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Thursday  
1 August, 2019  
10 Shravana, 1941 (Saka)

PARLIAMENTARY DEBATES

# RAJYA SABHA

OFFICIAL REPORT  
(FLOOR VERSION)

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[P.T.O.]

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Website : <http://rajyasabha.nic.in>  
<http://parliamentofindia.nic.in>  
 E-mail : [rsedit-e@sansad.nic.in](mailto:rsedit-e@sansad.nic.in)

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## RAJYA SABHA

*Thursday the 1st August, 2019/10th Shravana, 1941 (Saka)*

*The House met at eleven of the clock,*

MR. CHAIRMAN *in the Chair.*

### **MOTION FOR ELECTION TO THE NATIONAL INSTITUTE OF MENTAL HEALTH AND NEURO-SCIENCES (NIMHANS), BANGALORE**

THE MINISTER OF HEALTH AND FAMILY WELFARE; THE MINISTER OF SCIENCE AND TECHNOLOGY; AND THE MINISTER OF EARTH SCIENCES (DR. HARSH VARDHAN): Sir, I move the following Motion:-

"That in pursuance of section 5(1)(/) of the National Institute of Mental Health and Neuro-Sciences, Bangalore Act, 2012, this House do proceed to elect, in such manner as the Chairman may direct, one Member from amongst the Members of the House to be a member of NIMHANS, Bangalore, subject to provisions of the Act".

*The question was put and the motion was adopted.*

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### **MATTERS RAISED WITH PERMISSION**

श्रीमती जया बच्चन (उत्तर प्रदेश): माननीय सभापति जी, पहले मुझे बोलने का मौका दीजिए।  
...(व्यवधान)...

श्री सभापति: श्री संजय राउत। ...(व्यवधान)... मैं आपको मौका दूंगा। ...(व्यवधान)... जया जी, ऐसे नहीं। अभी आप बैठ जाइए। ...(व्यवधान)...

श्रीमती जया बच्चन: मैं आपके माध्यम से एक महत्वपूर्ण विषय ...(व्यवधान)... मुझे बोलने दिया जाए। ...(व्यवधान)... मैं ऐसे ही खड़ी रहूंगी। ...(व्यवधान)...

श्री सभापति: मैं आपको बोलने दूंगा, अभी आप बैठ जाइए। ...(व्यवधान)... दोला जी, प्लीज़। ...(व्यवधान)... हर एक माननीय सदस्य को बोलने का मौका मिल रहा है। ...(व्यवधान)... और मिलेगा। ऐसा करने की जरूरत नहीं है। ...(व्यवधान)...

### **Delay in the production of 'Vande Bharat Express'**

श्री संजय राउत (महाराष्ट्र): सभापति महोदय, माननीय प्रधान मंत्री, मोदी जी के प्रोजेक्ट 'Make in India' के बारे में Times of India में कहा गया है और इस पर बहुत चर्चा भी

हुई कि ट्रेन-18, जिसका प्रोडक्शन चेन्नई की Integral Coach Factory (ICF) में हो रहा है, फरवरी माह में प्रधान मंत्री जी ने पहली ट्रेन-18 यानी 'वन्दे भारत' को हरी झंडी दिखाई थी और देश के लोगों ने, यात्रियों ने उसे काफी पसन्द भी किया। भारतीय रेलवे मार्च, 2020 तक ऐसी 10 और ट्रेनें चलाना चाहती है, लेकिन अब सुनने में आ रहा है कि ट्रेन-18 की प्रोडक्शन का काम बंद पड़ा है। कहा जा रहा है कि उसके design में कुछ गड़बड़ है। उसके कुछ parts नहीं मिल रहे हैं। खबर यह भी है कि कुछ Multi-national companies ट्रेन-18 की टेंडर प्रक्रिया में बार-बार बाधा खड़ी करने का प्रयास कर रही हैं। महोदय, ट्रेन-18 'Make in India' का सबसे सफल प्रयोग है। देश जानना चाहता है कि क्या इस प्रोजेक्ट को असफल करने का कोई षड्यंत्र देश में चल रहा है? क्या किसी Multi-national company का इसमें हाथ है? इस महत्वाकांक्षी प्रोजेक्ट को delay करने की कोई साजिश रची जा रही है? ट्रेन-18 भारतीय रेलवे के लिए game changer है, इसलिए इसे गम्भीरता से लेने की आवश्यकता है। मैं आपके माध्यम से जानना चाहता हूँ कि ट्रेन-18 प्रोजेक्ट क्या बंद हो गया है, और यदि हां, तो उसका कारण क्या है और कब तक ट्रेन-18 का उत्पादन फिर से शुरू हो जाएगा? मैं सरकार से यही जानना चाहता हूँ।

#### **The inclusion of Bairwa Community in Delhi in the list of Scheduled Castes**

**श्री रामकुमार वर्मा** (राजस्थान): सभापति महोदय, आपने मुझे अपना विषय उठाने का अवसर दिया, इसके लिए बहुत-बहुत धन्यवाद। राजस्थान प्रदेश के बैरवा समाज के लोग दिल्ली में, न केवल आजादी के बाद बल्कि आजादी से पहले से, अपने जीवनयापन और मजदूरी के लिए आते रहे हैं। उनकी संख्या लाखों में है। पिछले 30-40 साल से वे लोग यहां स्थाई रूप से रहने भी लग गए हैं - विशेष रूप से दिल्ली की जे.जे. कॉलोनियों में वे रहते हैं। बैरवा समाज, जो राजस्थान और मध्य प्रदेश में दलित या अनुसूचित जाति में आता है, लेकिन अभी तक उन्हें दिल्ली संघ राज्य क्षेत्र में अनुसूचित जाति की सूची में शामिल नहीं किया गया है, जब कि अनुसूचित जाति की सूची में शामिल करने की जो प्रक्रिया है, उसके तहत राष्ट्रीय अनुसूचित जाति आयोग के माध्यम से सर्वे हुआ है। सर्वे के बाद दिल्ली की सरकार के माध्यम से भी केन्द्र सरकार के संबंधित मंत्रालय के पास आ गया है, लेकिन 2013-14 से वह मामला लंबित है। ये लोग जो लाखों की तादाद में रह रहे हैं, जिनको अनुसूचित जाति की सूची के अंदर शामिल होना चाहिए, वे दलित समाज के हैं और उसी तरह से यहां रह रहे हैं। संविधान के आर्टिकल 341 के तहत जो विशेषताएं हैं, उनके तहत वे आते हैं। मेरा आपके माध्यम से मंत्रालय से अनुरोध है कि उनका बहुत दिनों से जो मामला लंबित है, उस पर कार्रवाई करके उसको अनुसूचित जाति की सूची में शामिल किया जाए, धन्यवाद।

**कुमारी शैलजा** (हरियाणा): महोदय, मैं स्वयं को इस विषय से संबद्ध करती हूँ।

**श्री सभापति:** मैं सदस्यों की जानकारी और मार्गदर्शन के लिए एक विषय बताना चाहता हूँ और वह यह है कि जातियों को जोड़ने के संबंध में कि किस जाति को जोड़ना है और

किस जाति को नहीं जोड़ना है, उसका जवाब सरकार देगी, लेकिन मैं चेयरमैन के नाते एक विषय स्पष्ट रूप से कहना चाहता हूँ कि उसके लिए एक प्रक्रिया है। इसके लिए State Cabinet approval, State Assembly approval के बाद वहां से recommend होकर यहां Registrar of Census के पास जाएगा। उसके बाद शेड्यूल्ड कास्ट कमिशन या शेड्यूल्ड ट्राइब कमिशन, जो भी कमिशन है, उसके पास जाएगा, उनकी सिफारिश होने के बाद मेटर Cabinet में जाएगा। Cabinet से पारित होने के बाद विषय पालियामेंट में आएगा। पालियामेंट से पारित होने के बाद वह कानून बन जाएगा, अगर पार्लियामेंट से पारित नहीं हुआ, तो रह जाएगा। यह पद्धति है। हम लोग यहां पर उठ कर यह कहते हैं अमुक जाति को इस सूची में जोड़ा जाए, यह कहने से समस्या का समाधान नहीं होगा। अभी हमने उत्तर प्रदेश का एक अनुभव देखा है।

**श्री रामकुमार वर्मा:** मान्यवर, उन्होंने यह प्रक्रिया पूरी कर ली है।

**श्री सभापति:** ठीक है, अच्छा है। अगर इसमें प्रक्रिया पूरी हो गई है, तो सही है। इसमें कोई आपत्ति नहीं है, इसलिए मैंने allow किया। श्री मनीष गुप्ता जी।

**The incident of an ex-soldier being beaten to death in his house by unknown assailants**

SHRI MANISH GUPTA (West Bengal): Sir, thank you for allowing me to speak on this. A serviceman, a retired army personnel was beaten to death in his house in a North Indian State on 27th July. He was attacked by a bunch of miscreants who entered his house and broke his head with sticks. We all know that the Army is a force which protects the nation. They don't fight what they see in front of them, but they fight for those who are behind them. They have love for the country and the people of India. So, I would request, through you, Sir, that a proper investigation should be done into this incident and the miscreants who caused this be brought to book.

