in the universal condemnation of Pakistan during the Uri terror attacks. In a sense it is a little ironical also that we, as a Parliament, have not done anything

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more than the 1994 Resolution because in September, 2016, the US Congress introduced a Bill. Senator Ted Poe and Congressman Dana Rohrabacher introduced a Bill titled, “Pakistan State Sponsor of Terrorism Designated Act”. They were quite clear. They actually included the name “Pakistan” in the name of the Bill. I am actually trying to be much broader and saying this is not directed at Pakistan, but it is a declaration of state sponsor of terrorism. Senator Poe introducing the Bill stated and I quote, “Not only is Pakistan an untrustworthy ally, Islamabad has also aided and abetted enemies of the United States for years. From harbouring Osama Bin Laden to its cozy relationship with the Haqqani network, there is more than enough evidence to determine whose side Pakistan is on in the war of terror. And it is not America’s.” Sir, if you just take the word “America” out of that quote and insert “India”, that quote holds good for us. Therefore, Sir, it is ironical and I repeat that while the US Congress, a nation that is miles away from Pakistan, has introduced a Bill and is debating a Bill or has debated a Bill, our Parliament has done very little since 1994. And I am going to cite one more quote from the same gentleman. He states, “Pakistan’s reckless behavior in this regard is a serious security risk to

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its neighbours and India, unfortunately, pays the price all too often. Not only is Pakistan an untrustworthy ally, Islamabad has also aided and abetted enemies for years.” So, Sir, let me end by saying, the terror attacks on India has not just caused loss to lives, it has caused significant economic loss to us. On one hand our businesses bleed due to Pakistan-sponsored terror, yet on the other hand we have continued to grant Pakistan the Most Favoured Nation status without the same being granted to us reciprocally. Pakistan poses a continual risk to the peace, security and stability of the region, harbouring terrorists and funding terror outfits that have orchestrated terrorism the world over. In addition to its diplomatic and military options, India can and should use its economic and trade strengths to send out a strong and firm message that we intend to change the relationship with Pakistan into one where Pakistan is a more responsible and accountable neighbour. There is no justification in the world that allows a nation or group to perpetrate violent crime against innocent people. With this Bill, Sir, we in Parliament can reflect the will of our people because there is not a man or woman—as I said earlier—in this country who does not want that Pakistan be declared a State that sponsors terrorism. Sir, it is time

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that we should define what national interest means because we are seeing what the rest of the world is doing to protect their nations and their own people. I appeal to the House and all my colleagues here to start a discussion around this Bill to signal, internally and externally, the depth of our national resolve that there will be no more half measures when it comes to protecting India and its people from terrorism. Thank you, Sir. *Jai Hind.*

(Ends)

***The question was proposed.***

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** Now, Shri Ananda Bhaskar Rapolu. Your time will be up to 5 o' clock only.

**श्री आनंद भास्कर रापोलू (तेलंगाना) :** माननीय उपसभाध्यक्ष महोदय, सम्माननीय स्वतंत्र सदस्य दिखने के लिए तो स्वतंत्र दिखता है, मगर सत्ताधारी सदस्यों से बहुत जुड़ा होता है। मेरे भाई राजीव चन्द्रशेखर द्वारा प्राइवेट रूप में लाए गए बिल के ऊपर चर्चा के दौरान, मैं सोच रहा हूँ कि कहां गए वे दिन?

(3G/KLG पर जारी)

KLG-KR/3G/4.55

**श्री आनंद भास्कर रापोलू (क्रमागत):** हम सोचते थे कि चाय पर चर्चा के लिए कराची तक जा सकते हैं, पाया पाने के लिए पेशावर तक जा सकते हैं, 2014 के

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बाद आप माहौल इतना बदलने वाले हैं कि अगल-बगल में हमेशा शरीफ और मोदी बैठने वाले हैं। What has happened exactly in between? With this, I am looking at the initiative of my esteemed friend, Shri Rajeev Chandrasekhar. Our people, particularly the younger generation, are expressing their views during the sport and cultural events; and making us to follow what to do and what not to do, how to behave with a neighbour, how to stand, put forth our view, how to stand up. Since the present Government could not withstand and stand up to the exigencies of bilateral relations and cross border terrorism. They have very closely allied with the ruling dispensation. The Independent Member, Shri Rajeev Chandrasekhar had to go for a resolution first, and now to come with a Private Member Bill to debate on this sensitive issue. We know that how we have invited the investigators across the border. They have come over here to have the luxury of the VIP movement in the classified and restricted areas.

I belong to a party which is known for its sacrifices. We all know how Indira Gandhi had sacrificed her life; and how she stood for and what she had achieved. What was the achievement of my leader, late Rajiv Gandhi? We all know how we used to have India as a great idea of

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the sub-continent. Where exactly are we standing now? These are all the things that are coming to my mind while discussing about my friend, Shri Rajeev Chandrasekhar's Bill. ..(Interruptions).. Yes, your concern. I appreciate your effort to make a detailed study and come up with 10 clauses. It is a great detailed Bill. This can be taken up by the Government for further consideration. But why has this occurred? Why is this happening? This is unnecessarily a futile exercise. It is not at all diplomatic. It is just a novice. It won't take the expert view and guidance from the right people. This type of decline has happened in our bilateral relations. What is happening in the Pakistan-occupied Kashmir? How are we looking at that problem? What are the concerns of the people living there? What is happening in Balochistan? How are we responding to those people? But just a lip sympathy is not going to serve in any way. The son of Gujarat used to speak about those sensitive issues. He knows how sensitive the Rann of Kutch is. We know how he used to provoke the then UPA Government and challenge the Government with 56 inches chest. 56 इंच का वह सीना कहां गया? ...(व्यवधान)... वह सीना कहां गया? हम सोच-सोच कर गिर पड़ रहे हैं और साधना में, दिखाने में, करने में, हर चीज में आप गिरते-गिरते आ रहे हैं, इसीलिए यह बिल लाए हैं। Respected

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Vice-Chairman, this is a point of highlight. This is an occasion for the Union Government to take note of.

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY):** Mr. Rapolu, as the Deputy Chairman has already informed, this Bill could be discussed till 5 o'clock; and the House should adjourn after that. But we have a certain other business to take up. This Bill will be carried forward to the next day of Private Members' Bill as and when the House decides.

(Continued by 3H/KR)