

GSP-LP/1A/11.00

**The House met at eleven of the clock,
MR. CHAIRMAN in the Chair**

- - -

OBITUARY REFERENCE

MR. CHAIRMAN: Hon. Members, I refer with profound sorrow to the passing away of Prof. C. Lakshmanna, a former Member of this House, on the 6th of November, 2017, at the age of 82 years.

Born in February, 1935 at Vajrakarur in Anantapur District of combined Andhra Pradesh, Prof. Lakshmanna was educated at the Loyola College, Chennai and the Lucknow University.

An educationist, Prof. Lakshmanna was associated with several social welfare and educational institutes. He served as the Principal of the University College of Arts and Social Sciences, Osmania University and as the President of Indian Institute of Development Research and A.P. Sociological Society. He represented India at various world educational forums on social and developmental issues. A prolific writer, he had several publications and journals to his credit.

Uncorrected/ Not for Publication-19.12.2017

Prof. C. Lakshmana represented the State of Andhra Pradesh in this House from April, 1984 to April, 1990.

In the passing away of Prof. Lakshmana, the country has lost an eminent educationist and an able parliamentarian. We deeply mourn the passing away of Prof. Lakshmana.

I request Members to rise in their places and observe silence as a mark of respect to the memory of the departed.

(Hon. Members then stood in silence for one minute)

MR. CHAIRMAN: Secretary-General will convey to the members of the bereaved family our sense of profound sorrow and deep sympathy.

(Ends)

PAPERS LAID ON TABLE

SHRI JAGAT PRAKASH NADDA: Sir, I lay on the Table, under sub-section (3) of Section 31 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, a copy (in English and Hindi) of the Ministry of Health and Family Welfare, Notification No. G.S.R. 1016 (E), dated the 16th August, 2017, publishing the Cigarettes and other Tobacco Products (Packaging and Labelling) Second Amendment Rules, 2017.

Uncorrected/ Not for Publication-19.12.2017

DR. HARSH VARDHAN: Sir, I lay on the Table -

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Science and Technology (Department of Biotechnology), under sub-section (2) of Section 44 of the Regional Centre for Biotechnology Act, 2016:—

(1) No. RCB/REG/2017/01, dated the 19th September, 2017, publishing the Regional Centre for Biotechnology (Doctor of Philosophy Degree Programme) Regulations, 2017.

(2) No. RCB/REG/2017/02, dated the 19th September, 2017, publishing the Regional Centre for Biotechnology (Recognition of Institution of Higher Learning within India and conduct of the Academic Programme) Regulations, 2017.

(3) No. RCB/ORD/2017/01, dated the 19th September, 2017, publishing the Ordinances of the Regional Centre for Biotechnology, 2017.

(4) No. RCB/STA/2017/01, dated the 19th September, 2017, publishing the Statutes of the Regional Centre for Biotechnology, 2017.

II. A copy each (in English and Hindi) of the following papers:—

(a) Annual Report and Accounts of the Indian Institute of Forest Management (IIFM), Bhopal, for the year 2015-16, together with the Auditor's Report on the Accounts.

(b) Review by Government on the working of the above Institute.

Uncorrected/ Not for Publication-19.12.2017

(c) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

SHRI RAJ KUMAR SINGH : Sir, I lay on the Table—

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Power, under sub-section (1) of Section 59 of the Energy Conservation Act, 2001:—

(1) No. 2/11(3)/13-BEE, dated the 8th August, 2017, publishing the Bureau of Energy Efficiency (Powers and Duties of Director-General of the Bureau) Regulations, 2017.

(2) G.S.R. 1041 (E), dated the 22nd August, 2017, publishing the Bureau of Energy Efficiency (Terms and Conditions of Service of Employees) Rules, 2017.

(3) G.S.R. 1125 (E), dated the 1st September, 2017, publishing the Bureau of Energy Efficiency (Recruitment, Appointment and Terms and Conditions of Service of Officers and other Employees) Rules, 2017.

II. A copy each (in English and Hindi) of the following papers, under sub-section (1) (b) of Section 394 of the Companies Act, 2013:—

(i) (a) Annual Report and Accounts of the Power System Operation Corporation Limited (POSOCO), New Delhi, for the year 2016-17, together with the Auditor's Report on the Accounts and

Uncorrected/ Not for Publication-19.12.2017

the comments of the Comptroller and Auditor General of India thereon.

- (b) Review by Government on the working of the above Corporation.
- (ii) (a) Annual Report and Accounts of the North Eastern Electric Power Corporation Limited (NEEPCO), Shillong, Meghalaya, for the year 2016-17, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the above Corporation.
- (iii) (a) Thirty-first Annual Report and Accounts of the Power Finance Corporation Limited (PFC), New Delhi, for the year 2016-17, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the above Corporation.
- (iv) (a) Forty-eighth Annual Report and Accounts of the Rural Electrification Corporation Limited (REC), New Delhi, for the year 2016-17, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the above Corporation.

III.(1) A copy each (in English and Hindi) of the following papers, under sub-section (5) of Section 45 of the Damodar Valley Corporation Act, 1948:—

- (a) Annual Report and Annual Accounts of the Damodar Valley Corporation, Kolkata, for the year 2016-17, together with the

Uncorrected/ Not for Publication-19.12.2017

Auditor's Report on the Accounts.

(b) Review by Government on the working of the above Corporation.

(2) Chronological Statement (in English and Hindi) showing the sequence/time schedule of laying of the papers mentioned at (1) above.

IV. A copy each (in English and Hindi) of the following papers, under Section 24 and sub-section (4) of Section 25 of the Energy Conservation Act, 2001:—

(a) Annual Report and Accounts of the Bureau of Energy Efficiency (BEE), New Delhi, for the year 2016-17, together with the Auditor's Report on the Accounts.

(b) Review by Government on the working of the above Bureau.

V. A copy each (in English and Hindi) of the following papers:—

(i) Memorandum of Understanding between the Government of India (Ministry of New and Renewable Energy) and the Solar Energy Corporation of India Limited (SECI), for the year 2017-18.

(ii) Memorandum of Understanding between the Government of India (Ministry of Power) and the Power Finance Corporation (PFC) Limited, for the year 2017-18.

श्री शिव प्रताप शुक्ला : महोदय, मैं निम्नलिखित पत्र सभा पटल पर रखता हूँ :-

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Financial Services), under sub-section (3) of Section 36 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993:—

(1) G.S.R. 1072 (E), dated the 29th August, 2017, publishing the Debts

Uncorrected/ Not for Publication-19.12.2017

- Recovery Appellate Tribunal, Mumbai (Stenographer Grade II) Recruitment Rules, 2017.
- (2) G.S.R. 1073 (E), dated the 29th August, 2017, publishing the Debts Recovery Appellate Tribunal, Allahabad (Stenographer Grade II) Recruitment Rules, 2017.
- (3) G.S.R. 1074 (E), dated the 29th August, 2017, publishing the Debts Recovery Appellate Tribunal, Kolkata (Stenographer Grade II) Recruitment Rules, 2017.
- (4) G.S.R. 1075 (E), dated the 29th August, 2017, publishing the Debts Recovery Appellate Tribunal, Delhi (Stenographer Grade II) Recruitment Rules, 2017.
- (5) G.S.R. 1076 (E), dated the 29th August, 2017, publishing the Debts Recovery Appellate Tribunal, Chennai (Stenographer Grade II) Recruitment Rules, 2017.
- (6) G.S.R. 1077 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Guwahati (Stenographer Grade II) Recruitment Rules, 2017.
- (7) G.S.R. 1078 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-1, Hyderabad (Stenographer Grade II) Recruitment Rules, 2017.
- (8) G.S.R. 1079 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Jabalpur (Stenographer Grade II) Recruitment Rules, 2017.
- (9) G.S.R. 1080 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Jaipur (Stenographer Grade II) Recruitment Rules,

Uncorrected/ Not for Publication-19.12.2017

2017.

- (10) G.S.R. 1081 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-1, Kolkata (Stenographer Grade II) Recruitment Rules, 2017.
- (11) G.S.R. 1082 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-2, Kolkata (Stenographer Grade II) Recruitment Rules, 2017.
- (12) G.S.R. 1083 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-3, Kolkata (Stenographer Grade II) Recruitment Rules, 2017.
- (13) G.S.R. 1084 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Lucknow (Stenographer Grade II) Recruitment Rules, 2017.
- (14) G.S.R. 1085 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-1, Mumbai (Stenographer Grade II) Recruitment Rules, 2017.
- (15) G.S.R. 1086 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-2, Mumbai (Stenographer Grade II) Recruitment Rules, 2017.
- (16) G.S.R. 1087 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-3, Mumbai (Stenographer Grade II) Recruitment Rules, 2017.
- (17) G.S.R. 1088 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Nagpur (Stenographer Grade II) Recruitment

Uncorrected/ Not for Publication-19.12.2017

Rules, 2017.

- (18) G.S.R. 1089 (E), dated the 29th August, 2017, publishing the Debt Recovery Tribunal, Patna (Stenographer Grade II) Recruitment Rules, 2017.
- (19) G.S.R. 1090 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Pune (Stenographer Grade II) Recruitment Rules, 2017.
- (20) G.S.R. 1091 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Ranchi (Stenographer Grade II) Recruitment Rules, 2017.
- (21) G.S.R. 1092 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Vishakhapatnam (Stenographer Grade II) Recruitment Rules, 2017.
- (22) G.S.R. 1093 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-1, Ahmedabad (Stenographer Grade II) Recruitment Rules, 2017.
- (23) G.S.R. 1094 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Allahabad (Stenographer Grade II) Recruitment Rules, 2017.
- (24) G.S.R. 1095 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Aurangabad (Stenographer Grade II) Recruitment Rules, 2017.
- (25) G.S.R. 1096 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-1, Bengaluru (Stenographer Grade II) Recruitment

Uncorrected/ Not for Publication-19.12.2017

Rules, 2017.

- (26) G.S.R. 1097 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-1, Chandigarh (Stenographer Grade II) Recruitment Rules, 2017.
- (27) G.S.R. 1098 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-1, Chennai (Stenographer Grade II) Recruitment Rules, 2017.
- (28) G.S.R. 1099 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-2, Chennai (Stenographer Grade II) Recruitment Rules, 2017.
- (29) G.S.R. 1100 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Coimbatore (Stenographer Grade II) Recruitment Rules, 2017.
- (30) G.S.R. 1101 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Cuttack (Stenographer Grade II) Recruitment Rules, 2017.
- (31) G.S.R. 1102 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-1, Delhi (Stenographer Grade II) Recruitment Rules, 2017.
- (32) G.S.R. 1103 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-2, Delhi (Stenographer Grade II) Recruitment Rules, 2017.
- (33) G.S.R. 1104 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-3, Delhi (Stenographer Grade II) Recruitment

Uncorrected/ Not for Publication-19.12.2017

Rules, 2017.

- (34) G.S.R. 1105 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-1, Ernakulam (Stenographer Grade II) Recruitment Rules, 2017.
- (35) G.S.R. 1106 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-2, Ernakulam (Stenographer Grade II) Recruitment Rules, 2017.
- (36) G.S.R. 1107 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-2, Hyderabad (Stenographer Grade II) Recruitment Rules, 2017.
- (37) G.S.R. 1108 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Dehradun (Stenographer Grade II) Recruitment Rules, 2017.
- (38) G.S.R. 1109 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-3, Chandigarh (Stenographer Grade II) Recruitment Rules, 2017.
- (39) G.S.R. 1110 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal, Siliguri (Stenographer Grade II) Recruitment Rules, 2017.
- (40) G.S.R. 1111 (E), dated the 29th August, 2017, publishing the Debts Recovery Tribunal-2, Bengaluru (Stenographer Grade II) Recruitment Rules, 2017.

II. A copy (in English and Hindi) of the Ministry of Finance (Department of Financial Services) Notification No. S.O. 2743 (E), dated the 23rd August,

Uncorrected/ Not for Publication-19.12.2017

2017, publishing the Regional Rural Banks (Appointment of Officers and Employees) Amendment Rules, 2017, under sub-section (3) of Section 29 of the Regional Rural Banks Act, 1976.

III. A copy (in English and Hindi) of the Ministry of Finance (Department of Financial Services) Notification No. F. No. M-18012/03/2008-Ins.III, dated the 26th September, 2017, publishing the Institute of Actuaries of India (Conditions of Service of Employees) Regulations, 2017, under Section 58 of the Actuaries Act, 2006.

IV. A copy (in English and Hindi) of the Ministry of Finance (Department of Financial Services) Notification No. BBR.CID.No. 786/20.16.050/2017-18, dated the 25th August, 2017, publishing the Credit Information Companies (Amendment) Regulations, 2017, under sub-section (3) of Section 37 of the Credit Information Companies (Regulation) Act, 2005.

V. A copy (in English and Hindi) of the Ministry of Finance (Department of Financial Services) Notification No. BOD & GO/VKK/291, dated the 18th July, 2017, publishing the State Bank of India General (Amendment) Regulations, 2017, under sub-section (4) of Section 50 of the State Bank of India Act, 1955, along with Explanatory Memorandum.

VI. A copy (in English and Hindi) of the Ministry of Finance (Department of Financial Services) Notification No. S.O. 3019 (E), dated the 13th September 2017, publishing the General Insurance (Rationalisation and Revision of Pay Scales and other Conditions of Service of Supervisory, Clerical and Subordinate Staff) Amendment Scheme, 2017, under sub-section (5) of Section 17A of the General Insurance Business (Nationalization) Act, 1972.

Uncorrected/ Not for Publication-19.12.2017

VII. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under Section 159 of the Customs Act, 1962 and sub-section (7) of Section 9A of the Customs Tariff Act, 1975, along with Explanatory Memoranda:—

- (1) G.S.R. 1135 (E), dated the 7th September, 2017, amending Notification No. G.S.R. 785 (E), dated the 30th June, 2017, to insert certain entries in the original Notification.
- (2) G.S.R. 1448 (E), dated the 24th November, 2017, amending Notification No. G.S.R. 785 (E), dated the 30th June, 2017, to substitute certain entries in the original Notification.

VIII. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under sub-section (7) of Section 9A of the Customs Tariff Act, 1975, along with Explanatory Memoranda:—

- (1) G.S.R. 1339 (E), dated the 27th October, 2017, amending the First Schedule to the Customs Tariff Act, 1975.
- (2) G.S.R. 1431 (E), dated the 17th November, 2017, amending the First Schedule to the Customs Tariff Act, 1975 increasing the tariff against certain items under heading 1201 of the Schedule.

IX. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under Section 159 of the

Uncorrected/ Not for Publication-19.12.2017

Customs Act, 1962, along with Explanatory Memoranda:—

- (1) G.S.R. 962 (E), dated the 27th July, 2017, amending Notification No. G.S.R. 590 (E), dated the 13th August, 2008, adding certain entries in the original Notification.
- (2) G.S.R. 1012 (E), dated the 11th August, 2017, amending Notification No. G.S.R. 785 (E), dated the 30th June, 2017, substituting certain entries in the original Notifications.
- (3) G.S.R. 1019 (E), dated the 16th August, 2017, superseding Notification No. G.S.R. 124 (E) dated the 1st March, 2002 and exempting certain goods, the description of which are specified in the Table appended therein, from the payment of so much of the customs duty leviable thereon under First Schedule to the Customs Tariff Act, 1975 and from the whole of integrated tax leviable thereon, under sub-section (7) of Section 3 of the Customs Tariff Act, 1975.
- (4) G.S.R. 1030 (E), dated the 18th August, 2017, amending Notification No. G.S.R. 536 (E), dated the 14th July, 2011, substituting certain entries in the original Notification.
- (5) G.S.R. 1153 (E), dated the 13th September, 2017, exempting certain goods, falling under the First Schedule to the Customs Tariff Act, 1975, the description of which are specified in the Table appended therein, when imported into India for the purpose of organizing the Federation Internationale de Football Association (FIFA) under 17 World Cup India, 2017, from the whole of the duty of customs leviable thereon, specified under the First Schedule and under sub-section (7) of Section 3 of the Customs Tariff Act, 1975.
- (6) G.S.R. 1161 (E), dated the 15th September, 2017, amending

Uncorrected/ Not for Publication-19.12.2017

Notification Nos. G.S.R. 423 (E), dated the 1st June, 2011, G.S.R. 499 (E), dated the 1st July, 2011 and G.S.R. 785 (E), dated the 30th June, 2017, substituting certain entries in the original Notifications.

(7) G.S.R. 1340 (E), dated the 27th October, 2017, amending Notification No. G.S.R. 86 (E), dated the 1st March, 2006, substituting certain entries in the original Notification.

(8) G.S.R. 1341 (E), dated the 27th October, 2017, exempting certain goods, falling within the Chapter, heading, sub-heading or Tariff item of the First Schedule to the Customs Tariff Act, 1975, the description of which are specified in the Table appended therein, when imported into India from the payment of so much of the customs duty leviable thereon as specified at column (4) of the Table.

(9) G.S.R. 1356 (E), dated the 31st October, 2013, amending Notification No. G.S.R. 394 (E), dated the 20th April, 2017, adding certain entries in the original Notification.

(10) G.S.R. 1376 (E), dated the 8th November, 2017, amending Notification No. G.S.R. 785 (E), dated the 30th June, 2017, to substitute/insert certain entries in the original Notification.

(11) G.S.R. 1430 (E), dated the 17th November, 2017, amending Notification No. G.S.R. 785 (E), dated the 30th June, 2017, to substitute certain entries in the original Notification.

X. A copy each (in English and Hindi) of the following papers, under sub-section (1) (b) of Section 394 of the Companies Act, 2013:—

(i) (a) Sixty-first Liquidator's Report on the voluntary winding up of the Industrial Investment Bank of India Limited (IIBI), Kolkata, for the period from 01.07.2017 to 30.09.2017, together with the

Uncorrected/ Not for Publication-19.12.2017

Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

- (b) Review by Government of the voluntary winding up process of the above Bank, for the period from 01.07.2017 to 30.09.2017.
- (ii) (a) Annual Report and Accounts of the India Infrastructure Finance Company Limited (IIFCL), New Delhi, for the year 2016-17, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Report on the performance of the above Company, for the year 2016-17.
- (iii) (a) Forty-fifth Annual Report and Accounts of the General Insurance Corporation of India, Mumbai, for the year 2016-17, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Corporation.
- (iv) (a) Annual Report and Accounts of the New India Assurance Company Limited, Mumbai, for the year 2016-17, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Company.
- (v) (a) Annual Report and Accounts of the Oriental Insurance Company Ltd., New Delhi, for the year 2016-17, together with the Auditor's Report on the comments of the comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Company.

Uncorrected/ Not for Publication-19.12.2017

- (vi) (a) Annual Report and Accounts of the National Insurance Company Limited, Kolkata, for the year 2016-17, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Company.
- (vii) (a) Annual Report and Accounts of the United India Insurance Company Ltd., Chennai, for the year 2016-17, together with the Auditor's Report on the comments of the comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Company.
- (viii) (a) Annual Report and Accounts of the IFCI Limited, New Delhi, for the year 2016-17, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Report on the performance of the above Corporation, for the year 2016-17.
- (ix) (a) Fifty-eighth Liquidator's Report on the voluntary winding up of the Industrial Investment Bank of India Limited (IIBI), Kolkata, for the period from 1st April, 2017 to 30th June, 2017, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government of the voluntary winding up process of the above Bank, for the period from 1st April, 2017 to 30th June, 2017.
- XI. A copy (in English and Hindi) of the Annual Statement of Accounts of the Insurance Regulatory and Development Authority of India (IRDAI), Hyderabad, for the year 2016-17, and the Audit Report thereon, under sub-section (3) of

Uncorrected/ Not for Publication-19.12.2017

Section 20 of the Insurance Regulatory and Development Authority Act, 1999.

XII. A copy each (in English and Hindi) of the Annual Reports and Accounts of the following Regional Rural Banks, for the year 2016-17, together with the Auditor's Report on the Accounts, under Section 20 of the Regional Rural Banks Act, 1976 :—

1. Allahabad UP Gramin Bank, Banda, Uttar Pradesh;
2. Andhra Pradesh Grameena Vikas Bank, Warangal, Telangana;
3. Andhra Pragathi Grameena Bank, Kadapa, Andhra Pradesh;
4. Arunachal Pradesh Rural Bank, Naharlagun, Arunachal Pradesh;
5. Assam Gramin Vikash Bank, Guwahati, Assam;
6. Bangiya Gramin Vikash Bank, Murshidabad, West Bengal;
7. Baroda Gujarat Gramin Bank, Ahmedabad;
8. Baroda Rajasthan Kshetriya Gramin Bank, Ajmer, Rajasthan;
9. Baroda Uttar Pradesh Gramin Bank, Raibareli, Uttar Pradesh;
10. Bihar Gramin Bank, Begusarai, Bihar;
11. Central Madhya Pradesh Gramin Bank, Chhindwara, Madhya Pradesh;
12. Chaitanya Godavari Grameena Bank, Guntur, Andhra Pradesh;
13. Chhattisgarh Rajya Gramin Bank, Raipur, Chhattisgarh;
14. Dena Gujarat Gramin Bank, Gandhinagar, Gujarat;
15. Ellaquai Dehati Bank, Srinagar, Kashmir;
16. Gramin Bank of Aryavart, Gomti Nagar, Lucknow;
17. Himachal Pradesh Gramin Bank, Mandi, Himachal Pradesh;
18. J&K Grameen Bank, Jammu, Jammu & Kashmir;
19. Jharkhand Gramin Bank, Ranchi, Jharkhand;
20. Karnataka Vikas Grameena Bank, Dharwad, Karnataka;
21. Kashi Gomti Samyut Gramin Bank, Varanasi, Uttar Pradesh;
22. Kaveri Grameena Bank, Mysuru, Karnataka;

Uncorrected/ Not for Publication-19.12.2017

- 23 Kerala Gramin Bank, Malappuram, Kerala;
- 24 Langpi Dehangi Rural Bank, Diphu, Assam;
- 25 Madhyanchal Gramin Bank, Sagar, Madhya Pradesh;
- 26 Madhya Bihar Gramin Bank, Patna, Bihar;
- 27 Maharashtra Gramin Bank, Aurangabad, Maharashtra;
- 28 Malwa Gramin Bank, Sangrur, Punjab;
- 29 Manipur Rural Bank, Imphal, Manipur;
- 30 Meghalaya Rural Bank, Shillong, Meghalaya;
31. Mizoram Rural Bank, Aizawl, Mizoram;
- 32 Nagaland Rural Bank, Kohima, Nagaland;
- 33 Narmada Jhabua Gramin Bank, Indore, Madhya Pradesh;
- 34 Odisha Gramya Bank, Bhubaneswar, Odisha;
- 35 Pallavan Grama Bank, Salem, Tamilnadu;
- 36 Pandyan Grama Bank, Virudhunagar, Chennai;
- 37 Paschim Banga Gramin Bank, Howrah, West Bengal;
- 38 Pragathi Krishna Gramin Bank, Bellary, Karnataka;
- 39 Prathama Bank, Muradabad, Uttar Pradesh;
- 40 Puduvai Bharathiar Grama Bank, Muthialpet, Puducherry;
41. Punjab Gramin Bank, Kapurthala, Punjab;
- 42 Purvanchal Bank, Gorakhpur, Uttar Pradesh;
- 43 Rajasthan Marudhara Gramin Bank, Jodhpur, Rajasthan;
- 44 Saptagiri Grameena Bank, Chittoor, Andhra Pradesh;
- 45 Sarva Haryana Gramin Bank, Rohtak, Haryana;
- 46 Sarva Uttar Pradesh Gramin Bank, Meerut, Uttar Pradesh;
- 47 Saurashtra Gramin Bank, Rajkot, Gujarat;
- 48 Sutlej Gramin Bank, Bathinda, Punjab;
- 49 Telangana Grameena Bank, Hyderabad;
- 50 Tripura Gramin Bank, Abhoynagar, Agartala;

Uncorrected/ Not for Publication-19.12.2017

- 51. Utkal Grameen Bank, Bolangir, Odisha;
- 52 Uttarbanga Kshetriya Gramin Bank, Cooch Behar, West Bengal;
- 53 Uttar Bihar Gramin Bank, Muzaffarpur, Bihar;
- 54 Uttarakhand Gramin Bank, Dehradun, Uttarakhand;
- 55 Vananchal Gramin Bank, Dumka, Jharkhand;
- 56 Vidharbha Konkan Gramin Bank, Nagpur, Maharashtra;

SHRI JAGAT PRAKASH NADDA: Sir, I lay on the Table—

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Health and Family Welfare (Department of Health and Family Welfare), under Section 93 of the Food Safety and Standards Act, 2006:—

- (1) F. No. 1-12/Standards/2012-FSSAI, dated the 14th February, 2017, publishing the Food Safety and Standards (Food Products Standards and Food Additives) Second Amendment Regulations, 2017.
- (2) F. No. Stds/F&VP/Notification(01)/FSSAI-2016, dated the 3rd August, 2017, publishing the Food Safety and Standards (Food Products Standards and Food Additives) Seventh Amendment Regulations, 2017.
- (3) F. No. Stds/M&MPIP(1)/SP/FSSAI-2015, dated the 13th September, 2017, publishing the Food Safety and Standards (Food Products Standards and Food Additives) Ninth Amendment Regulations, 2017.

II. A copy each (in English and Hindi) of the following papers:—

- (i) (a) Twenty-seventh Annual Report and Accounts of the North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences

Uncorrected/ Not for Publication-19.12.2017

(NEIGRIHMS) Shillong, for the year 2016-17, together with the Auditor's Report on the Accounts.

- (b) Review by Government on the working of the above Institute.
- (ii) (a) Annual Report and Accounts of the Regional Institute of Medical Sciences (RIMS), Imphal, Manipur, for the year 2016-17, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Institute.
- (iii) (a) Annual Report and Accounts of the Regional Institute of Paramedical and Nursing Sciences (RIPANS), Aizawl, Mizoram, for the year 2016-17, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Institute.
- (iv) (a) Annual Report and Accounts of the National Board of Examinations, New Delhi, for the year 2016-17, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Board.
- (v) (a) Annual Report and Accounts of the Food Safety and Standards Authority of India (FSSAI), New Delhi, for the year 2016-17, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Authority.
- (vi) (a) Annual Report of the National Health Systems Resource Centre (NHSRC), New Delhi, for the year 2016-17.
- (b) Annual Accounts of the National Health Systems Resource Centre (NHSRC), New Delhi, for the year 2016-17, and the Audit Report

Uncorrected/ Not for Publication-19.12.2017

thereon.

- (c) Review by Government on the working of the above Centre.

डा. वीरेन्द्र कुमार : महोदय, मैं निम्नलिखित पत्रों की एक-एक प्रति (अंग्रेजी तथा हिन्दी में) सभा पटल पर रखता हूँ :-

- (i) (a) Annual Report and Accounts of the Central Waqf Council, New Delhi, for the year 2016-17, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Council.
- (ii) (a) Annual Report and Accounts of the Lakshadweep State Waqf Board, Kavaratti, for the year 2016-17, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Board.
- (iii) (a) Annual Report and Accounts of the Dadra and Nagar Haveli Waqf Board, Silvassa, Dadra and Nagar Haveli, for the year 2016-17, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Board.
- (iv) (a) Annual Report and Accounts of the Chandigarh Wakf Board, Chandigarh, for the year 2016-17, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Board.

SHRI VIJAY GOEL: Sir, on behalf of my colleague, Shri Jayant Sinha, I lay on the Table, a copy (in English and Hindi) of the Memorandum of Understanding between the Government of India (Ministry of Civil Aviation) and the Air India

Uncorrected/ Not for Publication-19.12.2017

Limited, for the year 2017-18.

SHRIMATI ANUPRIYA PATEL: Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:—

- (a) Annual Report and Accounts of the Pasteur Institute of India, Coonoor, for the year 2016-17, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Institute.

SHRI P. P. CHAUDHARY: Sir, I lay on the Table—

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Corporate Affairs, under Section 241 of the Insolvency and Bankruptcy Code, 2016:—

- (1) No. IBBI/2017-18/GN/REG013, dated the 16th August, 2017, publishing the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Amendment) Regulations, 2017.
- (2) No. IBBI/2017-18/GN/REG014, dated the 16th August, 2017, publishing the Insolvency and Bankruptcy Board of India (Fast Track Insolvency Resolution Process for Corporate Persons) (Amendment) Regulations, 2017.
- (3) No. IBBI/2017-18/GN/REG15, dated the 24th August, 2017, publishing the Insolvency and Bankruptcy Board of India (Employees' Service) Regulations, 2017.

Uncorrected/ Not for Publication-19.12.2017

- (4) No. IBBI/2017-18/GN/REG016, dated the 29th September, 2017, publishing the Insolvency and Bankruptcy Board of India (Information Utilities) (Amendment) Regulations, 2017.
- (5) No. IBBI/2017-18/GN/REG017, dated the 5th October, 2017, publishing the Insolvency and Bankruptcy Board of India (Fast Track Insolvency Resolution Process for Corporate Persons) (Second Amendment) Regulations, 2017.
- (6) No. IBBI/2017-18/GN/REG018, dated the 5th October, 2017, publishing the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Second Amendment) Regulations, 2017.
- (7) No. IBBI/2017-18/GN/REG019, dated the 7th November, 2017, publishing the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Third Amendment) Regulations, 2017.
- (8) No. IBBI/2017-18/GN/REG020, dated the 7th November, 2017, publishing the Insolvency and Bankruptcy Board of India (Fast Track Insolvency Resolution Process for Corporate Persons) (Third Amendment) Regulations, 2017.

II. A copy each (in English and Hindi) of the following Notifications of the Ministry of Corporate Affairs, under Section 40 of the Company Secretaries Act, 1980:-

Uncorrected/ Not for Publication-19.12.2017

(1) F. No. 104/37/Accts.1, dated the 29th September, 2017, publishing the Thirty Seventh Annual Report of the Council of the Institute of Company Secretaries of India and audited statements of consolidated accounts along with the Auditors' Report thereon for the year ended March 31, 2017.

(2) G.S.R. 1246 (E), dated the 12th October, 2017, amending Notification No. G.S.R. 490 (E), dated the 13th July, 2007, to substitute certain entries in the original Notification.

III. A copy each (in English and Hindi) of the following Notifications of the Ministry of Corporate Affairs, under Section 40 of the Cost and Work Accountants Act, 1959:-

(1) No. G/18-CWA/9/2017, dated the 27th September, 2017, publishing the 58th Annual Report and Audited Accounts of the Council of the Institute of Cost Accountants of India for the year 2016-17.

(2) S.O. 3297 (E), dated the 12th October, 2017, amending Notification No. S.O. 1693 (E), dated the 3rd October, 2007, to substitute certain entries in the original Notification.

IV. A copy (in English and Hindi) of the Ministry of Corporate Affairs, Notification No. S.O. 3583 (E), dated the 13th November, 2017, amending Notification No. S.O. 1634 (E), dated the 4th May, 2016, to substitute certain entries in the original Notification, under Section 30B of the Chartered Accountants Act, 1949.

Uncorrected/ Not for Publication-19.12.2017

V. A copy each (in English and Hindi) of the following Notifications of the Ministry of Corporate Affairs, under sub-section (3) Section 63 of the Competition Act, 2002:—

- (1) S.O. 2828 (E), dated the 30th August, 2017, exempting all cases of reconstitution, transfer of the whole or any part thereof and amalgamation of nationalized banks, under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, from the application of provisions of Section 5 and 6 of the Competition Act, 2002 for a period of ten years from the date of publication of this notification in the Official Gazette.
- (2) S.O. 2561 (E), dated the 10th August, 2017, exempting the Regional Rural Banks in respect of which the Central Government has issued a notification under sub-section (1) of section 23A of the Regional Rural Banks Act, 1976, from the application of provisions of Sections 5 and 6 of the Competition Act, 2002 for a period of five years from the date of publication of this notification in the Official Gazette.
- (3) S.O. 3714 (E), dated the 22nd November, 2017, exempting all cases of combinations under Section 5 of the Act involving the Central Public Sector Enterprises (CPSEs) operating in the Oil and Gas Sectors under the Petroleum Act, 1934 and the rules made there under or under the Oilfields (Regulation and Development) Act, 1948 and the rules made thereunder, along with their wholly or partly owned subsidiaries operating in the Oil and Gas Sectors, from the application

Uncorrected/ Not for Publication-19.12.2017

of the provisions of Sections 5 and 6 of the Act for a period of five years from the date of publication of this notification in the Official Gazette.

VI. A copy (in English and Hindi) of the Ministry of Corporate Affairs Notification No. L-3(4)/Reg-L.P./2017-18/CCI, dated the 22nd August, 2017, publishing the Competition Commission of India (Lesser Penalty) Amendment Regulations, 2017, under sub-section (3) of Section 64 of the Competition Act, 2002.

VII. A copy each (in English and Hindi) of the following papers, under sub-section (3) of Section 53 and sub-section (4) of Section 52 of the Competition Act, 2002:—

- (a) Annual Report of the Competition Commission of India (CCI), New Delhi, for the year 2016-17.
- (b) Annual Accounts of the Competition Commission of India (CCI), New Delhi, for the year 2016-17, and the Audit Report thereon.
- (c) Statement by Government accepting the above Report.

SHRI ARUN JAITLEY: Sir, I lay on the Table, under sub-section (1) of Section 7 of the Fiscal Responsibility and Budget Management Act, 2003, a copy (in English and Hindi) of the Statement on Quarterly Review of the trends in receipts and expenditure in relation to the Budget, at the end of the first quarter of the Financial year 2017-18.

SHRI ARUN JAITLEY: Sir, I lay on the Table, under clause (1) of article 151 of the Constitution, a copy each (in English and Hindi) of the following Reports:—

Uncorrected/ Not for Publication-19.12.2017

- (i) Report of the Comptroller and Auditor General of India on Compliance of Fiscal Responsibility and Budget Management Act, 2003 for the year 2015-16 - Union Government (Civil), Department of Economic Affairs (Ministry of Finance), Report No. 32 of 2017;
- (ii) Report of the Comptroller and Auditor General of India on Sharing of Revenue by Private Telecom Service Provider upto 2014-15 - Union Government (Communication and IT Sector), Report No.35 of 2017;
- (iii) Report of the Comptroller and Auditor General of India on Induction of bio-toilets in Passenger Coaches in Indian Railways for the year ended March, 2017- Union Government (Railways), Report No. 36 of 2017;
- (iv) Report of the Comptroller and Auditor General of India on Performance Audit of Implementation of Food Safety and Standards Act, 2006 - Union Government (Civil), Ministry of Health and Family Welfare, Report No. 37 of 2017 (Performance Audit);
- (v) Report of the Comptroller and Auditor General of India on Rejuvenation of River Ganga (Namami Gange) - Union Government, Ministry of Water Resources, River Development & Ganga Rejuvenation, Report No. 39 of 2017 (Performance Audit);
- (vi) Report of the Comptroller and Auditor General of India for the year ended March, 2017 - Union Government, Department of Revenue - Direct Taxes, Report No. 40 of 2017;
- (vii) Report of the Comptroller and Auditor General of India for the year ended March, 2017 - Union Government (Department of Revenue - Customs), (Compliance Audit), Report No. 41 of 2017;

Uncorrected/ Not for Publication-19.12.2017

- (viii) Report of the Comptroller and Auditor General of India for the year ended March, 2017 - Union Government, Department of Revenue, (Indirect Taxes-Central Excise), Report No. 42 of 2017;
- (ix) Report of the Comptroller and Auditor General of India for the year ended March, 2017 - Union Government, Department of Revenue, (Indirect Taxes - Service Tax), Report No. 43 of 2017; and
- (x) Report of the Comptroller and Auditor General of India for the year 2016-17 – Union Government, Accounts of the Union Government, Report No. 44 of 2017 (Financial Audit),
- I. Union Government, Finance Accounts 2016-17,
 - II. Appropriation Accounts (Civil) 2016-17. (Ends)

(Followed by SK/1B)

SK-KLG/1B/11.05

MESSAGE FROM LOK SABHA**RE. NOMINATION OF MEMBERS TO COMMITTEE ON WELFARE OF
OTHER BACKWARD CLASSES**

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha.

"I am directed to inform you that Lok Sabha, at its sitting held on Monday, the 18th December, 2017, adopted the following motion:-

Uncorrected/ Not for Publication-19.12.2017

'That this House do recommend to Rajya Sabha that Rajya Sabha do agree to elect 10 members from amongst the members of the Rajya Sabha to join in the Committee on Welfare of Other Backward Classes for the term of one year beginning from the date of the first sitting of the Committee and do communicate to this House the names of members so elected to the Committee.'

I am to request that the concurrence of Rajya Sabha in the said motion, and also the names of the members of Rajya Sabha so elected, may be communicated to this House."

(Ends)

**REPORT OF DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON COMMERCE**

SHRI NARESH GUJRAL (PUNJAB): Sir, I present the One Hundred and Thirty-ninth Report (in English and Hindi) of the Department-related Parliamentary Standing Committee on Commerce on Impact of Goods and Services Tax (GST) on Exports.

(Ends)

**REPORTS OF DEPARTMENT-RELATED PARLIAMENTARY
STANDING COMMITTEE ON INDUSTRY**

श्री प्रमोद तिवारी (उत्तर प्रदेश): महोदय, मैं विभाग संबंधित उद्योग संबंधी संसदीय स्थायी समिति के निम्नलिखित प्रतिवेदन (अंग्रेज़ी तथा हिन्दी में) प्रस्तुत करता हूँ:-

Uncorrected/ Not for Publication-19.12.2017

- (i) 284th Report on Action Taken on the 280th Report of the Committee on Demands for Grants (2017-18) pertaining to the Ministry of Micro, Small and Medium Enterprises; and
- (ii) 285th Report on Action Taken on the 281st Report of the Committee on Demands for Grants (2017-18) pertaining to the Ministry of Heavy Industries and Public Enterprises (Department of Heavy Industry).

(Ends)

**REPORTS OF DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND
JUSTICE**

SHRI BHUPENDER YADAV (RAJASTHAN): Sir, I present the following Reports (in English and Hindi) of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice:—

- (i) Ninety-third Report on the Action Taken on the Ninetieth Report of the Committee on Demands for Grants (2017-18) pertaining to the Ministry of Personnel, Public Grievances and Pensions; and
- (ii) Ninety-fourth Report on the Action Taken on the Ninety-first Report of the Committee on Demands for Grants (2017-18) pertaining to the Ministry of Law and Justice.

(Ends)

**REPORT OF DEPARTMENT RELATED PARLIAMENTARY STANDING
COMMITTEE ON CHEMICALS AND FERTILIZERS**

डा. भूषण लाल जांगडे (छत्तीसगढ़): महोदय, मैं रसायन और उर्वरक मंत्रालय (उर्वरक विभाग) के "नई यूरिया नीति-2015 का कार्यान्वयन" विषय के संबंध में विभाग

संबंधित रसायन और उर्वरक संबंधी संसदीय स्थायी समिति के चालीसवें प्रतिवेदन की एक-एक प्रति (अंग्रेज़ी तथा हिन्दी में) सभा पटल पर रखता हूँ।

(समाप्त)

**REPORTS OF DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON DEFENCE**

श्री हरिवंश (बिहार): महोदय, मैं विभाग संबंधित रक्षा संबंधी संसदीय स्थायी समिति के निम्नलिखित प्रतिवेदनों की एक-एक प्रति (अंग्रेज़ी तथा हिन्दी में) सभा पटल पर रखता हूँ:-

- (i) Thirty-fifth Report of the Committee on Defence on 'Action Taken by the Government on the Observations/Recommendations contained in the Twenty-ninth Report of the Committee on Defence (Sixteenth Lok Sabha) on Demands for Grants of the Ministry of Defence for the year 2017-18 on Army, Navy and Air Force (Demand No. 20)'; and
- (ii) Thirty-sixth Report of the Committee on Defence on 'Action Taken by the Government on the Observations/Recommendations contained in the Thirty-first Report of the Committee on Defence (Sixteenth Lok Sabha) on Demands for Grants of the Ministry of Defence for the year 2017-18 on Capital Outlay on Defence Services, Procurement Policy and Defence Planning (Demand No. 21)'.