MS. DOLA SEN (West Bengal): Sir, I associate myself with the issue raised by the hon. Member.

**Alleged disrespect shown to Hindi and other Indian languages in UPSC competitive exams**

**श्री हरनाथ सिंह यादव** (उत्तर प्रदेश): माननीय सभापति जी, मैंने पिछले वर्ष संघ लोक सेवा आयोग द्वारा आयोजित प्रतियोगी परीक्षाओं में हिन्दी तथा अन्य भारतीय भाषाओं के प्रतियोगियों के साथ हो रहे सरासर अन्याय की ओर सदन के माध्यम से सरकार का ध्यान आकृष्ट किया था।

मान्यवर, अंग्रेज़ी के प्रश्न पत्रों का अनुवाद गूगल से किया जाता है, जो सामान्यतः गलत अथवा समझ में न आने वाला होता है। ऐसे में किसी भी मेधावी छात्र के लिए सवालों का सही उत्तर देना कठिन हो जाता है। जब सवाल ही गलत होंगे, तो उत्तर किसी भी प्रकार से सही नहीं सकता है।

मान्यवर, संघ लोक सेवा आयोग की परीक्षाओं में गूगल अनुवाद के कुछ उदाहरण मैं आपके सामने, सदन के सामने रखना चाहता हूँ:-

अंतर्विष्ट प्रतिशोध अथवा निर्बंधन अथवा उपबन्ध अनुच्छेद 142 के अधीन संवैधानिक शक्ति को प्रतिरोध अथवा निर्बंधन की तरह कार्य नहीं कर सकता।

वार्महोल से होते हुए अन्तरामंदाकिनीय अंतरिक्ष यात्रा की संभावनाओं की पुष्टि हुई।

यूपनसीएसी, अब तक का सबसे पहला विधितह बाध्यकारी सार्वभौम भ्रष्टाचार विरोधी लिखित है।

स्टील प्लान्ट की हिन्दी है स्पात का पोधा।

मान्यवर, इन वाक्यों का अर्थ केवल गूगल अथवा संघ लोक सेवा आयोग के अधिकारी ही बता सकते हैं, हिन्दी का कोई प्रकाण्ड विद्वान इनको न समझ सकता है, न बता सकता है। मान्यवर, 2010 में हिन्दी तथा अन्य भारतीय भाषाओं की सफलता का प्रतिशत 20 प्रतिशत था और C-SAT लागू होने के बाद यह घटते-घटते 2018 में मात्र 2 प्रतिशत रह गया है। मान्यवर, गत वर्ष कुल 1,122 प्रतियोगी चयनित हुए थे, जिनमें हिन्दी भाषी केवल 26 तथा अन्य भारतीय भाषाओं के मात्र 27 प्रतियोगी थे। मान्यवर, देश के माननीय प्रधान मंत्री जी, आदरणीय नरेन्द्र मोदी जी जब किसी अंतर्राष्ट्रीय मंच अथवा किसी राष्ट्रीय अध्यक्ष से हिन्दी में बोलते हैं, तो 130 करोड़ देशवासियों का सीना फूलकर चौड़ा हो जाता है। परंतु अपने देश में हिन्दी सहित सभी मात्रभाषाएं मुट्ठी भर लोगों के षड्यंत्र का शिकार हैं। मान्यवर, समस्या अत्यंत भयावह हो गई है। अतः मैं सरकार से मांग करता हूँ कि सिविल सेवा सर्विसेज़ परीक्षा में Civil Services aptitude Test को तत्काल समाप्त करिए। दूसरा, मूल प्रश्न पत्र हिन्दी तथा अन्य किसी भारतीय भाषा में होना चाहिए, जिनका अनुवाद अंग्रेज़ी भाषा में होना चाहिए। ...**(व्यवधान)**....

**श्री सभापति:** हरनाथ सिंह यादव जी समय ही समाप्त हो गया। यह मेरे हाथ में भी नहीं है।

**श्री विनय दीनू तेंदुलकर (गोवा):** महोदय, मैं इस विषय के साथ स्वयं को संबद्ध करता हूँ।

**श्रीमती रूपा गांगुली (नाम निर्देशित):** महोदय, मैं भी इस विषय के साथ स्वयं को संबद्ध करता हूँ।

डा. विकास महात्मे (महाराष्ट्र): महोदय, मैं भी इस विषय के साथ स्वयं को संबद्ध करता हूँ।

**Setting aside the principle of social justice in Delhi University as well as other universities in the ongoing admission process**

प्रो. मनोज कुमार झा (बिहार): सभापति महोदय, मैं आपके माध्यम से सदन का और माननीय एचआरडी मिनिस्टर साहब का ध्यान एक गंभीर विषय की ओर आकृष्ट करना चाहता हूँ। सर, अभी दिल्ली विश्वविद्यालय में नामांकन चल रहे हैं। अब तक जो हमारी संवैधानिक मान्यताएं रही हैं, सामाजिक न्याय की जो एक रवायत रही है कि अगर एससी-एसटी, ओबीसी और अब ईडब्ल्यूएस unreserved categories में आता है, तो वह unreserved में ट्रीट होगा और बाकी बची सीट्स different categories में जाएंगी। दिल्ली विश्वविद्यालय के विभिन्न विभागों में इसका सरेआम उल्लंघन हो रहा है। Bulletin of Information कहता है,

'The merit list will include SC, ST, OBC and EWS irrespective of category that meet the criteria of merit for UR whereas at the ground zero level it is being violated'. I would urge the House, through you, Sir, that the hon. HRD Minister must intervene and make sure that the idea of social justice is implemented in letter and spirit. Thank you.

MR. CHAIRMAN: Jhaji, you please meet me personally. I also happen to be the Chancellor of Delhi University. We will discuss it and then take it up with the University.

श्री राजमणि पटेल (मध्य प्रदेश): महोदय, मैं इस विषय के साथ स्वयं को संबद्ध करता हूँ।

श्री रामकुमार वर्मा (राजस्थान): महोदय, मैं भी इस विषय के साथ स्वयं को संबद्ध करता हूँ।

श्री शमशेर सिंह दुलो (पंजाब): महोदय, मैं भी इस विषय के साथ स्वयं को संबद्ध करता हूँ।

SHRI B. K. HARIPRASAD (Karnataka): Sir, I associate myself with the issue raised by the hon. Member.

SHRI MOHD. ALI KHAN (Andhra Pradesh): Sir, I also associate myself with the issue raised by the hon. Member.

DR. L. HANUMANTHAIHAH (Karnataka): Sir, I also associate myself with the issue raised by the hon. Member.



SHRIMATI WANSUK SYIEM (Meghalaya): Sir, I also associate myself with the issue raised by the hon. Member.

SHRI VAIKO (Tamil Nadu): Sir, I also associate myself with the issue raised by the hon. Member.

SHRI SUBHASISH CHAKRABORTY (West Bengal): Sir, I also associate myself with the issue raised by the hon. Member.

SHRIMATI SHANTA CHHETRI (West Bengal): Sir, I also associate myself with the issue raised by the hon. Member.

SHRI RITABRATA BANERJEE (West Bengal): Sir, I also associate myself with the issue raised by the hon. Member.

SHRI K. C. RAMAMURTHY (Karnataka): Sir, I also associate myself with the concern raised by the hon. Member.

PROF. M. V. RAJEEV GOWDA (Karnataka): Sir, I also associate myself with the concern raised by the hon. Member.

SHRIMATI SAROJINI HEMBRAM (Odisha): Sir, I also associate myself with the concern raised by the hon. Member.

**Non-utilization of ₹1500 crore sanctioned for Smart City project in Punjab**

श्री श्वेत मलिक (पंजाब): सर, मैं आपके माध्यम से पंजाब के साथ हुए एक बहुत बड़े अन्याय की बात कर रहा हूँ। मैं मोदी सरकार को यह धन्यवाद दूँगा कि जो स्मार्ट सिटी प्रोजेक्ट है, इस प्रोजेक्ट की शुरुआत शहरी विकास मंत्रालय द्वारा शहरों को स्मार्ट बनाने और शहरियों को स्मार्ट बनाने के लिए हुई थी। इसके अंतर्गत सौ शहरों के विकास के लिए सूची बनी, जिसमें पंजाब के तीन शहर, जिसमें श्री अमृतसर साहेब, जो गुरु नगरी है और सिखों का मक्का है, एक वह शहर था, दूसरा लुधियाना, जो hosiery का शहर है, इसके लिए वह विश्व प्रसिद्ध है, वह था, और जालन्धर, जो स्पोर्ट्स हब है, वह था। इसके लिए पाँच वर्ष पहले वर्ष 2015 में 1500 करोड़ रुपए आवंटित हुए, उन्हें केंद्र सरकार ने issue किया, sanction किया, पर प्रदेश सरकार के असहयोग से वह काम अभी शुरू नहीं हुआ है। सर, स्मार्ट सिटी में सड़कों का निर्माण, सीवरेज, वॉटर सप्लाई, स्ट्रीट लाइट्स, गुड एजुकेशन, हेल्थ सर्विसेज़, साथ ही और भी कई विशेष सुविधाएं, जिनमें community center, वृक्षारोपण, ट्रैफिक, इसका मतलब यह है कि शहरियों के जीवन को सर्व सुविधा-संपन्न बनाना और उनको law abiding बनाना भी है। इसके अंतर्गत awareness programme भी है कि आप कानून का पालन करो, ट्रैफिक रूल्स का पालन करो। सर, इसके लिए

राशि में 50-50 की ratio है। अग्रिम राशि आने के बावजूद पंजाब सरकार अपना पचास प्रतिशत नहीं डाल रही है। मैं आपके माध्यम से निवेदन करूँगा कि यह मेरी माँग है कि एक पार्लियामेंटरी कमिटी बने या फिर officers का delegation पंजाब में भेजा जाए। लोगों को सफरिंग से बचाने के लिए यह स्मार्ट सिटी प्रोजेक्ट तेजी से चले और लोगों को सुविधाएं मिले, जो केंद्र सरकार चाहती है।

**Need to give old age pension to persons of 60 years and above  
falling under APL**

**श्रीमती कहकशां परवीन** (बिहार): सभापति महोदय, मैं आपके माध्यम से गरीब बूढ़े और बुढ़ियों की बात सदन में रखना चाहती हूँ। सरकार वृद्ध पेंशन योजना चलाती है, जिसके अंतर्गत बूढ़े लोगों को हर महीने 400 रुपए मिलते हैं, वर्ष 2011 के सर्वे के हिसाब से हर सरकारी योजना का लाभ सरकार देती है, बहुत सारे ऐसे लोग हैं, जो कि सही में, हकीकत में गरीब हैं, लेकिन वे सरकारी योजनाओं का लाभ नहीं ले पाते। उनका नाम सूची में नहीं रहने की वजह से बिहार सरकार ने एक फ़ैसला इसी साल किया है कि चाहे वे लोग बीपीएल में हों या एपीएल में हों, वे अगर वृद्ध पेंशन योजना का लाभ लेना चाहते हैं, तो बिहार सरकार 60 साल के तमाम बूढ़ों एवं बुढ़ियों को वह दे रही है। गरीब आदमी के लिए 100 रुपये, 200 रुपये या 400 रुपये बहुत मायने रखता है, उससे वे अपने बहुत सारे काम कर लेते हैं।

महोदय, मैं आपके माध्यम से सरकार से यह अनुरोध करती हूँ कि जिस तरह से बिहार सरकार ने 60 साल के लोगों को वृद्ध पेंशन योजना का लाभ देने का काम किया है, उसी तरह से देश भर में सरकार यह काम करे कि हर बूढ़े एवं बूढ़ी को कुछ पैसा दे, ताकि वे अपनी जरूरतों को पूरा कर सकें।

† **محترمہ کہکشاں پروین (بہار):** سبھاپتی مہودے، می آپ کے توسط سے غریب بوڑھے اور بوڑھیں کی بات سدن می رکھنا چاہتی ہوں۔ سرکار وردا پنشن اسکیم چلاتی ہے، جس کے تحت بوڑھے لوگوں کو ہر مہینے چار سو روپے ملتے ہیں، لیکن سال 2011 کے سروے کے حساب سے جن سرکاری اسکیموں کا فائدہ سرکار دیتی ہے، بہت سارے ایسے لوگ ہیں، جو کہ صحیح میں، حقیقت میں غریب ہیں، لیکن بہت سی سرکاری یجنوں کا فائدہ نہیں لے پاتے۔

بہار سرکار نے ایک فیصلہ اسی سال کٹی ہے کہ چاہے وہ لوگ بی بی پی ایل میں ہوں یا اے پی ایل میں ہوں، وہ اگر وردا پنشن اسکیم کا فائدہ لےنا چاہتے ہیں، تو بہار سرکار ساٹھ سال کے تمام بوڑھوں اور بوڑھوں کو وہ دے رہی ہے۔ غریب آدمی کے لیے سو

روپے، دو سو روپے ٹی چار سو روپے بہت معنے رکھتا ہے، اس سے وہ اپنے بہت سارے کام کر لیتے ہی۔

مہودے، م ی آپ کے توسط سے سرکار سے بی گزارش کرتی ہوں کہ جس طرح بہار سرکار نے ساٹھ سال کے لوگوں کو ورڈا پ ٹیشن اسکیم کا فائدہ دینے کا کام کیا ہے، اسی طرح سے دیش بھر م ی سرکار بی کام کرے کہ ہر بوڑھے اور بوڑھیوں کو کچھ پیسہ دے، تاکہ وہ اپنی ضرورتوں کو پورا کر سکیں۔

(ختم شد)

**श्रीमती विप्लव ठाकुर** (हिमाचल प्रदेश): महोदय, मैं स्वयं को इस विषय के साथ संबद्ध करती हूँ। सर, मैं यह बताना चाहती हूँ कि पाँच-पाँच महीने, छः-छः महीने के बाद उनका पैसा आता है।

**श्रीमती छाया वर्मा** (छत्तीसगढ़): महोदय, मैं भी स्वयं को इस विषय के साथ संबद्ध करती हूँ।

**श्रीमती सरोजिनी हेम्रम** (ओडिशा): महोदय, मैं भी स्वयं को इस विषय के साथ संबद्ध करती हूँ।

**श्रीमती जया बच्चन** (उत्तर प्रदेश): महोदय, मैं भी स्वयं को इस विषय के साथ संबद्ध करती हूँ।

#### **Need to observe birth centenary of Shahir Annabhau Sathe**

**डा. विनय पी. सहस्त्रबुद्धे** (महाराष्ट्र): माननीय सभापति जी, आज की तारीख एक अगस्त है और महाराष्ट्र में जन्मे हुए देश के दो महान सपूतों का आज स्मरण-दिवस है। हम जानते हैं कि आज लोकमान्य बाल गंगाधर तिलक जी की पुण्यतिथि है, मगर जब दलित-साहित्य नाम का शब्द भी नहीं था, उस समय जिन्होंने महाराष्ट्र और पूरे देश के उपेक्षित, पीड़ित, शोषित समाज की वेदना को स्वर दिया, ऐसे स्वर्गीय शाहिर अण्णाभाऊ साठे की जन्म-शताब्दी का भी आज प्रारंभ हो रहा है।