(Ends)

REPORTS OF THE COMMITTEE ON PUBLIC UNDERTAKINGS

SHRI SHAMSHER SINGH MANHAS (JAMMU AND KASHMIR): Sir, I lay on the Table, a copy each (in English and Hindi) of the following Reports of the Committee on Public Undertakings:—

- (i) Twentieth Report on action taken by the Government on the recommendations contained in the Eleventh Report of the Committee on Public Undertakings (Sixteenth Lok Sabha) on Planning and implementation of Transmission projects by Power Grid Corporation of India Limited and Grid Management by Power System Operation Corporation Limited [Based on C&AG, Performance Audit Report No. 18 of 2014]; and
- (ii) Twenty-first Report on action taken by the Government on the Observations / Recommendations contained in the Fifteenth Report (Sixteenth Lok Sabha) of the Committee on Public Undertakings on Indian Railways Catering and Tourism Corporation (IRCTC).

(Ends)

SUPPLEMENTARY DEMANDS FOR GRANTS (GENERAL) 2017-18

THE MINISTER OF FINANCE (SHRI ARUN JAITLEY): Sir, I lay on the Table, a statement (in English and Hindi) showing the Supplementary Demands for Grants (General) 2017-18.

(Ends)

**STATEMENT RE. IMPLEMENTATION OF THIRTY-NINTH REPORT OF
DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE
ON SOCIAL JUSTICE AND EMPOWERMENT**

अल्पसंख्यक कार्य मंत्रालय में राज्य मंत्री (डा. वीरेन्द्र कुमार): महोदय, मैं अल्पसंख्यक कार्य मंत्रालय की अनुदान मांगों (2017-2018) के संबंध में विभाग संबंधित सामाजिक न्याय और अधिकारिता संबंधी संसदीय स्थायी समिति के उनतालीसवें प्रतिवेदन में अंतर्विष्ट सिफारिशों के कार्यान्वयन की स्थिति के संबंध में एक वक्तव्य सभा पटल पर रखता हूँ।

(समाप्त)

(1सी/एकेजी-वाईएसआर पर आगे)

-KLG/AKG-YSR/1C/11.10

श्री नरेश अग्रवाल : सर, मेरा एक Point of Order है।

श्री सभापति : बताइए, किस रूल और किस नियम के अंतर्गत आपका Point of Order है?

श्री नरेश अग्रवाल : सर, आप Article 14, Article 15 and Article 368 of the Constitution निकाल लीजिए। श्रीमन्, मैं आपसे सिर्फ इतना जानना चाहता हूँ कि क्या किसी अदालत का आदेश संविधान बदल सकता है, कानून बदल सकता है या संविधान और कानून बदलने का अधिकार दोनों सदनों यानी पार्लियामेंट को है? श्रीमन्, Article 14 में बिल्कुल साफ दिया हुआ है - equality before law यानी राज्य किसी व्यक्ति को विधि के समक्ष समता से वंचित नहीं करेगा और Article 15 में दिया गया है कि caste या उसके आधार पर किसी से कोई विभेद नहीं किया जाएगा। इसमें

मैं MLA और MP को भी caste मान रहा हूँ, क्योंकि Article में दिया हुआ है - religion, race, caste, sex और उसमें MLA और MP भी जोड़ दीजिए। श्रीमन्, अभी कोर्ट का एक आदेश हुआ है। ...(व्यवधान)... श्रीमन्, अभी अदालत का एक आदेश हुआ है, जिसमें कहा गया है कि जो MLA या MP अपराधी हैं, उनके लिए विशेष अदालत बनायी जाए। ठीक है, लेकिन जिस तरीके से मीडिया के माध्यम से यह सामने आया, उससे यह हुआ कि MLA और MP बहुत बड़े अपराधी हैं। सरकार ने भी वहाँ एक affidavit दिया कि हम विशेष अदालत बनाने के लिए राजी हैं, तो क्या विशेष अदालत बनाने के लिए आप संविधान में संशोधन करके ऐसा कर सकते हैं, क्योंकि अगर आप Article 14 को खत्म करेंगे, तो आपको Article 14 में संशोधन पेश करना पड़ेगा। श्रीमन्, अगर हम अदालतों के सामने इसी प्रकार झुकते रहे, तो यह ठीक नहीं है। मैं इसीलिए इसे उठा रहा हूँ। इसके पहले हम लोगों ने NJAC बनाया था। सारे सदन में सारे MPs ने, सारी पार्टियों ने एक साथ मिल कर NJAC बनाया। NJAC के बाद ...(व्यवधान)...

श्री सभापति : ठीक है, आपका point आ गया।

श्री नरेश अग्रवाल : अब MLA/MP के लिए विशेष अदालत! यह आतंकवादियों के लिए नहीं है, अपराधियों के लिए नहीं है। श्रीमन्, मैं जानना चाहता हूँ कि सरकार का affidavit देना ठीक था या नहीं और क्या MLA/MP को इस आधार पर कि वह MLA/MP है, विशेष श्रेणी में लिया जाए? मैं इस पर पीठ की ruling चाहता हूँ।

श्री सभापति : मैं इस पर ruling दूँगा, आप चिंता मत करिए। श्री देरेक, यह Point of Order है।

SHRI DEREK O'BRIEN: Sir, it is about Rule 72. I just seek your protection. Rule 72 is for Select Committees. This House is aware that the Joint Select Committee of the Lok Sabha and the Rajya Sabha has been formed for the FRDI Bill. It was supposed to submit its Report. There are some dangerous clauses in that, but I am not getting into the content of the Bill. Now we are reading in the media that this has been deferred.

MR. CHAIRMAN: Mr. Derek, one minute. We are discussing the point of order raised by Mr. Naresh Agrawal.

SHRI DEREK O'BRIEN: Sir, this is a separate point of order. Sir, give me a chance to raise it.

MR. CHAIRMAN: I will give you an opportunity separately. Anand Sharmaji, are you on the same point of order?

SHRI ANAND SHARMA: Sir, I am on the point of order raised by Naresh Agrawalji. It is not a question that any Member or any leader wishes to delay anybody's trial or prosecution who is accused of any offence or crime. In fact, there are a large number of our citizens who are languishing in prisons and they don't get justice or a fair and expeditious trial. At the same time, if

Uncorrected/ Not for Publication-19.12.2017

a perception is created that special courts or fast track courts are needed only for Members of Parliament or the Members of the Legislative Assemblies, then in public perception it is the profiling and excessive vilification of elected representatives. In this country, there have been accused of heinous crimes like murders, rapes, etc., but there is no such initiative which has been taken by the Government. We respect Article 14 that is equality before law. Rather, the Government should ensure and the Law Minister and the Cabinet may take a call on allocating adequate funds to set up enough number of courts so that people do not remain in prison for long periods and the trial is done. But what he has said is that if you single out the elected representatives as a class, then this will create a certain public perception. And not only within the country, Sir, globally, you have to go by the benchmarks of the legislatures and the constitutional democracies. Otherwise, it has an inherent potential to be abused in entirety by the Government of the day. The question is of the fundamental rights. Either we are going to dilute or deviate or can we or can even the Supreme Court when it comes to the basic structure..

MR. CHAIRMAN: I got your point.

SHRI ANAND SHARMA: Sir, it needs to be deliberated.

(Followed by BHS/1D)

-YSR/BHS-SCH/1D/11.15

SHRI MAJEED MEMON: Sir, carrying further what Nareshji has pointed out, - he has pointed out Article 14 which believes in equality to all citizens of India— in view of the Constitutional provision, if certain section of the society is to be treated differently for the purposes of criminal accusation, I think, that may be bordering on infringing Article 14. But I may also add here that there is a constitutional obligation on the State to provide speedy justice. Now, speedy justice would mean speedy criminal justice in particular to all the citizens of India without any discrimination.

MR. CHAIRMAN: Right.

SHRI MAJEED MEMON: Now, even this would be violative if we talk only of MPs and MLAs, their cases to be disposed of within a time bound schedule and others' cases can remain like that. I think, this would also be violative of the Constitution as well as justice. ...(Interruptions)...

MR. CHAIRMAN: Right. Now, Shri K.T.S. Tulsi, ...(interruptions)... please quickly, just any new point. If there is a point of order, still I am hearing it because of the importance of the issue.

SHRI K.T.S. TULSI: That is right.

MR. CHAIRMAN: But I must also tell the House, that is not immediately before us. That will be coming up. I will give my ruling also. Please.

SHRI K.T.S. TULSI: Sir, I want to submit that there are people who are still living in jail. For ten years, fifteen years, their cases will not be taken up. If this is to be a fast court, then, that will become the slower court. So, instead of ten years, they will have to spend much more time in the jail. Who is going to do justice to them to expedite their cases also? Merely because they are poor, they cannot be confined to the prisons indefinitely. Neither we decide they are guilty, nor innocent, and we say that your cases will come at the end. That will not be fair.

MR. CHAIRMAN: Right. Shri C.M. Ramesh.

SHRI C.M. RAMESH: Sir, on my own behalf and my Party's behalf, we welcome it because you have to differentiate. Others are not law-makers. MPs and MLAs are law-makers. Their cases will prolong. They are the ones who are making laws. They are law-makers. ...(Interruptions)... It is a very correct issue.

MR. CHAIRMAN: Right. When we come to that issue, we can discuss it across the House. Everybody can make his point. Harivanshji, do you have

anything else to say? Otherwise, your Zero Hour is at number one 'Demand to rescue village and memorial of Shri Jay Prakash Narayanji.'

श्री हरिवंश: सर, माननीय नरेश जी ने जो कहा, उस पर मेरे तीन सुझाव हैं। मैं माननीय नरेश जी से सहमत हूँ कि न्यायपालिका का हस्तक्षेप बंद होना चाहिए।

सर, महाभारत की एक उक्ति है, "महाजनो येन गतः सः पंथाः"। जो समाज के अगुआ लोग हैं, वे मार्गदर्शक बनें। इस मामले में कानून बनाने वाले हम हैं। मैं रमेश जी की बात से सहमत हूँ कि हमें above board होना चाहिए।

MR. CHAIRMAN: When we take up this issue, I will give my ruling. I will take a note of what Shri Naresh has said. ...(Interruptions)... Now, the Leader of the House.

THE LEADER OF THE HOUSE (SHRI ARUN JAITLEY): Sir, this question, which has been raised, it is undoubtedly true that everybody must get a speedy trial. This is also true that there is a sentiment in society where people do indulge in politician bashing and, therefore, there is a reaction within the legislative bodies but I would personally lend myself with what Mr. Ramesh has said that we are law-makers. Can we say that we have a vested interest in ensuring that at least our cases are delayed or should at least it be in our interest that like Caesars's wife we must be above suspicion? If an allegation is made, let it be tried expeditiously. How can

elected Members say we have a vested interest in ensuring that our trials are also delayed? So, if the courts have said it, we should not stand and try gang up against it. ...(Interruptions)...

श्री नरेश अग्रवाल : इसको पॉलिटिकली डन कर दिया जाए।...(व्यवधान)...

MR. CHAIRMAN: Now, we are...(Interruptions)...

THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): You have interpreted wrongly. What hon. Members have said...(Interruptions)...

MR. CHAIRMAN: Both things will go on record. ...(Interruptions)...

SHRI GHULAM NABI AZAD: ...that the legislators should not be singled out. ...(Interruptions)...

MR. CHAIRMAN: Right.

SHRI GHULAM NABI AZAD: They have said that the legislators should not be singled out. This law should be for everybody. Legislators alone should not be singled out. ...(Interruptions)...

MR. CHAIRMAN: Ghulam Nabiji,... ...(Interruptions).... Anandji, please. ...(Interruptions)...

SHRI ANAND SHARMA: Before you decide, the Leader of the House is a very eminent lawyer also. You should also.....(Interruptions)...

SHRI ARUN JAITLEY: You are a class apart because you are law-makers.

...(Interruptions)... Therefore, you must set the example.

...(Interruptions)...

SHRI ANAND SHARMA: We are; I accept ...(Interruptions)... Listen, do

not.....(Interruptions)...

MR. CHAIRMAN: Please. ...(Interruptions)... Now, it is over.

...(Interruptions)...

SHRI ANAND SHARMA: What is important.....(Interruptions)...

MR. CHAIRMAN: I understand, please. ...(Interruptions)... Please

cooperate. ...(Interruptions)... Otherwise, others will lose an opportunity.

...(Interruptions)...

SHRI ANAND SHARMA: It is very important. ...(Interruptions)...

MR. CHAIRMAN: Anandji. ...(Interruptions)...

SHRI ANAND SHARMA: You talk about Article 14 and you ensure fair trial

to all the prisoners. ...(Interruptions)...

श्री सभापति : कृपया आप बैठ जाइए, आपका प्वाइंट आ गया है।

SHRI ANAND SHARMA: Everything should not be given a political twist.

...(Interruptions)... We are intelligent enough to read each other and

...(Interruptions)...

Uncorrected/ Not for Publication-19.12.2017

MR. CHAIRMAN: No, please. ...(Interruptions)... Both of you are intelligent. That is the problem. ...(Interruptions)...

SHRI ANAND SHARMA: It was not his intention, nor my intention. ...(Interruptions)... So, let this be clear and also to the media.....(Interruptions)... Nobody is... ...(Interruptions)...

MR. CHAIRMAN: Shri Derek O'Brien. ...(Interruptions)... Mr. Derek, please. ...(Interruptions)... Please sit down. If three people stand and speak, यह सदन को शोभा नहीं देता है।

(1E/BHS-RL पर आगे)

-BHS/RL-RPM/11.20/1E

SHRI SUKHENDU SEKHAR RAY: Sir, I have only one point to add on this.

MR. CHAIRMAN: yes, Sukhenduji, please. क्या आप भी ब्लैक कोट पहनते हैं?
...(व्यवधान)...

SHRI SUKHENDU SEKHAR RAY: My pointed question to the Government is whether the Government will set up Special Court for those people who have willfully defaulted Rs. 8.5 lakh crores of public money from the banks. The Government should assure this to the House.

MR. CHAIRMAN: That is not the issue before us. ...(Interruptions)... Now, Shri Derek O'Brien. आप इसे बाद में उठाएं। ...(व्यवधान)...

श्री नरेश अग्रवाल: सर, हमने इश्यू उठाया।

श्री सभापति: आपने इश्यू उठाया, मैंने उसे ध्यान में लिया है। मैं उचित समय पर उस पर रूलिंग दूंगा। ...(व्यवधान)...

श्री नरेश अग्रवाल: सर, मेरे इश्यू को जिस प्रकार से पोलिटिकली टर्न किया गया है, मैं उसे उचित नहीं मानता हूँ।

श्री सभापति: ठीक है।

श्री नरेश अग्रवाल: मेरा यह कहना था कि मैं एमएलए या एमपी के केसेस में स्पीडी रिकवरी के खिलाफ नहीं हूँ। मेरे ऊपर कोई मुकदमा नहीं है, लेकिन जिस प्रकार से मेरे इश्यू को पोलिटिकली टर्न किया गया है, उससे समाज में हम लोगों की प्रतिष्ठा क्या रह गई है, हम इसके विरोध में हैं। समाज में एमएलए और एमपी की प्रतिष्ठा गिराना, मैं इसके विरोध में हूँ। ...(व्यवधान)...

MR. CHAIRMAN: Now, Shri Derek O'Brien, please. ...(Interruptions)... Only What Shri Derek O'Brien is saying will go on record. ...(Interruptions)... Please. ...(Interruptions)... नरेश अग्रवाल जी, आप कृपया बैठ जाइए। आप ऐसा मत बोलिए। ...(व्यवधान)...

श्रीमती रेणुका चौधरी: सर, मैं इसके साथ एक और बात जोड़ना चाहती हूँ...(व्यवधान)...

SHRI DEREK O'BRIEN: Sir, my point of order, since you finished with this one, is on Rule 72 regarding the Select Committee. Sir, the Select

Uncorrected/ Not for Publication-19.12.2017

Committee which is set up for the FRDI Bill is a Joint Committee of Lok Sabha and Rajya Sabha.

MR. CHAIRMAN: When it comes for discussion... ..(Interruptions)...

SHRI DEREK O'BRIEN: Sir, I am telling you as to where the problem is. I am just bringing something to your notice. This is a very contentious Bill but I am not getting into the content of the Bill. Enough to say that the Lok Sabha and Rajya Sabha Select Committee was supposed to submit its Report this week. Now, we are reading in the media that it has been pushed back to the Budget Session and not only Budget Session but it should be put in the cold storage. There is nothing being relayed from the Lok Sabha to the Rajya Sabha that, in fact, this has happened and the Bill has been put away. We welcome but...

श्री सभापति: नहीं, नहीं। There is a point in what you have said but it is not in order now. We will take it up later. ... (Interruptions)... Now, Shri Harivansh.

SHRI DEREK O'BRIEN: Sir, with all due respect, that is a very clever line but it hasn't protected me.

MR. CHAIRMAN: Please, please. ... (Interruptions)... Shri Derek O'Brien, please. ... (Interruptions)...

Uncorrected/ Not for Publication-19.12.2017

SHRI DEREK O'BRIEN: Sir, with all due respect, all my question is that the Lok Sabha has not transmitted... ..(Interruptions)...

MR. CHAIRMAN: There is time for anything. ...(Interruptions)... When an issue comes, you have every right. ...(Interruptions)... I will take a note of what you said and the concerned Minister is also hearing. ...(Interruptions)... Please sit down. ...(Interruptions)...

SHRI DEREK O'BRIEN: Because this Bill is a dangerous Bill. ...(Interruptions)...

MR. CHAIRMAN: Yes, please; no discussion. ...(Interruptions)... Please, please. ...(Interruptions)... Let everyone cooperate to see that the House functions smoothly and wisely. ...(Interruptions)... Now, Shri Harivansh.

MATTERS RAISED WITH PERMISSION OF CHAIR

DEMAND FOR RESCUING VILLAGE AND MEMORIAL OF SHRI JAY PRAKASH NARAYAN

श्री हरिवंश (बिहार): माननीय चेयरमैन साहब, मैं आपका आभारी हूँ कि आपने मुझे यह मुद्दा उठाने का अवसर दिया। मेरा आग्रह जेपी के गांव को बचाने के लिए है। जयप्रकाश जी का गांव, सिताब दियारा, देश के बड़े और चुनिंदा गावों में से एक है। इसमें कुल 27 टोले हैं। बड़ी आबादी का यह गांव, अब जयप्रकाश नगर के नाम से भी जाना जाता है।

यह गांव दो राज्यों, उत्तर प्रदेश और बिहार की सीमा पर स्थित है। यह तीन जिलों, आरा, छपरा और बलिया में बंटा हुआ है। यह गांव दो नदियों, गंगा और घाघरा के बीच बसा है, इसलिए इसे दियारा कहा गया है। यहां आने-जाने का कोई रास्ता नहीं था। न्यूनतम 10 से 15 किलोमीटर पैदल चल कर वहां पहुंचा जा सकता था।

महोदय, माननीय चन्द्रशेखर जी के अकेले के प्रयासों से वर्ष 1984-85 में यहां एक बांध बना, जिसका बड़ा हिस्सा उत्तर प्रदेश में है और शेष बिहार में है। बिहार सरकार ने लगातार चौकस बंदोबस्त किया, लेकिन उत्तर प्रदेश की ओर से घाघरा के कटाव से बांध किसी भी पल गिर सकता है और इस गांव में आने-जाने का एकमात्र रास्ता कभी भी रुक सकता है। बांध से अब वह नदी केवल 100 मीटर दूर है। पिछले दो-तीन वर्षों में तीन बार यह मामला सदन में उठा कि केन्द्र सरकार पहल करे और साथ ही उत्तर प्रदेश सरकार को निर्देश दे कि वह तत्काल इसकी रक्षा के लिए कदम उठाए।

महोदय, जेपी लगातार अपने गांव पैदल ही आते थे। गांव के लोगों ने कहा कि राज्य पुनर्गठन आयोग से आप कह दें कि यह गांव किसी एक राज्य और एक जिले में रहे और आने-जाने के लिए सड़क बनाने का भी अनुरोध करें, तो जेपी का जवाब था कि देश के साढ़े पांच लाख गांव मेरे हैं। मैं यदि किसी एक गांव के लिए कहूंगा, तो लोग क्या कहेंगे। चन्द्रशेखर जी ने अपने बूते जयप्रकाश जी का भव्य स्मारक बनवाया। बिहार सरकार ने भी जेपी की स्मृति में बड़ा काम किया और केन्द्र सरकार भी करवा रही है। यदि इस गांव में पहुंचने का एकमात्र रास्ता कट गया, तो बाहरी दुनिया से इसका संपर्क कट जाएगा। अतः मैं आपके माध्यम से सरकार से आग्रह करना चाहता हूं कि दूसरी

आजादी के प्रणेता और आजादी की लड़ाई के बड़े नायक, जयप्रकाश जी की स्मृति में कम से कम इस गांव के आने-जाने का रास्ता तो सुरक्षित किया जाए।

(समाप्त)

डा. सत्यनारायण जटिया (मध्य प्रदेश): सभापति जी, मैं इस विषय से अपने आप को सम्बद्ध करता हूँ।

श्रीमती रूपा गांगुली (नाम निर्देशित): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करती हूँ।

श्रीमती जया बच्चन (उत्तर प्रदेश): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करती हूँ।

डा. सी.पी. ठाकुर(बिहार): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करता हूँ।

श्री प्रभात झा (मध्य प्रदेश): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करता हूँ।

प्रो. राम गोपाल यादव (उत्तर प्रदेश): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करता हूँ।

श्री रणविजय सिंह जूदेव (छत्तीसगढ़): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करता हूँ।

श्री विशम्भर प्रसाद निषाद (उत्तर प्रदेश): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करता हूँ।

श्री भास्कर राव नेक्कांति (ओडिशा): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करता हूँ।

डा. चन्द्रपाल सिंह यादव (उत्तर प्रदेश): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करता हूँ।

श्री नीरज शेखर (उत्तर प्रदेश): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करता हूँ।

चौधरी सुखराम सिंह यादव (उत्तर प्रदेश): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करता हूँ।

श्री बेनी प्रसाद वर्मा (उत्तर प्रदेश): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करता हूँ।

डा. अनिल कुमार साहनी (बिहार): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करता हूँ।

श्री महेश पोद्दार (झारखंड): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करता हूँ।

श्री शमशेर सिंह मन्हास (जम्मू और कश्मीर): सभापति महोदय, मैं भी इस विषय से अपने आप को सम्बद्ध करता हूँ।

SHRI TAPAN KUMAR SEN (WEST BENGAL): Sir, I too associate myself with the matter raised by the hon. Member.

Uncorrected/ Not for Publication-19.12.2017

SOME HON. MEMBERS: We also associate ourselves with the matter raised by the hon. Member.

(Ends)

MR. CHAIRMAN: Yes, all the people who are raising their hands, their names can be noted and they can associate themselves with it. Now, Shri Partap Singh Bajwa. His Zero Hour matter is Stubble Burning in Punjab and Haryana. यह बहुत महत्वपूर्ण विषय है। ...(Interruptions)...

(Followed by DC/1F)

-RL/DC-PSV/1F/11.25

STUBBLE BURNING IN PUNJAB AND HARYANA

SHRI PARTAP SINGH BAJWA (PUNJAB): Sir, I wish to raise a matter of grave concern. The pollution occurring due to the burning of stubble in the States of Punjab, Haryana, western U.P. is of great concern and is affecting the health of our citizens. After the paddy fields are harvested, the farmers clear the stubble by burning it, which causes huge amount of air pollution. The problem of air pollution is compounded by the onset of winter, resulting in dense smog over the National Capital Region. Last year, Sir, the smog levels in Delhi were worse than the Great Smog in Britain in 1952.

Uncorrected/ Not for Publication-19.12.2017

The National Green Tribunal and the Supreme Court have ordered bans, but the issue has not been resolved. The farmers need the support of the Government and need financial aid to clear the stubble instead of burning it. Sir, the NITI Aayog say that almost Rs.11,000 crores are needed if the farmers had to be paid. मुझे यह गुजारिश करनी है कि यह नेशनल कैपिटल है और हमारी कोशिश है कि दुनिया के जो महान देश हैं, उनमें हिन्दुस्तान का भी नाम हो। Unfortunately, this is a national shame. What the Government of Punjab and Haryana seek is कि जब पैडी की हार्वेस्टिंग होती है, आप 200 रुपये प्रति क्विंटल फार्मर्स को दे दीजिए, तो कोई उसको आग नहीं लगायेगा, क्योंकि हर फार्मर का कम से कम तीन से पाँच हजार का फी एकड़ खर्चा होता है। And this is not a big price to pay. Sir, from the hon. President, आप भी इधर रहते हैं, पूरी पार्लियामेंट है, प्राइम मिनिस्टर साहब, everybody is here, foreign dignitaries are here, all Embassies are here. सर, पिछले दिनों इंडिया और श्रीलंका का मैच था, Sri Lankan players refused to play in Delhi. Is it not a national shame, Sir? 11,000 करोड़ रुपया कोई बड़ी कीमत नहीं है। इधर हमने 1600 करोड़ का एक राफेल जेट लिया है, तो ये 6-7 जेट्स की ही बात है। इसमें कितने पैसे लगेंगे? तो मेरी गुजारिश यह है, it is of utmost importance. हमारे जो बुजुर्ग हैं, हमारे बच्चे जो हैं, इतनी बड़ी बीमारियाँ हैं और हमारा कैपिटल उनके रहने के काबिल न हो!

श्री सभापति: ठीक है।

श्री प्रताप सिंह बाजवा: दूसरी तरफ हम यह कहें कि हम एक महान देश बनने को जो सुपर पावर क्लब है, उसे ज्वायन करना चाहते हैं। ...(व्यवधान)... मेरी गुजारिश है कि immediately, इसी साल फार्मर्स को stubble burning रोकने के लिए और अपना यह सारा environment ठीक करने के लिए ...(व्यवधान)... ये पैसे दिये जायें।

(समाप्त)

SHRI ANAND SHARMA (HIMACHAL PRADESH): Sir, I associate myself with the matter raised by the hon. Member.

KUMARI SELJA (HARYANA): Sir, I also associate myself with the matter raised by the hon. Member.

SHRIMATI RENUKA CHOWDHURY (ANDHRA PRADESH): Sir, I also associate myself with the matter raised by the hon. Member.

SHRI MOHD. ALI KHAN (ANDHRA PRADESH): Sir, I also associate myself with the matter raised by the hon. Member.

SHRI NARESH GUJRAL (PUNJAB): Sir, I also associate myself with the matter raised by the hon. Member.

DR. KARAN SINGH (NCT OF DELHI): Sir, I also associate myself with the matter raised by the hon. Member.

श्री विवेक के. तन्खा (मध्य प्रदेश): महोदय, मैं भी स्वयं को माननीय सदस्य द्वारा उठाये गये विषय से सम्बद्ध करता हूँ।

श्री राज बब्बर (उत्तराखंड): महोदय, मैं भी स्वयं को माननीय सदस्य द्वारा उठाये गये विषय से सम्बद्ध करता हूँ।

श्री प्रदीप टम्टा (उत्तराखंड): महोदय, मैं भी स्वयं को माननीय सदस्य द्वारा उठाये गये विषय से सम्बद्ध करता हूँ।

सरदार बलविंदर सिंह भुंडर (पंजाब): महोदय, मैं भी स्वयं को माननीय सदस्य द्वारा उठाये गये विषय से सम्बद्ध करता हूँ।

डा. सी.पी. ठाकुर (बिहार): महोदय, मैं भी स्वयं को माननीय सदस्य द्वारा उठाये गये विषय से सम्बद्ध करता हूँ।

श्री अमर शंकर साबले (महाराष्ट्र): महोदय, मैं भी स्वयं को माननीय सदस्य द्वारा उठाये गये विषय से सम्बद्ध करता हूँ।

श्री तिरुची शिवा (तमिलनाडु): महोदय, मैं भी स्वयं को माननीय सदस्य द्वारा उठाये गये विषय से सम्बद्ध करता हूँ।

डा. सत्यनारायण जटिया (मध्य प्रदेश): महोदय, मैं भी स्वयं को माननीय सदस्य द्वारा उठाये गये विषय से सम्बद्ध करता हूँ।

श्री प्रभात झा (मध्य प्रदेश): महोदय, मैं भी स्वयं को माननीय सदस्य द्वारा उठाये गये विषय से सम्बद्ध करता हूँ।

SHRI MOTILAL VORA (CHHATTISGARH): Sir, I also associate myself with the matter raised by the hon. Member.

DR. K.V.P. RAMACHANDRA RAO (TELANGANA): Sir, I also associate myself with the matter raised by the hon. Member.

SHRI RANVIJAY SINGH JUDEV (CHHATTISGARH): Sir, I also associate myself with the matter raised by the hon. Member.

SHRI SHAMSHER SINGH DULLO (PUNJAB): Sir, I also associate myself with the matter raised by the hon. Member.

SHRIMATI AMBIKA SONI (PUNJAB): Sir, I also associate myself with the matter raised by the hon. Member.

SOME HON. MEMBERS: Sir, we also associate ourselves with the matter raised by the hon. Member.

MR. CHAIRMAN: All the names of the hon. Members, who have associated themselves with it, may be included.

Now, Shri Vivek Gupta to associate. भाषण मत दीजिएगा, केवल एसोसिएट कीजिए।..

SHRI VIVEK GUPTA (WEST BENGAL): Sir, thank you for giving me an opportunity to speak on this subject. Sir, I do not want to repeat what my hon. friend, Shri Partap Singh Bajwa has said, but, Sir, this problem is everywhere. This problem is repeated every year. Every year, we read this in the papers. Sir, through you, I would like to know from the Government

Uncorrected/ Not for Publication-19.12.2017

as to what steps the Government is proposing to take to address this issue. Have they conducted any training for these farmers? Have they given them any lessons or any ideas as to how to dispose of this crop instead of burning it? Sir, all the children, all Delhiites are suffering. We are also suffering. Sir, this year, the Parliament has got delayed, otherwise, when this crop-burning was taking place, at that time, the Parliament would have been on and we, as law-makers, would also have been subjected to it. That is required, Sir. Maybe, we would have acted faster on it.

MR. CHAIRMAN: Thank you.

SHRI VIVEK GUPTA: Sir, I would just like to repeat that, through you, we want an answer from the Government as to what concrete steps they propose so that this does not occur every year. Instead of us reading in the newspaper every year that stubble burning has happened and pollution has taken place in the NCR region, the Government should take some immediate steps in this regard. Thank you, Sir.

(Ends)

MR. CHAIRMAN: Now, Shri D. Raja. This is also a very important issue. Yesterday, the day before yesterday, it was supposed to be taken up

Uncorrected/ Not for Publication-19.12.2017

because when such a massive tragedy takes place, naturally, people expect the Parliament to react immediately.

DEVASTATION CAUSED BY OCKHI CYCLONE

SHRI D. RAJA (TAMIL NADU): Thank you, Sir. The Ockhi Cyclone hit the Kanyakumari district of Tamil Nadu, Kerala and Lakshadweep on 30th November. It has caused huge devastation. It has robbed the livelihood of thousands of fishermen and farming community in the coastal areas of Tamil Nadu, Kerala and Lakshadweep also. Scores of fishermen died. Hundreds of fishermen are still missing. The Government of Tamil Nadu, the Government of Kerala and the Union Territory Administration are struggling to find out the missing fishermen. Sir, thousands of rubber trees have fallen. Thousands of banana trees have fallen. The farming community in the coastal belt stands thoroughly devastated.

(Contd. by KR/1G)

KR/VNK/1G/11.30

SHRI D. RAJA (CONTD.): Since the Leader of the House is sitting here and he is also the Finance Minister of this country he will take a note of this. I hope the Prime Minister who is visiting those areas today will make some announcements. However, I take this opportunity to ask the Government :

Uncorrected/ Not for Publication-19.12.2017

Why can't you declare this disaster as a national calamity? What prevents you from doing so? That is a genuine demand made in Tamil Nadu and Kerala. This disaster must be treated as a national calamity. The Centre should extend adequate financial assistance to the States of Tamil Nadu and Kerala, and to Lakshadweep.

I would like to raise one more issue which is related to the fishermen. Millions of fishermen are passing through huge distress; and their sufferings are not being addressed properly by the Government. I think the time has come for the House to take a note of it, and the Government should take a note of it. We should have a separate Ministry for the Fisheries to look after the issues of fishermen. These two concrete issues which I have raised, the Government should respond to. Number one, why is the Government not declaring it as a national calamity? Number two, why can't the Government think of forming a separate Ministry for the fishing community? Fishermen are our citizens, and they are being treated as sea tribes. If we are interested in the welfare of tribal people..

MR. CHAIRMAN: Mr. Raja, time is over. It will not go on record also. Mr. K.K. Ragesh to associate. ..(Interruptions). (Ends)

श्री के. रहमान खान (कर्णाटक) : महोदय, मैं स्वयं को इस विषय से संबद्ध करता हूँ।

جناب کے۔ رحمان خان کرناٹک): مہودے، میں خود کو اس موضوع سے سمبڈ کرتا ہوں۔

श्री नीरज शेखर (उत्तर प्रदेश) : महोदय, मैं भी स्वयं को इस विषय से संबद्ध करता हूँ।

श्री राम कुमार कश्यप (हरियाणा) : महोदय, मैं भी स्वयं को इस विषय से संबद्ध करता हूँ।

श्री किरनमय नन्दा (उत्तर प्रदेश) : महोदय, मैं भी स्वयं को इस विषय से संबद्ध करता हूँ।

श्री संजीव कुमार (झारखंड) : महोदय, मैं भी स्वयं को इस विषय से संबद्ध करता हूँ।

श्री माजीद मेमन (महाराष्ट्र) : महोदय, मैं भी स्वयं को इस विषय से संबद्ध करता हूँ।

SHRI V. VIJAYASAI REDDY (ANDHRA PRADESH): Sir, I associate myself with the issue raised by the hon. Member.

DR. T. SUBBARAMI REDDY (ANDHRA PRADESH): Sir, I also associate myself with the issue raised by my hon. friend.

SHRI OSCAR FERNANDES (KARNATAKA): Sir, I also associate myself with the matter raised by the hon. Member.

SHRI R.S. BHARATHI (TAMIL NADU): Sir, I also associate myself with the issue raised by the hon. Member.

SHRI BHUBANESWAR KALITA (ASSAM): Sir, I also associate myself with the matter raised by the hon. Member.

SHRIMATI VANDANA CHAVAN (MAHARASHTRA): Sir, I also associate myself with the issue raised by my hon. colleague.

SHRI T.K.S. ELANGO VAN (TAMIL NADU): Sir, I also associate myself with the issue mentioned by the hon. Member.

SHRI ABDUL WAHAB (KERALA): Sir, I also associate myself with the matter raised by the hon. Member.

SHRI TAPAN KUMAR SEN (WEST BENGAL): Sir, I also associate with the issue raised by the hon. Member.

SHRI RANVIJAY SINGH JUDEV (CHHATTISGARH): Sir, I also associate myself with the issue raised by the hon. Member.

SOME HON. MEMBERS: We all associate ourselves with the issue raised by the hon. Member.

MR. CHAIRMAN: All the Members who have raised their hands, their names will be added as associated. I can't recollect immediately all the names. Whoever has raised his hand; his name should be shown as associated. Having associated with the issue raised by Shri Raja with concern their names will go on record.

SHRI TIRUCHI SIVA: It is a serious issue. The Central Government should address the issue.

Uncorrected/ Not for Publication-19.12.2017

MR. CHAIRMAN: That is why the hon. Prime Minister himself has gone there. For the sake of the House, with little knowledge and understanding of the issue, I can say only one thing. There is a misconception among the people that a particular calamity can be declared as a natural calamity. That was the past thing. But subsequently on the National Calamity Relief Fund and the State Calamity Relief Fund, there was a discussion at the national level. Then, certain parameters have been decided. Accordingly, wherever the damage is more, the team goes there and assesses the situation. It comes back and reports. There is a high-level Committee of the Home Ministry and the Finance Ministry. They will sit together and decide. Anyhow, the Finance Minister is here. I hope that he is taking note of the serious issue, and whatever is needed will be done. Thank you. Next Mr. Sukhendu Sekhar Ray. ..(Interruptions).. Please, please. I called your name.

SHRI K.K. RAGESH: I was standing here.

MR. CHAIRMAN: Other Members were standing in front of you. ..(Interruptions).. Now, Mr. Ragesh.

SHRI K.K. RAGESH (KERALA): Mr. Chairman, Sir, I thank you for giving me this opportunity. As already explained, Okchi cyclone has affected the life and livelihood of fishermen of these three areas. It has affected the State

Uncorrected/ Not for Publication-19.12.2017

of Kerala in a big way. Already more than 70 fishermen died. Even though we were able to rescue 3000 fishermen, hundred fishermen are still missing. It is apprehended that the death toll may increase again. It may cross 100 mark. It has affected the State of Kerala in a very big way. Already 300 houses have been wiped out. More than 3000 houses have been damaged partially. The State Government had to open 52 relief camps where 9000 fishermen were rehabilitated.

MR. CHAIRMAN: Mr. Ragesh, I am afraid one minute of yours is over. I have to exhaust 17 Zero Hour submissions.

SHRI K.K. RAGESH: Please give me half-a-minute. (Ends)

MR. CHAIRMAN: I can't do it. Next Mr. Sukhendu Sekhar Ray. ..(Interruptions).. Thank you. ..(Interruptions).. It will not go on record. Once I say time is over, it will not go on record. (Followed by 1H/KS)

KS-NKR/1H/11.35

**SECURITY LAPSES IN AADHAAR INFRASTRUCTURE
AND DENIAL OF SERVICES TO CITIZENS**

SHRI SUKHENDU SEKHAR RAY (WEST BENGAL): Sir, in recent months, more than 130 million Aadhaar Cards' database has been leaked from

Uncorrected/ Not for Publication-19.12.2017

Government websites. In the recent past, Wikileaks had hinted that CIA, allegedly, had accessed sensitive biometric data from the Aadhaar Card database. It has not been reported so far whether a proper investigation was carried out or not in this regard.

Sir, this national ID becomes especially problematic when it is linked to external non-governmental database such as mobile numbers and is used to share personal data with mobile operators. Even the Government and IB authorities do not necessarily have the capacity to monitor the security practices of third parties. In such a situation, we strongly feel against the linking of Aadhar Card with everything, bank accounts, mobile numbers, health cards and other cards.

Sir, recently the Supreme Court had ruled that the right to privacy was a fundamental right. And to ensure that fundamental right was protected, it is incumbent upon the Government to enact certain legislation to check the misuse and leakage of the Aadhaar Card database. Otherwise, the privacy of citizens of this country would be compromised; and it is being compromised!

Uncorrected/ Not for Publication-19.12.2017

In such a situation, when the apex court of the country has ruled that the right to privacy was a fundamental right, I urge upon the Government, through you, Sir, that a new legislation should be enacted by both the Houses of Parliament to secure and ensure the safety of the database of the citizens. And till such time, the Aadhaar Card should not be made mandatory.

(Ends)

SHRI D. RAJA (TAMIL NADU): Sir, I associate myself with what the hon. Member has mentioned.

SHRI TIRUCHI SIVA (TAMIL NADU): Sir, I also associate myself with what the hon. Member has mentioned.

SHRIMATI JAYA BACHCHAN (UTTAR PRADESH): Sir, I also associate myself with what the hon. Member has mentioned.

SOME HON. MEMBERS: Sir, we all associate ourselves with what the hon. Member has mentioned.

MR. CHAIRMAN: Names of all the hon. Members who have associated themselves with what the hon. Member has mentioned, should be included. Then, Shri Ram Kumar Kashyap.

**DEMAND FOR GIVING STATUS OF MARTYRS TO BHAGAT SINGH,
SUKHDEV, RAJGURU AND CHANDRASHEKHAR AZAD**

श्री राम कुमार कश्यप (हरियाणा) : महोदय, मैं आपके माध्यम से सरकार का ध्यान एक अत्यन्त महत्वपूर्ण विषय की ओर आकर्षित करना चाहता हूँ। आजादी की लड़ाई में अपनी जान न्यौछावर करने वाले शहीद-ए-आज़म भगत सिंह, सुखदेव, राजगुरु तथा चन्द्रशेखर आज़ाद के नाम के आगे 'शहीद' लिखा जाता है, परन्तु आजादी के इतने वर्ष बीत जाने के बाद भी सरकार द्वारा इन्हें 'शहीद' का दर्जा प्रदान नहीं किया गया है। उनकी कुर्बानी के बाद भारत को आजाद करवाने के लिए देशवासियों में एक तूफान उठ खड़ा हुआ था। उनके बलिदान को देखकर उस समय का कोई भी नौजवान देश के लिए अपनी जान कुर्बान करने के लिए तत्पर हो जाता था। हजारों नवयुवकों को प्रेरणा देने वाले भगत सिंह को 'शहीद' का दर्जा न देना निराशाजनक है, जिसके कारण देश की जनता के मन में भारी आक्रोश है।

सभापति जी, नियमों की अवहेलना करते हुए भगत सिंह को फांसी देने का समय रात को रखा गया था और फांसी लगने के बाद उनका शव संबंधियों को भी नहीं सौंपा गया क्योंकि ब्रिटिश सरकार को डर था कि देश में कहीं ऐसी आग न भड़क उठे जिसे शांत करना मुश्किल हो जाए। अतः भगत सिंह जैसे महापुरुष को 'शहीद' का दर्जा न देने पर सवाल उठना स्वाभाविक है। अगर एक समाचार पत्र 'दैनिक ट्रिब्यून' की खबर को सच माना जाए जिसमें लिखा गया है कि हमारे पड़ोसी देश पाकिस्तान ने भगत सिंह को 'शहीद' का दर्जा दे दिया है जो हमारे देश के लिए और भी हास्यास्पद बात है कि

हमारी सरकार ने आजादी के इतने साल बीत जाने के बाद भी उन्हें शहीद का दर्जा नहीं दिया।

अतः मैं आपके माध्यम से सरकार से अनुरोध करना चाहता हूँ कि इस संबंध में आवश्यक कार्यवाही करके उन अमर शहीदों - भगत सिंह, सुखदेव, राजगुरु तथा चन्द्रशेखर आज़ाद को 'शहीद-ए-आज़म' का दर्जा प्रदान करने का कष्ट करें।

अंत में, महोदय आपने मुझे बोलने का मौका दिया, आपका बहुत-बहुत शुक्रिया, जय हिन्द।

(समाप्त)

SHRI TIRUCHI SIVA (TAMIL NADU): Sir, I associate myself with what the hon. Member has mentioned.

SHRI SUKHENDU SEKHAR RAY (WEST BENGAL): Sir, I also associated myself with what the hon. Member has mentioned.

कुछ माननीय सदस्य : महोदय, हम भी इस विषय के साथ अपने आपको सम्बद्ध करते हैं।

MR. CHAIRMAN: I suggest to the Law Minister to discuss this matter with the Minister of Culture and, then, give some clarification because a wrong message is going. I also felt concerned when I read about it in newspapers. I don't know the full facts. If you want to say something, you can respond now. Otherwise, you can take note of it and respond later.

Uncorrected/ Not for Publication-19.12.2017

THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):

Sir, the only thing that I can tell you is that all of us have deep commitment to the supreme sacrifice of Bhagat Singh. A particular fact has been brought to our notice. I will correct it and I will surely consult my colleague in the Government. Our Government is fully dedicated to give all the respect to the supreme sacrifice of Bhagat Singh, Sukhdev and others.

(Ends)

(1J/DS द्वारा जारी)

KGG-DS/11.40/1J

**PROBLEMS FACED BY STUDENTS DUE TO
CURRENT PROMOTION POLICY**

डा. सत्यनारायण जटिया (मध्य प्रदेश) : माननीय सभापति जी, अभी भगत सिंह जी का उल्लेख हुआ है, जो तरुणाई के द्योतक थे। मैं उन लाखों छात्रों के बारे में बात करना चाहता हूँ, जो पिछली प्रणाली और पिछली व्यवस्था के कारण प्रभावित हुए हैं। उनको पिछले समय में कक्षाओं में आगे बढ़ाने की जो पद्धति लागू की गई थी, उसके कारण आठवीं कक्षा के बाद नौवीं कक्षा में उत्तीर्ण होने और उनके ज्ञान का स्तर बढ़ा हुआ न होने के कारण लाखों छात्रों को या तो स्कूल छोड़ना पड़ता है या उनको निराशा झेलनी पड़ती है।

मैं आपके माध्यम से सरकार का ध्यान इस ओर दिलाना चाहता हूँ कि ऐसे लाखों छात्रों के भविष्य के बारे में वह विचार करे और जब से यह प्रणाली लागू हुई कि बिना परीक्षा के उनको उत्तीर्ण करना है, तब से प्रभावित ऐसे लाखों छात्रों के भविष्य के बारे में कोई सुनिश्चित योजना बनाए। हालांकि आने वाले समय में सरकार इस पर विचार कर रही है कि परीक्षा प्रणाली कैसी होनी चाहिए, किन्तु मेरी चिन्ता यह है कि जो छात्र अभी प्रभावित हो गए हैं और जिनको आठवीं के बाद परीक्षाओं में पास होने का मौका नहीं मिला है, उन लाखों छात्रों के बारे में हम क्या योजना बना रहे हैं, जिससे देश की तरुणाई को निराशा न हो और उन्हें अपने भविष्य को बनाने के लिए एक नया मार्गदर्शन मिले। ऐसा मैं आपके माध्यम से कहना चाहता हूँ।

(समाप्त)

श्री सभापति : धन्यवाद। मानव संसाधन विकास मंत्री कुछ कहना चाहते हैं?

मानव संसाधन विकास मंत्री (श्री प्रकाश जावडेकर) : सर, इस बारे में सभी राज्यों से बहुत विचार-विमर्श के बाद सदन के सामने एक बिल पेश है कि पाँचवीं और आठवीं कक्षा में स्कूल में ही छात्रों की परीक्षा ली जाए और यह परीक्षा लेने का अधिकार भी हर राज्य को दिया जाएगा। यह CABE में unanimously तय हुआ है। अभी माननीय सदस्य ने जो बताया है, उस संबंध में मैं यह बताना चाहता हूँ कि वे ही उस संसदीय समिति के अध्यक्ष हैं और उन्हीं के सामने अभी यह बिल है। वे जल्दी इसको देखें, तो यह सदन के सामने आएगा।

डा. सत्यनारायण जटिया : विषय यह नहीं है, बल्कि विषय यह है कि ...(व्यवधान)...

श्री सभापति : ठीक है। अब आप दोनों बाकी बातें आपस में कीजिए। ...(व्यवधान)...

डा. सत्यनारायण जटिया : जो प्रभावित छात्र हैं, जिनको नुकसान हुआ है, उनकी भरपाई कैसे होगी? ...(व्यवधान)...

श्री सभापति : प्लीज़। सत्यनारायण जटिया जी, आप सीनियर हैं न! ...(व्यवधान)...

(समाप्त)

**DEMAND FOR TAKING BACK DECISION OF COMPLETE
DISINVESTMENT OF DREDGING CORPORATION OF INDIA**

DR. K.V.P. RAMACHANDRA RAO (TELANGANA): Mr. Chairman, Sir, the Government's decision to sell the entire stake of 75 per cent in a Mini-Ratna, Dredging Corporation of India (DCI), is detrimental to the interests of the nation. The DCI shall not be treated as another PSU which can be invested for the purpose of economic viability. Our country is having a coastline of 7,500 kilometres, 13 major ports and approximately 200 notified and intermediate ports which require continuous capital and maintenance dredging. The dredging sector is having a vast future perspective as comprehensive dredging is required in future in the entire coastline to control and mitigate natural disasters apart from giving a boost to the economy. The DCI is having an access to the entire coast of the country and thus plays a pivotal role in the security of the country. Actually, DCI shall be

Uncorrected/ Not for Publication-19.12.2017

part of the Indian Navy under the control of the Ministry of Defence and shall be made part of the coastal and maritime security.

The decision of the Union Cabinet to completely sell the Dredging Corporation of India to private operators not only creates a monopoly of the private operators in the dredging sector but also becomes a threat to the nation's security. Further, the life and future of employees, workers and their families who are eking out their livelihood and striving to develop the DCI since four decades, fall in jeopardy if the Government sells the entire stake in the DCI. The Core Group of Secretaries and the NITI Aayog which have recommended complete privatization of DCI have not conducted an indepth study of the national security concerns of the dredging activity in a country having the longest coast as its border and also future prospects of the dredging sector in the economical growth of the country.

Sir, I, therefore, request the Government to bring the issue of complete disinvestment of DCI before the Parliament for a detailed discussion in the interest of the nation. Thank you, Sir.

(Ends)

SHRI D. RAJA (TAMIL NADU): Sir, I associate myself with the mention made by the hon. Member.

Uncorrected/ Not for Publication-19.12.2017

DR. T. SUBBARAMI REDDY (ANDHRA PRADESH): Sir, I too associate myself with the mention made by the hon. Member.

(Followed by KLS/1K)

KLS/MCM/1K-11.45

SHRI V. VIJAYASAI REDDY (ANDHRA PRADESH): Sir, it is the same issue which I wanted to raise. In fact, the aspect he has pointed out, I will not reiterate it, but I will point out other issues.

MR. CHAIRMAN: You have one minute time, keep that in mind. Please go ahead.

SHRI V. VIJAYASAI REDDY: Okay, Sir. It is a Category 1 Mini Ratna public sector undertaking. It is the policy of the Government of India not to privatize profit making undertakings. Last month in November 2017, the Union Cabinet has taken a decision to disinvest the stake of 73.47 per cent which the Government of India has got as equity in the Dredging Corporation of India. It is against the rudimental principle and also the policy of the Government of India. In fact, the Dredging Corporation of India has been rendering services not only to the major ports but also undertaking international contracts. It is a profit making company and for the past few years has been making profits, including 2015-16. The privatization and

Uncorrected/ Not for Publication-19.12.2017

disinvestment of these public sector undertakings, particularly the Dredging Corporation of India, will threaten the national security and because the dredging in areas of naval operations...

MR. CHAIRMAN: Thank you. I have another eight names. ... (Interruptions).. Mr. Tapan Kumar Sen's name should also be included. ... (Interruptions)... All those names are associated. ... (Interruptions)... I cannot deviate from the system and rules. ... (Interruptions)... Thank you. ... (Interruptions)...

SHRI TAPAN KUMAR SEN (WEST BENGAL): Sir, I have to say only one line. ... (Interruptions)... Sir, I have to say only one line that particularly the profit making companies or the companies relating to national importance and relating to the security of the country are being targeted for privatization.

SHRIMATI ROOPA GANGULY (NOMINATED): Sir, I associate myself with the issue raised by the hon. Member.

SHRI SUKHENDU SEKHAR RAY (WEST BENGAL): Sir, I also associate myself with the issue raised by the hon. Member.

SHRI TIRUCHI SIVA (TAMIL NADU): Sir, I also associate myself with the issue raised by the hon. Member.

SOME HON. MEMBERS: Sir, we also associate ourselves with the issue raised by the hon. Member.

(Ends)

MR. CHAIRMAN: Shri Rewati Raman Singh. ...(Interruptions)... I cannot go against the system and rules. ...(Interruptions)... ऐसा नम्बर से होता नहीं, सब को ऐसे ही रोटेट होता है।

ROTTING OF POTATO IN AGRA DISTRICT OF UTTAR PRADESH

श्री रेवती रमन सिंह (उत्तर प्रदेश) : सभापति महोदय, मैं आपको धन्यवाद देता हूँ कि आपने मुझे इतने महत्वपूर्ण विषय पर बोलने का मौका दिया। मान्यवर, अब की बार उत्तर प्रदेश में आलू का उत्पादन इतना ज्यादा हुआ है कि कोल्ड स्टोरेज में रखने के बाद भी किसानों को आज कोई लाभ नहीं मिल रहा है। अकेले आगरा में 250 कोल्ड स्टोरेज हैं और वहां पर आज पूरे उत्तर प्रदेश में 20 पैसे, 25 पैसे किलो आलू बिक रहा है। मान्यवर, ऐसी गंभीर स्थिति पैदा हो गई कि किसान का आलू कोल्ड स्टोरेज में सड़ गया, किसान उसको उठाने नहीं आया। आज नया आलू बोया जा रहा है। मैं भारत सरकार से अपील करूंगा कि वह इसमें हस्तक्षेप करे और आलू की खरीदारी बड़े पैमाने पर कराए, जिससे किसानों को इस तरह से नुकसान न हो। मान्यवर, मैं एक और बात भी ध्यान में लाना चाहता हूँ कि इसी तरह जब टमाटर पैदा होता है, वह भी 20 पैसे, 25 पैसे किलो बिकता है। आज बाजार में टमाटर का भाव देख लीजिए कि वह 50 रुपए,

60 रुपए किलो है। जब किसान के यहां पैदा होता है तो 25 पैसे किलो में आलू और टमाटर बिकता है। इसके लिए भारत सरकार को कोई कमीशन बनाना चाहिए।

(समाप्त)

श्री किरनमय नन्दा (उत्तर प्रदेश) : महोदय, मैं इस विषय से अपने आपको सम्बद्ध करता हूँ।

श्री सुरेन्द्र सिंह नागर (उत्तर प्रदेश) : महोदय, मैं भी इस विषय से अपने आपको सम्बद्ध करता हूँ।

श्री नरेश अग्रवाल (उत्तर प्रदेश) : महोदय, हम एसोसिएट कर रहे हैं। हमारा यह कहना है कि अगर किसानों की दुर्गति रही तो देश में बहुत बुरी स्थिति पैदा होगी और उत्तर प्रदेश तथा खास तौर से केन्द्र सरकार इसमें इंटरवीन करे।

कुछ माननीय सदस्य : महोदय, हम भी इस विषय से अपने आपको सम्बद्ध करते हैं।

श्री सभापति : ठीक है, धन्यवाद। सब लोग जिन्होंने हाथ उठाया, उन सबका नाम नोट करना चाहिए, इस तरफ और उस तरफ सभी तरफ से।

(समाप्त)

REQUEST FOR PROVIDING FUNDS TO SC/ST STUDENTS IN TAMIL NADU

SHRI A. NAVANEETHAKRISHNAN (TAMIL NADU): Sir, this is with regard to implementation of Post-Matric Scholarship scheme for SC/ST students. This is implemented by the Ministry of Social Justice and Empowerment.

Uncorrected/ Not for Publication-19.12.2017

The Central Government is releasing the funds. The Government of Tamil Nadu is implementing the scheme. ...(Interruptions)...

श्री सभापति: कृपया आपस में बात न करें।...(व्यवधान)...

SHRI A. NAVANEETHAKRISHNAN: Now the arrears of Rs.1546.86 crores have accumulated over these four years.

(Contd by 1L/SSS)

SSS-SC/1L/11.50

SHRI A. NAVANEETHAKRISHNAN (CONTD.): This amount has to be released by the Central Government to Tamil Nadu to enable the Government to distribute scholarship to SC/ST students. It is the most urgent one. Already there is a huge arrear. Now Tamil Nadu has to do the job properly. Hence, I very humble urge the Central Government to release the funds as early as possible. Thank you.

(Ends)

PROBLEM OF LANDFILL SITES IN DELHI

DR. T. SUBBARAMI REDDY (ANDHRA PRADESH): Sir, I am raising a very important matter affecting the national capital with massive accumulation of municipal solid waste dump causing collapse and tragic incident. Already the tragic incident caused deaths of three persons and several persons

Uncorrected/ Not for Publication-19.12.2017

injured. Due to the negligence of the civic agency in East Delhi Municipal Corporation and the Delhi Government, excess filling of solid waste which proved to be a ticking time bomb collapsed, causing tragic incident. Earlier, the team led by Chief Engineer of the Corporation warned about massive remission of toxic leachate and contamination of ground water resulting at danger level. I would like to say that the National Green Tribunal had directed the EDMC and NHAI to invite tenders for segregation and management of waste at Ghazipur site, for road expansion projects by NHAI. Another agency, Delhi Pollution Control Board had warned that fires at the landfill were in violation of Environmental Protection Act and suggested for three landfills, conforming to the Municipal Solid Waste (MSW) Rules.

In spite of the warning given by the authorities that dumping garbage beyond its saturation point would be a disaster and risk to human lives, the municipal people continued to dump. The sordid state of affairs is with more than 2100 MT of municipal solid waste being dumped.

So, a definite plan of action should be prepared and a strategy for solid waste management developed so that it can be replicated in other parts of the country. The National Capital will need an additional area of 28

Uncorrected/ Not for Publication-19.12.2017

square kilometers till 2020 to dump 15,000 tonnes of garbage daily. I, therefore, urge upon the Central Government, especially the hon. Minister of Housing and Urban Affairs to direct DDA to immediately, allot adequate land for alternative landfill sites for dumping the municipal waste generated in the National Capital.

(Ends)

**RENAMING OF DAYAL SINGH COLLEGE (EVENING) IN DELHI TO
VANDE MATRAM MAHAVIDYALAYA**

SHRI NARESH GUJRAL (PUNJAB): Sir, I wish to bring to the attention of the House a recent incident which has attempted to run rough shod over the sentiments of the Sikh Community, a community which has made huge sacrifices for this country. Sir, Punjab was fortunate that a liberal philanthropist, Dyal Singh Majithia was born there to a very wealthy family. He donated his entire savings and gave his entire life to the cause of education in Punjab and set up Dyal Singh colleges in Lahore and in Delhi and various schools and colleges all over undivided Punjab. Sir, he felt that this was the only way to empower the Indians to fight the might of the British empire. Sir, even today, there is Dyal Singh College which exists in Lahore. However, Sir, the management of the Dyal Singh College in Delhi was taken

Uncorrected/ Not for Publication-19.12.2017

over by the Government in 1978 and since then, the Union Ministry of HRD appoints the managing Committee of this institution. Sir, it is very unfortunate that recently the Managing Committee headed by one Mr. Amitabh Sinha decided to rename the evening college of this institution by Vande Matram Mahavidyalaya. Sir, I do admit that the words 'Vande Matram' evoke a patriotic fervor in every Indian and I would urge upon the Minister to set up Vande Matram Universities all over the country, but to change the name of a minority institution is a direct assault on the feelings of the Sikhs. Sir, I feel that this is something to be condemned and the whole House will join in condemning this incident. Sir, since the Minister is here, I would also like him to reply. Sir, the Prime Minister and his Government believe in '*Sabka Saath Sabka Vikas*'. So, I urge the Minister to immediately replace the Managing Committee. This is a divisive Committee which is trying to create communal hatred in this country and I hope the Minister will take note of this. Thank you.

(Ends)

SHRI ANAND SHARMA: Sir, may I ask the Minister...

Uncorrected/ Not for Publication-19.12.2017

MR. CHAIRMAN: Anandji, please sit down. There are five more speakers. Your name is not here. Please sit down. Don't think otherwise. Please sit down. Let him respond.

SHRI ANAND SHARMA: Sir, there are two colleges, one in Delhi and one in Lahore. Please... ...(Interruptions)...

SHRI B. K. HARIPRASAD (KARNATAKA): Sir, I associate myself with the issue raised by Shri Naresh Gujral.

SHRIMATI AMBIKA SONI (PUNJAB): Sir, I also associate myself with the issue raised by Shri Naresh Gujral.

SHRI OSCAR FERNANDES (KARNATAKA): Sir, I also associate myself with the issue raised by Shri Naresh Gujral.

SHRI K. SOMAPRASAD (KERALA): Sir, I also associate myself with the issue raised by Shri Naresh Gujral.

SHRI BHUBANESWAR KALITA (ASSAM): Sir, I also associate myself with the issue raised by Shri Naresh Gujral.

SHRI RIPUN BORA (ASSAM): Sir, I also associate myself with the issue raised by Shri Naresh Gujral.

SOME HON. MEMBERS: Sir, we all associate ourselves with the issue raised by Shri Naresh Gujral.

श्री नीरज शेखर (उत्तर प्रदेश) : महोदय, मैं भी माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को संबद्ध करता हूं।

श्री विवेक के.तन्खा (मध्य प्रदेश) : महोदय, मैं भी माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को संबद्ध करता हूं।

श्री रंजिब बिस्वाल (ओडिशा) : महोदय, मैं भी माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को संबद्ध करता हूं।

श्रीमती छाया वर्मा (छत्तीसगढ़) : महोदय, मैं भी माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को संबद्ध करती हूं।

श्री शमशेर सिंह ढुलो (पंजाब) : महोदय, मैं भी माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को संबद्ध करता हूं।

श्री शादी लाल बत्रा (हरियाणा) : महोदय, मैं भी माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को संबद्ध करता हूं।

(समाप्त)

(Followed by NBR/1M)

-SSS/NBR-GS/1M/11.55

मानव संसाधन विकास मंत्री (श्री प्रकाश जावडेकर) : सभापति महोदय, यह जो इस तरह का नाम बदला है, यह सरकार का फैसला नहीं है और सरकार इसे पसंद भी नहीं करती है। इसलिए तुरंत hold पर रखने के लिए कहा है और तुरंत मीटिंग बुलाने के

लिए भी कहा है। दिल्ली यूनिवर्सिटी से भी कहा है कि इस तरह से यह काम करना और भावनाओं से खिलवाड़ करके unnecessary controversy करना गलत है। हम इसको कतई पसंद नहीं करते और ऐसा नहीं होगा।

(समाप्त)

श्री सभापति : ठीक है। श्रीमती रेणुका चौधरी।

PROBLEMS FACED BY BT3 COTTON FARMERS

SHRIMATI RENUKA CHOWDHURY (ANDHRA PRADESH): Mr. Chairman, Sir, I wish to draw your attention and, through you, the House of the total failure of third phase of Bt. Cotton seed -- Transgenic Cotton Seed -- all over the country. Farmers in States like Maharashtra, Gujarat, Andhra Pradesh and Telangana have suffered a terrible loss. Not just that, when pink bollworm infest, the entire crop is damaged. These companies have, indiscriminately, recommended to farmers toxic spraying of drugs and pesticides that are banned all over the world, but are freely flowing into India. Taking suggestion from these companies, the farmers, in ignorance, sprayed this and died due to inhalation of toxic fumes!

There is no regulatory mechanism apparent in the Government today whereby the banned pesticides all over the world flowing into India are stopped.

Uncorrected/ Not for Publication-19.12.2017

I wanted to know what steps the Government is going to take to compensate cotton farmers who have incurred financial losses as well as loss of their lives. What mechanism is the Government is going to put in place to prevent marketing of toxic pesticides? And, what steps is the Government going to take against the Bt3 cotton seed firms which claim their seeds to be pest-resistant? We have been protesting about this repeatedly over a period of time.

Sir, this is a serious issue. Hence, I request the Government to impose heavy penalties on them for huge financial losses suffered by cotton farmers. Thank you.

(Ends)

DR. K.V.P. RAMACHANDRA RAO (TELANGANA): Sir, I associate myself with the Zero Hour submission made by Smt. Renuka Chowdhury.

श्रीमती रजनी पाटिल (महाराष्ट्र) : महोदय, माननीय सदस्या ने जो विषय उठाया है, मैं भी अपने आपको इससे सम्बद्ध करती हूँ।

श्री प्रमोद तिवारी (उत्तर प्रदेश) : महोदय, माननीय सदस्या ने जो विषय उठाया है, मैं भी अपने आपको इससे सम्बद्ध करता हूँ।

श्री आलोक तिवारी (उत्तर प्रदेश) : महोदय, माननीय सदस्या ने जो विषय उठाया है, मैं भी अपने आपको इससे सम्बद्ध करता हूँ।

श्री नीरज शेखर (उत्तर प्रदेश) : महोदय, माननीय सदस्या ने जो विषय उठाया है, मैं भी अपने आपको इससे सम्बद्ध करता हूँ।

चौधरी सुखराम सिंह यादव (उत्तर प्रदेश): महोदय, माननीय सदस्या ने जो विषय उठाया है, मैं भी अपने आपको इससे सम्बद्ध करता हूँ।

श्री सत्यव्रत चतुर्वेदी (मध्य प्रदेश) : महोदय, माननीय सदस्या ने जो विषय उठाया है, मैं भी अपने आपको इससे सम्बद्ध करता हूँ।

SHRI MAJEED MEMON (MAHARASHTRA): Sir, I also associate myself with the Zero Hour submission made by Smt. Renuka Chowdhury.

SHRI KIRANMAY NANDA (UTTAR PRADESH): Sir, I also associate myself with the Zero Hour submission made by Smt. Renuka Chowdhury.

SHRI OSCAR FERNANDES (KARNATAKA): Sir, I also associate myself with the Zero Hour submission made by Smt. Renuka Chowdhury.

श्री हुसैन दलवाई (महाराष्ट्र) : महोदय, माननीय सदस्या ने जो विषय उठाया है, मैं भी अपने आपको इससे सम्बद्ध करता हूँ।

SHRI ANUBHAV MOHANTY (ODISHA): Sir, I also associate myself with the Zero Hour submission made by Smt. Renuka Chowdhury.

SHRI RIPUN BORA (ASSAM): Sir, I also associate myself with the Zero Hour submission made by Smt. Renuka Chowdhury.

(Ends)

Uncorrected/ Not for Publication-19.12.2017

**SUDDEN AND ABNORMAL CHANGE OF BRAHMAPUTRA RIVER WATER
CAUSING ECOLOGICAL CATASTROPHE**

SHRI RIPUN BORA (ASSAM): Mr. Chairman, Sir, I am raising a very important issue relating to River Brahmaputra. It is the second largest river in the country.

There is an abnormal change of water in Brahmaputra during the last one month and poisonous, muddy, turbid water is flowing in this river. As a result, a lot of wild animals, aquatic life and fish died. This has also resulted in loss of livelihood for many people. This catastrophe has jeopardized Brahmaputra valley civilization. The main reason for this is, China is constructing 1000 km tunnel, connecting South Tibet and Desert Taklimakan in Jhingjiyang Province. This is the longest tunnel in the world.

The second reason is, already 900 mtrs. work has been completed. And, China has constructed 200 mtrs. wide, at 13 km high, big dam at YarlungTsangpo to divert River Brahmaputra. The Chief Minister has requested the hon. Prime Minister twice to take up this matter with the Government of China at bilateral level talks. But, no action has so far been taken.

So, my humble submission is to constitute one high-level Parliamentary Team, with a river expert, to visit China where this big dam and tunnel are being constructed. I would also like to submit that these are a big threat to our

Uncorrected/ Not for Publication-19.12.2017

country. Therefore, my humble submission to the Government of India is to address this issue. Thank you. (Ends)

DR. KARAN SINGH (NCT OF DELHI): Sir, I associate myself with the Zero Hour submission made by Shri Ripun Bora.

SHRIMATI RENUKA CHOWDHURY (ANDHRA PRADESH): Sir, I also associate myself with the Zero Hour submission made by Shri Ripun Bora.

SHRI P. BHATTACHARYA (WEST BENGAL): Sir, I also associate myself with the Zero Hour submission made by Shri Ripun Bora.

SHRI VIVEK K. TANKHA (MADHYA PRADSEH): Sir, I also associate myself with the Zero Hour submission made by Shri Ripun Bora.

PROF. M.V. RAJEEV GOWDA (KARNATAKA): Sir, I also associate myself with the Zero Hour submission made by Shri Ripun Bora.

SHRI RONALD SAPA TLAU (MIZORAM): Sir, I also associate myself with the Zero Hour submission made by Shri Ripun Bora.

SHRI MAJEED MEMON (MAHARASHTRA): Sir, I also associate myself with the Zero Hour submission made by Shri Ripun Bora.

श्री हुसैन दलवई (महाराष्ट्र) : महोदय, माननीय सदस्य ने जो विषय उठाया है, मैं भी अपने आपको इससे सम्बद्ध करता हूँ।

श्रीमती रजनी पाटिल (महाराष्ट्र) : महोदय, माननीय सदस्य ने जो विषय उठाया है, मैं भी अपने आपको इससे सम्बद्ध करती हूँ।

श्रीमती छाया वर्मा (छत्तीसगढ़) : महोदय, माननीय सदस्य ने जो विषय उठाया है, मैं भी अपने आपको इससे सम्बद्ध करती हूँ।

श्री सत्यव्रत चतुर्वेदी (मध्य प्रदेश) : महोदय, माननीय सदस्य ने जो विषय उठाया है, मैं भी अपने आपको इससे सम्बद्ध करता हूँ।

श्री महेन्द्र सिंह माहरा (उत्तराखण्ड) : महोदय, माननीय सदस्य ने जो विषय उठाया है, मैं भी अपने आपको इससे सम्बद्ध करता हूँ।

श्री आलोक तिवारी (उत्तर प्रदेश) : महोदय, माननीय सदस्य ने जो विषय उठाया है, मैं भी अपने आपको इससे सम्बद्ध करता हूँ।

SHRI SANTIUSE KUJUR (ASSAM): Sir, I also associate myself with the Zero Hour submission made by Shri Ripun Bora.

SHRIMATI WANSUK SYIEM (MEGHALAYA): Sir, I also associate myself with the Zero Hour submission made by Shri Ripun Bora. (Ends)

MR. CHAIRMAN: I request the Minister of Parliamentary Affairs to take note of this suggestion and pass it on to the Ministers concerned. (Ends)

(FOLLOWED BY PK/1N)

(12.00-1.00 P.M. - Question Hour)

KS-GS/2B /2.00

The House re-assembled after lunch at two of the clock,

MR. DEPUTY CHAIRMAN in the Chair

MR. DEPUTY CHAIRMAN: We will now take up the Companies (Amendment) Bill, 2017 for further consideration. Last time, the former Minister had just started, but he did not speak. In the meanwhile, the Minister had changed. At that time, it was Shri Arjun Ram Meghwal. Now, the Minister is Shri P.P. Chaudhary. No problem. You can start.

THE COMPANIES (AMENDMENT) BILL, 2017-(Contd.)

THE MINISTER OF STATE IN THE MINISTRY OF CORPORATE AFFAIRS

(SHRI P.P. CHAUDHARY): Mr. Deputy Chairman, Sir, I rise to move:

That the Bill further to amend the Companies Act, 2013, as passed by Lok Sabha, be taken into consideration.

Sir, I rise to initiate the discussion on the motion for consideration and passing of the Companies (Amendment) Bill, 2017, as passed by Lok Sabha.

Sir, the Companies Act, 2013 was notified on 29th August, 2013. It had introduced significant changes and, *inter alia*, provides for disclosure to

Uncorrected/ Not for Publication-19.12.2017

stakeholders and a provision regarding accountability of directors, auditors and key managerial persons. It also provides for investors' protection. It provides for corporate governance too. All these provisions in the Companies Act of 2013 have been enforced, except two full Sections, that is, Sections 132 and 465 and, partially Section 2 (69) and Section 230 (11) and (12). Along with this, at the time of the enforcement of the Companies Act, 2013, rules had been framed. Sir, when this Act of 2013 was there, some difficulties were realized with respect to the initial experience and the working of the Act of 2013 and, to address those difficulties, the Companies (Amendment) Bill, 2015 was introduced in the Lok Sabha. It was passed by both the Houses. But, at the time of its passage, hon. Members of the Rajya Sabha had requested the Government for some more amendments in order to address the difficulties that the companies were facing. So, keeping in view this aspect, the Government constituted a Companies Law Committee, chaired by the Secretary, Ministry of Corporate Affairs, with a view to examining the need for making further amendments. An extensive consultation was conducted by this Committee. After extensive consultations, a report was submitted to the Government on 1st December, 2016, and in continuation of that, incorporating all the suggestions and

Uncorrected/ Not for Publication-19.12.2017

recommendations made by that Companies Law Committee, the Companies (Amendment) Bill, 2016 was introduced in the Lok Sabha on the basis of the recommendations on the Companies Amendment Bill, 2016.

(CONTD. BY KGG/2C)

KGG/2C/2.05

SHRI P. P. CHAUDHARY (contd.): In this connection, there were amendments to 87 Sections. When this Bill was introduced in the Lok Sabha on 16th March, 2016, it was referred to the Parliamentary Standing Committee on Finance with a request to examine and report with respect to this Bill. The Report was submitted by the Standing Committee on Finance on 7th December, 2016 before both the Houses of Parliament. I extend my thanks to Chairman and Members of the Standing Committee who devoted a considerable time in preparing this Report giving some recommendations. Most of the recommendations have already been incorporated by way of official amendments. Thereafter, the Bill was passed by the Lok Sabha including the official amendments; some more Sections were incorporated by that process. 93 Sections were taken into consideration. The Lok Sabha passed this Bill along with the official amendments on 27th July, 2017. It was passed as Companies (Amendment) Bill, 2017.

Uncorrected/ Not for Publication-19.12.2017

Mr. Deputy Chairman, Sir, I would like to highlight some of the objectives behind amending the Companies Act, 2013. In the 2013 Act, the present Act, some of the major objectives are with respect to compliance requirement and to relax stringent provisions under the Act of 2013, to facilitate Ease of Doing Business, and to facilitate harmonization with accounting standards and other legislations. It is also realized that some mistakes were there, some inconsistencies were there in the Act with respect to various provisions of the Act and in the definition clause. Therefore, the definitions were also harmonized keeping in view other provisions of the Act as well as keeping in view the direction of the Supreme Court with respect to NCLT & NCLAT, qualifications and selection of the members.

Sir, I would also like to point out that all these objectives are being achieved without diluting the core strength of the Act. Sir, I would also like to give an overview of key features in the Bill. The first is to strike a balance of competing interests of various stakeholders; that has also been taken into consideration. Stringent actions have been provided in the Bill for fraudulent conduct of business and default of public deposits. Besides this, greater transparency has also been provided to prevent money-laundering.

Uncorrected/ Not for Publication-19.12.2017

Sir, recently we have seen the misuse of shell companies. Therefore, restrictions regarding layers of subsidies have been retained. Earlier, a number of layers were there and shell companies had been used as conduit for money-laundering and all those. So, the restrictions have already been retained, which is there in the Act of 2013.

Sir, raising of finance has also been recognized. So, the companies have been permitted to provide loans to entities, imposing some conditions. For small and one-man companies, some relaxations have been granted not only with respect to procedures and penalties but also with respect to procedural and technical issues. These have been granted not only to small companies but also for big companies. Sir, there was a provision also for managerial remunerations with the Central Government's approval. That has been dispensed with; various definitions under the definition clause were redefined removing ambiguity and inconsistencies with respect to definitions and with respect to various provisions of the Act, as well as harmonizing with SEBI and RBI Acts too.

Sir, foreign companies have also been exempted who are having insignificant transactions through electronic mode with respect to registry and compliance.

(Contd. by KLS/2D)

KLS/2D-2.10

SHRI P.P. CHAUDHARY (CONTD): Sir, regarding the appointment of auditor, because earlier for appointment of the auditor every year rectification was required, therefore, that amounts to removal and it creates a lot of inconsistency in respect of other provisions of the Act, that has also been removed and dispensed with. Some clarity was also required with respect to limited liability partnership to convert into companies, that clarity has also been provided. Sir, regarding appeals, the provision of appeal has also been provided in case of National Financial Reporting Authority to National Company Law Appellate Tribunal under Section 132 by making suitable amendments to Section 132 of the Act. About 70 years' age, earlier that provision was not there. But now relaxation has been provided that even a person who is above the 70 years of age, he can be appointed to the post of managing director, whole time director and manager with certain conditions. Sir, with these amendments *inter alia* as proposed in the Bill, I request the august House to consider and pass the Bill.

The question was proposed.

MR. DEPUTY CHAIRMAN: Now it is time for discussion. The time allotted for the Bill is two hours. I would like to inform the hon. Members that it has

Uncorrected/ Not for Publication-19.12.2017

been decided not to give extra time to parties. Therefore, parties are requested to complete their speeches within the allotted time. So, the Members should restrict to their time. Now, the first speaker is hon. Shri P. Chidambaram. Congress Party has 29 minutes.

SHRI P. CHIDAMBARAM (MAHARASHTRA): Sir, broadly we are happy that the Companies Act, which was passed in 2013, is being revisited. I would have, however, liked the Minister -- hon. Finance Minister was not here when the Bill was introduced-- to have taken a little more effort to explain certain provisions of the Bill. Unless one visits the original Act, the Companies (Amendment) Bill of 2016, the recommendations of the Standing Committee and the new Bill, it is very difficult for Members to understand what had been done, what was recommended to be changed and what change was brought about first in 2016 and what change is being brought about now. But I will try my best in the short time that is available to me to try to make sense of what the Government is doing. It seems to me that the Government wants to help small and medium companies and save those companies from the rigors of Companies law. I think it is a noble objective. But the way you have gone about it will have perverse consequences. You have only one Act. That Act applies to large companies, to medium

Uncorrected/ Not for Publication-19.12.2017

companies and small companies. If you make provisions in that Act, keeping in mind what you want to do only for small and medium companies, the consequence will be inevitably the relaxation that you will apply to large companies also. The only way out of that dilemma is to make a separate law for what you define as small and medium companies. In fact, my personal view is- I don't know if this is my party's view-- eventually we must have a separate law for small and medium companies and have a very comprehensive Companies Act only for large companies. Now this Amendment Bill is re-visitation of the Companies (Amendment) Bill of 2016. The author of the 2016 Bill and the author of the 2017 Bill are the same.

(Contd by 2E/SSS)

SSS-LT/2E/2.15

SHRI P. CHIDAMBARAM (CONTD.): But, I am glad that some provisions have been revisited. But, I am also unhappy that some provisions have been revisited. I think in the name of liberalization there are some provisions which I think are undesirable and will have negative consequences. But, let me begin by making one broad statement. I don't want to take all the time of my party because there are a number of examples that can be given. The sense I get is that in the case of many provisions, instead of making the

Uncorrected/ Not for Publication-19.12.2017

provision in the Act, the Government has said 'as prescribed', which means 'will be made in the rules'. Now, some years ago that may have been a correct way to make laws. Modern thinking points to greater transparency in the laws, greater definition in the laws, greater certainty in the laws and I would, therefore, urge the Government to reconsider the provisions where they have virtually taken away power from Parliament and vested in the Executive and matters that have been provided in the Bill are being provided now by rules. I think, this is really a regression. I know some people will argue that some of these provisions cannot be made in the law. I disagree. I think by paying sufficient attention and sufficient time to these matters some of these conditions can be made in the law itself so that a very large degree of discretion is not vested in the Executive. I can give examples, but I won't take time to give those examples.

Sir, let me point out some very glaring inadequacies in the Bill. Firstly, the original Companies Act, 2013 had a number of wholesome provisions which were sought to be diluted in the Companies (Amendment) Bill of 2016. Some of the recommendations of the Standing Committee restored the original provisions of the 2013 Bill, but some in fact made it worse. In the 2017 Bill, I am glad that many of the provisions of the 2013 Bill have been

Uncorrected/ Not for Publication-19.12.2017

restored. It only underlines the fact that there was some wisdom in the previous Government too and the previous Government did not entirely lack in wisdom and some of the provisions made in the 2013 Bill are being restored and I am grateful to the hon. Finance Minister for acknowledging that the provisions of the 2013 Bill were good provisions. Sir, I am concerned about the provision that you are making in a number of sections regarding late filing. In the original Act of 2013, penalties were imposed for late filing. After the recommendations of the Standing Committee, what you have now done is, instead of laying down the limits in the Act, power is being taken to the Executive to lay down the limits.

(Contd. by NBR/2F)

-SSS/NBR-KLG/2F/2.20

SHRI P. CHIDAMBARAM (CONTD.): This is one of the examples of the point that I made earlier. Why are the limits not being laid down in the Act itself, so that there is a greater clarity and a greater certainty of what a company shall do and what a company shall not do? There are a number of such provisions. I would urge that whatever time limits are being prescribed must be prescribed in the Act, so that there is an absolute certainty and clarity. If time-limits have to be changed, you have to come back to

Uncorrected/ Not for Publication-19.12.2017

Parliament. Giving uncontrolled discretion to the executive, indeed, makes the executive look more powerful. The Secretary looks more powerful. But, by taking that power, you are actually diminishing the role of Parliament.

The second provision which I would draw attention to is: In the case of an audit, there was restriction that if there is a relative associated with company such person cannot be an auditor. I concede that the original provision was rather loosely worded. But, instead of amending that provision and making the definition tighter, what you have done is, you have deleted the definition of 'relative!' If you look at the section now, after deleting the definition of 'relative', it reads, 'the following person shall not be eligible for appointment as an auditor of a company, namely - (f) a person whose relative is a director or is in employment of company or a director or a key managerial personnel.' If you now delete that and substitute it by -- in clause (i) -- 'a person who, directly or indirectly, renders any service, referred to in section 144 of a holding company or a subsidiary company, for the purpose of this clause, the term directly or indirectly...' What are you trying to do? What are you trying to say? It is not very clear of what you are trying to say. Are you debarring a certain number of persons whose relatives are associated or are you not? I think, there must be clarity in that

Uncorrected/ Not for Publication-19.12.2017

provision. I am sure, the hon. Minister has a reason why he is doing it and he will explain to us, in course of time, why he is doing it.