मान्यवर, हम सब जानते हैं कि अण्णाभाऊ साठे ने साहित्य और समाज-सेवा के क्षेत्र में तो काम किया ही था, मगर उन्होंने विभिन्न जन-आंदोलनों का भी सफलतापूर्वक नेतृत्व किया और उनका जन्म-शताब्दी वर्ष आज से प्रारंभ हो रहा है। सदन को शायद पता नहीं होगा, मगर अण्णाभाऊ साठे ने अपनी कम आयु में ही 35 उपन्यास लिखे, 14 लोक-नाट्यों की रचना की, तीन नाटक लिखे, 13 कथा-संग्रह लिखे और जब वे सोवियत रूस गए थे, तब उस समय का एक प्रवास-वर्णन भी लिखा। पोवाडा, जो कि महाराष्ट्र के लोकगीतों की शाहिरी और संगीत की एक परम्परा है, ऐसे 10 पोवाडों के रचयिता भी वे ही थे। उन्होंने

स्त्री-पुरुष समानता की बात भी अपनी पद्धति से की, जबकि यह विषय उस समय के वातावरण में नहीं था, मगर जब हम उनके "चित्रा" तथा "वैजयंता" उपन्यासों को देखेंगे अथवा "माकडीचा मार" नामक उनका एक साहित्य, जो कि काफी मशहूर है, उसमें हम देखेंगे तो पाएंगे कि जाति-संघर्ष से ऊपर उठकर सामाजिक समरसता के लिए जिन्होंने अपनी लेखनी का काम किया, ऐसे बहुत विद्वान साहित्यकारों और समाज के लिए समर्पित साहित्यकारों में अन्नाभाऊ साठे का समावेश होता है।

मान्यवर, मैं आपके माध्यम से केवल तीन बिन्दु इस सदन में रखना चाहता हूँ। पहली बात यह है कि उनके साहित्य का देश के विभिन्न भाषाओं में अनुवाद किया जाए। दूसरा, साहित्य एकेडमी में उनकी स्मृति में एक "दलित-साहित्य पीठ" का निर्माण किया जाए, ताकि वह अण्णाभाऊ साठे के नाम से पहचानी जाए। आज लोकमान्य तिलक जी की भी जयंती है और आने वाले साल में उनकी स्मृति-शताब्दी मनाई जाएगी, क्योंकि जिस दिन उनकी मृत्यु हुई, उसी दिन अण्णाभाऊ साठे का जन्म हुआ था। लोकमान्य जी की स्मृति-शताब्दी के समय मुझे यह अनुरोध करना है कि महाराष्ट्र के रत्नागिरी में उनकी जन्म-भूमि है, जिसका विकास करना जरूरी है और मुम्बई के चौपाटी में, जहाँ पर उनका दाह-संस्कार हुआ था, उसको भी एक राष्ट्रीय स्मारक के रूप में तब्दील करना आवश्यक है। आपका बहुत-बहुत धन्यवाद।

**श्री अमर शंकर साबले** (महाराष्ट्र): महोदय, मैं स्वयं को इस विषय के साथ संबद्ध करता हूँ।

**श्री विनय दीनू तेंदुलकर** (गोवा): महोदय, मैं भी स्वयं को इस विषय के साथ संबद्ध करता हूँ।

**श्री विजय पाल सिंह तोमर** (उत्तर प्रदेश): महोदय, मैं भी स्वयं को इस विषय के साथ संबद्ध करता हूँ।

**श्री हरनाथ सिंह यादव** (उत्तर प्रदेश): महोदय, मैं भी स्वयं को इस विषय के साथ संबद्ध करता हूँ।

**डा. विकास महात्मे** (महाराष्ट्र): महोदय, मैं भी स्वयं को इस विषय के साथ संबद्ध करता हूँ।

**SHRI KAILASH SONI** (Madhy Pradesh): Sir, I also associate myself with the Zero Hour submission of Shri Sahasrabuddhe.

**SHRI KAMAKHYA PRASAD TASA** (Assam): Sir, I also associate myself with the Zero Hour submission made by Shri Sahasrabuddhe.

**SHRIMATI VANDANA CHAVAN** (Maharashtra): Sir, I also associate myself with the Zero Hour submission made by Shri Sahasrabuddhe.

**Denial of 100 days work guaranteed under MGNREGA in Tamil Nadu**

SHRI P. WILSON (Tamil Nadu): Mr. Chairman, Sir, we have the Mahatma Gandhi National Rural Development Employment Guarantee Act enacted in 2005. About 13 crore rural households depend on MGNREGA. It is the largest work guarantee programme in the world enacted in 2005 with a primary objective of guaranteeing 100 days of wage employment to rural households. Sir, the Act aims at addressing causes of chronic poverty through the works that are undertaken and thus ensuring sustainable development.

When the Act mandates for providing not less than 100 days of unskilled manual work as guaranteed employment in a financial year to every household in rural areas, as per their demand, there have been large-scale complaints from NREGA workers that 100 days employment is not given to them. And, even for the work done by them, their wages are not paid on time.

Sir, to our party President, hon. Leader of Opposition in Tamil Nadu, Mr. M.K. Stalin, when he was touring in Vellore for election campaign, a lot of workers complained that they were not being given 100 days of wage employment and even wages were not being paid properly.

Sir, the core objective of the Act is not only to create productive assets of prescribed quality and durability but also strengthening the livelihood resource base of the poor. The workers have the legal right and the Act mandates for providing employment for adult members of the rural households. At least, one-third beneficiaries are women. Therefore, through this august House, I request the hon. Minister of Rural Development to find out the reasons as to why this Act, which guarantees hundred days employment, is not being implemented in true letter and spirit. And, also find out as to why there are complaints from the workers that they are not being paid wages as per the Act. I also urge upon the hon. Minister to call for report from the national level monitors, in this regard, from Tamil Nadu.

SHRI VAIKO (Tamil Nadu): Sir, I associate myself with what the hon. Member has said.

SHRI ELAMARAM KAREEM (Kerala): Sir, I also associate myself with what the hon. Member has said.

SHRI T.K. RANGARAJAN (Tamil Nadu): Sir, I also associate myself with what the hon. Member has said.

SHRI M. SHANMUGAM (Tamil Nadu): Sir, I also associate myself with what the hon. Member has said.

MS. DOLA SEN (West Bengal): Sir, I also associate myself with what the hon. Member has said.

**Need to establish a major port in Ramayapatnam, Andhra Pradesh**

SHRI G.V.L. NARASIMHA RAO (Uttar Pradesh): Mr. Chairman, Sir, through this intervention, I would like to draw the attention of both, the Central as well as the State Governments, towards the implementation of Andhra Pradesh Reorganization Act. All the educational institutions, under Thirteenth Schedule, have been granted to the State. But, under Thirteenth Schedule, some infrastructure projects were to be taken up. One of them is regarding construction of a major port at Duggirajapatnam in Andhra Pradesh. But the Central Government had already informed, about three years ago, that this is not feasible and the State should suggest an alternative location. And, to the best of my knowledge, this has not been done till date. As a result, this major investment infrastructure proposal from the Central Government is still waiting because of lack of nod from the State Government. I would urge upon the Central Government to take initiative and consider selection of Ramayapatnam for setting up a major port in Prakasam district. This port would not only be viable in Prakasam district, but this will also benefit the backward regions of Andhra Pradesh, including the Prakasam and Nellore districts because the location of the port would be somewhere between these two districts. So, I urge upon the Central government to take a *suo motu* initiative and ask the State Government to facilitate construction of a major port in Ramayapatnam.

Now, Mr. Chairman, Sir, with your kind permission, I would like to speak in Telugu.