Sir, there is another provision that you may take loans from and give loans to director of a company. The ostensible purpose is that this will help SMEs. As I said in my opening remarks, if you want to make such a provision to help SMEs, please realize that the same provision will apply to larger companies also. So, today, the effect of this provision, unless the hon. Minister tells me why my understanding is not correct, is that in a large company also you can take loans from and give loans to directors. This, I think, is completely unacceptable. Nowhere in the world are companies allowed to take loans from and give loans to directors. In fact, severe restrictions must be placed on companies taking loans from and giving loans to directors.

(CONTD. BY USY/2G)

USY/2G/2.25

SHRI P. CHIDAMBARAM (CONTD.): The Directors occupy a fiduciary position to the shareholders of a company; and now, in fact, to the stakeholders in a company. I do not think that a company should be allowed to give loans to or take loans from Directors. There are other forms

Uncorrected/ Not for Publication-19.12.2017

of ownership, like, limited liability partnership, partnership, proprietorship, etc., etc., where the rules are far more relaxed. Once you incorporate yourself as a joint stock company, I think, we must accept standards that are accepted all over the world. And, we should not -- in order to make special provisions for small and medium companies -- make a provision which will ultimately be available to large companies also.

Another provision to which I take serious objection is that the Act, as it stands, prohibited insider trading and forward dealing by companies. In the 2016 Bill, which the hon. Minister introduced, these provisions were sought to be deleted. The prohibition was sought to be deleted. The Standing Committee recommended to harmonize it with the SEBI's provisions. Now, what have you done? If the original provision is, that is, section 458 is sought to be retained, which prohibits insider trading and forward trading, then, I think, it is important that this must be harmonized with the SEBI's provisions. If you look at the original section, it provides that insider trading and forward trading will be prohibited. If that appears to be your intention, I welcome that intention. But, then, the SEBI has another set of regulations, the SEBI has another set of provisions, which deal with insider trading and forward trading. So, I think, it is important that whatever provisions you

Uncorrected/ Not for Publication-19.12.2017

make those must be in harmony with the provisions of the SEBI. And, there is no reason why, while you retain the original provision on prohibition, you should not harmonize with the provisions of the SEBI.

Sir, there are some other provisions related to the private placement. I think, it has not been talked through correctly. Today, you have made a provision where any company can do a private placement. But, private placement must be an exception. Again, I realize that you are trying to do this to help small and medium companies. But, the provisions, which you make for small and medium companies, will also be available to large companies. I think, private placement by itself should be avoided. Companies must make public offers. And, if a large company can make a private placement, I think, it is not consistent with the modern concept of corporate responsibility and corporate functioning. So, I would urge the hon. Finance Minister to revisit this provision on private placement. I think, it is not a good provision. And, it is certainly, to the best of my understanding, not consistent with what is available in the rest of the world.

Lastly, Sir, I come to the provision of an Independent Director. An Independent Director must truly be independent. Now, what is being provided is that if an Independent Director has a small interest, I remember it

Uncorrected/ Not for Publication-19.12.2017

is not something like not exceeding 10 per cent or so, that would not, in any way, detract from his independence and he can continue to be an Independent Director.

(Contd. by 2h – PK)

PK-SCH/2H/2.30

SHRI P. CHIDAMBARAM (CONTD.): Again, apparently, the idea in the back of your mind is to help a small and medium company. But when you do that for a small and medium company by amending the Act or by making a provision for that in the Act, the result is that even large companies will benefit. If we have an independent Director in a company which has a turnover of over thousand crores or a net worth running into several thousands crores, even a small pecuniary interest, even a small interest on that company will amount to a very large absolute interest. So, I think if you really want independent Directors on the Board, -- and it is quite difficult to find truly independent Directors-- you must ensure that their independence is preserved and advanced and not create exceptions by which their independence can be called in question. By and large, I welcome this Bill. But I would urge that the thought in your mind that small and medium companies should be benefited should have a lighter touch. When you

Uncorrected/ Not for Publication-19.12.2017

make provisions in one Act that is available to us, those lighter regulations will begin to apply to large companies also, and you will face serious problems when these large companies take advantage of these provisions. We can make a list of the provisions which I think should apply to only small and medium companies. But without making such a distinction between small and medium companies and large companies, some of the provisions here will have perverse consequences. It is my duty to caution the Government, caution the hon. Finance Minister and caution this House that while we pass this Bill with laudable objectives, largely to benefit small and medium companies, we are, perhaps, creating opportunities for large companies to indulge in malfeasance.

Sir, I would, in conclusion, urge the hon. Minister to look at some of these provisions and create a separate chapter by which these provisions, where you want to make special provisions, will apply only to small and medium companies and will not apply to large companies.

Finally, Sir, I want to say that corporate governance in this country leaves much to be desired. It is, perhaps, a legacy issue. The original Companies Act of 1956 was amended piecemeal over a period of time. It took us almost 60 years to bring a new Companies Act. In the meanwhile,

Uncorrected/ Not for Publication-19.12.2017

we have had numerous examples of corporate excesses, we have numerous examples of corporations' failing, corporations' failing to be properly regulated, etc. Even today, I think the regulation of corporations by the Department of Company Affairs leaves much to be desired. For a long time, thousands of companies, which did not even file returns, continue to remain on the register. The Department was either sleeping on the job or was lazy and did not even strike out these names from the register. Now, I am told some effort has been made and about a hundred thousand companies have been struck off the register. How many more remain, I do not know. Thousands of companies did not file returns and no action was taken. I sincerely hope that the administration of the Department is tightened, made stronger, more effective and more professional people are brought into the administration of companies. We cannot imagine a business world today without a joint stock company. The joint stock company is, perhaps, one of the most innovative mechanisms to mobilise capital and to start a business and create wealth. The joint stock company has gone through several transformations. We are going through one now when we are amending the 2013 Act. While we make this transformation, I think we should keep in mind that these joint stock companies must be

regulated. They must be regulated with a great degree of certainty, so that the people know what shall be done and what shall not be done.

(Contd. by PB/2J)

PB-RPM/2J/2.35

SHRI P. CHIDAMBARAM (CONTD.): While I therefore broadly welcome this Bill, I would once again urge the hon. Finance Minister to identify the special provisions that he wishes to make for small and medium companies and make a separate Chapter for those companies rather than do it in the Companies Act. Thank you, Sir.

(Ends)

MR. DEPUTY CHAIRMAN: Thank you Mr. Chidambaram. Now Shri Ajay Sancheti. BJP's time is 29 minutes. You have two speakers.

श्री अजय संचेती (महाराष्ट्र): डिप्टी चेयरमैन सर, मैं आपके सामने इस कंपनीज़ अमेंडमेंट बिल के बारे में चर्चा करने के लिए खड़ा हुआ हूँ। यह बिल वर्ष 2013 में लाया गया और समय-समय पर इसमें अमेंडमेंट तथा चेंजेज होते रहे। यह बिल स्टेंडिंग कमेटी ऑन फाइनेंस को रेफर किया गया था, जहां मुझे इसे समझने का मौका भी मिला, डेलिबरेशन्स हुए तथा इस बिल पर चर्चा भी हुई। गवर्नमेंट का जो पक्ष है, वह अधिकारियों द्वारा रखा गया। सभी पार्टीज के सदस्यों ने अपनी बात रखी और सजेशन्स दिए। जो-जो सुझाव उन्हें लगे कि ये-ये करने चाहिए, वे भी उन्होंने दिए।

सर, सभी स्टेकहोल्डर्स को जो कॉर्पोरेट गवर्नेंस में मैटर करते हैं, चाहे वह इंस्टीट्यूट ऑफ चार्टर्ड एकाउंटेंट्स हो, इंस्टीट्यूट ऑफ कॉस्ट्स एंड वर्क्स एकाउंटेंट्स हो, इंस्टीट्यूट ऑफ कंपनी सैक्रेटरीज़ हो, फाइनेंशियल इंस्टीट्यूशन्स हों, इंडस्ट्रीज रिप्रेजेंटेटिव्स हों या उनमें काम करने वाले लोग हों, उन सभी को बुलाया गया। एक्सपर्ट्स को बुलाया गया और सभी से बातचीत हुई। जितने भी लर्नेड लोग वहां आए, उन्होंने अपनी बात रखी और अपने सुझाव दिए। मुझे बताते हुए बहुत खुशी होती है कि स्टैंडिंग कमेटी ऑन फाइनेंस ने युनेनिमसली रिक्मंड किया। जितनी भी बातें थीं, वे होती गईं और उसमें सभी पक्षों के लोग थे। सब को सुनने के बाद में unanimously it is recommended and the report was tabled in the Parliament.

सर, 'Ease of Doing Business' हो, इन्वेस्टर्स का प्रोटेक्शन हो, कंपनीज की वर्किंग स्मूथ हो, एफडीआई को बूस्ट मिले, फाइनेंशियल करप्शन कम हो, सरकार के पास कम से कम कामों के लिए जाना पड़े, तब देश में व्यापार बढ़ता है। आज तो यह स्थिति है कि छोटे से छोटे चेंजेज के लिए गवर्नमेंट दफ्तरों के चक्कर काटते रहिए और कई बार उनके एप्रूवल्स मिलने में इतना समय निकल जाता है कि उसकी सेंक्टिटी ही खत्म हो जाती है। उसे कम से कम करने के लिए इन सभी उद्देश्यों को ध्यान में रखकर यह कंपनीज अमेंडमेंट बिल लाया गया है। After all kind of deliberations in the Standing Committee, it was an experience that rising above the politics, all the Members of the Committee unanimously recommended this Bill to the Parliament.

सर, देश में जब स्ट्रक्चरल चेंजेज करने होते हैं, तो अलग-अलग जगह, अलग-अलग नियमों को या अलग-अलग बिल्स को बदलना पड़ता है और उनमें अमेंडमेंट करने पड़ते हैं। अभी फाइनेंशियल सेक्टर की जो रिस्ट्रक्चरिंग हो रही है, उसमें चाहे डिमॉनेटाइजेशन हो, इंट्रोडक्शन ऑफ जीएसटी हो, कंपनीज बिल अमेंडमेंट हो, यह सारा एक इन्क्लूसिव एफर्ट है, जिससे सिस्टम को क्लीन करने में मदद मिलेगी, व्यापार भी ग्रो होगा और इथिकल प्रैक्टिस अपनाने वालों को इंसेंटिव भी मिलेगा।

(2 K/पीएसवी पर जारी)

PSV-SKC/2K/2.40

श्री अजय संचेती (क्रमागत): जो इस सिस्टम को नहीं मानेगा, उसके लिए बहुत कड़े प्रावधान भी इस बिल में किये गये हैं।

सर, सभी सरकारों ने समय-समय पर देश में कम्पनीज के हित में काम किया है, उसके लिए जो भी नियम बनाने हैं, बिल बनाने हैं, वे काम किये हैं। लेकिन उन सभी कमियों से उसको आगे ले जाकर, इस मोदी सरकार ने इस दिशा में यह जो फाइनेंशियल सेक्टर की रिस्ट्रक्चरिंग है, उसको ध्यान में रख कर यह बिल लाया है। सर, आज समय की माँग है कि सिस्टम ट्रांसपेरेंट हो, red-tapism कम हो, गरीबों को उनका हक मिले, इसीलिए इस सरकार का स्पष्ट नजरिया है। सर, मैं जो कहने जा रहा हूँ, वह सिर्फ इस बिल से सम्बन्धित है। Either fall in line or face the consequences. This is pertinent to this Bill only.

सर, देश में अगर व्यापार ठीक चलेगा, इंडस्ट्री ग्रो होगी, तो इससे सरकार का रेवेन्यु बढ़ता है। इससे राज्यों का भी फायदा है और केन्द्र सरकार का भी फायदा है। अंत में, इस पैसे का उपयोग देश के शोषित, दलित, पीड़ित, गरीब, समाज का जो अंतिम व्यक्ति है, उसको मेन स्ट्रीम में लाने के लिए किया जाता है। इस बिल के पास होने से युवाओं को, स्टार्टअप्स को बूस्ट मिलेगा और रिस्क लेने का एपेटाइट बढ़ेगा। सर, जो विदेशी कम्पनीज़ हैं, वे यह देखती हैं कि सरकार की नीति कितनी स्पष्ट है, वहाँ के नियम कितने स्ट्रेट हैं। उनको देख कर ही वे कहती हैं कि अब हम लोग इन्वेस्ट करने के लिए तैयार हैं। जब इन्वेस्टमेंट आती है, तो उससे न सिर्फ रोजगार बढ़ता है, बल्कि देश की इकोनॉमी भी उसके साथ ग्रो करती है।

सर, सबसे बड़ी बात जो है कि छोटी-छोटी कम्पनीज़ के कम्प्लायंस करने की जो समस्या है, वह इस बिल से बहुत कम हो जायेगी। अभी former Prime Minister, sorry, Finance Minister, learned Shri Chidambaram जी ने कई सुझाव दिये कि छोटी और बड़ी कम्पनीज़ को ...(व्यवधान)....

MR. DEPUTY CHAIRMAN: So, you want him to become the Prime Minister! ...(Interruptions)...

श्री अजय संचेती: नहीं, मेरे कहने का मतलब यह नहीं था। मैं बोलते-बोलते यह बोल गया। ...(व्यवधान)...

सर, उन्होंने भी छोटी कम्पनीज़ के बारे में कहा। मेरा अपना मानना है कि इस बिल के पास होने से छोटी कम्पनीज़ के compliances इतने कम हो जायेंगे कि उनको

सरकार के पास भी कम जाना पड़ेगा और बीच में जो चार्टर्ड अकाउंटेंट्स और अन्य लोगों की मदद लगती थी, उनकी भी जरूरत काफी कम हो जायेगी, क्योंकि एक सिस्टमेटिक एप्रोच में काम करने का.. एक क्लिक पर आपके कई काम हो सकेंगे।

सर, आप सारे अखबार उठाकर देख लीजिए। जब यह बिल स्टैंडिंग कमेटी ने पास किया और उसके बाद खबर आई कि स्टैंडिंग कमेटी ने सर्वसम्मति से इसे पास किया, तो अपने आप देश में FDI में लोगों की रुचि बढ़ने लगी और लोगों ने काम करना भी शुरू कर दिया और उस दिशा में काम बढ़ा भी है। इसको अगर आप कोई प्रमाण के रूप में देखना चाहें, तो पॉपुलर चीज़ यह होती है कि इकोनॉमी कैसे ग्रो हो रही है, आप देश का सेंसेक्स देख लीजिए, इंडेक्स देख लीजिए। वह पहले क्या था और इस बिल को लाने की जब बात हुई, सिस्टम की कम्प्लीट रीस्ट्रक्चरिंग की बात हुई, उसके बाद कितने चेंजेज़ हो रहे हैं, it is rising day by day. मैं इसके लिए आदरणीय प्रधान मंत्री जी, वित्त मंत्री जी, हमारे नये वित्त राज्य मंत्री जी, मंत्रालय के तमाम अधिकारी, जिन्होंने बहुत मेहनत से इस बिल को बनाया, उन सब को बहुत-बहुत बधाई भी देता हूँ।

सर, इंडस्ट्री को बढ़ाना है, व्यापार ग्रो होना है, लेकिन इसके साथ में उसकी ethical accountability को बढ़ाना भी बहुत ज्यादा जरूरी है, छोटी-छोटी इंडस्ट्रीज़ को प्रोटेक्ट करना बहुत जरूरी है। इसलिए गलत काम करने वाले उद्योग, उनके मालिक, उनके एडवाइजर्स, सभी के लिए इसमें कुछ कड़े प्रावधान भी हैं। कभी-कभी सरकार की मंशा किसी को दंडित करने की नहीं होती है या किसी भी बिल में यह इसलिए नहीं लाया जाता है, लेकिन लोग उसका दुरुपयोग करते हैं। कई बार आप

देखेंगे कि जब कम्पनीज में डायरेक्टर्स की बात होती है कि 7 होने चाहिए या 5 होने चाहिए, तो समय के अनुसार बदलते जाते हैं। घर के आदमी हों, नौकर हो, सबको उसके अन्दर डायरेक्टर बना दिया जाता है। उसे पढ़ना-लिखना आता है या नहीं, इसे भी कोई चेक नहीं करता। इसलिए आज समय की जरूरत है कि जितने इंडिपेंडेंट डायरेक्टर्स हैं या डायरेक्टर्स बोर्ड के ऊपर भी जो हैं, वे सिर्फ तनख्वाह लेने के लिए या सिटिंग फीस लेने के लिए ही नहीं हों, बल्कि उनकी कुछ रिस्पॉसिबिलिटी भी फिक्स होनी बहुत जरूरी है। इसलिए इस बिल में उसके लिए भी कुछ प्रावधान किये गये हैं।

(2एल/वीएनके पर जारी)

VNK-HK/2L/2.45

श्री अजय संचेती (क्रमागत) : सर, पहले जितने भी ये सिस्टम्स हुआ करते थे, अगर यह इन्क्लूसिव सिस्टम नहीं है, तो बड़ा पुराना तरीका है कि सरकार कदम उठाती जाती थी और इस तरह से एक वॉल क्रिएट करती थी और व्यापारी उससे बाहर निकलने के लिए उसके अंदर एक विंडो क्रिएट कर लेता था। इस बिल के पास होने के बाद उसमें बहुत तरह से कमी आ जाएगी, ऐसा मुझे पूरा विश्वास है।

सर, मैं आंकड़ों में उलझना नहीं चाहता कि कौन-से अमेंडमेंट्स से या कौन-से सेक्शन्स से क्या फायदे होंगे, it is with all the Members, and hon. Minister will reply to this when he will reply on this Bill.

सर, मैं सभी सदस्यों से यह अपील करना चाहता हूँ कि इस बिल को उसके सभी प्रावधानों के साथ सर्वसम्मति से पास करें और इस प्रकार से इस बिल का मार्ग प्रशस्त

करें ताकि आने वाले दिनों में कंपनीज़ को सुचारु ढंग से चलने में और देश के इकोनॉमिक रिफॉर्म्स को ठीक गति में लाने में हम सबको इससे मदद मिल सके, बहुत-बहुत धन्यवाद।

(समाप्त)

MR. DEPUTY CHAIRMAN: Now, Shri Sanjay Seth, संजय जी, आपकी पार्टी का समय 9 मिनट है और आपकी पार्टी से दो स्पीकर्स हैं, so, keep it in mind. I cannot allow more time.

श्री संजय सेठ (उत्तर प्रदेश) : उपसभापति महोदय, आज कंपनीज़ के बारे में बहुत कन्फ्यूज़न्स चल रहे हैं, रोज अखबारों में कंपनियों के बारे शिकंजा कसने की बातें चल रही हैं। अभी हाल में यह बताया गया है कि नोटबंदी और जीएसटी के बाद एक लाख कंपनियां बंद हो गई हैं और तकरीबन दो लाख कंपनियां जांच के घेरे में हैं। प्रवर्तन निदेशालय और बाकी जांच एजेंसियां इन सबकी जांच कर रही हैं। इन सबसे एक आम व्यापारी को कंपनी बना कर काम करने में बहुत डर लगने लगा है। ऐसे माहौल में जो कंपनी (संशोधन) विधेयक लाया गया है, इसके पास होने के बाद इन सबको काम करने में सुगमता होगी और इसके लिए मैं सरकार को बधाई देता हूँ।

सर, इस संबंध में मैं यह कहना चाहता हूँ कि सरकार जो संशोधन लाई है, उसमें अभी कुछ और बदलाव की जरूरत है और इस संबंध में मैं कुछ सजेशनस देना चाहता हूँ। इसके तकरीबन 6 नियमों में मैं बदलाव चाहता हूँ और सरकार से यह निवेदन करता हूँ कि वह इन पर ध्यान दे और इनको बिल में इन्कॉरपोरेट कराए।

इसके Clause 4 Sub-section (5) में कंपनी के नाम के अप्रूवल के बाद पहले 60 दिन का समय दिया जाता था, जिसको अब घटा कर 20 दिन कर दिया गया है। मैं यह चाहता हूँ कि इसको 60 दिन ही रखा जाए, क्योंकि 20 दिन में एक छोटे व्यापारी के लिए कागज जमा करना बहुत मुश्किल हो जाता है।

मैं दूसरा अमेंडमेंट जो चाह रहा हूँ, वह यह है कि इसके Clause 10 के अंतर्गत प्राइवेट प्लेसमेंट के द्वारा जो शेयर एलॉटमेंट मनी एक कंपनी को मिलता है, वह इस अमेंडमेंट के बाद कंपनी जब तक पीएएस-थ्री के द्वारा रिटर्न फाइल न कर दे, तब तक उस मनी को अपने काम में यूज नहीं कर सकती है, इस प्रकार से वह पूरा का पूरा धन आइडल पड़ा रहेगा। मैं यह चाहता हूँ कि इस नियम में बदलाव होना चाहिए ताकि कंपनी रिटर्न भरने से पहले भी उस धन का यूज कर सके।

सर, इसके अंदर जो एक बदलाव किया गया है और वह यह है कि DIN नंबर की जगह कोई और identity number करने की है। DIN नंबर के द्वारा कंपनी के निदेशकों की पहचान होती थी तथा कोई भी व्यक्ति DIN नंबर के द्वारा उस व्यक्ति के बारे में पूर्ण जानकारी प्राप्त कर सकता था कि वह किस-किस कंपनी में निदेशक है और किस कंपनी में उसका क्या stake है। लेकिन इस नियम में बदलाव के बाद जो नया identity number होगा, उससे एक confusion की स्थिति बनी रहेगी।

सर, independent Directors के बारे में बताने के लिए मेरे पास बहुत प्वाइंट्स हैं। बड़ी कंपनियों में independent Directors मिल जाते हैं, लेकिन छोटी कंपनियों में independent Director मिलना बहुत मुश्किल हो जाता है, क्योंकि उसके अंदर कई

शर्तें हैं कि उसका दो साल से कंपनी के साथ कोई वित्तीय संबंध न हो, उस कंपनी के डायरेक्टर से किसी प्रकार को कोई संबंध न हो, इसलिए छोटी कंपनियों में independent Directors मिल नहीं पाते। इस संबंध में हाल ही में कोर्ट ने किसी केस के संबंध में यह कह दिया कि independent Directors अपनी संपत्ति को बेच नहीं सकते हैं या अलग नहीं कर सकते हैं।

(2एम/एनकेआर-केएसके पर जारी)

NKR-KSK/2M/2.50

श्री संजय सेठ (क्रमागत) : इसलिए independent Directors के संबंध में इसमें कुछ clarity होनी चाहिए ताकि वे लोग भी छोटी कम्पनियों में आ सकें। आज इस मामले में सबको व्यावहारिक परेशानी हो रही है।

महोदय, पहले Companies Act, 2013 के Section 149 के अनुसार कम-से-कम एक महिला का कम्पनी बोर्ड में लाना compulsory था। परन्तु देखने में आता था कि ज्यादातर कम्पनीज़ में केवल Promoter या Stock Executives के पदों पर उन्हीं परिवारों के सदस्यों को नियुक्त कर लिया जाता था। मैं चाहता हूँ कि कम्पनीज़ एक्ट में ऐसा परिवर्तन लाया जाए ताकि बाहर से भी महिलाएं आकर कम्पनियों में Director बन सकें।

Companies Act का Section 135 CSR से संबंधित है। अभी जो व्यवस्था है, उसके अनुसार जहां बड़ी कम्पनियां स्थापित हैं, जहां वे व्यापार कर रही हैं, उसी लोकल एरिया में वे अपने CSR का पैसा use कर सकती हैं। आप जानते हैं कि देश की

ज्यादातर बड़ी कम्पनियां महाराष्ट्र, गुजरात या कर्णाटक जैसे राज्यों में हैं। उदाहरण के लिए Infosys या अन्य IT Companies इन्हीं राज्यों में हैं और वे सारे का सारा CSR का पैसा उसी इलाके में खर्च कर देती हैं। उत्तर प्रदेश में देश की 16 परसेंट population है, बिहार में भी काफी आबादी है, लेकिन वह पैसा इन राज्यों में नहीं आ पाता। मैं चाहता हूं कि Companies Act में ऐसा प्रावधान होना चाहिए कि जिस स्टेट में कोई कम्पनी जितना व्यापार कर रही है, उतनी परसेंटेज में वह कम्पनी CSR का पैसा वहीं use करे, ताकि उन स्टेट्स का भी development हो सके। आज CSR का पैसा हमारी जैसी स्टेट्स में आ ही नहीं पाता है।

इन सारे बदलावों के साथ बिल में जो संशोधन लाए गए हैं, मैं उनका पूरी तरह से समर्थन करता हूं और चाहता हूं कि सरकार मेरे द्वारा सदन में प्रस्तुत सुझावों पर भी ध्यान दे और बिल में आवश्यक प्रावधान करे, धन्यवाद।

(समाप्त)

MR. DEPUTY CHAIRMAN: Now, Shri Vivek Gupta. Your party time is six minutes.

SHRI VIVEK GUPTA (WEST BENGAL): Sir, I thank you for giving me an opportunity to speak here today. I was just recalling the last occasion when I spoke on this Bill, and for that, Sir, I would like to refer to a document, which is the Statement of Objects and Reasons. It reads, "Amendments of the Act were carried out through the Companies (Amendment) Act, 2015, to

Uncorrected/ Not for Publication-19.12.2017

address the immediate difficulties arising out of the initial experience of the working of the Act and to facilitate “Ease of Doing Business”.” During the consideration of the Companies (Amendment) Bill, 2015, in the Rajya Sabha -- this is where I come. I had also raised this issue -- views were expressed that more amendments would be required. Sir, the Companies Law Committee was, therefore, constituted consisting of representatives of various sections.

Sir, history is repeating itself. I had said this in 2015 and I am forced to repeat it today that again, this Bill is inconclusive. It is not going to address all the issues and concerns that are faced by the Indian industries or corporates or SMEs and we are again going to take the time of the Parliament and bring up another Bill within one or two years. This is not my prediction; this is the reality. I hope the hon. Minister considers this and takes some corrective action.

Sir, just now, the speaker before me said that गवर्नमेंट ऑफिस के चक्कर लगाने पड़ते हैं। I completely agree with that. But, Sir, none of the provisions of this Bill solves any of those problems. I would invite the hon. Minister, through you, Sir, to at least visit various Registrar of Companies offices. He can make surprise visits and see what the conditions are. Why is there so

Uncorrected/ Not for Publication-19.12.2017

much of crowd? Why do so many Company Secretaries keep standing there, getting their issues resolved? When the entire system is computerized, when every filing is online, why people still have to go there? And, Sir, you know how the system works in India.

Sir, I do not want to repeat, but I am forced to repeat certain things. Some changes are little threatening or little frightening. Regarding removing of object clause, I would like to say that various Supreme Court judgments and Income-Tax Act, at various places, refer that a specific exemption is available only if that is mentioned in the object clause.

(Contd. by 20 – GSP)

GSP-DS/2.55/2N

SHRI VIVEK GUPTA (CONTD.): Sir, I do not know how the Government plans to harmonize these things because it will become a future problem. Sir, regarding the private placement, on the one hand, the Government speaks about removing two lakh companies, dormant companies and says that they want to get tough on money laundering, but, on the other hand, they will be making money laundering much easier if these restrictions are removed. I do not know how they propose to resolve this conflict between one arm of the Government and the other arm of the Government. Same is

Uncorrected/ Not for Publication-19.12.2017

the case with forward dealing, layers of subsidiaries, etc. All this is in complete contradiction to what the Government says at other places.

Sir, an interesting aspect of this Bill, which was not mentioned by any hon. Member, and, probably, which escaped the attention of the Minister also, is 'deposit insurance'. Through this Bill, the provision for giving deposit insurance is being done away with. Sir, already, the whole nation is raising an outcry on the FRDI Bill's bail-in provisions under which my fixed deposit with the bank can be used to repay the bank's liabilities, and, now, the company deposits are also not going to be safe. Are we going to tell the people of India that they should not go in for fixed deposits with companies or banks? Sir, I think, this is a very, very serious thing and the Minister should take note of it and give a proper answer.

Sir, now I come to section 185 which is relating to loans to directors. Sir, I need not name anyone but regarding the case of a former Member of this House who is no longer in this country, the hon. Prime Minister made an announcement that a special law will be made to bring him back and bring back all the money that he has taken away. Sir, I think, section 185 will make it easier for him or persons with such intentions to not only take

Uncorrected/ Not for Publication-19.12.2017

money out of the country but take money out of the company also, which is the public money.

Sir, hon. ex-Finance Minister, Shri Chidambaram ji, spoke about SME. I completely agree with him and I want to echo him that 40 per cent of the GDP is being provided by the SMEs. However, the formula 'one size fits all' or one law catering to everybody is an experiment which has already failed. Sir, when a lot of provisions of this law are so draconian that it is impossible for an SME to comply with those provisions, we would request the hon. Minister to consider this aspect. What do we expect out of small and medium companies? Should they go in for Make in India or should they end up doing compliances which is not applicable for them?

Sir, an interesting issue is that the Companies Law Committee made a lot of recommendations. Some of them have not been approved. We would like to know from the hon. Minister in his reply as to why were they not approved. Sir, let me bring to your notice one of them. Earlier, the definition of a resident of India was that he has to be resident for twelve months. Now, that definition has been done away with. Now, anyone can just fly in, become a director from day one and we would never know what connection he had with India, and, Sir, if we have to ever lay hands on him,

Uncorrected/ Not for Publication-19.12.2017

he would go back to his country because the law of the land will not be applicable to him. ...(Time-bell)... Sir, I will conclude in one minute.

Sir, the new Insolvency ordinance is also a case in point. Whenever we are trying to define relatives or anything, it has been done in such a manner that no companies can bid. The word, 'corporate shareholder' appears in so many sections and it has got so much confusion. I would like the hon. Minister to provide some clarity on it and, if possible, make these amendments in this Bill itself.

Sir, last but not the least, this Bill, again, fails to address the differences with various other Government Bills, namely, the RBI Act, the SEBI Act and the Income Tax Act. Previously also, I had said it, and, today again, through you, Sir, I want to say this to the Minister. Let me take the example of the issue of depreciation. It is different in this Act and it is different in the Income Tax Act. Similarly, there are some provisions in the RBI Act, the SEBI Act or the Companies Act, which do not go with each other. Please remove such differences and give us clarity. Thank you.

(Ends)

MR. DEPUTY CHAIRMAN: Now, Shri Harivansh. Your party's time is four minutes; I am sorry. ...(Interruptions)... I have to remind you; it is my duty.

(Followed by SK/20)

MCM-SK/20/3.00

श्री हरिवंश (बिहार) : माननीय उपसभापति जी, कंपनी (संशोधन) विधेयक, 2016 कम्पनी अधिनियम, 2013 का मुख्यतः संशोधन है। माननीय मंत्री जी ने इस बिल के बारे में जो मकसद बताया, वह तीन महत्वपूर्ण चीजें हैं। पहला, ईज ऑफ डूइंग बिजनेस, दूसरा, कॉर्पोरेट गवर्नेंस में सुधार और तीसरा, डिफॉल्ट करने वाली कंपनियों के खिलाफ सख्त कार्यवाही। ये अच्छी चीजें हैं। साथ ही मेरी उनसे यह अर्ज होगी कि कॉर्पोरेट सोशल रिस्पॉसिबिलिटी के तहत वह एन्श्योर करें कि कंपनियां वाकई उन इलाकों में काम करें जहां उनकी यूनिट्स हैं, जो गरीब और पिछड़े इलाके हैं। इस बिल का कुल मकसद, मर्म बताया गया कि प्रमोट, ग्रोथ विद एम्प्लॉयमेंट। यह महत्वपूर्ण भी है और इसके पीछे का इतिहास बड़ा रोचक है। 1991 में इस देश की अर्थव्यवस्था की प्रणाली का स्वरूप बदला, लाइसेंस कोटा परमिट राज के पुराने माहौल से निकालने के लिए कंपनी एक्ट, 1956 में बदलाव की 1993, 1997, 2003 में कोशिश हुई, लेकिन वह सफल नहीं हो सका। अंततः 50 वर्षों बाद 2013 में कंपनी एक्ट कानून बना। अनेक स्टेकहोल्डर्स के सुझावों के बाद बेहतर कॉर्पोरेट गवर्नेंस के लिए यह कानून बना। उसकी 5 विशेषताएं बताई गईं। पहला, कंपनी संशोधन विधेयक, 2016 से मौजूदा कानून में जो अस्पष्टताएं, एम्बिग्युइटीज हैं, वे खत्म होंगी। दूसरा, लाइसेंस राज के

दौरान सरकारी रिपोर्ट्स का स्वरूप जो जटिल और उलझा था, उसे आसान और सुविधाजनक बनाया गया। तीसरा, स्टार्टअप्स को प्रोत्साहन मिलेगा, चौथा, उद्योग बढ़ाने के अनुकूल माहौल होगा और पांचवां, कंप्लाइंस का जो तौर-तरीका, प्रबंधन का जो तौर-तरीका था, वह आसान होगा। हम जनता दल (यू) की तरफ से इस बिल का समर्थन करते हैं, लेकिन मैं अंत में दो चीजें कहना चाहूंगा। माननीय चिदम्बरम जी बोल रहे थे, उनका ज्ञान, उनकी बातें सुनकर हमेशा अच्छा लगता है। जब उनका जवाब नेता सदन, वित्त मंत्री जी देते हैं वह भी बहुत अच्छा लगता है। उत्कृष्ट वाद-विवाद सुनने को मिलता है। सर, हमारे जैसे लोग जर्नलिस्ट हैं। मुझे याद है जब टाइम्स ऑफ इंडिया में मैं पत्रकार हिन्दी ट्रेनी बनकर 1977 में गया, तो हमारे रिसोर्स पर्सन थे खुशवंत सिंह जी, उन्होंने हम लोगों को बताया कि आप लोग जर्नलिस्ट हैं, यानी सब कुछ थोड़ा-थोड़ा जानें। तो मेरे मन के अंदर दो जिज्ञासाएं हैं, जो आपके सामने रखकर मैं अपनी बात खत्म करना चाहूंगा। इस देश में कंपनियों ने या कॉर्पोरेट घरानों ने जिस तरह से गंभीर गड़बड़ियां और वित्तीय अनियमितताएं की हैं, बैंकों के लगभग 10 लाख करोड़ से अधिक के ऋण डुबोए हैं, शेल कंपनियों ने जिस तरह से पिछले 30-40 वर्षों तक देश को लूटा, एक-एक आदमी सात सौ, आठ सौ शेल कंपनियां चला रहा था और वहां माननीय चिदम्बरम जी जैसे जानकार व्यक्ति बैठे थे, तब यह कैसे हो रहा था, मेरे जैसा जर्नलिस्ट नहीं समझ पाता। एक सांसद ने यह भी आरोप लगाया मैं रिकॉर्ड के आधार पर कह रहा हूं कि 529 शेल कंपनियां राजनेताओं ने

बनाई। क्या ऐसी चीजों पर भी यह कानून रोक लगा पाएगा, यह मैं माननीय वित्त मंत्री जी से सुनना चाहूंगा।

दूसरा, तब दुनिया में गरीबी पर अध्ययन करने वाले सबसे बड़े अध्येता जो आज माने जाते हैं Professor Thomas Piketty उन्होंने भारत की गरीबी का पिछले सौ वर्षों का अध्ययन किया। उसमें भारत का 2014 तक का अध्ययन है। वे कहते हैं भारत सबसे अनईक्वल सोसाइटी हो गई है। यहां विषमताएं जितनी बढ़ी हैं, कहीं दुनिया में और नहीं बढ़ीं। इसमें कंपनी और कॉर्पोरेट की सबसे अधिक भूमिका रही। माननीय चिदम्बरम जी जैसे लोग लम्बे समय तक सत्ता में रहे, उनके रहते हुए गरीबी का, विषमता का यह भारत कैसे शिकार बना, मैं उम्मीद करता हूं कि अब यह स्थिति कम से कम इनके रहते नहीं बनेगी, यह आश्वासन हम चाहेंगे, धन्यवाद।

(समाप्त)

MR. DEPUTY CHAIRMAN: Thank you. You took only three minutes. This is very good.

SHRI TAPAN KUMAR SEN: Sir, you please transfer that to me.

MR. DEPUTY CHAIRMAN: You concluded your speech within the allotted time. This is very good. I congratulate you. Now, Shri A.U. Singh Deo.
..(Interruptions)..

Uncorrected/ Not for Publication-19.12.2017

SHRI P. CHIDAMBARAM: Sir, I want the hon. Member to know that the Finance Minister of this country is not always the Minister of Company Affairs also.

MR. DEPUTY CHAIRMAN: Okay. Now, Shri A.U. Singh Deo. Your party's time again is four minutes.

SHRI A.U. SINGH DEO (ODISHA): Sir, I will finish within that.

Sir, the Companies (Amendment) Act, 2016 is very welcome. But does it really cover all the aspects that it needs to cover? Hon. Members have mentioned many things which need to be looked into. Sir, one curious aspect of this Companies (Amendment) Bill, 2016 is that when Dr. Moily was the Minister of Corporate Affairs, the Companies Bill, 2009 was introduced in the Lok Sabha. The Standing Committee on Finance examined it and submitted its Report on 31st August, 2010. The Ministry examined the Report and out of 178 recommendations made by the Committee, 167 were incorporated fully, 6 were partially accepted and different views were taken by the Ministry on the rest 5 recommendations. In 2011, Sir, the revised Bill was introduced and it was again referred to the Standing Committee on Finance by the Lok Sabha.

(Contd. by KR/2P)

KR/2P/ASC/3.05

SHRI A.U. SINGH DEO (CONTD.): Sir, different views and different ways went on. Finally, out of 193 recommendations, 180 were fully accepted. Even so we have situations like the Economic Survey this year which pointed out that top ten companies in India owe Rs.40,000 crore each to the banks. The Directors who run these companies are leading lavish lives at the cost of the companies while the corporate itself has many misadventures. So, how does one correct this? That is the essence of the amendment of the proposed Companies Act. The main objective of the Bill as stated by the hon. Minister while introducing the Bill, was to facilitate the ease of doing business and investors' protection. The Bill ensures expansion and smooth functioning of the corporate. But in doing so, the investors' protection should not be at stake.

(THE VICE-CHAIRMAN, SHRI BASAWARAJ PATIL, IN THE CHAIR)

By making these amendments, the Government is ensuring conducive environment for the corporate and facilitating ease of doing business. सर, ये restrictions कुछ लोगों को कर रहे हैं और करना चाहते हैं। इसमें जो चेक्स एंड बैलेंसेज हैं, to have a proper functioning against corporate malfeasance which will have an adverse impact on the investor protection. Corporate should not

Uncorrected/ Not for Publication-19.12.2017

end up taking undue advantage of these new provisions. The Companies Act, 2013 sets the limit on the number of intermediary companies through which investments can be made in a company. Similarly, it also limited the number of layers of subsidiaries a company can have. The amendment Bill removes these limits. जब आप restrictions को remove कर देते हैं, number of layers of subsidiaries को remove कर देते हैं, that the company can have, it will facilitate the Indian companies to expand and become multinationals and also enhance ability which is a good thing. However, it should be noted that it can also give a passage to the establishment of many shell and Ponzi companies. इसका चेक्स एंड बैलेंसेज कहां से आएगा? Has the Government analysed the implications of this which could also give rise to the possibility of money laundering and tax evasion? एक independent Director के विषय में बहुत बंधुओं ने बोला है। The Bill permits an independent Director to have a pecuniary relationship, up to 10 per cent of his total income, with the company. यह independent कहां रहा? जब कम्पनी उसको पैसे देती है, वह independent कहां रहा, जैसा कि मेरे पूर्व वक्ताओं ने कहा है। सर, कम्पनी के ऊपर एक्शन होता है, तो independent Director की भी प्रॉपर्टी और बैंक एकाउंट्स सब फ्रीज हो जाते हैं। इसलिए हमें यह किसी भी एंगल से independent नहीं दिखता है। जो independent रखा जाए, उनके ऊपर जो यह एक्शन होता है(समय की घंटी)...

Uncorrected/ Not for Publication-19.12.2017

सर, मैं खत्म कर रहा हूँ। The Bill deletes the provision that provides power to SEBI to enforce the insider trading and forward dealing provisions of the Act. I want to ask the Minister what the rationale behind this is. In times when we are looking to make India corruption free and ensure transparency, this particular amendment contradicts with the Government's agenda to do so. We need to make regulations stricter. सर, आपने bell बजा दी है, इसीलिए मैं यही कहना चाहूंगा। मेरा एक सजेशन और है, आप उसे सुन लीजिए, मैं इसके बाद अपनी बात खत्म कर दूंगा। At present, Section 62 of the Bill requires number of compliances for issuance of shares such as preparation of offer letter, dispatch of offer letter, etc. But this is only limited to shares. I want to give a suggestion. Section 62 must replace the word shares with securities to include all forms of securities. There should also be a consideration to provide exemption from all compliances except for filing of Board resolution for wholly-owned subsidiaries when they are issuing securities to its holding company for the purpose of ease of doing business.

According to the amendment of Section 149 (3), in case of newly incorporated company, the requirement of 182 days for a resident Director will be proportionately reduced from the date of incorporation. In this regard my suggestion is: The newly incorporated companies should be given some

Uncorrected/ Not for Publication-19.12.2017

time limit to comply with this requirement instead of having one at the time of filing incorporation papers with the Registrar of Companies. As I said, this amendment Bill has gone through rigorous passage in Lok Sabha and Rajya Sabha and it still needs to be looked into.

(Continued by 2Q)

KS/2Q/3.10

SHRI A.U. SINGH DEO (contd.): I hope the hon. Minister would take cognizance of it.

(Ends)

THE VICE-CHAIRMAN (SHRI BASAWARAJ PATIL): Shri Tapan Kumar Sen; four minutes.

SHRI TAPAN KUMAR SEN (WEST BENGAL): Hon. Vice-Chairman, Sir, I seek your indulgence about this time-limit. This is such a voluminous Bill that even if I just mention points, it would take more than four minutes. I would not elaborate all the points keeping in mind the time-constraint. I would just make bullet points.

Firstly, I don't find anywhere in the Statement of Objects and Reasons any point about the support for small and medium industries which, I feel, need to be supported. I am not taking it for granted, as Mr. Chidambaram

Uncorrected/ Not for Publication-19.12.2017

has assumed in his deliberations, that this clause is meant for helping the SMEs. I am not assuming that would happen even if it is there. I fully agree with Mr. Chidambaram that there must be some separate set, some relaxation, some allowance for SMEs. But at the same time, if the same relaxation and allowances are resorted to by large companies, then, practically the whole project of ease of doing business would be converted into ease of holding the country to ransom. This has been happening with major private corporate houses, which have created more than Rs. 11 lakh crore worth of NPAs, taking money from banks but not repaying it, and yet enjoying a very honourable status in the society! Also, their income tax dues, after all concessions, are more than four to five lakh crores of rupees a year. Despite all these things already happening, they are again being allowed this sort of liberalisation! In 2013, a comprehensive Bill was passed. Again, you are saying many provisions are needed to be liberalised! I do not think, finally, it is going to do anything good for the ease of doing business, for employment generation. It would, finally, only lead to the ease of holding the country to ransom, as is being seen at present. SMEs, in particular, are facing a decline in our country. All kinds of petty production, petty manufacturing, petty service generating units are facing a decline. There is

Uncorrected/ Not for Publication-19.12.2017

another thing. A large number of those units, which are being shown as SMEs, are merely proxy companies of big corporate houses. That is the reality! So, in that background, this Bill creates a lot of apprehension in our minds.

Now, I would make a few points quickly in the bullet-form.

Number one, take major private companies. Do they do business out of their own money? They take money from banks, out of public deposits, and banks supply capital to them. Now, prohibition on Insider Trading was there in the 2013 Act. When that prohibition is lifted, it means you are promoting speculation, without putting the capital into employment generating and wealth generating activities. You are making a way for the draining out of the resources. And those resources are not their own. They have taken loans from banks, ultimately to become subsequent defaulters for this reason, or that reason. You are paving the way and opening the doors for speculation; that is not going to generate employment, as you have mentioned in your Statement of Objects and Reasons. There is absolutely no rationale. I demand of the Minister that he must drop that amendment. The prohibition, the restriction, on Insider Trading must

Uncorrected/ Not for Publication-19.12.2017

continue. I agree that SEBI provisions, regulatory provisions, must be consistent and compliant in that respect, not merely harmonising.

My second point is about exempting a class of foreign companies from the registration and compliance regime under the Act.

(CONTD. BY KGG/2R)

KGG-LT/2R/3.15

SHRI TAPAN KUMAR SEN (contd.): The foreign companies will be operating here. There is a myth—not necessarily—that they will bring the entire money. They will bring some; then they will raise money from our country. There is a stock market, there is a share market. You are exempting them from compliance regime, altogether. What is the rationale behind it? How will the national interests be served by that, excepting appeasing or pleasing the Government of their home countries? I think, this clause too should be dropped altogether.

Sir, then there is a question of putting many things under the discretionary authority of the Executive by shifting them to be governed by the rules. That undermines the authority of Parliament and it must not be there. We must put it in the legislation because once it is in the body of the Bill, that becomes much more enforceable and justiceable than when you

Uncorrected/ Not for Publication-19.12.2017

put it in the rules. You are creating a ground for the Executive to ransacking in the name of application or exercise of the rule. It has become the order of the day! Sir, this clause must go. The things should be brought in the body of the Bill and not in the rules.

Sir, you made a lot of music about the 2013 Act saying that you have achieved a great victory by bringing the companies under the corporate social responsibility. As a Member of a Parliamentary Committee, I had an occasion to interact with the officials of the Department of Corporate Affairs, and when we said to them that from 2015-16, they need to monitor as to how the private companies were spending money on corporate social responsibility as per the obligation under the law, they said that they had nothing more to do than receiving a statement from them as to why they could not spend money. The matter ends there! There is no enforceability of the provision that private companies are to spend two per cent of their net profit on corporate social responsibility. A lot of noise was made saying that such a revolutionary provision was incorporated in the Companies Act. Now, Sir, we are further diluting it! You are making a provision so that the net profit can be shown less by exempting the items to be included in it so that their obligation under the corporate social responsibility...

उपसभाध्यक्ष (श्री बसावाराज पाटिल) : तपन दा, समाप्त कीजिए।

SHRI TAPAN KUMAR SEN: I am just concluding, Sir.

In two clauses, Clauses 35 & 36, you are completely making farce, a mockery, the provision of corporate social responsibility, practically withdrawing that provision altogether. This is nothing but a mockery. So, Sir, this also should altogether be changed.

Lastly, there is another point in the Statement of Objects and Reasons on how you are going to bring in accountability. How are you going to eliminate the number of fake companies surfacing? They take money from the market and then vanish. Small investors are held to ransom. How are you going to exercise and establish a proper accountability regime? This amendment initiative does not find a mention of these.

In the name of Ease of Doing Business, you are showing a way to hold the country to ransom. This exercise must stop and this is my demand. Thank you, Sir.

(Ends)

SHRI NARESH GUJRAL (PUNJAB): Mr. Vice-Chairman, Sir, I welcome the changes being proposed in the Companies Act. The Bill certainly will lead to Ease of Doing Business in the country, a commitment that was made by this

Uncorrected/ Not for Publication-19.12.2017

Government when it was elected to office. Sir, the objective of every Companies Act is to ensure that the interests of all stakeholders are protected--be it shareholders, employees or the Government. Secondly, it should ensure proper corporate governance. Thirdly, it should ensure that companies are following the various laws of the land in letter and spirit.

(Contd. by KLS/2S)

KLS/2S-3.20

SHRI NARESH GUJRAL (CONTD): However, Sir, while enacting the Companies Act, it is also important to ensure that the cost of compliance does not become prohibitive especially in the case of SMEs which are the backbone of our economy. Therefore, Sir, while this Bill seeks to amend the definition of a small company from a paid up capital of Rs.5 crores to Rs.10 crores and the turnover of Rs.20 crores to Rs.100 crores, the Government should be applauded because this will help SMEs and their cost of compliance will come down substantially. However, Sir, I wish to point out that Section 203 with this Rule 8A, it is illogical. It requires every company with a paid up capital of more than Rs.5 crores to employ a whole time Company Secretary irrespective of the company's turnover. So, there are many companies-- there are eminent Chartered Accountants sitting here,

Uncorrected/ Not for Publication-19.12.2017

lawyers sitting here-- which are made investment companies or holding companies. They don't transact any business. In a year they may have 15 or 20 transactions. But you are saying that even those companies must have a whole-time Company Secretary. I do not know what is the logic behind this. I have given my amendment and I hope the hon. Minister will look at it although I feel that the rules can be amended and this can be corrected. Sir, I feel that the hon. distinguished former Finance Minister has spoken about giving loans by the directors to the companies and loans from companies to directors. These are two things which must be distinguished. These are separate things. One is giving loans to a company by a director. Small and medium enterprises actually function but they are not able to get loans from banks. So they will stop functioning if you prohibit directors from giving loans. However, when a company has to give loans to a director, I agree that some kind of condition must be put there. As I understand the law, today if a loan is given by a company to a director, it is considered a deemed dividend or income in his hand. But yes we can put some limits there so that companies' monies are not misused by the directors. One last thing I would like to mention is that recently there was a Supreme Court judgment which says that in case of a fraud in a company, the properties of

Uncorrected/ Not for Publication-19.12.2017

an independent director or his grownup and independent children also can be attached. So, this is a very strange judgment and I would say that it is really something which is causing concern to everybody because as it is it is difficult to find independent directors and this will disincentivise anybody from becoming an independent director in a company. I would call it a case of judicial overreach. As I have said, many eminent lawyers are here and I do hope that the Government will seriously take it up with the courts because this is something which should not be permitted because if you allow this to happen, then no independent directors will be available for companies. Thank you very much.

(Ends)

SHRI D. RAJA (TAMIL NADU): Thank you, Sir. While agreeing with many points raised by my colleague, Comrade Tapan Sen, I would like to emphasize a few points. Sir, I understand that this particular legislation is nothing but reiteration of the Government to serve the interests of the private capital and provide all possible help to private companies, big corporate companies. If the Government has a different point of view, we can well argue these points. I need not go to Thomas Piketty to show how

unprecedented inequalities have emerged in our society. It is not only for India, we are witnessing such a situation across the world.

(Contd by 2T/SSS)

SSS-AKG/3.25/2T/

SHRI D. RAJA (CONTD.): Even the International Monetary Fund has admitted that the neo-liberal economic policies have led to unprecedented inequalities. It is a fact and when we pass such a Bill we should also keep in mind how these companies are going to respect the national objectives, the social objectives of our country to make India prosperous. India continues to be poor. The other day, one of the senior Ministers in the Government went to WTO negotiations. He admitted that even today there are more than 600 million people who are below poverty line in India and how these companies are going to help to build a new India, a prosperous India. That is where the Government should answer to the people. Sir, I would like to touch a few issues. After Panama Papers, Paradise Papers, Government came out and made an announcement that many thousands of shell companies have been deregistered or dissolved. What are these shell companies? How did they flourish in India? Which law allowed such shell companies? Now we are amending the Companies Law and we try to build

Uncorrected/ Not for Publication-19.12.2017

new legal framework to control the companies. How is it going to work? Many things have been said about Corporate Social Responsibility. What is that Corporate Social Responsibility? How these companies really earmark funds, according to the Companies Act, two per cent of the profit? I do not understand, but nothing is happening on the ground. The other issue is, the Prime Minister himself made the promise of creating two crore jobs per year, but recently several big companies have officially announced lay-off. Now, my point is, what is the non-discriminatory recruitment policy these companies have? Does any company follow any law in recruitment? If at all any company follows a recruitment policy, is it non-discriminatory? Do they follow the law of the land to provide reservation to all sections, the deserving sections? These are the questions the Government will have to raise, but the Government does not speak on these matters and Government wants to help the corporate houses and private companies. Who are the defaulters? The common people in our country are honest people. The Prime Minister says that the fight against black money is a fight between honest and dishonest people. Who are the dishonest people? The Prime Minister must tell the nation who are the dishonest people, who are really creating fraud on the public sector banks. It is big corporate houses, the Directors of the

Uncorrected/ Not for Publication-19.12.2017

corporate houses. They take money and do default. It is willful default, but the Government stands helpless to catch hold of the willful defaulters and bring them to face the law of the land. That is why we should look at the issue in a comprehensive manner. When we go for such amendments, these laws, legislations which Parliament enacts will really help the country as a whole, the society as a whole. That is what we should see. Whereas this Government is committed to serve the interest of private capital, the corporate houses, big business houses. If Government says, 'no, we don't serve their interest', then whose interest are you serving? That is what I am asking. What is the purpose of all these amendments and independent directors? Even Mr. Chidambaram referred to it and the pecuniary relationship of up to ten per cent. What is this? You are opening up a gate for them to do all frauds and all kinds of malpractices.

(Contd. by NBR/2U)

-SSS/NBR-SCH/2U/3.30

SHRI D. RAJA (CONTD.): That is where the Government should be cautious. When the Government brings in such serious amendments to the Act, it must be cautious, it should keep country's interest, the people's interest in mind before doing anything.

Uncorrected/ Not for Publication-19.12.2017

I think, when we enact legislation like this, we will really let down our people and the country. This must be kept in mind by the Government before taking up this Bill for passage by the Parliament. Thank you.

(Ends)

DR. T. SUBBARAMI REDDY (ANDHRA PRADESH): Sir, I thank you for giving me this opportunity to participate in the discussion on the Companies (Amendment) Bill, 2017. Of course, the Bill was introduced in the Lok Sabha on 16th March, 2016. Then, it was referred to the Standing Committee. And, now, we are taking it up for consideration.

In one way I am happy since amendments are proposed to change the definition, remove ambiguity, allow greater flexibility, simplifying Memorandum of Association, Ease of Doing Business with procedure simplified, appointment of auditors, continuation of auditors, etc. Here, I would like to say that people should not mistake that every business house or every company or every corporate house is cheating. It is not correct. If that is so, then there would not be any employment and there would not be any growth of the country. Sir, we are a 125 crore population. If 15-20 companies commit mistakes or fraud, or whatever you may call it, you cannot say that everybody is bad. Definitely, we have to support the

Uncorrected/ Not for Publication-19.12.2017

economy. We have to contribute to the growth of economy. Therefore, this type of amendment is welcome. But, still, more amendments are required in future to remove other ambiguities.

There is a recent judgment of the Supreme Court which says that, for any liability, the independent director is also responsible and his or her family members are also responsible. It is a very dangerous thing. There is no doubt that Supreme Court is the supreme judicial authority. But, still, the Parliament is much more supreme. So, this amendment must take place. Otherwise, no independent director will join any company. The very philosophy of independent directors in a company will fail totally. This is very important and this should be understood by all.

Another most important thing is, banks are giving loans for companies to do business. It is their responsibility to look at security, credibility of company, safety and security of loan that it is giving. But, at the same time, they should not insist on personal guarantee of promoters. It was not there earlier. It is introduced recently because a few companies struck into problems due to over business, over trading and ultimately they have been declared as cheaters. I would not agree with it. A company which is in a bad shape is not a cheater. Due to some unavoidable circumstances,

Uncorrected/ Not for Publication-19.12.2017

sometimes industry may fail. Take power sector for example. Thermal power sector was opened by the Government of India about 15 years ago. Then, everybody started thermal power companies by borrowing money. When they started constructing projects, suddenly, the demand for thermal power disappeared and demand for other energies like hydro and non-conventional raised. So, due to this, thermal power sector collapsed. And, all the companies which have borrowed money from banks and financial institutions are in a very, very bad shape. It does not mean that they have cheated. Therefore, I would like to classify people who got struck due to circumstances resulting they themselves are in trouble and also troubling banks. This is one section. The other section is willful defaulters and willfully siphoned money. But, this section is very small. So, you have to bear in mind this also and see that banks should not insist on promoters to give personal guarantees.

Lastly, some promoters are running company. A company is formed by promoters and there are also other directors. But, it is the responsibility of promoters that the company runs smoothly. Sometimes, promoters may give their personal properties as securities to banks. Therefore, there is

Uncorrected/ Not for Publication-19.12.2017

nothing wrong if promoter also borrows money from companies and companies also give money to promoters. There is nothing wrong.

(CONTD. BY USY/2W)

USY/2W/3.35

DR. T. SUBBARAMI REDDY (CONTD.): I am happy that there is a proposal that by way of a special resolution, the Board can allow the promoters also to borrow money. This is a very welcome step.

I must also appreciate that the provisions relating to the insider trading and the forward trading are to be omitted from the Act. The requirement of the approval of the Central Government for managerial remuneration above the prescribed limit needs to be replaced with the approval through the special resolution of the shareholders. That is a welcome step.

I would like to say that removing of the restrictions of subsidiaries and investment companies, and exempting class of foreign companies, all are welcome steps.

In conclusion, I would say that this is a united effort of every political party, of every citizen of this country to make the country's business grow, to make the economy grow and to make the employment opportunities

Uncorrected/ Not for Publication-19.12.2017

grow. These are all inter-linked. All amendments are welcome steps. But, some more amendments are required in the near future.

(Ends)

SHRI V. VIJAYASAI REDDY (ANDHRA PRADESH): Thank you, Vice-Chairman Sir. I, on behalf of the YSR(Congress) Party and on behalf of the President of my party, Shri Y.S. Jagan Mohan Reddy, rise to support this Bill.

In the interest of shareholders, there are two concerns and three suggestions that I would like to bring to the notice of the hon. Minister of Corporate Affairs.

My first point is with regard to remuneration to Independent Directors. Under the original Act, which was enacted in 2013, the Independent Directors could not have any pecuniary or monetary relationship with the company. Now, this Amendment Bill allows the Independent Directors to have a pecuniary interest up to 10 per cent of the income of the Independent Directors. I honestly feel that this is not in the interest of the shareholders. This could, in fact, compromise the independence of the Independent Directors.

Uncorrected/ Not for Publication-19.12.2017

The second concern, which I would like to bring to the notice of the hon. Minister is acceptance of deposits. If a company accepts deposits from its own members — it is not giving deposit to the Directors — according to the original Act, it must satisfy two conditions: One, relating to the security; second, relating to the repayment. Insofar as security is concerned, it should provide deposit insurance.

(MR. DEPUTY CHAIRMAN in the Chair)

And, insofar as repayment is concerned, a declaration should be given that it has not committed any default, as far as principal and interest is concerned. This is under Section 73(2) of the Act. And, this Bill omits that requirement of providing the deposit insurance, which the former hon. Finance Minister has pointed out.

Another important issue is that it also permits the companies, which have previously defaulted, to accept the deposits as per the Amendment Bill, proposed now, if five years have passed and such earlier defaults have been addressed. The hon. Minister must rethink on this amendment.

(Contd. by 2x — PK)

PK-PSV/2X/3.40

SHRI V. VIJAYASAI REDDY (CONTD.): Sir, I have three suggestions to make. One is, reforms relating to the independent Director. Sir, the Companies Act allows the independent Directors to be appointed initially for a period of five years; he can be reappointed for another period of five years; and, all together, ten years. If a person who is a Director, who is supposed to act in a fiduciary capacity, continues to be in the company as an independent Director for a period of ten years, obviously, he will develop some vested interest in that. Therefore, it is not advisable in the amended Companies Act to allow an independent Director to continue for ten years.

Sir, my second suggestion is this. According to me, an independent Director will be appointed by whom? He will be appointed by the management. After all, he will be the person who is very close to the management, and it should not be the case. In fact, I sincerely feel that there has to be a statutory body insulated from the promoters or dominant promoters which can recommend the persons to be appointed as independent Directors.

MR. DEPUTY CHAIRMAN: That is a good suggestion.

SHRI V. VIJAYASAI REDDY: Sir, thirdly, and this is my last suggestion. This is about removal of independent Directors. According to the present Act, an independent Director can be removed by passing an ordinary resolution. It should not be the case. My suggestion is, it should be by way of a special resolution, and the person who moves the resolution for removal of an independent Director should not participate in the voting. So, this is my third suggestion. If these three issues are addressed, probably, this will be a very good amendment Bill. There are some lacunae, which I would like to point out, but since you are giving only three minutes to me, I conclude here.

MR. DEPUTY CHAIRMAN: No, no. I didn't say anything.

...(Interruptions)..

SHRI V. VIJAYASAI REDDY: Sir, in fact, three minutes have been allowed. So, I tried to conclude in three minutes ..(Interruptions)..

MR. DEPUTY CHAIRMAN: Anyway, you made very important and valid points.

SHRI V. VIJAYASAI REDDY: Thank you very much, Sir.

MR. DEPUTY CHAIRMAN: Especially about the statutory body for independent Directors.

Uncorrected/ Not for Publication-19.12.2017

SHRI V. VIJAYASAI REDDY: And also about removal of independent Directors. It can't be by way of an ordinary resolution. It has to be by way of a special resolution. The person who moves the resolution cannot participate in the voting.

MR. DEPUTY CHAIRMAN: All right. Thank you.

SHRI V. VIJAYASAI REDDY: Thank you very much, Sir.

(Ends)

MR. DEPUTY CHAIRMAN: Within four minutes, you made a good speech.

SHRI V. VIJAYASAI REDDY: Thank you very much, Sir.

MR. DEPUTY CHAIRMAN: Now, Mr. Rangasayee Ramakrishna.

SHRI RANGASAYEE RAMAKRISHNA (KARNATAKA): Sir, I will take only a few minutes. This is about the corporate social responsibility provision --, the CSR provisions in the Companies Act. In the beginning, we did not have any such provision in the Companies Act. This was, almost on an experimental basis, tried in the public sector undertakings. In fact, the Committee on Public Undertakings, conducted a one full-year review of the CSR work in public sector undertakings. I was member of a group at that time. I feel that it is, again, a highly misunderstood and misapplied type of

Uncorrected/ Not for Publication-19.12.2017

provision. Now, it has been brought into the Companies Act. By the time the Board of Directors approve this, a provision is made and the AGM takes place, the year is lost. There is no provision for carrying forward the unutilised part in the CSR provisions beyond one year. I think there should be some rethinking on whether there should be a CSR provision at all in the Companies Act. But if you want to keep it, keep it on a sound basis. Give them some more time for utilising the provision made. Otherwise, it is something which is usually misused or not used. This is what I wanted to say. Thank you very much.

(Ends)

MR. DEPUTY CHAIRMAN: Now, the hon. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF CORPORATE AFFAIRS

(SHRI P.P. CHAUDHARY): Sir, I extend my thanks to all the Members who participated in the deliberations for passing of this Bill. I would also like to extend my thanks to the former Finance Minister, Shri P. Chidambaram, and other Members.

(Contd. by PB/2Y)

PB/2Y/3.45

SHRI P.P. CHAUDHARY (CONTD.): Sir, some very important issues were raised by the hon. Member, Shri P. Chidambaram. One was with respect to providing 'upper limit' on the fee for late filing, etc. Sir, this is related to Clause 80 of the Bill and Section 403 of the Act. Basically, the earlier provisions allowed for a period of 'up to 300 days' for filing on payment of additional fees without any prosecution. This was viewed as having led to increase in non-compliance by companies, especially, with respect to filing of annual returns, financial returns, etc. The changes will bring the necessary seriousness in companies in ensuring timely-filing. The original Companies Act also does not provide for any upper limit to the amount of late filing fee which can be imposed. However, Government takes due care to ensure that any prosecution faced by the genuine companies are addressed timely.

Sir, the second point was with respect to the relatives of auditors. This is related to Clause 42, Section 141(2) of the Act. Basically, the original Section in the Companies Act, 2013 is being retained. I would like to inform the hon. Member that it is being retained. The amendment proposed before its introduction in the Lok Sabha had been dropped. It was suggested

Uncorrected/ Not for Publication-19.12.2017

basically by the stakeholders at that time, particularly, by the auditors, that disqualification on account of relative-shareholding, etc., with a company was impracticable, too stringent. The proposed original amendments were diluting the requirement which would have led to abuse. It is therefore proposed not to amend the provision and the difficulties, if any, removed by increasing the threshold of shareholding in a company through rules, if required. Whenever it is required, we can do it. This would ensure that the independent provisions are not diluted unnecessarily.

The next point which was raised is with respect to insider trading. This is with respect to Clauses 64 and 65, Sections 194 and 195. But I would like to inform the hon. Members that this has also been omitted. The reason being that SEBI through its regulations provides comprehensively for checking insider-trading and forward-dealing. The Companies Law Committee examined this issue in detail, and as the provisions should be appropriate only for listed companies, it will amount to duplication of provisions. So we provide it in Companies Law and, at the same time, the SEBI Regulation, Rules and Act also provide the same thing and the listed companies are being governed by the SEBI Act. In case of any inconsistency between SEBI Act and the Companies Act, then the SEBI Act

Uncorrected/ Not for Publication-19.12.2017

will have an overriding effect with respect to this issue. That is why it is not required here.

Sir, the next point raised by the hon. Member is with respect to loans to Directors. It is related to Clause 61 of the Bill and Section 185 of the Act. The absolute ban on a Company giving loans to related entities creates problem for normal, genuine businesses also. In order to ensure that there are adequate safeguards, it has been included in the Amendment that a special regulation is passed because to raise the finance of the company, its working is also very necessary. So, a special resolution is required to be passed. The amount raised is used only for the purpose of principal business activities of a company. It can't be used for other purposes. Loans can't be extended to individuals or partnership firms.

(Contd. by 2z/SKC)

SKC/2Z/3.50

SHRI P.P. CHAUDHARY (contd.): So, sufficient safeguards have already been provided.

Next, a point was raised about issue of shares on private placement basis. This is with reference to clause 10 of the Bill, Section 42 of the Act. Basically, 'private placement' is a mode of raising finance. It has been an

Uncorrected/ Not for Publication-19.12.2017

essential part of the Companies Act. It existed in the Companies Act of 1956; it also existed in the Companies Act of 2013. The proposal is for removing procedural difficulties while retaining the safeguards of the maximum number of persons a company can approach for the purpose and stringent penalty for violation, etc., has been provided. So, there is no worry on that part also.

So far as the question of Independent Directors is concerned, it relates to Clause 46 of the Bill, Section 149 of the Act. The change is basically aimed at retaining the Independent Directors' requirement, but removing the difficulties pertaining to being at an absolute distance from a company. The provision basically is that the requirement of appointment of an Independent Director is not applicable to smaller companies; it is applicable only to large companies. So, there is no issue there. The concept of materiality with respect to Independent Directors is also accepted in SEBI regulations. The materiality of ten per cent is with respect to the income of the Independent Directors, and not the company.

Sir, a point was made by hon. Member, Shri Sanjay Seth, that the earlier provision of 60 days in the Act should be retained. I would say that the amendment also empowered the Central Government to prescribe a

Uncorrected/ Not for Publication-19.12.2017

higher or lower period as required. Thus, in order to provide flexibility, along with ease of doing business, this provision needs to be retained without any change. This has been deliberated in the Committee. So far as Woman Directors are concerned, presently they come normally from promoters' families, but it has been suggested that women from outside should also be allowed. On this issue, I would say that Section 149 is applicable to listed and large public companies and it simply provides for at least one Woman Director on the Board. This would promote gender diversity and has been considered very important. The flexibility provided to a large company may be retained and no change is needed. There is no restriction on an outsider being allowed.

So far as the issue raised by hon. Member, Shri Vivek Gupta, is concerned, the definition of 'Resident Director' and the rationale of change have been questioned. The provision of a Resident Director has been revised in view of the Companies Law Committee recommendation to remove certain inconsistencies in the current year, and not in the previous year. Basically, 'the stay of 180 days' should be with respect to the financial year, and not the calendar year. In the case of the Resident Director for a newly incorporated company, the period of 180 days should apply

Uncorrected/ Not for Publication-19.12.2017

proportionately. Therefore, these ambiguities are sought to be removed through this Amendment Bill. So, there is nothing to worry on this count. This problem has been redressed in the Bill itself.

Now, hon. Member, Shri Sanjay Seth, had also mentioned that this new kind of Identity number, which is proposed here, may create confusion. In this connection, I would like to point out that the proposed Clauses 47 and 48 merely seek to empower the Central Government to prescribe any better identification number, if needed. So, this may be implemented after due consultation. It is difficult for small companies to get IDs. So, the provision of IDs has been made applicable only for listed and large public companies, and not for small companies.

Hon. Member, Shri Vivek Gupta, asked about the requirement of mentioning 'specific objects' and how the Bill addresses this problem. In view of the recommendations of the Parliamentary Standing Committee on Finance, the requirement of mentioning objects specifically is being retained. Earlier, it was proposed that it should be amended and they should not be required to state their specific objects. But, finally, it was decided in view of the recommendations of the Parliamentary Standing Committee that this provision should be retained. So, companies would be continuing to state

Uncorrected/ Not for Publication-19.12.2017

their specific object. In fact, earlier, we had provided in an amendment that they are not required to state the specific object. But, finally, the original provision has been retained -- that they are required to state the specific object in the Memorandum of Assets.

(CONTD. BY HK/3A)

HK-DS/3.55/3A

SHRI P.P. CHAUDHARY (CONTD.): Therefore, the suggestion made has already been redressed. Another point is made by Shri Vivek Gupta that deposit insurance provision is being removed. So far as the deposit part is concerned, related provisions of the Act and Rules provide for the adequate safeguards for investors; non-compliance is being made non-compoundable offence. So, stringent provisions are there. Since insurance companies have not been offering any insurance product on the companies' deposits, on the recommendation of the Companies Law Committee the provision of deposit insurance was decided to be omitted. Finally, Sir, Shri Tapan Kumar Sen raised the issue with respect to CSR. The CSR issue has also been raised earlier, but certain exceptions are there in the Act itself. With respect to investing or spending the CSR amount in other areas, it is not a mandatory requirement that CSR amount can only be spent where the

industry is situated or where the company is situated. It can be spent in other places also. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: His point is that companies are not spending in rural areas. ...(Interruptions)... What will you do for that? ...(Interruptions)...

SHRI P.P. CHAUDHARY: I would like to inform that our Ministry has taken the action. We have also issued notices to all the companies which are not spending. This is a new law. This law was first enacted in 2014. Therefore, ...(Interruptions)... Just a minute. ...(Interruptions)...

SHRI TAPAN KUMAR SEN: The law does not have any provision even to ask for the explanation. Kindly read your law yourself and you are further deregulating it. ...(Interruptions)...

SHRI P.P. CHAUDHARY: Just a minute. ...(Interruptions)... Basically, we cannot mandatorily make it because ...(Interruptions)...

SHRI TAPAN KUMAR SEN: You are making it mandatory for the Public Sector Companies. ...(Interruptions)..

SHRI P.P. CHAUDHARY: Just a minute. Please listen to me. ...(Interruptions).. Initially, for a period of two or three years, we are persuading the companies and making them acquainted that this is a

Uncorrected/ Not for Publication-19.12.2017

provision. ...(Interruptions)... And for some of the companies which could not spend their CSR amount ...(Interruptions)...

MR. DEPUTY CHAIRMAN: You cannot enforce it. ...(Interruptions)...

SHRI P.P. CHAUDHARY: No; we have issued notices and action is ...(Interruptions)... Just a minute. ...(Interruptions)... Total number of active companies are 11,74,000. Out of those companies, some of the companies which are covered under the CSR spending, and with respect to all those ...(Interruptions)... Just a minute. ...(Interruptions)...

SHRI JAIRAM RAMESH: Sir, CSR has become PSR. It has become Political Social Responsibility and this is the greatest danger in CSR, that is, the politicization of what the company should spend, where they should spend, particularly if you are a public sector company. I should think that this is the time for an independent audit to make sure that the original objectives of CSR are fulfilled. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Hon. Minister, you kindly examine whether you can enforce it on companies so that they spend it in rural areas also. ...(Interruptions)...

SHRI P.P. CHAUDHARY: That is why I am making it clear. If you see Section 135 of the Act, along with the Schedule attached with the

Uncorrected/ Not for Publication-19.12.2017

Companies Act, it is specifically provided -- and requisite amendment has been made -- that it is not mandatory for the company to spend the CSR amount in the same area. Exceptions are there. If they want, they can go outside that area.

MR. DEPUTY CHAIRMAN: If they want! ...(Interruptions)...

SHRI P.P. CHAUDHARY: Hon. Member is saying that it is political. It is not so. Where they can spend it, how they can spend it and under which activity they can spend it have been provided under the Schedule. They cannot go beyond that Schedule. Apart from that, the companies which have not spent their CSR amount, we have already issued notices to 180 companies and action is being taken against those companies which have not spent the CSR amount. That is in the pipeline.

श्रीमती विप्लव ठाकुर : सर, मुझे एक मिनट दे दीजिए। ...(व्यवधान)...

SHRI P.P. CHAUDHARY: So, it is wrong to say that no action has been taken by the Government against those companies. We are taking action against those companies.

(Contd. by KSK/3B)

Uncorrected/ Not for Publication-19.12.2017

KSK/MCM/4.00/3B

SHRI P.P. CHAUDHARY (CONTD.): So far as shell companies are concerned, that issue has also been raised. ...(Interruptions)...

SHRI VIVEK GUPTA: Sir...(Interruptions)...

MR. DEPUTY CHAIRMAN: Sit down. The Minister is not yielding. ...(Interruptions)...

SHRI P.P. CHAUDHARY: I am not yielding. ...(Interruptions)... Now, Sir, the next question was raised by Shri D. Raja with respect to the shell companies. I would like to say that in the last 70 years, this is the first time that under the able leadership of hon. Prime Minister, Shri Narendrabhai Modi, we have taken this action and we have issued notices to 2,97,000 companies. A window was provided that in case of non-compliance, they could make the compliance. Some of the companies have submitted their compliance. Around 70,000 companies have submitted their compliance. Thereafter, we have stuck up around 2,25,000 companies and subsequent action has been taken under Section 248 of the Companies Act, and their bank accounts have also been freezed and we are also investigating the accounts of those companies. We have also revealed that at one place, at one address, 400 companies are registered; one company is having 2,100

Uncorrected/ Not for Publication-19.12.2017

bank accounts; and, one company deposited around Rs.3,700 crores during demonetization and then withdrawn. One another company deposited Rs.2,484 crore during demonetization.

MR. DEPUTY CHAIRMAN: You should take action against them.

SHRI P.P. CHAUDHARY: It proves that the decision taken by the Government with regard to demonetization was a correct decision, and slowly, we will find that around Rs.3,80,000 crore... Some of the bank accounts are still under suspicion and those are being investigated. So, it is wrong to say that no action has been taken against the shell companies. We have taken action against the shell companies. In some cases, we found that some serious matters were there. Those matters have already been referred to the Serious Fraud Investigation Office and the action will be taken against them also. So, this is the first time that this Government has taken action and this Government is committed. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Let him complete.

SHRI TAPAN KUMAR SEN: Sir, the hon. Minister is misguiding the House. The RBI stated that 99 per cent of the money came back to the working system. ...(Interruptions)... All the black money turned white, including the

Uncorrected/ Not for Publication-19.12.2017

fake one. ...(Interruptions)... All turned white. The Minister is misguiding the House. ...(Interruptions)...

SHRI P.P. CHAUDHARY: I am not saying that all the money has not come, but I am talking about the suspect accounts. So, those accounts are being investigated. I am not talking with respect to the return of the money. Sir, other hon. Members have also raised very important issues, but due to paucity of time, I am not in a position to respond to them. Thank you very much, Sir.

(Ends)

SHRI P. CHIDAMBARAM: Sir, I have three short questions. When there is a Directors' Identification Number (DIN), why are you taking power to prescribe another number? What is the idea? You are not willing to share with us the idea or the reason for which you are taking power to prescribe another number. There is already a number. The Minister must tell us as to why he wants another number to convince us that this provision is a right provision. The Minister has said nothing about why he wants another number.

Number two, there is the issue of loans to Directors and persons in whom a Director is interested. Now, why are you keeping that provision

Uncorrected/ Not for Publication-19.12.2017

under which a company, under sub-section 2 of that section, may give a loan, may give a guarantee, to a person interested in a Director? A company should not give any loan to a Director or a person interested in a Director. Why are you keeping that provision? There is no answer from the Minister.

Number three, as I expected, the Minister said, insider trading and forward trading are regulated by SEBI, and, therefore, we need not have Sections 195 and 196. That is an apparently satisfactory answer, but it is not satisfactory. Please read Sections 195 and 196. SEBI regulates insider trading and forward trading in respect of listed companies.

(Contd. by 3C — GSP)

GSP-SC/4.05/3C

SHRI P. CHIDAMBARAM (CONTD.): SEBI has no jurisdiction over unlisted companies but if you look at the existing sections 195 and 196 of the Act, which was passed by this House and this Parliament in 2013, sections 195 and 196 are much wider and say that you cannot have insider trading and forward trading in a company or its holding company or its subsidiary company or its associate company. Now, it is possible that a company will be listed and that company will be regulated by SEBI but it is quite possible

Uncorrected/ Not for Publication-19.12.2017

that its subsidiary or associate company may not be listed and that will not be regulated by SEBI, which is why this House and the other House passed this very Bill with your concurrence and your support in 2013, and, now, you are diluting the whole provisions of sections 195 and 196 and the Minister had no word on why these provisions are being deleted. I know the Minister cannot give an answer now. The Finance Minister and the Minister for Corporate Affairs is not present here.

MR. DEPUTY CHAIRMAN: He may give answer. Why do you presume otherwise?

SHRI P. CHIDAMBARAM: Sir, the Minister is asking for instructions on what answer he should give. Sir, I do not expect him to answer straightway but I want him to consider this and tell us sometime or the other why these things are being done.

MR. DEPUTY CHAIRMAN: Okay.

SHRI P. CHIDAMBARAM: I support this Bill. We support this Bill but you must explain as to why these things are being done.

SHRI TAPAN KUMAR SEN: Sir, I wish to make a supplementary point. In order to allow this, even the subsidiarisation of the company has been

Uncorrected/ Not for Publication-19.12.2017

widely liberalized. Now, when the company may be listed, subsidiaries are un-listed...

MR. DEPUTY CHAIRMAN: That is what he has said.

SHRI TAPAN KUMAR SEN: It allows speculation to a proxy route through the subsidiary.

MR. DEPUTY CHAIRMAN: He has already said that.

SHRI TAPAN KUMAR SEN: That is the purpose of removing the restriction.

MR. DEPUTY CHAIRMAN: Mr. Minister, would you like to respond? If you want to respond, please do so, or, I can put it to vote.

SHRI P.P. CHAUDHARY: Sir, I have already replied to it. There is nothing more to say. ...(Interruptions)...

SHRI PRAMOD TIWARI: Sir, the points raised by Chidambaram ji have to be answered. ...(Interruptions)...

SHRI NEERAJ SHEKHAR: Sir, this is very strange. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Please. ...(Interruptions)... Let me also listen to him. ...(Interruptions)... Mr. Chidambaram himself said, if possible, reply to these points, or, otherwise, note these points and address them later. ...(Interruptions)...

Uncorrected/ Not for Publication-19.12.2017

SHRI P.P. CHAUDHARY: Sir, hon. Member, Chidambaram ji, has raised the issue with respect to insider trading. Sir, I would like to make it clear that Section 25 of the Companies Act specifically provides that with respect to all the matters relating to SEBI, in case of conflict between the SEBI Act and the Companies Act, the SEBI Act will have overriding effect. So far as insider trading part is concerned, it is within the domain of the listed company or about to be a listed company.

MR. DEPUTY CHAIRMAN: He asked about unlisted company.

SHRI P.P. CHAUDHARY: Unlisted company cannot do any trading.

SHRI NARESH GUJRAL: Sir, I raised an important issue and the hon. Minister has not replied to that. It is with regard to sections 2 and 3 read with Rule 8A, which says that every company with a paid-up capital of more than five crores of rupees must have a whole-time Company Secretary irrespective of the company's turnover. As I said earlier, there are companies which are just holding companies, SPVs or just investment companies. Now, it does not make sense if they have ten transactions a year and they should have a whole-time Company Secretary. You have not said anything. I hope, you will respond.

MR. DEPUTY CHAIRMAN: Do you wish to respond?

SHRI P.P. CHAUDHARY: Sir, the point raised by the hon. Member can be redressed and we are seriously considering to do it under the Rules.

(Ends)

MR. DEPUTY CHAIRMAN: Please keep the other points for consideration later. Now, the question is:

"That the Bill further to amend the Companies Act, 2013, as passed by Lok Sabha be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now, we shall take up clause-by-clause consideration of the Bill. In Clause 2, there are two Amendments (Nos. 1 and 2) by Dr. Subbarami Reddy. Are you moving?

DR. T. SUBBARAMI REDDY: Sir, my amendment is very simple whereby the parties that have joint control have rights to the net assets of the arrangement.

(Contd. by SK/3D)

SK/3D/4.10

DR. T. SUBBARAMI REDDY (CONTD.): So, the hon. Minister may consider this suggestion. I am not moving the Amendment.

Uncorrected/ Not for Publication-19.12.2017

Then, the second point is a very important point. Here, my Amendment is about 'other instruments' which would be issued with the approval of the Reserve Bank of India, not mere consultation with the RBI. Please bear in mind this also. I will not move the Amendment.