\* Mr. Chairman, Sir, construction of port in Ramayapatnam, Andhra Pradesh is feasible as there is a provision in the Andhra Pradesh Reorganization Act. Though it is mentioned in the Act that the port has to be constructed in Duggirajapatnam, Andhra Pradesh the Central Government has already informed, about three years ago, that this is not feasible and the State should suggest an alternative location. I would urge upon the Central Government to take initiative and consider selection of Ramayapatnam for setting up a major port in Prakasam district. This would benefit the people of both Prakasam and Nellore Districts. Investments of rupees 50,000 crores is expected by construction of this port. So, I urge upon the Central government to

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\*English version of original speech delivered in Telugu.

take a *suo motu* initiative and ask the State Government to facilitate construction of a major port in Ramayapatnam. All the national educational institutions sanctioned under Schedule XIII of the Andhra Pradesh Reorganization Act have been granted to the State by the Centre. In the same way, Railway Zone was allotted to Visakhapatnam. Vizag-Chennai Industrial Corridor was also developed. The Centre has taken up building of new Airports and expansion of existing Airports. The Central Government has fulfilled all its promises and hence, I urge upon both the Central and State Governments to take initiative towards construction of port.

Thank you Sir.

SHRI Y.S. CHOWDARY (Andhra Pradesh): Sir, I associate myself with what the hon. Member has said.

SHRI C.M. RAMESH (Andhra Pradesh): Sir, I also associate myself with what the hon. Member has said.

SHRI V. VIJAYASAI REDDY (Andhra Pradesh): Sir, I also associate myself with what the hon. Member has said.

SHRI PRABHAKAR REDDY VEMIREDDY (Andhra Pradesh): Sir, I also associate myself with what the hon. Member has said.

DR. K.V.P. RAMACHANDRA RAO (Telangana): Sir, I also associate myself with what the hon. Member has said.

MR. CHAIRMAN: As the hon. Member has himself translated, there was no need for interpretation. What he earlier spoke in English, he later spoke in Telugu also. All those, who want to associate, can send their slips. To associate, one need not stand. They can simply raise their hands and send a slip. ...*(Interruptions)*...

SHRI V. VIJAYASAI REDDY: But, Sir, you are not looking at me. ...*(Interruptions)*...

MR. CHAIRMAN: There is no need. It will automatically be done. ...*(Interruptions)*... I am not supposed to look at you, you are supposed to look at me. ...*(Interruptions)*... Mr. Vijayasai Rededy wants that the Chair should always look at him. I will keep it in mind.

Now, Shri K.T.S. Tulsi. ...*(Interruptions)*... Shri K.T.S. Tulsi. ...*(Interruptions)*.

**Conservation of flood plains in the country**

SHRI K.T.S. TULSI (Nominated): Mr. Chairman, Sir, through you, I would like to bring to the notice of this august House that two non-invasive schemes for perennial natural mineral water and non-polluted bulk water have been initiated by the Nobel laureate Prof. A.J. Leggett and Prof. M.S. Swaminathan. They have worked out the availability of perennial sources of water which are lying under the forests and in the flood plains of the rivers. As we know, floodplain aquifers are an incredible source of natural water. On the one hand, we have 70 per cent of all surface water available in rivers and lakes, which is unfit for domestic use, on the other hand, floodplain aquifers are an incredible source. The natural recharge from monsoon rain and late season floods' storage, without losing any evaporation, are lying in the aquifers of our rivers and forests. There is local sustainable perennial source of bulk water for our cities. All the needs can be met from these schemes. The other source of unpolluted natural water, which underlies the forests, percolates through humus and leaf covers picking up underground aquifers. This is natural mineral water. Since this is high quality natural mineral water, purely for drinking, we need only two to three litres a day per person. Most of the cities requirements can be met through this. In cities like Delhi, we have a ridge, which is an aquifer. In Bangalore, they have Bannerghatta National Park. Mumbai has Borivali National Park and Sanjay Gandhi National Park. These are amazing benefits in the health sector. There will be huge health and economic benefit if these schemes are given due attention. Most importantly, such an initiative can also help protect both floodplains and forest aquifers. We need a very stringent law and there is a need to declare floodplains as water sanctuaries. Thank you, Sir.

SHRI MANAS RANJAN BHUNIA (West Bengal): Sir, I associate myself with the issue raised by the hon. Member.

DR. SONAL MANSINGH (Nominated): Sir, I also associate myself with the issue raised by the hon. Member.

**Need to release water from Damodar Valley Corporation in consultation  
with the West Bengal Government**

SHRI RITABRATA BANERJEE (West Bengal): Sir, through you, I want to raise a very important demand for our State. The Damodar Valley Corporation is releasing excess water every year, resulting in severe floods in different areas of West Bengal. There is an urgent need to reform the DVC which releases water from its different



[Shri Ritabrata Banerjee]

barrages leading to the flood like situation in our rain battered State. The DVC barrages are quite old. They are not cleaned or dredged from time to time, which has resulted in sedimentation. If proper and modernised dredging had been done, then, another 2,00,000 cusecs of water could have been stored there. The hon. Chief Minister of Bengal has been raising the issue of water release by the DVC time and again. Due to the demography and the geography of Bengal, water from the Western part of the State and the Northern part of the State enters whenever there are rains in other parts, flooding our State. The DVC is doing its main business in our State, but it is causing floods by not holding water to its capacity in the dams on a regular basis. For the last three, four years, on an average, the DVC has released up to 2,00,000 cusecs of water causing floods in more than hundreds of our blocks. This is happening because the DVC dams have failed to hold the water to their capacity. Now, dredging and modernisation also at Farakka is creating problem resulting in the rivers of North Bengal to flood the hinterland. This is an international issue because most of the rivers of our State flow to Bangladesh and then to the Bay of Bengal. So, I urge the Government, through you, Sir, that this needs to be taken up on an international basis when there is a bilateral meeting between India and Bangladesh. This issue, dredging and modernisation on an international basis by both the countries, needs to be taken up. The State Government needs to be consulted before releasing the additional water. The DVC needs to sit with the State Government on an immediate basis. No water should be released without prior consultation and intimation to the State Government. Man-made floods must not cause sufferings to the people of our State and it needs to be checked immediately.

Lastly, through you, Sir, I will urge upon the Central Government that this is a very serious matter. The DVC must not release water without consulting our State Government. The Government has taken up this matter. Through you, I once again request the Government to look into this matter on an immediate basis. Thank you.

SHRIMATI SHANTA CHHETRI (West Bengal): Sir, I associate myself with the issue raised by the hon. Member.

SHRI SUBHASISH CHAKRABORTY (West Bengal): Sir, I also associate myself with the issue raised by the hon. Member.

**The treatment meted out to citizens by BSF along the Indo-Bangladesh border**

SHRI ABIR RANJAN BISWAS (West Bengal): Thank you, Sir, for allowing me to speak. Sir, I will be speaking in Bengali. \* Hon'ble Chairman Sir, at the outset I

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\*English translation of the original speech delivered in Bengali.

want to thank you for permitting me to raise the issue of citizens living along Indo-Bangladesh border. Sir, the people living along Indo-Bangladesh border have been suffering from various crises, of which I want to present a few painful ones before you. Sir, the Indo-Bangladesh border is 4156 km long and is the fifth longest border in the world. Out of the total, 2217 km is within the state of West Bengal and touches almost half of its districts. As per an agreement signed in 1975, no defence infrastructure can be built within 150 yards of the zero point of the border, to which India has some reservations. However, to honour the agreement, barbed wire-fencing have been placed at all places on the Indian side at a minimum distance of 200 metre from the international border and at many places, it is located even at a distance ranging from 1 km to 1.75 km. Sir, it has led to a complex situation. Agricultural land totalling lakhs of hectares belonging to lakhs of people are now outside the fence; even some villages and residential accommodations are now situated across the border. It has made lakhs of people reeling under great stress and pain. It is living like a foreigner in your own land. I am trying to present their immense suffering before you, Sir, in the hope of alleviation of the pain.

Hon'ble Sir, the only way to reach one's village or agricultural land situated within the Indian side is to cross the gate at the barbed-wire fence. But in the case of West Bengal, the distance between the main land and the gate ranges at an average of 4.5 km. So it is quite a hard task to reach one's village or agricultural land. The problem is even deeper and lies elsewhere.

These gates were kept open, just a few years ago, from 6 am to 6 pm every day. Now at the borders, especially at the border areas along Gede, the gates are kept open during three time slots —from 6 to 9 am, from 11 am to 1 pm and again from 3 to 5 pm. What happens if there is an emergency medical case owing to snake bite to the farmers, heart diseases, cerebral stroke, fire or conditions of pregnant women? They have to wait a long period before the gates are opened and at times great damages befall them.