MR. DEPUTY CHAIRMAN: So, you are not moving the Amendment. I shall now put Clause 2 to vote.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 4, there are two Amendments (Nos. 3 and 4) by Dr. T. Subbarami Reddy.

DR. T. SUBBARAMI REDDY: Sir, my Amendment is to reserve the name of the applicant by the Registrar for a specific period, namely, 25 days and not 'for such other period as may be prescribed'. You please bear this in mind.

My second Amendment is the Registrar may reserve the name for a period of 45 days from the date of approval, instead of 60 days, as in the Bill, for reserving change of name of existing company. You may also examine this suggestion. I am not moving the Amendments.

Uncorrected/ Not for Publication-19.12.2017

MR. DEPUTY CHAIRMAN: Amendments not moved. Therefore, I shall now put Clause 4 to vote.

Clause 4 was added to the Bill.

Clauses 5 and 6 were added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 7, there is one Amendment (No. 5) by Dr. T. Subbarami Reddy.

DR. T. SUBBARAMI REDDY: Sir, in Clause 7, my Amendment is to include the Director of the Company for any action taken, instead of a poor employee. The Minister may examine this suggestion. I am not moving it.

MR. DEPUTY CHAIRMAN: Amendment not moved. I shall now put Clause 7 to vote.

Clause 7 was added to the Bill.

Clauses 8 and 9 were added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 10, there are two Amendments (Nos. 6 and 7) by Dr. T. Subbarami Reddy.

DR. T. SUBBARAMI REDDY: Here at page 5, line 31, the company making any allotment of securities shall file with the Registrar a return of allotment within '20 days', instead of '15 days'. That is my suggestion.

Uncorrected/ Not for Publication-19.12.2017

Another Amendment is, the company has to refund all monies with interest within a period of 45 days, instead of 30 days in the Bill, for any contravention of the provisions of the Act. You should bear that in mind. I am not moving.

THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):

Sir, as a Member of this House, I can say one thing that we all are deeply impressed by the profound corporate law knowledge of hon. Subbarami Reddy ji.

MR. DEPUTY CHAIRMAN: Yes, you can say that. That is a compliment for him.

Now, Amendments not moved. I shall now put Clause 10 to vote.

Clause 10 was added to the Bill.

Clauses 11 to 21 were added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 22, there are three Amendments (Nos. 8 to 10) by Dr. T. Subbarami Reddy. This time there are three Amendments, not two.

DR. T. SUBBARAMI REDDY: Sir, the Government has provided for a period of 15 days within which the company shall apply to the Tribunal for an

Uncorrected/ Not for Publication-19.12.2017

order. I have suggested for 30 days in my Amendment. The Minister may bear it in mind.

Another one is, the penalty of Rs. 10 lakh has been prescribed in the Bill. I have suggested for Rs. 5 lakh as the maximum amount.

Another Amendment is, the amount of fine should be not less than Rs. 5 lakh, instead of Rs. 10 lakh, and may extend up to Rs. 30 lakh, instead of Rs. 13 lakh. I am suggesting these Amendments, but not moving them.

MR. DEPUTY CHAIRMAN: Amendments not moved. I shall now put Clause 22 to vote.

Clause 22 was added to the Bill.

Clauses 23 to 55 were added to the Bill.

(Contd. by YSR/3E)

YSR-HMS/3E/4.15

MR. DEPUTY CHAIRMAN (CONTD.): In Clause 56, there is one Amendment (No.11) by Dr. T. Subbarami Reddy.

DR. T. SUBBARAMI REDDY: Sir, in the proviso to Clause 56, for constituting quorum, directors are to be present physically and participate in the meeting. Apart from that, there is a provision for participating in the meeting by absentee director also through video conferencing. The word

Uncorrected/ Not for Publication-19.12.2017

‘also’ is very important, but it is missing in the clause. That is why I am mentioning it in my amendment. This may be examined. I am not moving my amendment.

MR. DEPUTY CHAIRMAN: He is not moving the Amendment. I shall now put Clause 56 to vote.

Clause 56 was added to the Bill.

Clauses 57 to 59 were added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 60, there is one Amendment (No.12) by Dr. T. Subbarami Reddy.

DR. T. SUBBARAMI REDDY (ANDHRA PRADESH): My amendment says that at page 19, line 18, *after* the word “contract”, the words “agreement, deal” be *inserted*. I have included the words “agreement and deal” along with contract in the Bill. I am not moving the Amendment.

MR. DEPUTY CHAIRMAN: He is not moving the Amendment. I shall now put Clause 60 to vote.

Clause 60 was added to the Bill.

Clauses 61 to 79 were added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 80, there is one Amendment (No.13) by Dr. T. Subbarami Reddy.

Uncorrected/ Not for Publication-19.12.2017

DR. T. SUBBARAMI REDDY: The additional fee prescribed in the Bill is Rs.100 per day. It is very high. I suggest Rs.50 per day. I am not moving the Amendment.

MR. DEPUTY CHAIRMAN: Hundred rupees per day is high! Okay. He has not moved his Amendment. Thank you for not moving the Amendment.

I shall now put Clause 80 to vote.

Clause 80 was added to the Bill

Clause 81 was added to the Bill

MR. DEPUTY CHAIRMAN: In Clause 82, there is one amendment (No.14) by Dr. T. Subbarami Reddy.

CLAUSE 82 — AMENDMENT OF SECTION 409

DR. T. SUBBARAMI REDDY (ANDHRA PRADESH): Sir, I move:

That at page 25, line 43, *after* the word “Secretary”, the words “Special Secretary” be *inserted*.

Sir, in Clause 82, they have mentioned the rank of Secretary or Additional Secretary but left out “Special Secretary”. I have included the officer of the rank of “Special Secretary” also for being Technical Member in the Tribunal in my Amendment.

The question was put and the motion was negative.

Clause 82 was added to the Bill.

Clauses 83 to 93 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Uncorrected/ Not for Publication-19.12.2017

SHRI P. CHIDAMBARAM: Sir, before the hon. Minister moves that the Bill be passed, I want to say this. We are passing the Bill, but let the hon. Minister know this. And I say this with humility. We are supporting the Bill but this is not unqualified support. There are issues which need to be addressed. There are questions which have not been answered. But we are supporting the Bill. It is not unqualified support. I hope that you will have an opportunity to come and answer some of these questions at sometime.

MR. DEPUTY CHAIRMAN: Thank you very much. Now, hon. Minister.

SHRI P.P. CHAUDHARY: Sir, I move:

That the Bill be passed.

The question was put and the motion was adopted.

(Ends)

(Followed by VKK/3F)

-YSR/VKK-ASC/3F/4.20

MESSAGE FROM LOK SABHA

- (i) **The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Second Bill, 2015; and**

Uncorrected/ Not for Publication-19.12.2017**(ii) The Financial Resolution and Deposit Insurance Bill, 2017.**

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:-

“I am directed to inform you that on 18th December, 2017, Hon’ble Speaker, Lok Sabha, made the following observation in regard to extension of time for presentation of the Report of the Joint Committee of the Houses on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Second Bill, 2015 and the Joint Committee of the Houses on the Financial Resolution and Deposit Insurance Bill, 2017:-

OBSERVATION

"Hon’ble Members, I have to inform the House that the Joint Committee on ‘The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Second Bill, 2015’ have decided to seek further extension of time for presentation of the Report on the Bill upto the last day of the Monsoon Session, 2018 as the Report could not be finalized by the extended timeline granted by the House i.e. 15th December, 2017. Similarly, the Joint Committee on 'The Financial Resolution and Deposit Insurance Bill, 2017' have decided to seek extension of time upto the last day of Budget Session, 2018 as the Report of the Joint Committee would not

Uncorrected/ Not for Publication-19.12.2017

be ready for presentation by the timeline given by the House i.e. 15th December, 2017. Motion regarding extension of time of these two Joint Committees could not be moved in the House on 15th December, 2017, as the House was adjourned after making Obituary References. Hence, I have on behalf of the House granted extension of time as sought by these two Joint Committees for presentation of the Reports."”

(Ends)

MR. DEPUTY CHAIRMAN: Now, the next Bill, the Indian Institutes of Management Bill, 2017. Shri Prakash Javadekar to move.

THE INDIAN INSTITUTES OF MANAGEMENT BILL, 2017

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI PRAKASH JAVADEKAR): Sir, I rise to move:

That the Bill to declare certain Institutes of management to be institutions of national importance with a view to empower these institutions to attain standards of global excellence in management, management research and allied areas of knowledge and to provide for certain other matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

...(Interruptions)...

श्री नरेश अग्रवाल : सर, यह दूसरा बिल कैसे आ गया? ...(व्यवधान)..... श्रीमन्, आज सुबह यह तय हुआ था कि एक बिल आज लिया जाएगा। ...(व्यवधान)...दो बिल एक दिन में नहीं करेंगे। ...(व्यवधान).....

MR. DEPUTY CHAIRMAN: Please listen. ...(Interruptions)... नरेश जी ...(व्यवधान).....

श्री नरेश अग्रवाल : माननीय उपसभापति जी ...(व्यवधान).....

श्री उपसभापति : नरेश जी, आप सुनिए। पांच बजे तक हाउस में जो गवर्नमेंट बिजनेस बाकी है, वह हमें करना है। There is no point in raising it. ...(Interruptions)...

श्री नरेश अग्रवाल : आप 176 (ए) को नहीं ले नहीं रहे हैं, आप कॉलिंग अटेंशन नहीं ले रहे हैं। हम सरकार की नौकरी करने नहीं आए हैं। ...(व्यवधान)..... हम यहां पर जनता की आवाज उठाने आए हैं। ...(व्यवधान).....

श्री उपसभापति : आपको क्या चाहिए? ...(व्यवधान).....

संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री विजय गोयल) : नरेश जी, आप मेरी बात सुनिए ...(व्यवधान).....आप वोटिंग क्यों करवा रहे हैं? ...(व्यवधान).....

श्री नरेश अग्रवाल : मैं इस बात को गंभीरता से कह रहा हूं। ...(व्यवधान).....मजबूती से कह रहा हूं।...(व्यवधान).....

श्री विजय गोयल : आप वोटिंग कल करा लेना। ...(व्यवधान).....

श्री नरेश अग्रवाल : श्रीमन् ...(व्यवधान).....

MR. DEPUTY CHAIRMAN: Mr. Vijay Goel, please sit down.

...(Interruptions)... नरेश जी, क्या है?

श्री नरेश अग्रवाल : मैं इस बात को कह रहा हूँ ...(व्यवधान)..... यह सदन की परम्परा है ...(व्यवधान).....

MR. DEPUTY CHAIRMAN: What is your point? ...(Interruptions)...

श्री नरेश अग्रवाल : जब सदन चलेगा तो प्रत्येक सप्ताह दो शॉर्ट ड्यूरेशन (176) लगेंगे और एक कॉलिंग अटेंशन लगेगा। श्रीमन्, जब यह तय हुआ, आप उस समय मौजूद थे। ऐसा नहीं कि चेयरमैन साहब बदल गए...(व्यवधान).....लेकिन डिप्टी चेयरमैन आप ही हैं।

श्री उपसभापति : बोल दिया?

श्री नरेश अग्रवाल : इस सप्ताह में तीन दिन तो पहले निकल गए और दो आज निकल गए हैं। आज तक यह तय नहीं हुआ कि 176 कौन सा लिया जाएगा? हमें यह नहीं बताया गया है कि हम ज़ीरो ऑवर की अपनी वैल्यू कैसे जानें? श्रीमन् ...(व्यवधान).....

MR. DEPUTY CHAIRMAN: I got your point. ...(Interruptions)... I understood your point even though you spoke in Hindi. ...(Interruptions)... I understood fully. ...(Interruptions)... Now, listen to me. ...(Interruptions)... See, what have we to do now? There is a List of Business before us and there is time up to 6 p.m. It is my constitutional requirement to see that the House functions up to 6 p.m. with the Listed Business. You can take up your point

for having Short Duration Discussion or any other discussion with the Chairman. I have no problem. ...(Interruptions)..

SHRI NARESH AGRAWAL: Sir, I have a point of order. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, no. ...(Interruptions)... I am not allowing. ...(Interruptions)... What is the point of order? ...(Interruptions)..

श्री नरेश अग्रवाल : मेरा point of order यह है कि श्रीमन्, यह व्यवस्था है कि यह सदन 11 बजे से ...(व्यवधान)... 6 बजे तक चलेगा। ...(व्यवधान)

श्री उपसभापति : हां, 6 बजे तक बैठना है। ...(व्यवधान)

श्री नरेश अग्रवाल : आप सुन लीजिए, अगर 6 बजे के बाद सदन को बढ़ाना है

श्री उपसभापति : सदन का समय बढ़ता नहीं है ।

श्री नरेश अग्रवाल : अगर बढ़ाना है ...(व्यवधान)

श्री उपसभापति: यह किसने कहा है?

श्री नरेश अग्रवाल : मैं एक point of order उठा रहा हूं। अगर सदन का समय बढ़ाना है ..(व्यवधान).....

श्री उपसभापति : बढ़ाने के लिए कोई नहीं बोला। ..(व्यवधान).....

श्री नरेश अग्रवाल : आप मेरी बात तो सुनिए।(व्यवधान)

श्री उपसभापति : 6 बजे बोलिएगा।

श्री नरेश अग्रवाल : मैं यह कह रहा हूँ कि यह नियमों में कहां दिया हुआ है या कब ऐसी व्यवस्था रही है कि अगर सदन 6 बजे से पहले बंद करना है, तो हमें परमिशन लेनी पड़ेगी?

(3G/LP पर जारी)

-VKK/BHS-LP/3G/4.25

श्री नरेश अग्रवाल (क्रमागत) : 6 बजे के बाद की परमिशन तो लेंगे..(व्यवधान)..लेकिन 6 बजे से पहले की परमिशन..(व्यवधान)..

श्री उपसभापति : परमिशन लेंगे..(व्यवधान)..

संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री विजय गोयल) : 6 बजे तक हाउस का टाइम है। ..(व्यवधान)..गवर्नमेंट का..(व्यवधान)..बिल पास करना है। ..(व्यवधान)..6 बजे के बाद करना होगा तो आपसे बात कर लेंगे। ..(व्यवधान)..

श्री उपसभापति : सुनिए, मैं वही बोल रहा हूँ कि अगर 6 बजे के बाद एक्सटेंड करना है तो..(व्यवधान)..

श्री नरेश अग्रवाल : अगर 6 बजे से पहले सदन बंद करना है..(व्यवधान)..

श्री उपसभापति : पहले बंद नहीं करना ..(व्यवधान)..

श्री नरेश अग्रवाल : अगर 6 बजे से पहले सदन बंद करना है..(व्यवधान).. तो क्या करना होगा?..(व्यवधान)..

MR. DEPUTY CHAIRMAN: No. no. ...(Interruptions)... Mr. Prakash Javadekar, you proceed. ...(Interruptions)... You sit down.

Uncorrected/ Not for Publication-19.12.2017

...(Interruptions)... Mr. Prakash Javadekar, you proceed.

...(Interruptions)... No, no. ...(Interruptions)... Ruled out.

...(Interruptions)... हमने रूलिंग दी है। ..(व्यवधान)..

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI

PRAKASH JAVADEKAR): Therefore, Sir, incidental

thereto.....(Interruptions)... as passed by the Lok

Sabha.....(Interruptions)...

श्री उपसभापति : इस पर रूलिंग दी है, आप बैठिए।..(व्यवधान)..We are taking up

this Bill. We will continue it upto 6.00 p.m.. At 6.00 p.m., if you want to

extend, at that time,.....(Interruptions)... Let me complete.

...(Interruptions)... We are taking up this Bill. We will continue it upto 6.00

p.m.. At 6.00 p.m., if you seek extension, then, I will take the consensus of

the House. ...(Interruptions)... Then, I will take.....(Interruptions)...

SHRI PRAKASH JAVADEKAR: I have already moved. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Already moved? ...(Interruptions)...

SHRI PRAKASH JAVADEKAR: I have moved. ...(Interruptions)...

SHRI SUKHENDU SEKHAR RAY: Sir, there is a suggestion.

...(Interruptions)...

MR. DEPUTY CHAIRMAN: Okay, what is your point? ...(Interruptions)...

SHRI SUKHENDU SEKHAR RAY: What Nareshji has said, it is right that discussions under Rule 176 and Calling Attention should be taken up. ... (Interruptions)...

श्री उपसभापति : अभी मैं क्या करूँ?.. (व्यवधान)..

SHRI SUKHENDU SEKHAR RAY: My suggestion is that we would not have any objection to the discussion on the Bill. But, at the same time, there should be an assurance that during this week, one Short Duration and one Calling Attention would be taken up. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: I will convey your feelings to the hon. Chairman. ... (Interruptions)...

SHRI NARESH AGRAWAL: No. ... (Interruptions)... रूलिंग नहीं। .. (व्यवधान).. आप सेक्शन 9 उठा कर देख लीजिए। नियमावली के नियम 9 में .. (व्यवधान).. आप नियमावली के नियम 9 को पढ़ लीजिए। .. (व्यवधान).. नियम 9 में बताया गया है कि इस चेयर पर जो बैठा है, उसके पास वही सारी पावर्स हैं, जो चेयरमैन के पास हैं, तब आप किसको कन्वे कर देंगे? .. (व्यवधान).. आप नियम 9 में यह पढ़िए। .. (व्यवधान).. आप नियम 9 पढ़ लीजिए। .. (व्यवधान).. नियम 9 में क्या दिया हुआ है? .. (व्यवधान).. नियम 9 में दिया गया है कि चेयर पर जो भी बैठा है .. (व्यवधान)..

MR. DEPUTY CHAIRMAN: You want that..... (Interruptions)...

श्री नरेश अग्रवाल : उसके वही अधिकार हैं, जो चेयरमैन के अधिकार हैं।..(व्यवधान)..आप हमारी बात किसको कन्वे करेंगे? ..(व्यवधान)..

MR. DEPUTY CHAIRMAN: You want that I should be in trouble.
...(Interruptions)...

श्री नरेश अग्रवाल : आप एश्योर कर दीजिए। ..(व्यवधान)..आप कह दीजिए..(व्यवधान)..

MR. DEPUTY CHAIRMAN: Okay. ...(Interruptions)... All right.
...(Interruptions)... See, there are three more days. ...(Interruptions)...

श्री विजय गोयल : नरेश जी, आप कहते हैं कि Short Duration Discussion हो, 176 हो, सरकार उन सबके ऊपर भी पूरा ध्यान देगी और मैं समझता हूं..(व्यवधान)..हमने अभी एक Short Duration Discussion accept भी किया है। ..(व्यवधान)..

श्री नरेश अग्रवाल : इस हफ्ते लेंगे या नहीं? ..(व्यवधान)..

श्री विजय गोयल : हम इस हफ्ते कोई न कोई discussion लेंगे। ..(व्यवधान)..

श्री नरेश अग्रवाल : लेंगे। चलिए, तब ठीक है, बिल पेश कीजिए ।

MR. DEPUTY CHAIRMAN: Nareshji, ...(Interruptions)...

श्री विजय गोयल : अभी छोड़िए..(व्यवधान)..

MR. DEPUTY CHAIRMAN: Nareshji, ...(Interruptions)... already one Short Duration Discussion has been notified for this week. ...(Interruptions)... So, be sure. ...(Interruptions)... Now, you proceed. ...(Interruptions)...

SHRI PRAKASH JAVADEKAR: Sir, therefore, as passed by Lok Sabha, this Bill be taken into consideration.

Sir, मैं आज सदन के सामने Indian Institute of Management का एक बहुत महत्वपूर्ण बिल ला रहा हूँ। मुझे खुशी है कि दूसरे सदन में यह सर्वसम्मति से पास हुआ है। सभी पार्टियों ने इसका समर्थन किया है, क्योंकि यह बिल मुख्य तीन चीजें करता है।

First, it gives 'Institute of National Importance status' to Indian Institute of Management. आज Indian Institute of Management post-graduate diploma देता है, वह post-graduate degree नहीं दे सकता। यह degree देने की जो power है, इसके लिए बताना चाहता हूँ कि जब इनको national importance का status मिलेगा तो ये degree दे सकेंगे। आज Indian Institute of Management का दुनिया भर में बहुत अच्छा बोलबाला है, लेकिन दुनिया में all these Indian Institute of Management post-graduate diploma holders face many difficulties world over while registering for PhDs for further studies and post doctoral and other research facilities. They are handicapped because it is not a degree, it is a diploma. Therefore, this degree awarding power to be given to Indian Institute of Management is a very important aspect of this Bill. That is the first thing. More importantly what we are changing is the whole culture of running the higher education institutions. Here, we are offering them near

complete autonomy for excellence and autonomy for really achieving greater heights in education.

(Contd. by RL/3H)

-BHS/RL-KLG/4.30/3H

SHRI PRAKASH JAVADEKAR (CONTD.): How can this happen? Today, everything comes before the Government that if you want to appoint a Director, then, finally, the Board of Governors suggests three names and ultimately, it comes to the Government to select one out of it. And, if you want to appoint the Chairman, then, we, the Government, appoint the Chairman. If there are Board of Governors, then, there are four representatives of the Government and there are many aspects because we help them for seven years for their infrastructure need as well as in meeting their recurring expenditure. So, we help them financially. Therefore, many times, the Directors of IIM and everybody have to refer the file and its decision practically get endorsed by the Ministry. This Government's interference or you can say the Government's role in management institutes must now be limited because you must trust your best institutes. Today, Indian Institute of Management, Ahmedabad and others, like in Kolkata, Lucknow or in Bangalore and other IIMs have earned their reputation by

Uncorrected/ Not for Publication-19.12.2017

their hard work and excellence. Therefore, this excellence must now get autonomy. We must start believing and trusting them. If the Government wants to manage everything, if Secretaries, Joint Secretaries, Directors and other Under Secretaries will decide the fate of the Indian Institute of Management, then, this is not a good situation. Therefore, this Government decided that we must change this management of higher education facilities in our country. So, from where to start? The starting point is, these Indian Institutes of Management which have stood on their quality...

MR. DEPUTY CHAIRMAN: So, you are giving them the university status.

SHRI PRAKASH JAVADEKAR: Sir, not the university status but as institutes of national importance, they can give degrees. That is one thing and the second thing is the autonomy. We are now withdrawing all the Government powers from it. So, who will appoint the Chairman? The present Board of Governors will appoint the next Board of Governors and they will appoint the Chairman; they will appoint the Directors. That is how the world-class institutes function world over and that the Government doesnot interfere. And, here also, we are also not interfering now. We will withdraw the four representatives of the Government and there will be representatives of alumni. Good universities world over are run by participation of the alumini.

वे पूर्व छात्र, सब लोग यह करते हैं और इसी के आधार पर एक अच्छी संस्था और अच्छी बनती है। Every time, interference from the Government side doesn't help in increasing the quality. Yes, there has to be the Parliamentary scrutiny and there are two scopes where this will be because we are providing finance and there will be CAG audit. The CAG audit reports are before the PAC and everybody can scrutinize it and we can discuss it. Then, the next thing is when they make rules. The rule making will also give freedom to the Indian Institutes of Management by governing rules for their own institutes. Of course, they will abide by the national laws but the rules also will be placed before the Parliament. So, there are two points where the Parliamentary scrutiny will be done but barring that, there is no interference of bureaucracy and there is no interference of Government. And, even the council of All Indian Institutes of Management, of which as a Minister, I am the Chairman now, but, I will not remain the Chairman because the council of Indian Institutes of Management will elect its own Chairman to conduct the co-ordination activities. So, practically, the Government with a new vision for education is coming out with the running of institutions.... (Interruptions)...

श्री नरेश अग्रवाल: डिप्टी चेयरमैन साहब, अगर मंत्री महोदय एक घंटा लेंगे, तो हम लोग कैसे बोलेंगे? ...(व्यवधान)...

श्री प्रकाश जावडेकर: मैं इतना नहीं बोल रहा हूँ। एक मिनट, प्लीज। ...(व्यवधान)...

श्री नरेश अग्रवाल: आप स्टार्ट कीजिए। ...(व्यवधान)

श्री प्रकाश जावडेकर: दो मिनट, दो मिनट। ...(व्यवधान)..

श्री नरेश अग्रवाल: सर, कुछ लोगों की आदत बहुत ज्यादा बोलने की होती है। अगर आपको बिल पास कराना है, तो शॉर्ट में बोलिए। बिल को पास ही करना है, तो कहिए।
...(व्यवधान)...

श्री उपसभापति: नरेश जी, बैठिए, बैठिए। ...(व्यवधान)...

श्री प्रकाश जावडेकर: सर, यह एक अच्छा बिल है। दूसरे सदन के सभी सदस्यों ने इसका समर्थन किया है।

(3जे/एकेजी पर जारी)

-RL/DC-AKG/3J/4.35

श्री प्रकाश जावडेकर (क्रमागत) : मैं इस सदन से भी request करता हूँ कि यहाँ सभी दल और सभी सदस्य इसको समर्थन दें, क्योंकि यह हमारी शिक्षा संस्था के प्रबन्धन में एक अच्छा बदलाव ला रहा है। इसका सब स्वागत करेंगे, यह मुझे आशा है। मैं इसे चर्चा के लिए प्रस्तुत करता हूँ।

(समाप्त)

The question was proposed.

MR. DEPUTY CHAIRMAN: Now, again, the time allotted for this Bill is two hours and as I have already told, it has been decided that the parties' time

Uncorrected/ Not for Publication-19.12.2017

will not be extended. Members will speak within the allotted time to the parties. Now, Prof. M.V. Rajeev Gowda. Your party's time is 29 minutes and you are the only speaker.

PROF. M.V. RAJEEV GOWDA (KARNATAKA): Mr. Deputy Chairman, Sir, before I was elected to this august House, for 14 years, I had the privilege of being a faculty member at the Indian Institute of Management, Bangalore. So, it is a matter of great pride and joy to see a Bill coming through to elevate the status of not only IIM, Bangalore, but other Indian Institutes of Management to the status of Institutions of National Importance. Sir, we know that the economy has been growing tremendously ever since Independence and for a growing economy, it is extraordinarily important that we have the talent pool to manage the companies in the private sector and even the public sector to ensure that the resources are managed well, industries are led well and the economy booms and that resource pool comes significantly from the Indian Institutes of Management over the years. Sir, the Institutes of Management were first set up by Prime Minister Shri Jawaharlal Nehru and this was a very, very far reaching example of the vision of Pt. Nehru in terms of understanding what the growing economy needs and what India needed.

(THE VICE-CHAIRMAN, SHRI SUKHENDU SEKHAR RAY, in the Chair)

True to the spirit of looking for the best what is possible, what is available in the rest of the world, the institutes were set up with the guidance and involvement of the Planning Commission of India, and also with the cooperation of leading institutes like Harvard and M.I.T. in the rest of the world. So that is the kind of vision that Prime Minister Jawaharlal Nehru had and that various Governments have been taking forward in the years that have followed. The U.P.A. during its term, essentially, established seven more institutes and under the N.D.A., during the last three-and-a-half years, I think, seven more institutes have also been established. What these new institutes are doing is providing a geographic spread and opportunity for these institutions to serve as beacons of management knowledge in every corner of the country to ensure that industry, business and commerce can thrive along with interaction with the best of academic knowledge and expertise. We have made tremendous progress over the years and this Bill is taking things forward in the right direction. Sir, this Bill has been a few years in coming. A few years ago, this Bill was proposed but ran into different kinds of controversies. Luckily, wisdom dawned on the Government and after extensive consultations, after paying attention to the

Uncorrected/ Not for Publication-19.12.2017

criticisms of various groups, the Bill has been modified to ensure that its controversial provisions have actually been dispensed with. When the Minister talks about granting autonomy, this is indeed a Bill, which is a pioneering Bill in the sense of taking away the heavy hand of governmental regulation, intrusion in the education sector and ensuring that some of our premier, best and reputed institutions have the capacity to pursue their academic and other missions without the heavy hand of governmental interference. Sir, what is the context of this whole degree-granting provision? Over the years, the IIMs, essentially, provided something called a Post-Graduate Diploma in Management. You know that in the Indian culture, a degree is something that everyone aspires for, while this was just a Post-Graduate Diploma. Well, it was not really a problem all these years because the market had accepted this Post-Graduate Diploma...

(Contd. by KR/13K)

KR/3K/4.40

PROF. M.V. RAJEEV GOWDA (CONTD.): .. and numerous other private sector and non profit sector institutions have also instituted the post-graduate diploma because that will enable these institutions to create their own syllabi which could be up to date and to be cutting edge and everything

Uncorrected/ Not for Publication-19.12.2017

else that make the management education practical and relevant to their times and context and the PDGM was not a problem because the people and market place accepted it. When it came to placement season you would find the best companies within India and the rest of the world go to the institutes and hire the best graduates. That is the kind of reputation even the post-graduate diploma had managed to create itself over the years. Still there is nothing like a concrete formal degree and that is why this move to give the Indian Institutes of Management the freedom, the authority to grant degrees is a very, very good thing. Certainly as the Minister has pointed out, when it comes to higher education, when it comes to having degrees accepted and recognized across the country, across the world, then, this removes the barrier that would have been a problem in terms of recognition and progression of alumni as they move forward. So, in that sense, this is now very, very good movement forward. Let us look at the issue of autonomy. The Minister has pointed out that the previous decades worth of approach that we have taken which was to have a very active involvement of the Human Resource Development Ministry in the running of these institutions, this approach has now been shelved and a whole new era is before us in terms of academic autonomy. Academic autonomy is a

Uncorrected/ Not for Publication-19.12.2017

fundamental pre-requisite for an institution to blossom and to have the freedom to take its intellectual capacity in new directions. When there is a heavy hand of regulation, the Government can also stifle creativity, growth, the research capabilities and many other such features; and so, this is the first instance where the Government is actually letting it go. That is actually a very bold move. But it is a move that I will actually discuss a little bit more in detail as we go forward. In the years past when I was a faculty member there were times when the HRD Ministry would suddenly slash fees and essentially create a situation where institutions would beholden to the Government for financial aid and assistance that would change the nature of the freedom of the institute to go forward and do whatever else it wanted. So, here, with this autonomy basically the management and the Board essentially is empowered to go all out and build the institutions the way they deem fit.

Another very, very good initiative is this coordination forum of the Indian Institutes of Management, not just creating a forum for all these institutions come together, to work together, to learn from one another, to nurture one another but also the previous role of the Minister serving as the Chairman is also being removed. So, again this is a bold step. I commend the Minister

Uncorrected/ Not for Publication-19.12.2017

for this. But what do I mean when I say, I have a little concern about the autonomy? Sir, in a different domain, the domain of judiciary, many of us are very concerned that there is a self-perpetuation that takes place. The Minister will be aware that this is an issue of contention between different branches of the Government. Here again what we are doing is we are giving the Board the opportunity to be self-perpetuating. The issue is that, as the Minister said, this is the way the best institutions in the world are run. The best institutions are mostly not set up by the Government. Where they have been set up by the Government there is still some kind of a role for the Government in the management of the institution not with a heavy hand but with a light touch. So, when you think about that aspect even here in one of the Sections, let me just read it for you.

(Continued by 3L/KS)

KS/3L/4.45

PROF. M.V. RAJEEV GOWDA (contd.): Sir, on page 7, Section 35, it is said that the Board shall, in exercise of its power and discharge of its functions under this Act, be accountable to the Central Government. Now, that sounds beautiful; that sounds very appropriate, but what is the actual meaning of this? You have empowered the Board to create its own

Uncorrected/ Not for Publication-19.12.2017

regulations which are supposed to be, again, within the ambit of this larger Act. We have Committees of Subordinate Legislation, which would actually look into these things and see whether those regulations are within the ambit of this Act and, of course, other Central legislations. But the question is this: Do you have a mechanism in place to ensure that these rules and regulations would be consistently checked, reviewed and, in some ways, managed such that the Board cannot actually hijack an institution and turn it into some kind of a club just for its own members. That is actually one of the great concerns that we have, that, fundamentally, these are institutions set up by the Government of India and, therefore, for all the autonomy that we absolutely want to yield to them, we should ensure that they do not get hijacked by small self-propitiating groups without the ability of the Government and Parliament to play some kind of a role in ensuring that they are functioning within the letter and spirit of this Act and any other.

Sir, another very good thing about this Bill is the autonomy that is provided for these Institutes to set up branch campuses. That is how I read what the Bill is saying, that they can actually expand, they can have branch campuses, not only in India but even possibly abroad. Now, this freedom is actually something that is very welcome because some of our Institutes are

Uncorrected/ Not for Publication-19.12.2017

so renowned that brand India would be furthered if these Institutes can also have an occasional branch campus elsewhere. Of course, I do understand that their mission is to educate the people of India, but that same mission would be served well with the ability to have one foot or, at least, one toe in some other market, so that faculty and students get a chance to explore and engage with other business contexts, which actually would enhance their own capabilities in this globalized, multi-national world.

Sir, the other freedom that this Bill provides to the Institutes is the freedom to fix their fees. This is, again, a good thing because this would allow the Government to stop worrying about how much they have to allocate on a continuous basis. The Government would do the initial incubation and after that the Institutes would be substantially on their own. The Indian Institutes of Management in Ahmedabad, Bangalore and Kolkata, I know, for many years, have only relied on the Government for capital expenditure, and have run their regular expenses on their own earnings. Sir, this is fine. This is a very, very good move, to grant this kind of autonomy as well in terms of fee fixation. But we all know that when it comes to fees, there is a possibility of great inequality resulting from the way fees are fixed. So, this was a concern many years ago, and when this happened, the Indian

Uncorrected/ Not for Publication-19.12.2017

Institute of Management came forward and said, ‘we have created scholarship funds and even though we are increasing the fees, no student would ever be left out on the basis of financial need.’ And, Sir, that is absolutely the case so far, but many students do get discouraged. When they see the fee that is listed, they say, ‘this is too much for us. We cannot aspire to study in this institution.’ That itself is something to worry about. So, when we allow the institutes to go out there and set their fees, make sure somehow that the message goes out that no one is going to be denied free-ships, scholarships, and the ability to study in these institutions for lack of resources.

Sir, there again, the involvement of alumni is a very welcome step. I got my Ph.D. from the Wharton School at the University of Pennsylvania, the world’s first Business School, and the amount of engagement of alumni with the institutions in terms of building them, in terms of contributing resources, to help create Faculty Chairs, support research, support scholarships, etc., is immense. These Institutes would not run without that kind of alumni engagement. And, Sir, Government should do whatever is possible to facilitate alumni contributions, engagement and involvement. So, we are not

Uncorrected/ Not for Publication-19.12.2017

just asking the alumni for their money, but also giving them a chance to sit at the table, be part of the Board and to help these institutions grow.

(CONTD. BY KGG/3M)

KGG/3M/4.50

PROF. M.V. RAJEEV GOWDA (contd.): This is a commendable step. The other issue which is good in this Bill is that there will be periodic evaluations --periodic evaluations of the Director, of the faculty and of the Board and the institution itself. But, who is going to evaluate these institutions? They are not going to be that many established entities or frameworks. That is a matter of concern that these evaluations could potentially get rigged and, therefore, once again, there has to be some kind of a check and balance, some kind of a supervisory or engagement role for the Ministry in ensuring that that evaluation process happens in the manner that is supposed to happen. So, I would urge the Minister to actually look into. Many of these things can be worked out in the rules such that we ensure that autonomy is there but there is no scope for misuse, that rigging and such other mismanagement does not take place.

Sir, the other issue has to do with the fact that these institutions have been set up by the Government of India and have a larger social mission.

Uncorrected/ Not for Publication-19.12.2017

So, I want to talk about issues relating to diversity and inclusion. When I think about these topics, my mind goes back to the classroom when I was teaching a course called ‘Business, Government and Society’. We were discussing the Indian society. In the Indian society, as you know, historically we have had tremendous hierarchy, stratification, limitation of opportunities, discrimination and many of those kinds of issues. So, this is a very, very tricky topic to bring up in a classroom to discuss in a manner that would enable people to shed their identity barriers, identity labels and to look at issues in a dispassionate manner.

Sir, one of the exercises that I conducted was to ask the students whether they would be willing to share what their identity was. When we asked them to do this—this is before the introduction of Shri Arjun Singh’s OBC reservation in the institutions of higher education move; when we went through this exercise, what turned out to be the case was that the composition of the class, one quarter or 25 per cent of the class comprised of the people from the historic priestly caste, one quarter of the class comprised of the people from the historic trading/business caste, one quarter was reserved, and the other quarter has had people from different

Uncorrected/ Not for Publication-19.12.2017

parts of the country from different backgrounds. There were very few minorities. Overall, in that classroom, we had about 10-15 per cent women.

One of the things that stood out was that even when you have an open examination process which is free and fair and level-playing field which is known as the common entrance test, which is an acclaimed examination, the result of that tends to reflect historic social inequity. There is a fact that, without intending to, you favour some groups over the other. There was nothing which says that women and men should be 50:50 in that classroom. But, that has become the outcome because of other kinds of social barriers to aspiration, to participation in the workforce, to cultural pressures to get married and settle down, etc. So, basically, there are lots of other problems with regard to diversity and inclusion. So, this aspect of ensuring, for first, the gender balance is something that we need to bring in that these institutions shall strive through whatever means possible to ensure that gender equality is promoted in these institutions. So, that is the first aspect of diversity and inclusion that I want to emphasise.

The other aspects of diversity and inclusion pertain to the composition of the faculty. Recently, two of my old colleagues, Deepak Malgham and Siddharth Joshi, have been conducting surveys of different Indian Institutes

Uncorrected/ Not for Publication-19.12.2017

of Management asking them about the social composition of their faculty. It turns out that most institutions have either refused to respond; when they have responded, they have said that they don't really keep account of the social background of their faculty; or, basically they have said that they don't think that this is something that they should be paying that much attention to. But, if you think about the larger mission of a Government institution, affirmative action is very much a part of that larger mission. I have heard the Minister speak in the past where he has also said that reservation in faculty is a matter of concern and all these must be paid attention to.

(Contd. by KLS/3N)

KLS/3N-4.55

PROF. M.V. RAJEEV GOWDA (CONTD): Now the standard response is that they are not enough qualified people. The part of the job of these institutes is also to generate those qualified people by ensuring that the PhD programmes, what are currently called the Fellow programmes in Management, also pay attention to diversity in their admissions. We have reservation quotas in many other domains. We don't have them here or when it comes to doctorate admissions or certainly to faculty hiring. That is something that needs to be remedied. That needs to be remedied through

Uncorrected/ Not for Publication-19.12.2017

not just the actions of the institute, but I would urge the Minister to set up some kind of a special initiative on the part of the Government to identify talented people from the Scheduled Castes, Scheduled Tribes, OBC communities and ensure that they get scholarships, they get an opportunity to get admission -- even minorities-- and ensure that they get admission into not just their PM programmes within India but to doctorate programmes across the world because that is where they often come back to these institutes and become professors. So, that is from where they come back. So, this has to be taken up on as a mission to address this diversity deficit. This is something that the Government can do even when it is not involved with the direct day-to-day management of these institutes. When you do that you will discover that there is all kinds of other talent out of them. If you are looking at the *dalit* community, you have something called the Dalit Chamber of Commerce now where *dalit* entrepreneurs have been able to make a mark and demonstrate their capabilities. So, this is something that needs to be nurtured, this is something for the Government to pay absolute attention to in a very, very constructive way. It will take a few years but after these few years you will see that gender diversity, caste diversity, religious and other minority diversities will also be addressed. That is important

Uncorrected/ Not for Publication-19.12.2017

because faculty members not only serve as role models for the students, they will also reach out to different communities in the market place when they engage with research, etc. and they bring special knowledge, understanding and empathy from their own experiences and their own social networks to the classroom, to the research, etc. That is the standard argument for affirmative action and that applies here as well. Sir, there is this other issue about the quality of management education. One of the big concerns we have is that after the first few institutes, the quality of management degrees drops dramatically. So, why are we giving the IIMs the freedom to go out there and do amazing things where we also need to fix management education more broadly? Lots of youngsters aspire for an MBA but they don't really get a quality MBA. Lots of institutes are being shut down now. So, this is something that again the Ministry and the regulatory bodies have to work together to remedy because it is important that MBA really means something. It is a practical degree and it requires that the students get what they are paying for in terms of their understanding the training and the ability to go and hit the running in the business world. Sir, one or two other things I want to mention. The new institutes that have been set up in recent times have been set up across the

Uncorrected/ Not for Publication-19.12.2017

country partly with the mission of ensuring that different areas get developed. But if you are not very close to a business centre, it is all to a large city, it is a challenge for these institutes to attract faculty or for that matter to engage their students and others with the world of business and industry. So, somehow these institutes need to be facilitated in ensuring that they are able to attract the best faculty, they are able to build linkages with industry, etc. On that larger note, these institutes are still Indian Institutes of Management. They have a large mission in terms of doing research that matters to India. Some years ago, when scholars like C.K. Prahalad wrote about India and its potential, then it was like a light bulb going on because until then all our case studies, all our knowledge came from the West.