श्री सभापति: आपको पढ़ना नहीं है, बोलना है।

SHRI ABIR RANJAN BISWAS: \* I want to draw your attention, Sir, to these problems.

Sir, there is a lack of farm hands in the villages of West Bengal these days.

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\*English translation of the original speech delivered in Bengali.

Elderly farmers are therefore compelled to till their lands. In order to reach the gates at 6 am for the said purpose, they have to first clear the bushes and wild shrubs around the border for about 1 to 1.5 hours.

**SHRI SUBHASISH CHAKRABORTY (West Bengal):** Sir, I would like to associate myself with the Zero Hour mention made by the hon. Member.

**MR. CHAIRMAN:** Shri Digvijaya Singh; not present. Shri Vishambhar Prasad Nishad.

### **Need for uniform SC/ST certificates in all States**

**श्री विशम्भर प्रसाद निषाद (उत्तर प्रदेश):** माननीय सभापति महोदय, आपने मुझे इस अति महत्वपूर्ण विषय को उठाने का मौका दिया, इसके लिए मैं आपको धन्यवाद देता हूँ। भारत के संविधान के अनुच्छेद 341में अनुसूचित जाति और अनुच्छेद 342 में अनुसूचित जनजाति के लिए आरक्षण की व्यवस्था की गयी है। इसी तरह से मंडल कमीशन ने 1993 से ओबीसी के लिए आरक्षण की व्यवस्था दी है। महोदय, चूंकि पूरे देश में रोजगार की कमी है, इसलिए लोग रोजगार की तलाश में इस जिले से उस जिले और इस प्रदेश से उस प्रदेश में चले जाते हैं। इसी तरह से शादियां भी एक प्रदेश से दूसरे प्रदेश में होती रहती हैं। यदि हरियाणा की ओबीसी की महिला की शादी दिल्ली में ओबीसी के व्यक्ति से हो जाती है और अगर वह महिला दिल्ली सरकार में नौकरी के लिए apply करती है तो उसे सामान्य जाति का माना जाता है। उसे उसके पति की जाति के आधार पर आरक्षण का प्रमाण पत्र नहीं दिया जाता है। इसी तरह से अनुसूचित जाति और अनुसूचित जनजाति में है। अगर कोई भी व्यक्ति काम की तलाश में, रोजगार की तलाश में किसी दूसरे प्रदेश में चला जाता है - मान लीजिए, उत्तर प्रदेश का कोई व्यक्ति है, जो अनुसूचित जाति की सूची में है, जैसे दिल्ली में मल्लाह है, उत्तर प्रदेश में मझवार है, गोंड है, बेलदार है, तुरैहा है, शिल्पकार है, तरमाली है, मध्य प्रदेश में माझी है, बिहार में माझी है - तो ये जो जातियां हैं, अगर इनका कोई व्यक्ति दूसरे प्रदेश में चला जाता है और काम की तलाश में वहां रुक जाता है, वहां मकान बनाकर रहने लगता है तो सरकार उन्हें वहां के अधिकारों से वंचित कर देती है, उन्हें वहां पर नौकरी में कोई सुविधा नहीं मिलती है। जबकि सरकार ने आधार कार्ड बनाया है। एक ही प्रमाण पत्र जारी होना चाहिए। केंद्र की नौकरियों में तो सुविधा मिलती है, लेकिन प्रदेश की सेवाएं अलग-अलग सूची बनी होने के कारण...यहां तक कि तमाम स्टेटों में एक ही राज्य में एक-एक जिले की सूची बनी हुई है। मान्यवर, यह पार्लियामेंट है, इनको ठीक करना और इसमें करेक्शन करना संसद का काम है। मैं आपसे निवेदन करना चाहता हूँ कि इन विसंगतियों को दूर किया जाना आवश्यक है। अभी जैसा आप भी बता ही रहे थे, हमारे उत्तर प्रदेश में हमारी 17 पिछड़ी जातियां हैं, जैसे कहार, कश्यप, केवट, मल्लाह, निषाद, कुम्हार, प्रजापति, धीवर, बिन्द, भर, राजभर, धीमर, बाथम, तुरहा, गोडिया, माझी और मछुवा। ये समनामी पुकारू

जातियां हैं, जिनका रोटी-बेटी का रिश्ता है, खान-पान एक जैसा है। उत्तर प्रदेश की अनुसूचित जाति की सूची 1950 की बनी हुई है। इन जातियों के लिए भी सरकार ने 22 दिसम्बर, 2016 में शासनादेश जारी किया था, उसके खिलाफ लोग हाई कोर्ट गए। हाई कोर्ट ने stay कर दिया, फिर 29 मार्च 2017 को stay vacate हुआ। अभी हाल ही में सरकार ने \*

**श्री सभापति:** धन्यवाद, विशम्भर जी। हमेशा समय को ध्यान में रखकर समाप्त करना चाहिए। अब तो आपकी बात रिकॉर्ड में नहीं जाएगी।

**श्रीमती छाया वर्मा (छत्तीसगढ़):** महोदय, मैं माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को सम्बद्ध करती हूँ।

**श्री राम कुमार कश्यप (हरियाणा):** महोदय, मैं भी माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को सम्बद्ध करता हूँ।

**श्री चुनीभाई कानजीभाई गोहेल (गुजरात):** महोदय, मैं भी माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को सम्बद्ध करता हूँ।

#### **Delimitation of blocks for better development**

**श्री अजय प्रताप सिंह (मध्य प्रदेश):** सभापति महोदय, भारत में लगभग 5500 विकास खंड हैं। इनके माध्यम से ग्रामीण क्षेत्र में, कृषि, पेयजल, सड़क, महिला एवं बाल विकास, स्वास्थ्य, शिक्षा, सामाजिक न्याय एवं अधिकारिता, आवास, स्वच्छता, पंचायती राज, पशुपालन इत्यादि विभागों के कार्यों का निष्पादन, पर्यवेक्षण एवं निगरानी एवं मार्गदर्शन किया जाता है। इन विकास खंडों को देश के विभिन्न भागों में अलग-अलग नामों से संबोधित किया जाता है। कहीं इन्हें तालुका, कहीं मंडल, कहीं सर्किल और कहीं-कहीं पंचायत समिति कहा जाता है।

सभापति महोदय, मेरी मांग है कि जिस तरह देश में अन्य प्रशासनिक इकाइयों को एक ही नाम से पुकारा जाता है, उदाहरणस्वरूप पूरे देश में राज्य को राज्य कहा जाता है, जिले को जिला कहा जाता है, ग्राम को ग्राम कहा जाता है, पंचायत को पंचायत कहा जाता है, यह जो प्रशासनिक इकाई ग्रामीण क्षेत्र के लिए बहुत महत्वपूर्ण है, उसी तरीके से इसको भी पूरे देश में एक ही नाम से पुकारना चाहिए। इन विकास खंड इकाइयों का लंबे कालखंड से पुनर्निर्माण अथवा परिसीमन नहीं हुआ है। इसके कारण कई विसंगतियां एवं परस्पर असंतुलन व्याप्त हो गया है। विसंगति और असंतुलन का जो प्रमुख कारण है, वह देश की बढ़ती हुई जनसंख्या है, जिसके कारण पंचायतों की संख्या बढ़ गई है। कई निर्जन गांव अब आबाद हो गए हैं, उसके कारण भी पंचायतों की संख्या बढ़ गई है। कई मसारी गांव जो पहले भारत के नक्शे में नहीं थे, अब उनका नक्शा निर्धारण हो गया है और राजस्व गांव में परिवर्तित हो गए हैं। वहां पर भी पंचायतें बन गई हैं। उससे भी पंचायतों की संख्या बढ़ी है। देश में शहरीकरण बढ़ा है, तो शहरों के आस-पास जो ग्राम पंचायतें हैं, वे धीरे-धीरे शहरों में विलीन होती जा रही हैं। इसके कारण भी संख्या में असर हुआ है। सभापति

महोदय, इस परिवर्तन के कारण जो विकास खंड हैं, उनमें परस्पर असंतुलन व्याप्त हो गया है। कई-कई विकास खंडों में तो डेढ़ सौ पंचायतें सम्मिलित हैं और किसी-किसी विकास खंड में मात्र 25-30 पंचायतें ही शेष रह गई हैं। इसलिए इस असंतुलन को समाप्त करने के लिए विकास खंड का पुनर्गठन अथवा परिसीमन करना आवश्यक है। राज्य सरकार, जो अन्य प्रशासनिक इकाइयां हैं, मसलन, जिला, तहसील, पुलिस थाना इनका तो परिसीमन करती है, पुनर्निर्धारण करती है, लेकिन मेरी जानकारी के अनुसार विकास खंडों का परिसीमन और पुनर्निर्धारण करने का अधिकार राज्य सरकार के पास नहीं है, केंद्र सरकार के पास है और यह निर्धारण एक लंबे समय से नहीं हुआ है। इसलिए जो राज्य की अन्य प्रशासनिक इकाइयां हैं और विकास खंड हैं, इनके बीच में भी एक असंतुलन व्याप्त हो गया है। आजादी के बाद से चार बार विधान सभा और लोक सभा का परिसीमन हो गया है, इसलिए मेरी मांग है कि संसद कोई नियम बनाए, उस नियम के तहत \*

**श्री सभापति:** अजय जी, टाइम खत्म हो गया है। आपने एक मौलिक और महत्वपूर्ण मुद्दा उठाया है, मैं आशा करता हूँ कि सरकार और सदन इसके ऊपर ध्यान दे। यह केवल ऑर्डर से नहीं होगा, इसमें सर्वसम्मति बनानी होगी और प्रदेश सरकारों से भी बात करनी होगी। यह मुद्दा जमीन लेवल से जुड़ा हुआ है।

**श्री राकेश सिन्हा** (नाम निर्देशित): महोदय, मैं माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को सम्बद्ध करता हूँ।

**श्री कैलाश सोनी** (मध्य प्रदेश): महोदय, मैं भी माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को सम्बद्ध करता हूँ।

**डा. डी.पी. वत्स** (हरियाणा): महोदय, मैं भी माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को सम्बद्ध करता हूँ।

**श्री विजय पाल सिंह तोमर** (उत्तर प्रदेश): महोदय, मैं भी माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को सम्बद्ध करता हूँ।

**श्री सभापति:** श्रीमती जया बच्चन जी... आप पहले मुझे बताइए कि आप क्यों इतनी नाराज़ हो गईं?

**श्रीमती जया बच्चन** (उत्तर प्रदेश): सर, मैं इसलिए नाराज़ हो गई कि आपको पता होगा कि एक तीन साल की बच्ची को...

**श्री सभापति:** वह तो अलग बात है।

**श्रीमती जया बच्चन:** झारखंड के जमशेदपुर में उस बच्ची के साथ गैंग रेप हुआ, फिर उसको pieces में काटकर एक प्लास्टिक की थैली में डालकर फेंक दिया गया।

श्री सभापति: यह दुर्भाग्यपूर्ण है। आप इस विषय पर आइए।

श्रीमती जया बच्चन: सर, आपने पूछा, इसलिए मैं बता रही हूँ।

श्री सभापति: ठीक है। ...(व्यवधान)... प्लीज़, प्लीज़। सामाजिक समस्या का राजनीतिकरण नहीं करना है।

### **The plight of entertainment industry in India**

SHRIMATI JAYA BACHCHAN (Uttar Pradesh): Sir, according to a recent Bloomberg News Analysis, India is likely to have the world's largest workplace by 2027 with a billion people aged between 15 and 64 years. There are professional individuals like lawyers, Chartered Accountants, scientists and many such individual professionals in India, who are very, very senior and very capable people, a lot of them are present in the House here. But, today, I am speaking of professional individuals of the film industry, or the entertainment industry, to be precise. Sir, these people are paying professional tax of 42.7 per cent, while the private companies are paying the tax of 27.8 per cent. The pressure of this heavy tax system and the pressure of the enforcing authorities are very discouraging to these highest tax-paying individuals and law-abiding citizens. The Indian film industry is an infrastructure-based industry and every sector is interlinked. The growth of the film industry, therefore, promotes growth at several layers and contributes to overall economic growth. Indian films, their world-wide, release reach out to approximately two billion people, including the Indian sub-continent, Indian Diaspora and international audience world-wide. Such a massive outreach to about one-third of the global population is a massive platform to showcase India and its talent to the world. The Indian film industry supports the 'Made in India' initiative and seeks to go global, not only by mere portrayal of Indian films abroad but by being the preferred destination of international studios for their content, creation and post-production. Unfortunately, foreign units find it difficult to get permission due to absence of single-window clearance which is hindering the prospects of so many people who could get employment. A very famous Hollywood actor refused to shoot in India and he said to the media that it is impossible to work in India though there are many areas where international films can ... खत्म हो गया।

श्री सभापति: नहीं, आप टाइम भी देखिए। What is your suggestion?

SHRIMATI JAYA BACHCHAN: Infringement of creative intellectual property is rampant and India is ranked as the second largest offender of intellectual property in the world.

श्री संजय राउत (महाराष्ट्र): महोदय, मैं माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को सम्बद्ध करता हूँ।

SHRI K.C. RAMAMURTHY (Karnataka): Sir, I also associate myself with the Zero Hour submission made by the hon. Member

MS. DOLA SEN (West Bengal): Sir, I also associate myself with the Zero Hour submission made by the hon. Member

MR. CHAIRMAN: Shri R.K. Sinha; not present. यह दो सिन्हा जी का कन्फ्यूज़न थोड़ा खत्म करिए।

#### **Need for improvement in free legal aid services**

DR. L. HANUMANTHAIHAH (Karnataka): Sir, the Legal Services Authorities Act was enacted in 1987 for free and competent legal services to the poor, Scheduled Castes, Scheduled Tribes, women, children, victims of human trafficking, the disabled, workmen, persons in custody or in Protective Homes. Sir, 8.22 lakh people are benefited through legal aid services across the country between 2017 and 2018. Sir, in 2018, the Commonwealth Human Rights Initiative (CHRI) had come out with a report that per capita lawyer ratio in India is 1:736 which is better than many countries in the world. There are 61,593 panel lawyers in this free legal aid service in the country which is one legal aid lawyer to 18,609 population or 5 legal aid lawyers per lakh population. The lawyers engaged in this are usually on *ad hoc* basis. If they are made full-time, definitely the free legal aid service will improve and the level of commitment among them will also improve. There are cases that are withdrawn from these lawyers. On account of that, these poor people who are seeking free legal aid services are being denied justice in the country. Because of that, quality legal aid services are not reaching to these sections of the society. So, I urge upon the Government, particularly, the Law and the Parliamentary Affairs Ministries, that the Government should select and empanel quality and committed lawyers and increase their honorarium because the honorarium is very less in free legal aid service cases. They are not taking interest and are not giving quality legal aid service to these people. And, because of this, the needy people are not getting quality legal services across the country. In all the taluks, districts and States, these legal aid services are there but the needy people are not getting it. The Government has to look into that and increase their honorarium and empanel competent and committed lawyers to these legal aid services. Thank you very much, Sir.

SHRI K.C. RAMAMURTHY (Karnataka): Sir, I associate myself with the matter raised by the hon. Member.

SHRI KUMAR KETKAR (Maharashtra): Sir, I too associate myself with the matter raised by the hon. Member.

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

SHRIMATI WANSUK SYIEM (Meghalaya): Sir, I too associate myself with the matter raised by the hon. Member.

DR. AMEE YAJNIK (Gujarat): Sir, I too associate myself with the matter raised by the hon. Member.

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

#### **Financial help for "Mission Bhagiratha" in Telangana**

SHRI V. LAKSHMIKANTHA RAO (Telangana): Sir, the newly formed State, Telangana, normally suffers from erratic monsoons that has resulted in drought-like situation in large parts of the State and people suffer for want of safe and sustainable piped drinking water supply free from fluorides.

MR. CHAIRMAN: You are not supposed to read. This is Zero Hour.

SHRI V. LAKSHMIKANTHA RAO: I am referring, Sir.