(Contd by 30/SSS)

SSS-NKR/5.00/30

PROF. M. V. RAJEEV GOWDA (CONTD.): It is extraordinarily important to understand the Indian context, the diversity of entrepreneurial and other experiences here and for the world of academia to work with the world of industry. There are the big names, consulting firms, but we need academics to work with the small and medium enterprises which are creating jobs. We

Uncorrected/ Not for Publication-19.12.2017

need to have them, help them, nurture them and help them grow and face competition and innovate. All these are the challenges before these institutes and those are again roles for the Government to play even as we grant these institutes autonomy. Finally, when we think about research, no institute becomes world class without faculty who are at cutting edge, who are contributing to the creating of knowledge and for that to happen you need outstanding researchers who are also very good teachers, who are very good colleagues, who are very good in their interaction with the real world, but to create that you need a research eco-system, you need competitions which give you grants to go out there and study something. You need institutions which will ensure that there are conferences held regularly which in India for the best talent -- and from the rest of the world -- to come. You need the ability to publish journals which are meaningful and relevant to the Indian context. Many of these are not really available in India at the level that they should be and we, of course, need other kinds of grants for the best faculty and even exchange students with the rest of the world, to come and spend time at these institutions because that's the kind of cross fertilization of brains and people that is going to make huge difference. So, in all these fronts the Government can continue to play a role

Uncorrected/ Not for Publication-19.12.2017

and so, as I commend this Bill for passage, I would urge the Minister to think about not just letting go, but to retaining some kind of umbilical cord relationship with the Indian Institutes of Management, to think about the Ministry's larger role in nurturing the field of management which is so vital to India and to ensure that those gaps in the institutional eco-system are filled by the Government as long as the Government's role is necessary. A light touch will make a huge difference and I do think that these institutions will truly earn the title of institutions of national importance that we in both Houses of Parliament are bestowing upon them. I support this Bill for passage. Thank you.

(Ends)

DR. VINAY P. SAHASRABUDDHE (MAHARASHTRA): Hon. Vice-Chairman, Sir, I am here to support this Bill which is very unique in many ways. Sir, we know that the history of management studies in our country dates back to 50s and the first management institution in our country, as I understand, was a private initiative. It was not a Government institution and it was established first of all in Kolkata, then in 1960s, as was pointed out by Prof. Rajeev Gowda. The Government came into this sector in a bigger way and we had Indian Institutes of Management established, first of all, in

Uncorrected/ Not for Publication-19.12.2017

Kolkata and thereafter in Ahmedabad and in Bangalore and in all other cities as well. But, Sir, the importance of this Bill is basically because it adheres to what we have been saying, our Prime Minister has been saying, which is minimum Government and maximum governance. Therefore, the Bill basically aims at giving requisite functional autonomy to the Indian Institute of Management and other management institutions as well. This, I believe, is a departure from the set thinking, from the traditional thinking where we think that since we are paying, we are the pay masters, we are providing resources, so we will have a bigger say and control over the management of the institutions. I believe this is an archaic thinking and we have to enter into the new era with a new thinking which is where I wholeheartedly welcome this Bill.

(Contd. by NBR/3P)

-SSS/NBR-DS/3P/5.05.

DR. VINAY P. SAHASRABUDDHE (CONTD.): Sir, I am not going to give a long speech, because it, basically, does not require since the House is unanimous in supporting this Bill. ...(Interruptions)... I agree. But, these are the occasions where we get an opportunity to deliberate upon. I am sure, you are tolerant enough to listen to me. I just wanted to make 2-3 points.

Uncorrected/ Not for Publication-19.12.2017

In our country, we have, maybe, hundreds of institutions in the form of colleges, universities, management institutions and other organizations, including, say, hospitals, museums, etc. But, unfortunately, in our country, the 'science of institution building' and some people may describe it as an 'art of institution building' is not being looked after scientifically. We don't have respectable institutions; I mean, institutions that are respected world-over. There are only a few institutions. It is because building the structure of an institution in bricks and mortars is comparatively easy, but to inculcate a vibrant institutional life in an institution is very difficult. And, I believe, autonomy plays a key role in the art of institution building. Sir, autonomy, in a way, is the life source of institutional character of any such academy. Therefore, I believe, this kind of a Bill which is going to give further and greater autonomy to all these institutions is going to inculcate new life and the institutional life is going to be more vibrant than what it is today. But, we also have to be mindful of certain challenges which the management institutions is facing. Some of the challenges are very rightly referred to by Prof. Rajeev Gowda earlier. Sir, many-a-time, candidates coming out of these institutions are lacking leadership abilities. We find a very polished management graduates speaking in fluent English, very good at IT, every

Uncorrected/ Not for Publication-19.12.2017

now-and-then they come out with a beautiful PowerPoint presentation which many times we find that neither it has 'power' nor 'point.' Even then, the kind of leadership element that we expect from them where they have an ability to take decision, ability to comprehend things, ability to see the future and think big, many-a-time, is lacking in these graduates. Therefore, cultivating leadership qualities is also a major and significant item on the agenda of the management institutions and, towards that, I believe, much is required to be done.

Another aspect is about inculcation of values, like integrity. It is the management graduates who are manning several corporate houses these days. There are many corporate organizations, be it in public or private sector, which are not totally free of financial wrong doings. If the element of integrity is missing, if we are not in a position to inculcate the element of integrity, I believe, it is high time we revisit the syllabus of management courses and try and explore the ways of how we inculcate these things more effectively.

There are other 2-3 issues which I would like to flag. For example, innovation, creativity, etc. These are the days of thinking out of the box. But, many-a-time, we believe, the kind of product that is coming out of IIMs

Uncorrected/ Not for Publication-19.12.2017

and other management institutions is, they are thinking alike, looking alike and talking alike! The element of innovation, at times, is missing. So, something requires to be done to further promote the faculty of innovation.

As far as problems being faced by management institutions are concerned, there is a proliferation of business schools is what they are being termed in the last 10-20 years. I have seen many more management institutions coming up. For example, I come from Mumbai. The Mumbai University manages Jamnalal Bajaj Institute of Management Studies. Once upon a time, it was a very renowned institution. But the management of the management institution itself was in shambles, because the management, again, has to be in a way very democratic and participative.

(CONTD. BY USY/3Q)

USY/3Q/5.10

DR. VINAY P. SAHASRABUDDHE (CONTD.): The management, again, has to be very democratic and very participating. Therefore, I would like to take this opportunity in suggesting -- while the Bill has already been set and we are going to deliberate on that and pass it -- on certain future occasion, can we think of greater participation of the students? I am happy that there is scope for the participation of the aluminus. That is important. But the

Uncorrected/ Not for Publication-19.12.2017

participation of the present students is also very important. They must also have some say in the management of their institution. At the same time, the non-teaching staff must also have a say. In several universities, colleges and schools, it has unfortunately been the tradition in our country to consider non-teaching staff as non-learning, as if they cannot be trained and they cannot be given any kind of training. If they have to take the ownership of the institution, they should be made a part of the management. So, can we, at some future occasion, think of having the non-teaching members as well?

We are creating some institutions, providing them some resources, some big business house stands behind them. It is very welcome. But, can't we ask a couple of management institutions, at least as an experiment, to take care of some of the schools in villages, for example? Let them take it as a challenge how to manage that school. For example, how to prevent the dropout rate of girl students? They should be asked to have their knowledge-creation linked to the problems that the society is facing today. Otherwise, it will become a kind of ivory tower education. I believe, the present day problems need to be reflected in the syllabus that the management institutions are teaching and, through that, we can have a

Uncorrected/ Not for Publication-19.12.2017

greater, a vibrant, and a more productive linkage of these institutions with the society of which they are an important part.

I would like to flag two more things. We are finding that the quality of education is also deteriorating. Many research reports are there. Many studies have been undertaken by various organizations. They have repeatedly pointed out that the quality of education is deteriorating. Something or the other will have to be done for that. One of the reasons for deteriorating quality of education is the faculty crunch. Why management institutions are not able to attract good talent? It is because most of the highly qualified management graduates are eventually landing in some corporate houses. Barring a few, they do not look at teaching as an attractive lucrative profession. But, I believe, we require many more quality teachers to strengthen the faculty, to strengthen the bench strength of the academic staff of the management institutions. I think, we will have to pay attention towards that also.

In the end, I would like to make a few suggestions and, with that, I will come to the end of my speech. Why can't we think of creating Indian Institute of Managements and the products of these institutions of that level where they can compete with the Indian Administrative Service, for

Uncorrected/ Not for Publication-19.12.2017

example? This can be done. We have to think about that. Otherwise, what has happened is that the IAS people are enjoying a very unique position. They will keep on enjoying that unique position -- that kind of environment is there -- unless we put them in competition with the IIM products. Therefore, let us work to create IAIIIM and the management graduates and attach some brand value through greater specialization. There are umpteen number of areas where we require management talent. For example, there are non-profit NGOs. Can't we have a specialization in non-profit management, NGO management, voluntary sector management? There are huge temples in our country. But the temple management is not something which we can boast about. Can't we introduce a temple management course in the IIMs? Even for our courts, for that matter, Sir. If you visit any Sessions Court or a High Court, things are not something about which can really take pride. Can't we have some kind of judicial management course? I don't know whether this is the right way of putting this suggestion forward because Judiciary has its own way of working.

(Contd. by 3r — PK)

PK-SC/3R/5.15

DR. VINAY P. SAHASRABUDDHE (CONTD.): Still, insurance, cooperative and many more areas are coming. Therefore, I believe that we have to take all these emerging areas into consideration and provide a right kind of management leadership, which this country is, certainly, looking for. Our country requires these kinds of management talents. To that end, I believe, there is much to do about.

Lastly, Sir, these are Indian Institutes of. Can we work towards making them truly Indian? For example, I know the IIM Kolkata had a long and rich tradition of working on Indian ethos - Bhagwad Gita and Management and things like that. I believe, from the Indian civilisation, the history of India, our culture and the rich traditions that we have, we can, certainly, draw a lot many things from them and can come out with an Indian Science of Management as well. I am sure a lot many studies have already been done by several management researchers, but, many more things, I believe, are required to be done. I recall what Mahatama Gandhi had said once upon a time about how to inculcate Indianness in our education. Once, in a write-up in 'Young India', in 1924, he had said, "That my *Swaraj*, that is, self-rule, is to keep intact the genius of our civilization. I want to

Uncorrected/ Not for Publication-19.12.2017

write" -- Gandhiji says--, "many new things but they must all be written on the Indian slate. I would gladly borrow from the West when I can return the amount with decent interest." I believe we can certainly do that. Why I am saying so because the Indian civilization provides all kinds of knowledge inputs, not only to India but also to the entire world or the universe. There are many people who are coming over here and who are studying Indian civilisation. Let us look within and come out with a real Indian Science of Management. I believe we, certainly, can work towards that end. I recall what Mark Tully had once said about the Indian civilisation and the Indian genius. With his quote, I will put a full stop to my own speech. Tully had said, " The characteristic genius of the Indian mind is not to shake the beliefs of the common man but to lead them by stages to the understanding of the deeper philosophical meaning behind their beliefs." This is important, Sir. "But the Western World and the Indian elite who emulate it ignore the genius of the Indian mind." I hope the Indian Institutes of Management do not produce these kinds of genius who ignore the rustic wisdom, the Indian mind because they want to write a full stop in a land where there are no full stops. Thank you, Sir.

(Ends)

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Now, Shri Naresh Agrawal.

श्री नरेश अग्रवाल (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष जी, हमारे दो विद्वान साथियों ने एजुकेशन पर बहुत कुछ कहा है। मैं स्वयं को उनसे संबद्ध करता हूँ। चूंकि मुझे पता नहीं था कि आज यह बिल आएगा इसलिए मैं इस बिल के बारे में बहुत अधिक ज्ञान अर्जित नहीं कर पाया, लेकिन मैं समझ रहा हूँ और जिस बिल के बारे में आपने बताया, मैं इसका समर्थन इसलिए कर रहा हूँ कि कम से कम आप हायर एजुकेशन या एजुकेशन सेक्टर में कुछ बदलाव की भावना को तो लेकर चले।

श्रीमन्, यहां पर एक Best Parliamentarian Award होता है। इसी तरह से एक Best Minister Award भी कर दिया जाए कि जो मंत्री पूरे सत्र में सबसे अच्छा presentation करेगा या अच्छा बोलेगा, उसे वह अवार्ड दिया जाएगा, तो शायद और ज्यादा अच्छा हो जाए। माननीय मंत्री जी, आप कह रहे हैं कि हम IIM को autonomous कर रहे हैं। चलिए, अच्छा है। आप IIT को autonomous क्यों नहीं कर रहे, UGC को क्यों नहीं कर रहे, AICTE को क्यों नहीं कर रहे हैं? अगर आप हायर एजुकेशन में एक reform चाहते हैं और आप चाहते हैं कि हायर एजुकेशन इस देश में बढ़े, उसका पूरे वर्ल्ड में नाम हो तो आप केवल IIM को इतना preference क्यों दे रहे हैं? एक ज़माने में तो हिन्दुस्तान में IITs जाने जाते थे। हमारे यूपी में भी IIT, कानपुर बहुत प्रसिद्ध था। इसी प्रकार बनारस का, अलीगढ़ का, दिल्ली का IIT है, लेकिन आज आप आईआईटी को छोड़कर आईआईएम पर चले गए। (3एस-जीएस पर आगे)

GS-PB/3S/5.20

मानव संसाधन विकास मंत्री (श्री प्रकाश जावडेकर) : यह शुरुआत है।

श्री नरेश अग्रवाल : आप शुरुआत तो करें, अगर आप पांच साल में से साढ़े तीन साल में शुरुआत करेंगे, तो अंत कितने साल में होगा? लगता है कि आप अपने को 20 साल के लिए सोच कर चल रहे हैं कि हम यही देखते रहेंगे।

आप यह बताइए कि आपने साढ़े तीन साल में इसकी शुरुआत की। आपको मालूम है कि आज यू.जी.सी. में एक पैसा नहीं है, यू.जी.सी. के सब अधिकारी खाली बैठे हुए हैं। वे कहते हैं कि हमारे पास जब पैसा नहीं है, तो हम किसको ग्रांट दें? बिना यू.जी.सी. की ग्रांट के क्या आपकी यूनिवर्सिटीज़ चल पायेंगी? क्या आपकी हायर एजुकेशन चल पायेगी? अभी तक AICTE का पूरा बोर्ड नहीं बना है। आप AICTE का पूरा बोर्ड ही बना दीजिए और उसको autonomous अधिकार दीजिए। आज जो इंजीनियरिंग कॉलेजों की पोज़िशन हिन्दुस्तान में है, करीब 50 प्रतिशत इंजीनियरिंग कॉलेज खाली पड़े हुए हैं, क्योंकि इंजीनियरिंग का स्तर इतना गिर गया है, PGDBM का स्तर इतना ज्यादा गिर गया है कि उसमें पढ़े हुए बच्चे टोल टैक्स की टोल वसूली में एप्लीकेशन दे रहे हैं। वहां पर अगर पूछिए कि आप कितने पढ़े हैं, तो वे कहते हैं कि हम इंजीनियरिंग पास हैं। आज किसी अखबार में निकला था कि सफाई कर्मचारी के पद के लिए M.Tech. पास लड़के ने एप्लीकेशन दी है। एजुकेशन का स्तर इतना क्यों गिर गया है? जब शिक्षा का स्तर बढ़ाना ही है, तो आप शिक्षा का स्तर बढ़ाइए। आपने IEM में एक लाख की फीस बढ़ा दी। क्या उसमें गांव का बच्चा पढ़ पाएगा? हमारे देश में

आज भी हायर एजुकेशन तो इंग्लिश में है, लेकिन आप बताइए कि जो इंटर पास है, जो रीजनल लैंग्वेज में बच्चा पढ़ रहा है, आपने इंग्लिश को कम्पल्सरी प्राइमरी एजुकेशन में नहीं किया है, तो गांव का जो बच्चा पास करेगा, यहां पर स्वास्थ्य राज्य मंत्री जी, बैठी हुई हैं, वे हमारी बातों को समझ रही होंगी। जो बच्चा गांव से इंटर पास करके आया है, आप उससे उम्मीद करेंगे कि वह IIM, IIT या हायर एजुकेशन में इंग्लिश समझ लेगा। दुर्भाग्य है कि हमारे देश में एक भाषा तय नहीं हुई है। हम अभी भी अंग्रेज़ियतके पीछे चले जा रहे हैं। क्या रूस भी अंग्रेजी भाषा में पढ़ा रहा है, क्या फ्रांस भी अंग्रेजी भाषा में पढ़ा रहा है, क्या जर्मनी भी अंग्रेजी भाषा में पढ़ा रहा है? भेदभाव तो आप खुद करे हुए हैं।

श्रीमन्, पश्चिमी बंगाल, उत्तर प्रदेश या बिहार के गांव से निकले हुए बच्चे से आप यह उम्मीद करेंगे कि वह IIM में भर्ती हो जाए, IIT में भर्ती हो जाए, तो क्या यह संभव है? जिस देश में 70 प्रतिशत आबादी गांव में रहती हो, जिस देश में कुल आबादी के तीन प्रतिशत लोग अंग्रेजी समझते हों, उस देश में आज तक आप एजुकेशन की भाषा नहीं तय कर पाएं, तो आप किसकी एजुकेशन देंगे? आप इतना ही बता दीजिए कि आप अच्छे इंस्टीट्यूशन्स को तमाम सबसिडी देते हैं, उनके पढ़े हुए कितने बच्चे हिन्दुस्तान में रुक रहे हैं। पचास परसेंट से ऊपर IIM, IIT से पास करके बच्चे विदेश में चले जाते हैं। सहस्रबुद्धे जी जमुना लाल जी का नाम ले रहे थे। जमुना लाल बजाज कॉलेज में पढ़े हुए लोग अच्छी एजुकेशन लेकर निकलते हैं। पूणे, मुम्बई में तमाम प्राइवेट कालेज हैं, जिनका नाम टॉप टेन में है, उनके बच्चे निकल रहे हैं। हम और आप अभी भी एजुकेशन

को राजनीति से जोड़ रहे हैं। आप बताइए कि वर्ल्ड में हमारी कंट्री की क्या पोजिशन है? हमारा विश्व में कोई स्तर है? हमारे कितने कॉलेज विश्व के 100 अच्छे कॉलेजों में आते होंगे, आप नहीं बता पाएंगे, क्योंकि उनमें हमारे कॉलेज हैं ही नहीं।

अभी भगत सिंह कॉलेज (ईवनिंग) का नाम "वंदे मातरम" रख दिया। आज आपने कहा कि हम इसका विरोध कर रहे हैं। उस दिन संसदीय कार्य मंत्रालय के राज्य मंत्री जी कह रहे थे कि "वंदे मातरम" बिल्कुल ठीक रख दिया। "वंदे मातरम" तो तब रखो, जब अंग्रेजों से लड़ना हो, पाकिस्तानियों और चीनियों से लड़ना हो, तब "वंदे मातरम" नाम ले लो, लेकिन एजुकेशन का नाम "वंदे मातरम" रख दिया।

हमारे उत्तर प्रदेश में एक KGMC ऐसा कॉलेज है - जॉर्जियन कॉलेज की डिग्री पूरे विश्व में मानी जाती है। KGMC से जो डॉक्टर पास करता है, उसकी डिग्री पूरे विश्व में मानी जाती है। आप पूरे विश्व में कहीं चले जाइए जॉर्जियन कॉलेज से पढ़े डॉक्टर को सभी रिकोगनाइज़ करते हैं।

(HMS/3T पर जारी)

HMS-SKC/3T/5.25

श्री नरेश अग्रवाल (क्रमागत) : बाकी हिंदुस्तान के किसी भी कॉलेज के पढ़े डॉक्टर को recongnition नहीं मिलता। हमारी एक सरकार आयी, उसने कहा कि हम के0जी0एम0सी0 का नाम बदलकर छत्रपति साहू कॉलेज रखेंगे। श्रीमन्, जितने दिन उसका नाम छत्रपति साहू रहा, जिन बच्चों ने उन दिनों डिग्री पायी, उन्होंने के0जी0एम0सी0 की जगह छत्रपति साहू कॉलेज की डिग्री पायी। अब वह कहते हैं कि

हम वहीं पढ़े हैं, लेकिन कोई उनकी बात मानने को तैयार नहीं है क्योंकि डिग्री पर छत्रपति साहू लिखा हुआ है, लेकिन brand name तो के0जी0एम0सी0 है, छत्रपति साहू कॉलेज नहीं है। आप आई0आई0एम0 की जगह किसी और का नाम रख दीजिए, मैं किसी का नाम नहीं लेना चाहता, लेकिन मुझे डर लगता है कि आप राजनीति का भगवाकरण तो नहीं करने जा रहे हैं? मैं यह इसलिए कह रहा हूँ क्योंकि राज्यों में गवर्नर्स जो वी0सी0 appoint कर रहे हैं, उनकी शिक्षा के बारे में वे पूछते हैं कि आपने half pant पहनी है कि नहीं? अब तो full pant हो गयी है। हमारे उत्तर प्रदेश में जितने भी वी0सी0 appoint हुए, उनकी सिर्फ एक ही योग्यता है कि वे एक संस्था में रहे कि नहीं।

श्रीमन्, इस में कहा गया है कि हमने आई0आई0एम0 के appointment के लिए एक कमेटी बना दी है।

मानव संसाधन विकास मंत्री (श्री प्रकाश जावडेकर) : अब तो वही recruit करेंगे, हम नहीं करेंगे।

श्री नरेश अग्रवाल : वहां, आप लोग ही नियुक्त करेंगे।

श्री प्रकाश जावडेकर : वह Board of Governors से होगा।

श्री नरेश अग्रवाल : आप Board of Governors nominate कर देंगे। मैं उदाहरण दे रहा हूँ। एम0सी0आई0 को खत्म कर के आप National Medical Education Board बनाने जा रहे हैं। वह क्या है, आपको मालूम है? आप कहते हैं हम 21 लोग nominate कर देंगे। यहां भी 11-12 लोग nominate हो रहे हैं, वे इस क्षेत्र और उस क्षेत्र से आएंगे,

लेकिन क्या उस क्षेत्र से सब आते हैं? फिर वे लोग ही medical education को आगे बढ़ाएंगे। तो क्या गारंटी है कि कौन लोग nominate होंगे?

मान्यवर, जिस देश में टोटल जी०डी०पी० का सिर्फ 1 परसेंट एजुकेशन पर खर्च होता हो, उस कंट्री की एजुकेशन की स्थिति को आप समझ सकते हैं। विश्व का गरीब-से-गरीब देश भी अपनी कंट्री की एजुकेशन पर अपनी जी०डी०पी० का minimum 3-4 percent खर्च करते हैं। आपने कल-परसों बयान दिया कि हम 2019 तक इसे 2.8 परसेंट पर ले जाएंगे।

उपसभाध्यक्ष (श्री सुखेन्दु शेखर राय) : अब conclude कीजिए।

श्री नरेश अग्रवाल : आप तो हमारे colleague हो।

उपसभाध्यक्ष (श्री सुखेन्दु शेखर राय): मैं अभी दूसरा role play कर रहा हूँ।

श्री नरेश अग्रवाल : हम तो Universal हैं। हमारा role villain का है।

उपसभाध्यक्ष (श्री सुखेन्दु शेखर राय): मैं निर्देश के अनुसार काम कर रहा हूँ।

श्री नरेश अग्रवाल : सर, मैं इन्हें बिल्कुल सही चीजें बता रहा हूँ। सर, अदालत में शपथ होती है और यह भी अदालत है। मैं शपथ लेकर कह रहा हूँ, मैं जो कह रहा हूँ सत्य कह रहा हूँ, सत्य के अलावा कुछ नहीं कह रहा हूँ।

उपसभाध्यक्ष (श्री सुखेन्दु शेखर राय): लेकिन समय खत्म हो गया है।

श्री नरेश अग्रवाल : जब शपथ ले ली और हम जो कह रहे हैं, सत्य कह रहे हैं, अब उसके बाद तो बोलने दीजिए।

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): No, no.

Please conclude.

श्री नरेश अग्रवाल : आप जी०डी०पी० का 1 परसेंट एजुकेशन पर खर्च कर रहे हैं। अगर प्राइवेट एजुकेशन देश में न आयी होती, तो शायद हिंदुस्तान में एजुकेशन का स्तर इतना नहीं बढ़ता। हमारे यहां Deemed Universities बनी हैं, प्राइवेट यूनिवर्सिटीज बनी हैं। जब अर्जुन सिंह जी शिक्षा मंत्री थे, उन्होंने तमाम Deemed Universities बनायीं, लेकिन आज Deemed Universities की क्या हालत है। आपने तो इतनी रोक लगा दी है कि Deemed Universities बन नहीं सकतीं। मैं आप से एक बात कहना चाहता हूं कि अगर आप किसी को इंजीनियर बनाना चाहते हैं तो इस का एक कोर्स पूरे हिंदुस्तान में रखिए। उत्तर प्रदेश में 11 यूनिवर्सिटीज हैं और 11 में कोर्स अलग-अलग है। आप अगर शिक्षा में सुधार कर रहे हैं, तो एकता लाइए। पूरे देश से जो बच्चा डॉक्टर बने, वह एक एजुकेशन लेकर बने, पूरे देश का बच्चा जो हायर एजुकेशन में जाए, चाहे मैनेजमेंट में जाए या इंजीनियरिंग में जाए, वह एक एजुकेशन ले। मान्यवर, अगर कंट्री एक है, तो एजुकेशन क्यों न एक हो? मैं इस चीज को नहीं समझ पा रहा हूं। आप देखें हार्वर्ड यूनिवर्सिटी, अमेरिका का नाम आज भी पूरे विश्व में है।

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Nareshji,

please conclude.

श्री नरेश अग्रवाल : बस खत्म कर रहा हूं। ..(व्यवधान).. अभी कोलकाता पर भी आएंगे।

उपसभाध्यक्ष (श्री सुखेन्दु शेखर राय) : समय नहीं है, जब समय मिलेगा तब कोलकाता आइएगा और वहां भी बोलिएगा।

(3यू/एससी पर आगे)

ASC-HK/5.30/3U

श्री नरेश अग्रवाल : मैं आप से यही कहूंगा कि अगर हार्वर्ड, कैम्ब्रिज और ऑक्सफोर्ड यूनिवर्सिटीज़ ने भी अपना नाम बना रखा है, तो हिन्दुस्तान की एजुकेशन का नाम मत रखिए, बल्कि एकरूपता लाइए और अच्छी एजुकेशन दीजिए, ताकि वहां से पढ़कर बच्चा निकले। उसको एक गारंटी दे दीजिए कि पढ़ने के बाद उसको हिन्दुस्तान में नौकरी मिलेगी और कम से कम पांच साल का प्रतिबंध लगा दीजिए कि यदि हम इतना पैसा लगाएं..(व्यवधान)... तो वह पांच साल इस देश की सेवा कर ले। इससे उन बूढ़े मां-बाप को भी राहत मिल जाएगी, जिनका इकलौता बेटा पढ़कर विदेश जाता है और वहां जाकर विदेशी मेम से शादी कर लेता है और उसके बाद वापस लौकर आपकी सेवा करने नहीं आता। इस तरह से जो बच्चे बाहर जा रहे हैं, इस पर भी रोक लगा दीजिए, बहुत-बहुत धन्यवाद।

(समाप्त)

SHRI N. GOKULAKRISHNAN (PUDUCHERRY): Hon. Vice-Chairman, Sir, I express my sincere thanks to you for allowing me to speak on this important Indian Institutes of Management Bill.

Uncorrected/ Not for Publication-19.12.2017

The Bill declares twenty existing Indian Institutes of Management as institutions of national importance and confers on them the power to grant Degrees. We need to increase the number of IIMs in the country. I am telling this because we have 29 States and 7 Union Territories but we have only 20 IIMs. For each State, we need, at least, double the institutions like this, particularly in Puducherry and Chennai because these are the important educational hubs in South India. We need, at least, for Chennai and Puducherry, one IIM institution like this.

The Bill provides for the establishment of the Board of Governors of each IIM, comprising up to 19 members. It will nominate 17 board members including eminent persons, faculty members and alumni. The remaining two members will be nominees from the Central and State Governments. Similarly, the Board appoints its own Chairperson also. Actually, the Board of Governors will appoint the Director of each IIM. Sir, at present, 13 of the 20 Indian Institutes of Management were functioning without Directors. Virtually speaking, these institutes have no administrative heads. So, there is an urgent need to fill up the posts of Directors in all these IIMs.

Moreover, some important decisions have to be taken by the Government to cater to the increasing demands of quality education in the

Uncorrected/ Not for Publication-19.12.2017

country. The first thing is that there is a need to expedite the expansion process of IIMs and their intake capacity so that more students get opportunity to enroll themselves in the best institutes. Also, there is a need of creation of more quality Ph.D programmes to address the issue of shortage of faculties in institutes. Scholarship schemes for the Ph.D programme for best of Ph.D scholars in IIMs need to be created.

The Academic Council of each IIM will determine the (i) academic content; (ii) criteria and process for admission to courses; and (iii) guidelines for conduct of examinations.

A coordination forum will be set up, which will include representation from the twenty IIMs. It will discuss matters of common interest to all IIMs. The Bill extends greater autonomy to the Board in the performance of these functions.

Sir, it is also sad to note that several private business schools are charging huge fees and donations from students seeking admission to MBA or other PG management courses.

(Contd. by KSK/3W)

KSK/LP/5.35/3W

SHRI N. GOKULAKRISHNAN (CONTD.): This needs to be stopped immediately. Private business schools practise all kinds of advertisement gimmicks to entice students to join their institutes.

Various television networks, newspapers and industry magazines publish lists of rankings of business schools in India. Some business schools manipulate the data related to campus placement provided to ranking providers. IIM Ahemadabad is the one institute which initiated the Indian Placement Reporting Standards to make placement reports transparent. Till the end of academic year 2014-15, only nine institutes went for auditing their placement data with an independent third-party auditor.

The media plays a bad villain role by giving favourable rankings to some institutions that give advertisements and sponsorships to these media houses, both visual and print media and their events. Suggestions to curb these manipulations in business school rankings included a stoppage of education-related advertisements, consolidating a large number of inferior-quality surveys to a few high-quality surveys that include visits and audit of these institutions and the data they provide, and mandatory auditing of placement reports.

Uncorrected/ Not for Publication-19.12.2017

The All India Council for Technical Education, the regulatory body for technical education in India, has called upon the students, parents and the general public not to pay any capitation fee or any other fee other than that mentioned in the prospectus of the institutions for consideration of admission.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Your time is over now.

SHRI N. GOKULAKRISHNAN: AICTE also mentions that fee charged from students, including for programs such as PGDM, has to be approved by the fee regulatory committee of the State, and the institute should mention the fee on its website.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Please, conclude.

SHRI N. GOKULAKRISHNAN: As per the AICTE norms, the business schools are not meant to charge a fee higher than what is mentioned in the prospectus. Many business schools provide only the data related to the officially-recognised fee for the ranking providers, while taking fee from students under various other parameters, including capitation fee.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Now, Shri Md. Nadimul Haque.

SHRI N. GOKULAKRISHNAN: Many business schools do not list the fee in the prospectus.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Please conclude.

SHRI N. GOKULAKRISHNAN: Therefore, an exclusive regulatory body for business schools in India should be created to monitor, check and curb such malpractices during the admission of students in business schools.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): All right. Please take your seat. Nothing more will go on record. Now, Shri Md. Nadimul Haque.

(Ends)

SHRI MD. NADIMUL HAQUE (WEST BENGAL): Respected, Vice-Chairman, Sir, I thank you for giving me this opportunity. I would also like to thank the Minister for introduction of this Bill. Sir, in a rapidly-globalising world, with technology taking centre-stage, the higher education sector for a country like India needs to push its youth population to not only change but rather reform the practices to become relevant in a global setting. Thus,

Uncorrected/ Not for Publication-19.12.2017

the existing laws governing higher education in India need to be reformed. Before going into the specifics of this Bill, I would like to share one of my thoughts with the Minister. The HRD Ministry has announced that it will scrap the UGC, that is, the University Grants Commission, and AICTE, that is, All-India Council for Technical Education, and replace it with Higher Education Empowerment Regulation Agency, or, HEERA. However, private institutions must play a positive role in nation building through higher education backed with quality research. New HEERA must, therefore, be sensitive to these aspects. Institutions like Harvard, Stanford, Oxford, MIT, etc., earn their status of being world-class institutions not through Government guidelines or regulations but on their own remarkable and time-tested policies for quality enrichment. It is time for higher education in India to find its proper place at a global level.

Now, coming to this Bill specifically, I do have some concerns which I would like to share with this House. Firstly, I agree with the fact that IIMs have been given institutional autonomy in terms of funds, administration and recruitment of staff.

(Contd. by 3X – GSP)

GSP-KLG/5.40/3X

SHRI MD. NADIMUL HAQUE (CONTD.): However, this Bill does not talk about academic freedom. For example, most IIM administrators direct their faculty to publish North American Research Journals where publishing with Indian data is an overwhelming task and this is done by the IIM administrators for promotion. Is this academic freedom, I ask, the peril of IIM Bill, which replaces the Government power with new internal power, that is, the Institute Board. At least, the Government power was accountable to the people vis-a-vis Parliament, the CAG, the CBI, the CVC, the CIC, etc.

However, the self-appointing Board now is not accountable and the whole thing has become more opaque. Sir, with full autonomy and no State control, academic freedom would be seriously endangered. My submission before this House and to the concerned Minister is to have a balance between institutional autonomy and academic freedom.

Secondly, Sir, in the most recent Budget, the share of higher education was a meagre 1.5 per cent. So, with this small amount, how will the Government be able to maintain the quality of IIMs? Even though the expenditure of IITs and IIMs have increased, the Standing Committee Report

Uncorrected/ Not for Publication-19.12.2017

in March, 2017 states that these institutions have chronic shortage of funds that deter them from becoming world-class institutions.

Further, Sir, as per 2017 Financial Times rankings, only three IIM feature in the list of top hundred management schools in the world. So, if we are declaring IIMs as Institutions of National Importance, the expenditure towards higher education must also increase.

Thirdly, Sir, the present Government established a Higher Education Financing Agency (HEFA). I am aware that 2,066 crores of rupees have been given to six institutes for research and development purposes, and, I am sure that in future, it would be given to various other IIMs and NITs too. However, Sir, HEFA may not work practically. These institutes are given loans and not grants, and, hence, these institutes have to pay from the internal resources. This, in turn, will make education and other things in these places more expensive as the authorities would now start exploring ways to increase internal revenues. IIT, Madras has already hiked its fee. This may have a long-lasting impact on the admissions to these institutes of national importance. So, I request the Minister to consider the financing structure.

Uncorrected/ Not for Publication-19.12.2017

Fourthly, Sir, I congratulate the Minister for giving all 20 IIMs the right to award MBA degrees while previously they could offer only Post-graduate Diplomas in Management.

Sir, while this Bill grants autonomy to an institution of higher learning, we must caution the Government to avoid constant interference in primary, secondary and higher school education. They must not pollute by means of narrow ideological consideration and unnecessary interference in education which is a subject listed in the Concurrent List. Sir, there is a small provision but culturally it is an important provision. Through this Bill, the Government is... ..(Time-bell)... I am concluding, Sir. The Government is again trying to build a personality cult to wipe out history and diminish tradition and diversity. The Bill is trying to erode the value of IIM, Calcutta as a term because it should be IIM(C). It is turning into IIM(K), which will undermine the identity of IIM, Kozhikode also, Sir.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): You can give it to the hon. Minister. Please sit down now.

SHRI MD. NADIMUL HAQUE: Sir, I conclude by saying that management education is important in our country and I hope that the Government takes this issue into consideration and see them as bolstering the potential of

these institutes. Thus, Sir, addressing these issues will drive our nation forward and give management leaders to India that it deserves. Thank you.

(Ends)

(Followed by SK/3Y)

AKG-SK/3Y/5.45

श्रीमती कहकशां परवीन (बिहार) : उपसभाध्यक्ष महोदय, आपका बहुत-बहुत शुक्रिया कि आपने मुझे भारतीय प्रबंध संस्थान विधेयक, 2017 पर बोलने का मौका दिया। सबसे पहले मैं सरकार और माननीय मंत्री जी को धन्यवाद देती हूँ कि इस विधेयक के माध्यम से 20 IIMs को राष्ट्रीय महत्व के संस्थान का दर्जा प्राप्त होने जा रहा है। हर कोई IIM के माध्यम से इस देश को आगे बढ़ाने के लिए देश के सपनों के साथ आगे बढ़ना चाहता है। युवा यही चाहते हैं कि मेरे हौसलों के, मेरे विचारों के, मेरी तरक्की के उड़ान के पंख न कटें। माननीय मंत्री जी ने यह बिल लाकर उन युवाओं की उड़ान को हौसला दिया है। इस विधेयक से 20 IIMs को राष्ट्रीय महत्व के संस्थान का दर्जा प्राप्त होने जा रहा है। इस विधेयक की कुछ महत्वपूर्ण विशेषताएँ भी हैं। इससे IIMs अपने छात्रों को डिग्री प्रदान कर सकेंगे, इन संस्थाओं का प्रबन्धन बोर्ड द्वारा किया जाएगा और संस्थाओं के चेयरमैन और निदेशक का चयन बोर्ड द्वारा किया जाएगा। बोर्ड में विशेषज्ञों और पूर्व छात्रों को अधिक से अधिक भागीदारी इस विधेयक की प्रमुख विशेषताओं में से एक है। इस विधेयक से स्वतंत्र एजेंसी से संस्थाओं के प्रदर्शन की अधिक समीक्षा और उसके परिणाम public domain में जाने की व्यवस्था है। संस्थाओं की वार्षिक रिपोर्ट संसद में

रखी जाएगी और CAG उनके खातों का audit करेगा। एक निकाय के रूप में IIM के समन्वय फोरम का भी प्रावधान किया गया है। इसकी सबसे बड़ी और खास विशेषता यह है कि इस विधेयक के माध्यम से बोर्ड में महिलाओं और अनुसूचित जाति/जनजाति के सदस्यों को शामिल करने के लिए प्रावधान किया गया है। मैं माननीय मंत्री जी से यह कहना चाहती हूँ कि हमारे बिहार के माननीय मुख्यमंत्री जी के "सात निश्चय" कार्यक्रम में आर्थिक रोजगार और महिलाओं को अधिकार के जो कार्यक्रम हैं, उनमें उन्होंने महिलाओं को सामाजिक और आर्थिक रूप से मजबूत करने की बात की है। उसका प्रयास चल रहा है और उस पर हम लोगों का काम भी चल रहा है। मैं माननीय मंत्री जी से यह जानना चाहती हूँ कि बोर्ड में जो महिलाएँ होंगी, उसमें वे कितनी प्रतिशत महिलाओं को जगह देंगे? आप जब अपना उत्तर दें, तो उसमें आप इस बात का जरूर ज़िक्र करें।

दूसरा, भारतीय प्रबंध संस्थान प्रबंधन में सबसे अच्छी गुणवत्ता की शिक्षा प्रदान करने वाले देश के प्रमुख संस्थान हैं, जो प्रबंधन में शिक्षा और प्रशिक्षण की प्रक्रिया में विश्वस्तरीय benchmark है। IIMs की पहचान विश्वस्तरीय प्रबंधन संस्थानों के उत्कृष्ट केन्द्र के रूप में रही है और इन्होंने देश को ख्याति दिलाई है। सभी IIMs सोसायटी अधिनियम के तहत पंजीकृत अलग-अलग स्वायत्त निकाय हैं। देश में 20 प्रबंधन संस्थान हैं, लेकिन अभी तक ये केन्द्र के तहत संचालित हैं और ये IIMs डिग्री प्रदान करने के लिए अधिकृत नहीं हैं। इस बिल के पारित होने के बाद इन संस्थानों को डिग्री देने का अधिकार मिल जाएगा।

महोदय, बिहार में वर्ष 2015 में मात्र एक IIM बोधगया में चालू किया गया है। बोध गया भगवान बुद्ध की ज्ञानस्थली रही है और यह अंतर्राष्ट्रीय पर्यटन स्थल भी है। यहाँ पर IIM की स्थापना का अपना एक महत्व है। प्रथम वर्ष में यहाँ 30 सीटें दी गईं और द्वितीय वर्ष में 60 सीटें दी गईं। यह संस्थान 118 एकड़ की भूमि पर बना हुआ है और यह काफी अच्छा है। मैं यह चाहती हूँ कि वहाँ भी अहमदाबाद और कोलकाता की तरह सीट का निर्धारण किया जाए। अभी उसमें Finance, Marketing और HR, सिर्फ तीन विषयों की पढ़ाई चल रही है। मैं यह चाहती हूँ कि वहाँ पर सभी पाठ्यक्रमों की पढ़ाई हो। मैं यह भी कहना चाहूँगी कि जब सरकार पैसा खर्च कर रही है, संसाधन दे रही है, तो वहाँ सीटों को भी बढ़ाने की जरूरत है। वहाँ faculty की कमी को भी दूर करने की जरूरत है, तभी वहाँ के युवाओं के हौसले को उड़ान मिल पाएगी।

मैं माननीय मंत्री जी से एक बात यह कहना चाहूँगी कि आपका जो बिल है, इसमें जो विशेषताएँ, उद्देश्य और कारणों का कथन किया गया है, इसके पाँचवें प्वाइंट के 'ज' खंड में बताया गया है कि निदेशक संस्था का मुख्य कार्यपालक अधिकारी होगा। मेरा अनुभव यह है कि व्यावसायिक कंपनियों में CEO हुआ करते हैं, लेकिन इस विधेयक में कहा गया है कि मुख्य नेतृत्व प्रदान करने वाले अधिकारी को CEO कहा जाएगा। इससे यह एहसास होता है कि वे शैक्षणिक संस्थान को व्यापारिक संस्थान बनाने जा रहे हैं। इसको 'निदेशक' या 'कुलपति' ही कहा जाए, तो अच्छा रहेगा। ...(समय की घंटी)... मैं माननीय मंत्री जी के इस बिल का समर्थन करती हूँ और अपनी बातों को यहीं खत्म करती हूँ।

(समाप्त)

Uncorrected/ Not for Publication-19.12.2017

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Now, Shri Prasanna Acharya. Your time limit is four minutes.

SHRI PRASANNA ACHARYA (ODISHA): Thank you, Sir. This is a good piece of legislation. I congratulate the hon. Minister for bringing such a Bill. I am happy for this Bill. But, at the same time, I am very much surprised also because, as you know, this Government is having a concentrating power, centralizing power, not the decentralizing power.

(Contd. by YSR/3Z)

YSR-SCH/5.50/3Z

SHRI PRASANNA ACHARYA (CONTD.): This Government is in the habit of usurping power from institutions. This Government does not even hesitate in usurping power or authority from the State Governments in this federal country. Under these circumstances, it is a contradiction. I thank the Minister for bringing such a Bill which decentralises power. The Government is interested in giving up power and giving authority and more autonomy to institutions like the IIM. I, therefore, congratulate the hon. Minister on bringing this Bill.

Sir, we are a free state and the state cannot and should not interfere in each and every matter in our social, educational and cultural life. In the field

of education, quality of education, syllabus, academic administration, all these things should be left to the universities and IIM-like institutions, of course, more or less with the guarantee of some sort of uniformity among the institutions. But don't allow that much of *azadi* to such institutions to raise anti-national slogans inside the campuses. The Government should also be careful about that. What was happening in some of our very reputed universities and institutions in this country is very alarming and very shameful. IIMs are the pride of our country, particularly these six IIMs. In the early days, as Prof. Gowda rightly stated, when Jawaharlal Nehru became the first Prime Minister of this country, he initiated many such new things. Two IIMs were set up during that time. Subsequently, four other IIMs were set up. The six IIMs, which were established in the initial days, made good reputation for themselves because of the best standard in imparting education. They attract brilliant students and produce best managers in the country. I am not aware of other IIMs, particularly the few IIMs which have been set up very recently, because those IIMs are very much in the process of functioning. We know that the products of these IIMs were not running after good jobs in the best companies, but the best

Uncorrected/ Not for Publication-19.12.2017

companies of the country were running after the products of these IIMs. But nowadays things have changed a little bit.

Sir, other than these 20 IIMs, there are a number of B-schools in the country run by private organisations and private institutions. Thousands and thousands of seats are there for students to take admission in these institutions. But what is the fate of those students? The Government should also take care of all these private B-schools whether it is the standard of education or the fee which they collect from the students. The Government should think about the fate of the students who are coming out of these institutions. The Government should also come out with a legislation which prescribes some sort of guidelines to run private B-schools.

(MR. CHAIRMAN in the Chair)

There are many good provisions in the Bill. One is that you have provided autonomy to the IIMs as far as possible. You have also combined accountability with autonomy. This is a very good thing. You have not only allowed autonomy but you have also brought accountability. Without accountability, there is every possibility that autonomy may be misused by certain organisations.

Uncorrected/ Not for Publication-19.12.2017

Sir, annual reports of these institutions will be placed in the Parliament and the CAG will be auditing their accounts. It is a very good provision. The provision for periodic review by independent agencies is also a very, very good provision.

Sir, you have provided in the Bill the coordination forum and you are saying that it would be an advisory body. My suggestion would be this.

MR. CHAIRMAN: Prasanna Acharyaji, please keep the time in mind.

SHRI PRASANNA ACHARYA: Just one minute, Sir. All the IIMs would be autonomous bodies. They will be deciding their own courses. They will be the bosses of their own administration. There is a possibility that there will be diversity in many fields. (Contd. by VKK/4A)

-YSR/VKK/4A/5.55

SHRI PRASANNA ACHARYA (CONTD.): So, why not this coordination forum is given the authority to prescribe broader guidelines for all the 20 IIMs so that under those broader guidelines, these IIMs can function independently with the powers given by the Government?

Sir, it is also a very good provision that alumnus are to be on the board of directors. This is a very, very good provision and this practice is prevalent in foreign universities also. One thing which Mr. Naresh Agrawal has very

Uncorrected/ Not for Publication-19.12.2017

rightly pointed out is this. What about other institutions like technical institutions, NITs, IITs, etc.? I think this does not concern your Department directly but the concerned Department should also come out with a Bill to give more autonomy to institutions like AIIMS. Sir, we should remember that during Shri Atal Behari Vajpayee's NDA Government, very, very positive steps were taken and AIIMS were opened in different States. But, Sir, they do not enjoy any autonomy. So, you have to give more autonomy to AIIMS and also to AIIMS-like institutions.

Sir, my last point is about reservation. Yes, there is reservation so far as admission of students is concerned but what about the faculty? I think the Bill is not very clear about recruitment of faculty. Sir, if you look at the record of fellowship programme in these IIMs, the number of students belonging to SC, ST and OBC communities is very, very negligible. So, unless we encourage students from these categories, how can we get good professors and teachers in IIMs? Therefore, Sir, I think the hon. Minister would take care of these things. Overall, this is a very good Bill. I welcome this and I support this Bill.

(Ends)

MR. CHAIRMAN: Now, Shri K. Somaprasad. You have four minutes.

Uncorrected/ Not for Publication-19.12.2017

SHRI K. SOMAPRASAD (KERALA): Sir, I support this Bill because in the administration of IIMs, a legal backing is necessary. This Bill provides the protection of law and grants more autonomy to each institute. I think this autonomy would help them improve their educational standard to an international level.

Sir, there are a lot of institutes which conduct these courses in our country. But, when we examine the standards of these institutes, most of them are in pathetic condition. Actually, these institutes are cheating the students. There should be some Government agencies to scrutinise the working of these institutes. I support the Bill with certain reservations. I have some comments and suggestions on this Bill. Actually the main part and soul of an educational institution is the student itself. But in this Bill, the role of students is not properly considered. Sir, IIMs are the institutes where the art of management is taught. Let us start it from this institute itself. Why don't we include student representative as a member of board of governors? In the proposed 19-member board of governors, everybody has got its representation except students. This is not fair. We should take them in confidence. I appeal to the hon. Minister to take steps to include a student representative in the board of governors.

Uncorrected/ Not for Publication-19.12.2017

MR. CHAIRMAN: Somaprasadji, now, you have to conclude.

SHRI K. SOMAPRASAD: Sir, I have one more point. The most important point is reservation for SC, ST and OBC communities. Crystal clear mandatory provisions for admission and appointment should be included in the Bill itself. Even today, certain IIMs are reluctant to appoint SC/ST persons even though they have all the prescribed educational qualifications. Thank you.

(Ends)

MR. CHAIRMAN: Now, Shri Vijayasai Reddy. You have four minutes. I just came here to see how my friends, Members of Parliament, are working hard in the evening also. The country should know that as and when required, the House meets for longer periods and also makes good contribution. I have been hearing the speeches sitting inside. Now, Shri Vijayasai Reddy.

SHRI V. VIJAYASAI REDDY (ANDHRA PRADESH): Sir, I rise to support this Bill for three reasons. One is that the Bill envisages to grant autonomy to Indian Institutes of Management.

(Contd. by BHS/4B)

-VKK/BHS-PSV/4B/6.00

SHRI V. VIJAYASAI REDDY (CONTD.): Secondly, this Bill, in toto, has accepted the National Knowledge Commission 2007 recommendations. Thirdly, the recommendations made by Yashpal Committee, as stated in the Report, have also been incorporated in this Bill relating to renovation and rejuvenation of higher education. Therefore, this Bill has to be supported and it has to be passed by the Parliament. However, I have two concerns about this.

One is that while this Bill grants additional autonomy, it does not address an important suggestion made by the Bhargava Commission. That is one thing.

MR. CHAIRMAN: Mr. Vijayasai Reddy, please.

SHRI V. VIJAYASAI REDDY: Sir, there are only two issues.

MR. CHAIRMAN: Hon. Members, it is 6 o' clock now. If you all wish, we can complete this Bill and then.....(Interruptions)... Only three speakers are there. One Mr. Raja and two *praja*; so, there would not be any problem. ...(Interruptions)... So, please could I have the permission of the House to continue? ...(Interruptions)... Shri Vijayasai Reddy. ...(Interruptions)...

SHRI BHUBANESWAR KALITA: Sir, we have withdrawn our speakers. Let the Ruling Party withdraw their speakers also.

MR. CHAIRMAN: To my knowledge, there is nobody from there. So do not worry. I will keep in mind what you have said. Mr. Reddy, one more minute. Then, Mr. D. Raja and then one more Member.

SHRI V. VIJAYASAI REDDY: Sir, the second aspect which I want hon. Minister to consider is that the Bill, if passed, the management of the IIM funds will be done by Board of Governors whereas in the case of IITs and All India Institute of Medical Sciences, it is quite contrary. There, it is the Central Government which approves the usage of funds. There is a distinction. I do not know whether advertently or inadvertently the Government is making such a distinction.

Thirdly, the Bill, if passed, the IIM's Director pay will be determined by the Board of Governors whereas in the case of IITs and IIMs it is quite contrary. Probably, my question to the hon. Minister is this. Is the Minister planning similar bills and similar amendments with regard to IIMs and AIIMS also? That is all, Sir.

(Ends)

Uncorrected/ Not for Publication-19.12.2017

MR. CHAIRMAN: Thank you very much, Mr. Vijayasai Reddy. Mr. D. Raja, you have three minutes time please.

SHRI D. RAJA (TAMIL NADU): Thank you Sir. This is a very important Bill. I would like to make a few specific points and a few general issues.

One is that this Bill provides autonomy to 20 institutions. How do we understand autonomy? This autonomy cannot be an absolute one. This autonomy can remain a relative one. Why I am saying this is because today the institutions of higher learning are passing through very critical time. They are all tense. There are issues related to ensuring and safeguarding academic freedom. There are issues related to social discrimination in the institutions of higher learning. How are you going to ensure the academic freedom in these institutions? How are you going to end social discrimination in these institutions? How is autonomy going to help achieve these two goals? This is one issue.

Second issue is related to chapter 3 of the Bill where you talk about Board of Governors. When we say, the Board of Governors, you talk about representation to women, representation to Scheduled Castes or Scheduled Tribes. How are you going to monitor that because in all public sector institutions I come across the routine answer - non-availability of eligible

Uncorrected/ Not for Publication-19.12.2017

candidates, non-availability of suitable candidates and this should not be an excuse to eliminate anybody coming forward or getting into that Board of Governors. How are you going to monitor it? How are you going to ensure that there is representation to SCs and STs and there is representation to OBCs also? Why not? Today, we are discussing about a separate Commission for OBCs.

(Contd. by RL/4C)

-BHS/RL-VNK/6.05/4C

SHRI D. RAJA (CONTD.): And, there is a Bill going to come. How are we going to ensure that because these are all sections which have been deprived for ages together and they need to have that? That is one thing, and you should think of that in Chapter III. The students also should have participation in the policy making bodies of these institutions. Having said that, Sir, finally, I come to some of the general issues that providing education, providing healthcare, providing decent dwelling for all of our citizens must be the concern of any Government if we say that that Government is a welfare Government and that State is a welfare State. That must be the concern. Now, are we in a position? For instance, for education, what is the spending? It is not even 6 per cent. The Kothari

Uncorrected/ Not for Publication-19.12.2017

Commission way back in 1960s asked for 6 per cent of GDP to be spent on education.

MR. CHAIRMAN: Rajaji, please conclude.

SHRI D. RAJA: I am completing, Sir. Now, we are in 2017 and we should talk of spending 12 per cent, 15 per cent on education. We are approaching the Budget Session. As a Minister, you should take up this issue in the Cabinet and the whole House will support you. We will support you. There should be more spending on education. Sir, having said that, when we look at the education as a whole system, one should not try to make it an issue which divides people. For instance, in search of Indianness, in search of Indian mind, we cannot go back to the past. The golden age does not lie in the past. The golden age really lies in the future.

MR. CHAIRMAN: All right, Rajaji, please conclude.

SHRI D.RAJA: That is how humanity advances and as Indians, we should also understand that we should move forward and continue to move forward towards the golden age. These are the issues that the Government should address.

(Ends)

MR. CHAIRMAN: Now, Shri Anil Desai. Shri Anil Desai, you have three-and-a-half minutes.

SHRI ANIL DESAI (MAHARASHTRA): Sir, I rise to support the Indian Institutes of Management Bill, 2017. I personally congratulate the HRD Minister for taking this very important Bill which will take our education to a great height. The IIMs, as they are known, are premier institutes in the country, be it IIM Bangalore, IIM Ahmedabad, IIM Kolkata. These institutes have really contributed towards producing some good talents. Now, talent scouting, whenever it takes place in these institutes, of course, every candidate who is enrolled in these institutes comes out and really gets good opportunities in the corporate world. But, the thing which needs to be taken care of is that these brains, these intelligent stock, which is coming out of these institutes, which is low in number, be retained in the country. The usual practice is that after their completion, they are career-oriented and they fly to their destinations. I think, the Minister should be having some idea as to how to make use of it.

Then, another point, which I would like to make, in this, is that all the things have been taken care of. It is a very comprehensive Bill which is being enacted like if the Government has given the autonomy to these

institutes but kept a good check by way of introducing CAG audit, and other balances also have been done to see that they remain in their domain of work and really contribute handsomely to the economy. Apart from what has been said about the reservations for the faculty, for the Board of Governors, those who will be there in every gurukulam, the major thing is that opportunity should be evenly given to the students because fees are so high and it is a very secluded or very, very distinct nature of education what you get. And, as has been said by Shri Naresh Agrawal, who made a point that students who come from rural areas, they don't enough opportunity. So, economically backward sections should also be given that kind of opportunity, those who have talents. Talent scouting should be done on that basis.

(CONTD. BY DC/4D)

-RL/DC-NKR/4D/6.10

SHRI ANIL DESAI (CONTD.): I think in this way the Minister has taken a step in this direction. Whether it is the State of Maharashtra, our university education also needs to be taken care of. Though education is a Concurrent subject, but as he comes from Maharashtra, he knows what is happening in Mumbai University. Not only the standard of education is

Uncorrected/ Not for Publication-19.12.2017

deteriorating, but, overall, education has got a stigma, which needs to be corrected and this is high time. We can depend upon hon. Javadekarji, who handles HRD, that he will definitely do good to the Mumbai University. With this, I support this Bill. Thank you.

(Ends)

MR. CHAIRMAN: Now, Shri Jairam Ramesh. You have just two minutes.

SHRI JAIRAM RAMESH (KARNATAKA): Sir, I have only one question to ask of the hon. Minister. Sir, the crux of this Bill is Section 10 and the whole Bill, the innovation in this Bill is the Board of Governors. We are really giving to the Board of Governors all the powers of the Government and this is to be welcomed. However, the question I have is: Who will appoint the Board of Governors and what is the criterion that you are going to adopt? In Section 10, it is very clear. However, these institutes already have Boards; IIM, Calcutta has a Board, IIM, Bangalore has a Board. Every IIM has a Board. So my question to the Minister is: Will these Boards stand disbanded once this Bill comes into effect or whether the existing Board will get converted into the Board of Governors? If the existing Board gets converted into the Board of Governors, then, I am afraid, if you look at the provisions of Section 10, the entire existing Board has to be recast to bring it in consonance with

Uncorrected/ Not for Publication-19.12.2017

Section 10. There is a transition problem. We are not starting IIMs afresh. We already have a large number of IIMs with existing Boards. I would like the hon. Minister to clarify, one, what happens to the existing boards; two, how they will become consonant with Section 10; and, three, how will transparency be ensured in the selection of Board members. Sir, my request to the hon. Minister is, for the selection of Board, only academic scholarship and professional excellence should be the criterion. Political affiliations, ideology should be irrelevant. Only academic excellence, professional excellence and qualification should be the criteria. So how do you ensure transparency in the selection of the Board members because they are going to determine the future of these institutes?

(Ends)

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI PRAKASH JAVADEKAR): Sir, I am very happy that all the Members who spoke today, starting from Prof. Rajeev Gowda, Dr. Vinay P. Sahasrabuddhe, Shri Naresh Agrawal, Shri N. Gokulakrishnan, Shri Md. Nadimul Haque, Shrimati Kahkashan Perween, Shri Prasanna Acharya, Shri K. Somaprasad, Shri Vijayasai Reddy, Shri D. Raja, Shri Anil Desai and Shri Jairam Ramesh, all have supported this. So, this is a new beginning and

that new beginning is its degree-granting power. They will now be doing Ph.Ds also. So the hurdles on the paths of students will go and that is the first benefit, which is welcomed by everybody. Second is autonomy. We must start believing in our best institutes, their leadership and management, and this is the beginning of it. Many people raised the question that what will happen to other institutes. So, we are also thinking of according graded autonomy to the best institutes depending on their quality benchmarks, on their NAAC ranking, on their MBA ranking. Depending upon the ranking, accreditation and on marks, we want to give grant, more freedom to the best institutes. क्योंकि हमारे देश में ऐसा होता है कि यदि हम साधु को सामने रखकर नियम बनाते हैं तो चोर को अवसर मिलता है और चोर को सामने रखकर नियम बनाते हैं तो साधु को तकलीफ होती है। देश में जो अच्छे institutes हैं, उन्हें freedom होनी चाहिए और इसीलिए graded autonomy की कल्पना की गई है। जिन 20 विश्वस्तरीय universities का selection होने वाला है, जिसमें 100 से ज्यादा हमारे पास applications आई हैं, यह quest for quality है, quest for excellence है। It is a good and healthy competition, which we are bringing and, therefore, they will also get complete freedom like what we are giving here. So, it is not one of the things.

(Contd. by KR/4E)

KR-DS/4E/6.15

SHRI PRAKASH JAVADEKAR (CONTD.): It is a theme which we are taking. Second, एक शंका व्यक्त की गई है और मुझे लगता है कि हमारा एक माइंडसेट होता है। हमारे बच्चे जब बड़े होते हैं, तब हम कितना विश्वास करते हैं? हमारे मन में यह रहता है कि आज़ादी तो देनी चाहिए, लेकिन कितनी आज़ादी दें, कितनी autonomy दें। As parents we must trust our children and teach them good thinking process and get them educated. We must believe in them and trust them. The same philosophy applies here as a nation. We must believe in our best academic institute only then will we really produce results. तो यह Self-perpetuation होगा क्या? Many suggestions have been given. I have noted every suggestion. रूल्स भी तुरंत बनेंगे। उसमें बहुत delay करने की बात नहीं है। जैसे ही आज हम यह बिल पास करेंगे, तो यह जल्द ही कानून में परिवर्तित होगा और साथ-साथ ही उसके रूल्स भी आएँ, यह हमारी कल्पना है, ताकि पिक्चर क्लियर हो।

जैसा कि जयराम रमेश जी ने पूछा, तो मेरा आज यह मानना है और जो क्लियर है कि जो existing Boards हैं, वे Boards of Governors रहेंगे, लेकिन उनमें गवर्नमेंट के जो चार रिप्रेजेंटेटिक्स हैं, वे निकलेंगे। उनमें चार alumni लाने के रूल्स हम तैयार करेंगे। वैसे ही, अगर उनमें Scheduled Castes-Scheduled Tribes नहीं हैं या उनमें women नहीं हैं, तो उनको लाने के लिए नियम में जो प्रोविज़न होगा, वह होगा और

उतना ही बदलाव होगा। आज सारे बोर्ड्स सिरे से खाली कर देंगे और नये नियुक्त करेंगे, यह कल्पना नहीं है, बल्कि जो existing Boards हैं, उनको ही आगे चलाएँगे। यहीं से यह शुरू होता है। That is the way out.

अनेक लोगों ने एक बड़ी बात कही कि गरीब छात्रों का क्या होगा। मैं गरीब छात्रों के बारे में निश्चित रूप से यह कहना चाहता हूँ कि no institute will deny opportunity for good student who is meritorious, got admission after passing the CAT and eligible for admission will not be denied education only because he is poor. तो यह कभी नहीं होगा। इसके लिए तीन योजनाएँ हैं। पहला, जो एजुकेशन लोन मिलता है, वह IIM के छात्रों को adequate loan मिलता है और उसका जो इंटरेस्ट है, वह उनकी शिक्षा के काल से एक साल ज्यादा, यानी moratorium, उतने साल सरकार इंटरेस्ट वहन करती है। That is big interest subsidy. Every year we are granting hundreds of crores, and major beneficiaries are IIM graduates. Those whose parent's income bracket are below Rs.4.5 lakh per annum will be given this benefit. So, they will get interest-free loan. So, they can pay back.

MR. CHAIRMAN: Mr. Minister, in moratorium time who will pay the interest? For the first four years, the Government is paying interest as far as period is concerned. Once the period is over, you are giving one year moratorium. I

am told that banks are insisting that period's interest has to be paid by the student.

SHRI PRAKASH JAVADEKAR: No.

MR. CHAIRMAN: The Government will pay.

SHRI PRAKASH JAVADEKAR: Yes, the Government will pay. That is very clear and if there is any complaint, you can send it to us, we will definitely look into it because our nodal bank will follow it up. So, we will do that.

One more important aspect was that of students' participation. Yes, that is a good suggestion because we have come out of students' movement. So, students' participation is essential. Since it is essentially a two-year programme, we can make them participate in different programmes also because every year students would be changing. But the Board remains for five years. So, that is the issue.

Regarding periodic evaluation, as I said and Mr. Acharya ji also said, this is the best combination of autonomy plus accountability because when we are giving funds there has to be accountability to the C&AG and the rules of each institute will also come before the Subordinate Legislation. Therefore, Parliament's scrutiny will be there.

Uncorrected/ Not for Publication-19.12.2017

Regarding diversity and inclusion, yes, I am all for positive, pro-active inclusive politics where we have social affirmation. Therefore, for the Ph.D. programmes we must encourage students. I am happy that participation of Scheduled Castes, Scheduled Tribe and OBC students is increasing in all higher learning institutes. The registration of students has really picked up and practically all seats are filled.

(Continued by 4F/KS)

KS-MCM/4F/6.20

SHRI PRAKASH JAVADEKAR(CONTD.): The actual problem is that on passing out of these Institutes, students immediately get many offers from outside and, consequently, they get employed elsewhere. Therefore, academic referrals, teaching, will also have to be inculcated and promoted. That is also noted. Thus, points raised by all the hon. Members have been noted and would be kept in mind while framing the rules.

Sir, I thank the whole House for supporting the passage of this historic law.

(Ends)

Uncorrected/ Not for Publication-19.12.2017

MR. CHAIRMAN: Hon. Members, the question is:

That the Bill to declare certain Institutes of management to be institutions of national importance with a view to empower these institutions to attain standards of global excellence in management, management research and allied areas of knowledge and to provide for certain other matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

MR. CHAIRMAN: We shall now take up Clause-by-Clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

MR. CHAIRMAN: We shall now take up Clause 5 of the Bill. In Clause 5, there are three Amendments (Nos. 1, 2 and 3) by Dr. T. Subbarami Reddy. He is absent.

Clause 5 was added to the Bill.

MR. CHAIRMAN: We shall now take up Clause 6. In Clause 6, there is one Amendment (No. 4) by Dr. T. Subbarami Reddy. He is absent.

Clause 6 was added to the Bill.

Uncorrected/ Not for Publication-19.12.2017

MR. CHAIRMAN: We shall now take up Clause 7. In Clause 7, there is one Amendment by Dr. T. Subbarami Reddy. He is absent.

*Clause 7 was added to the Bill.
Clauses 8 & 9 were added to the Bill.*

MR. CHAIRMAN: We shall now take up Clause 10. In Clause 10, there is one Amendment by Dr. T. Subbarami Reddy; he is not present.

Clause 10 was added to the Bill.

MR. CHAIRMAN: We shall now take up Clause 11. In Clause 11, there is one Amendment (No. 9) by Shri Ripun Bora. Mr. Bora, are you moving?

SHRI RIPUN BORA: No, Sir; I am satisfied with the reply given by the hon. Minister. So, I am not moving the amendment.

MR. CHAIRMAN: Thank you, Mr. Ripun Bora.

*Clause 11 was added to the Bill.
Clauses 12 to 27 were added to the Bill.*

MR. CHAIRMAN: We shall now take up Clause 28. In Clause 28, there is one Amendment (No. 10) by Shri Ripun Bora. Mr. Bora, are you moving it?

SHRI RIPUN BORA: No, Sir. I am not moving it. The Minister has already replied to this.

Uncorrected/ Not for Publication-19.12.2017

MR. CHAIRMAN: Thank you.

Clause 28 was added to the Bill.

Clauses 29 to 36 were added to the Bill.

MR. CHAIRMAN: We shall now take up Clause 37. In Clause 37, there is one Amendment (No. 11) by Shri Ripun Bora. Mr. Bora, are you moving it?

SHRI RIPUN BORA: No, Sir. I am not moving it. I am satisfied with the Minister's reply.

Clause 37 was added to the Bill.

Clauses 38, 39 and The Schedule were added to the Bill.

(CONTD. BY KGG/4G)

KGG-SC/4G/6.25

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI PRAKASH JAVADEKAR: Sir, I move:

That the Bill be passed.

The motion was adopted.

(Ends)

Uncorrected/ Not for Publication-19.12.2017

MESSAGES FROM LOK SABHA

- (i) **The Repealing and Amending Bill, 2017**
- (ii) **The Repealing and Amending (Second) Bill, 2017**

--

SECRETARY-GENERAL: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:-

(I)

“In accordance with provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Repealing and Amending Bill, 2017, as passed by Lok Sabha at its sitting held on the 19th December, 2017.

(II)

“In accordance with provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Repealing and Amending (Second) Bill, 2017, as passed by Lok Sabha at its sitting held on the 19th December, 2017.

Sir, I lay a copy of each of the Bills on the Table.

(Ends)

SPECIAL MENTIONS

MR. CHAIRMAN: Friends, यह friends वाली आदत बचपन से बन गयी है। Hon. Members, I have some Special Mentions. They have to be laid on the Table of the House. Please bear with me for a few minutes; it would be over.

Shri Santiuse Kujur is absent; Shrimati Sasikala Pushpa is absent; Shri Ram Kumar Kashyap is absent. ...(Interruptions)...

HK/9A

***DEMAND FOR ABOLISHING CONTRIBUTORY PENSION SCHEME AND
REVERT TO OLD PENSION SCHEME**

SHRI V. VIJAYASAI REDDY (ANDHRA PRADESH): Sir, pension is a social security cover after retirement from Government service and it is misnomer that it is given as charity; rather, it is the right of every employee. Even if one looks at Supreme Court judgement of 1982, it becomes clear that pension is required for self-respect, living independently and sobering without any problems. But, instead of making OPS stronger, Government succumbed to World Bank's pressure and replaced OPS with CPS.

***Laid on the Table.**

Uncorrected/ Not for Publication-19.12.2017

After shabby implementation of CPS, employees are demanding to revert to OPS because there is no clarity on payment of benefits after retirement or on sudden death of an employee. And, if you look at teachers, they are in more pitiable condition that even after deducting 10 per cent share and 10 per cent from Government, there is no guarantee that they would get minimum pension.

In OPS, Government itself pays gratuity and commutation based on approved calculation. But in CPS there is no guarantee how much pension employee gets even after paying employees' share value up to retirement. Government cannot give any guarantee except depending on share market. And, pension benefits like gratuity, family pension, commutation and GPF were removed under this. Secondly, every employee has to pay 30 per cent as income tax on amount received after retirement.

There are 56 lakh employees. Out of which, 1.8 lakh are in Andhra Pradesh under CPS Scheme. All employees in States and UTs are agitating to revert back to OPS. I also strongly feel that their demand is genuine and demand the Government of India to immediately revert back to OPS without further delay.

(Ends)

SHRI ANANDA BHASKAR RAPOLU (TELANGANA): Sir, I associate myself with the Special Mention made by the hon. Member.

KSK/9B

***DEMAND FOR CREATING SEPARATE MINISTRY FOR FISHERIES**

SHRI K.K. RAGESH (KERALA): Sir, I would like to submit the need for establishing a separate Ministry for fisheries while considering the extensity of the current and potential activities in the fisheries sector in India. According to National Fisheries Development Board, Government of India, the sector is engaging about fourteen million people in different activities. Constituting about 6.3 per cent of the global fish production, the sector contributes to 1.1 per cent of the GDP and 5.15 per cent of the agricultural GDP. Fish and fish products have presently emerged as the largest group in agricultural exports of India, with 10.51 lakh tonnes in terms of quantity and Rs.33,442 crores in value. This accounts for around 10 per cent of the total exports of the country and nearly 20 per cent of the agricultural exports.

***Laid on the Table.**

Uncorrected/ Not for Publication-19.12.2017

More than 50 different types of fish and shellfish products are exported to 75 countries around the world. Globally, Indian fisheries have third largest position in fisheries, and second in aquaculture. However, the fisheries sector is prone to the unhealthy tendencies such as exploitation of fishermen by middlemen in the market. The current facilities for processing and value addition are not sufficient to ensure sustainable income to the fishermen and the increasing market opportunities. Further, the sector is prone to constant turbulence caused by natural calamities and climate change. A separate Ministry at Centre for Fisheries would be helpful to co-ordinate the activities in the sector towards giving holistic attention to the fisheries and allied activities in India.

(Ends)

...(Interruptions)...

**DEMAND FOR INCLUDING MAHAR, MEHARA, MEHAR AND MAHARA
CASTES OF CHHATTISGARH INTO CATEGORY OF
SCHEDULED CASTES**

श्री पी.एल.पुनिया (उत्तर प्रदेश) : महोदय, भारत सरकार द्वारा 18 दिसम्बर, 2002 को एक "भारत का राजपत्र" जारी किया गया था, जिसमें मध्य प्रदेश की महार, मेहरा, मेहर, महारा जाति को अनुसूचित जाति में शामिल किया गया था। अभ्यावेदन की

कार्यवाही 1996 में की गयी थी और छत्तीसगढ़ का गठन वर्ष 2000 में हुआ था। इस कारण इन जातियों को छत्तीसगढ़ में अनुसूचित जाति को दी जा रही सुविधाएं नहीं मिलीं।

छत्तीसगढ़ राज्य में महार, मेहरा, मेहर, महारा जाति सामाजिक, धार्मिक एवं सांस्कृतिक रूप से अनुसूचित जाति श्रेणी की हैं। इन्हें अनुसूचित जाति में शामिल किए जाने के लिए छत्तीसगढ़ शासन द्वारा 2008 एवं 2009 तथा 13 जून, 2016 में प्रस्ताव बनाकर सामाजिक न्याय एवं अधिकारिता मंत्रालय, भारत सरकार को भेजा गया, लेकिन अभी तक इन लोगों को न्याय नहीं मिल सका है।

अतः मेरा आपके माध्यम से निवेदन है कि सामाजिक, आर्थिक रूप से पिछड़ी महार, मेहरा, मेहर, महारा जाति को छत्तीसगढ़ में अनुसूचित जाति में शामिल करने की तत्काल कार्यवाही की जाए, जिससे इन जातियों को आरक्षण का लाभ मिल सकेगा तथा विसंगति दूर हो सकेगी, धन्यवाद।

(समाप्त)

SHRI ANANDA BHASKAR RAPOLU (TELANGANA): Sir, I associate myself with the Special Mention made by the hon. Member.

(Ends)

RL/9C

***DEMAND FOR REMOVING CAP OF RUPEES TEN THOUSAND
IMPOSED ON REIMBURSEMENT OF EDUCATION FEE OF CHILDREN
OF MARTYRS IN COUNTRY**

SHRI ANIL DESAI (MAHARASHTRA): Sir, it is totally unfair on the part of the Defence Ministry to impose a cap of Rs. 10,000 on the education fee reimbursement for children of martyrs from 1st July, 2017 following the recommendations of the Seventh Pay Commission. I am surprised as to how our Government which claims to be pro-poor can act in such a manner to the widow and children of the persons who sacrificed their lives for the safety of our people and the nation. We must and should always be grateful to their martyrdom.

More than 10,000 Armed Forces personnel died in India between 1994 and 2017 according to the South Asia Terrorism Portal. Jawans across the country face threats at many levels. Apart from action on the nation's frontiers, counter-insurgency operations across States hit by separatist

***Laid on the Table.**

Uncorrected/ Not for Publication-19.12.2017

movements and social unrest often leave a soldier's family without a bread winner.

On the one hand, we shower lakhs of rupees to a cricket team or winners in any game but on the other hand, we are deciding to withdraw education reimbursement for the children of a Shaheed and deny them more than rupees Rs. 10,000, the cost of education, hostel and books. It is not graceful at all. A gesture to convey the country's gratitude and support towards the children and widows of soldiers who have laid down their lives for the nation may cost the exchequer a few crores, but discontinuing it sends out a wrong message.

I urge the Government to remove the cap immediately and convey our Armed Forces and Paramilitary Forces that the people and the Government of the country is and will always be grateful for their sacrifice.

(Ends)

KLG/9D

*** DEMAND FOR TAKING STEPS TO PROTECT CHILDREN
FROM HARMFUL AND VIOLENT ONLINE GAMES**

श्री नारायण लाल पंचारिया (राजस्थान): महोदय, मैं सरकार का ध्यान ऑनलाइन गेमों से बच्चों को होने वाले जोखिम की ओर आकृष्ट करना चाहता हूँ। ऐसी ही एक गेम "ब्लू व्हेल चैलेंज" है। इसमें बच्चों को भटका कर उन्हें खतरनाक टास्क करने के लिए प्रेरित किया जाता है। इसमें अपना हाथ गोदने से लेकर आत्महत्या करने तक के टास्क दिए जाते हैं, जिससे अब तक दुनिया भर में लगभग 130 बच्चों की मृत्यु हो चुकी है।

ऐसे ही एक मामले में जयपुर का एक स्कूली छात्र ब्लू व्हेल गेम का टास्क पूरा करने के लिए स्कूल और घर छोड़ कर मुम्बई पहुंच गया। यद्यपि पुलिस द्वारा समय पर कार्यवाही के कारण उस छात्र को मुम्बई से सुरक्षित बचा लिया गया, परन्तु देश के अन्य भागों में कुछ अन्य मामलों में हम इतने भाग्यशाली नहीं रहे।

इसके अतिरिक्त कई अन्य गेम हैं, जो बच्चों की मानसिकता पर बहुत प्रतिकूल प्रभाव डाल रहे हैं। इन गेमों में बच्चे वर्चुअल दुनिया में चोरी करना, गाड़ी छीनना, ट्रैफिक नियम तोड़ना, पुलिस से भागना और अन्य हिंसक कृत्य सीखते हैं, जिससे वास्तविक जीवन में भी उनमें हिंसक प्रवृत्ति विकसित होती है।

Uncorrected/ Not for Publication-19.12.2017

सरकार ने इस स्थिति से निपटने के लिए कदम उठाए हैं, जैसे ब्लू व्हेल के लिंक को इंटरनेट से हटाया गया है, स्कूलों को इस विषय में और संवेदनशील होने के दिशा निर्देश जारी किए गए हैं। मैं इन कदमों का स्वागत करता हूँ, साथ ही सरकार से मैं यह अनुरोध करता हूँ कि ऐसी कोई व्यवस्था बनाई जाये, जिससे इस प्रकार के हानिकारक और हिंसक गेम बच्चों तक पहुंच ही न सकें।

(समाप्त)

(Followed by KLS/4H)

KLS/4H-6.30

**COMPLAINT AGAINST AN AVIATION COMPANY
AND DEMAND TO TAKE REMEDIAL MEASURES
TO REFORM AVIATION SECTOR IN COUNTRY**

SHRI AMAR SINGH (UTTAR PRADESH): Sir, I would like to draw the attention of the House to the functioning of the Jet Airway's aircrafts which have been involved in several incidents of ground collisions, tail strike, etc., during the current year. Besides these complaints, there are complaints against its pilots who are often late on duty which has resulted in the inordinate delay of flights causing great inconvenience to passengers. This has also been reported in the Press several times but no action has been

Uncorrected/ Not for Publication-19.12.2017

taken against the management as such incidents are being frequently repeated. Attention is also invited to the audit report of the United Nations Aviation Watchdog which has placed our country's aviation sector on its list of 13 worst-performing nations which has tarnished the image of our country's aviation sector.

I would request the hon. Minister to inform the house about remedial steps taken in the matter.

(Ends)

GSP/9E

***DEMAND FOR ADDRESSING PRIVACY ISSUES AND OTHER
IMPLICATIONS DUE TO AADHAAR BEING MADE MANDATORY FOR
SEVERAL WELFARE SCHEMES**

SHRI VIVEK GUPTA (WEST BENGAL): I would like to draw the attention of this House to the mandatory nature of Aadhaar, resultant exclusion of poor and the needy from the benefits of several welfare schemes and the issue of fake Aadhaar cards being printed. From various reports, it has been noted that duplicate Aadhaar cards have been issued to the same persons.

***Laid on the Table.**

Uncorrected/ Not for Publication-19.12.2017

Recently, a case came up in Maharashtra where it was found that names of around 100 farmers were linked to one Aadhaar number. In addition to cases where illegal immigrants were found with an Aadhaar card, a terrorist of Pakistan-based Jaish-e-Mohammed was also identified with one. This problem exacerbated after this Government mandated that Aadhaar be linked to basic services such as mobile phone or bank account.

Recently, a young girl in Jharkhand starved to death because Aadhaar is mandatory for availing food grains from PDS outlets. Such denial of government benefits is in direct violation of section 7 of the Aadhaar Act. In July, it was found that a major telecom operator who used Aadhaar for SIM activation had its data breached and personal information of over 100 million Indians was leaked.

I urge the Government to follow the Supreme Court's order of 2013 and make it clear to the public that Aadhaar is voluntary. The Government should also call up stakeholders and find out the flaws in the current UIDAI system, which cause privacy breach and exclusion.

(Ends)

SHRI ANANDA BHASKAR RAPOLU (TELANGANA): Sir, I associate myself with the Special Mention made by the hon. Member. (Ends)

Uncorrected/ Not for Publication-19.12.2017

MR. CHAIRMAN: Mr. Ananda Bhaskar Rapolu, you are associating yourself with each and every Special Mention. ...(Interruptions)... *Sab ka saath, sab ka vikas.* ...(Interruptions)... Hon. Members, I am happy that the House sat beyond 6 o' clock and then today we were able to pass two Bills. I would like to compliment all the Members for their contribution in this.

The House stands adjourned till 11.00 a.m. on Wednesday, the 20th December, 2017.

...

The House then adjourned at thirty-three minutes past six of the clock till eleven of the clock on Wednesday, the 20th December, 2017