MR. CHAIRMAN: I have no objection.

SHRI V. LAKSHMIKANTHA RAO: The Government of Telangana has started a programme called "Mission Bhagiratha" with an aim to supply pure drinking water to every household in the State and a huge massive programme has been taken up forming Telangana Drinking Water Supply Corporation Ltd., under the Chairmanship of hon. Chief Minister Shri Chandrasekhar Rao. The hon. Prime Minister of India launched this programme on 7th August, 2016 in the Gajwel constituency of Telangana State with an estimated cost of Rs.42,000 crores. While speaking during his visit, he had all the praise for our hon. Chief Minister KCR-led Government because of the Government's achievements in the last 2 years.



MR. CHAIRMAN: So, what is your suggestion?

SHRI V. LAKSHMIKANTHA RAO: Sir, in 2016, the NITI Aayog recommended to the Ministry of Finance, Government of India to support Mission Bhagiratha with a grant of ₹19,205 crores in the period of three years for a very genuine cause of supplying drinking water to rural habitation. However, the Ministry of Finance has not considered the Mission Bhagiratha for support under special assistance to the States. This is in line with the Government of India's programme, that is, the Jal Jeevan Mission 'Nal se Jal'. Sir, drawing water from the reservoirs and supplying pure water to the door steps of the House costs ₹ 45,028 crores. In order to do this, they take loan from different organisations, namely, NABARD, HUDCO and commercial banks up to 80 per cent, and the balance 20 per cent is funded through budgetary support from the State Government.

MR. CHAIRMAN: You have to conclude. Make your demand, please.

SHRI V. LAKSHMIKANTHA RAO: Sir, the NITI Aayog had actually suggested to the Government of India to give 90...\*

MR. CHAIRMAN: It is not going on record. It gets stopped automatically. That is why, I was reminding you in between.

### **Green Diabetology**

DR. VIKAS MAHATME (Maharashtra): Sir, it is not a thing of pride that India has the maximum number of diabetic patients. Many of them are on insulin. The problem with insulin is that the syringes and needles, which are used for this purpose, are thrown with the home wastes. Not only that, annually, 16 crore insulin syringes are thrown in the home garbage. Secondly, around 55 crore needles are also thrown in the home garbage due to various other reasons, like the old-age patients who are looked after by para-medicals who go to their homes for giving injections, dressing the wounds, and they throw medical waste in the home garbage. So, these syringes, needles and the lancets which are used for checking up the blood sugar, are all thrown into home garbage. To add to this, the cotton, gauze pieces and other things, which are used to clean the wound, specially post-operatively, are also thrown in the household dustbin. Due to this, diseases can get transmitted to all those who handle it like the family members and to the workers who work in the house and also to rag pickers. They are also not aware about all these things. There are rules for the disposal of

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\*Not recorded.

biomedical waste in the hospitals and nursing homes, but there are no rules for the bio-medical waste which is generated in the houses. Diseases like AIDS and Hepatitis-A, B and C are blood-borne diseases and can get transmitted to workers who pick up those garbage bags. So, I personally feel that some rules and regulations should be made regarding management of biomedical waste generated at homes, as well as there should be local destruction. You can destroy the needles and syringes at home itself using simple gadgets. There should also be awareness campaigns regarding this.

SHRI KAMAKHYA PRASAD TASA (Assam): Sir, I associate myself with the matter raised by Dr. Vikas Mahatme.

SHRI MAHESH PODDAR (Jharkhand): Sir, I also associate myself with the matter raised by Dr. Vikas Mahatme.

SHRI K.C. RAMAMURTHY (Karnataka): Sir, I also associate myself with the matter raised by Dr. Vikas Mahatme.

SHRI VINAY DINU TENDULKAR (Goa): Sir, I also associate myself with the matter raised by Dr. Vikas Mahatme.

SHRI RANVIJAY SINGH JUDEV (Chhattisgarh): Sir, I also associate myself with the matter raised by Dr. Vikas Mahatme.

### **Conversion of NH-76E from Prayagraj to Mughal Sarai via Mirzapur into six lanes**

श्री रेवती रमन सिंह (उत्तर प्रदेश): मान्यवर, मैं आपका ध्यान प्रयागराज से मिर्जापुर और वाराणसी की सड़क की तरफ ले जाना चाहता हूँ। उत्तर प्रदेश में इलाहाबाद एक महत्वपूर्ण स्थान है, जो तीर्थ स्थल भी है। मैं आपका ध्यान प्रयागराज से मिर्जापुर वाली सड़क NH-76E की तरफ आकृष्ट करना चाहता हूँ मान्यवर, NH-2, GT Road सड़क को छः लेन बनाने का निर्माण कार्य चल रहा है। हमारे प्रयागराज में एक सड़क मिर्जापुर जाती है। इस सड़क पर कुंभ मेला, अर्द्ध कुंभ मेला और माघ मेला लगता है। इस सड़क के बारे में सबसे बड़ी बात यह है कि सावन के महीने में काँवड़ियों के आने से पूरी सड़क जाम हो जाती है।

इसलिए मैं आपके द्वारा भारत सरकार से यह माँग करता हूँ कि मिर्जापुर वाली NH-76E सड़क छः लेन की बना दी जाए और भारत सरकार इन दो NH सड़कों पर, वाराणसी और इलाहाबाद के बीच में एक पुल का निर्माण कर दे। बहुत-बहुत धन्यवाद।

### **Tragic death of a renowned entrepreneur**

SHRI SUKHENDU SEKHAR RAY (West Bengal): Sir, I am obliged that you have given me a chance. The recent tragic death of a renowned entrepreneur, who had set

up a chain of very popular business outlets all over the country, has caused shock and agony among the Indian corporates in particular, and in the minds of the people in general. Sir, hon. Chief Ministers of West Bengal and Karnataka and other leaders, including the corporate leaders, all of them have expressed their concern in the matter. A letter was reportedly written by the deceased, to the Board of Directors of the Company, one day before his death, and from that letter, it appears that he was under tremendous pressure from other stakeholders of the company as well as he named a particular senior officer of the Income Tax Department. Sir, I do not want to go into the blame-game, but, the matter is very serious. While the Government has announced and taken up so many measures for Ease of Doing Business, but, according to reports, about 5000 millionaires have left this country last year only. So, if we fail to regenerate the confidence among the industrialists and investors, the growth rate will decrease alarmingly and the unemployment rate will increase alarmingly. This is the position. Therefore, Sir, my suggestion to the Government through you, would be that the Government should introspect as to why an environment of despair is looming large among the industrialists and the investors and as to why the person about whom I have mentioned had to commit suicide. So, the Government has to introspect and take adequate measures, so that, the confidence of the corporates and the investors is regained. This is my humble submission.

SHRI B.K. HARIPRASAD (Karnataka): Sir, I would like to associate myself with the Zero Hour mention made by the hon. Member.

कुमारी शैलजा (हरियाणा): सर, मैं भी माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को सम्बद्ध करती हूँ।

DR. AMEE YAJNIK (Gujarat): Sir, I would also like to associate myself with the Zero Hour mention made by the hon. Member.

श्री नारणभाई जे. राठवा (गुजरात): सर, मैं भी माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को सम्बद्ध करता हूँ।

DR. L. HANUMANTHAIHAH (Karnataka): Sir, I would also like to associate myself with the Zero Hour mention made by the hon. Member.

MS. DOLA SEN (West Bengal): Sir, I would also like to associate myself with the Zero Hour mention made by the hon. Member.

SHRI RITABRATA BANERJEE (West Bengal): Sir, I would also like to associate myself with the Zero Hour mention made by the hon. Member.

SHRI G.C. CHANDRASHEKHAR (Karnataka): Sir, I would also like to associate myself with the Zero Hour mention made by the hon. Member.

SHRI K.C. RAMAMURTHY (Karnataka): Sir, I would also like to associate myself with the Zero Hour mention made by the hon. Member.

SHRI MANAS RANJAN BHUNIA (West Bengal): Sir, I would also like to associate myself with the Zero Hour mention made by the hon. Member.

SHRIMATI WANSUK SYIEM (Meghalaya): Sir, I would also like to associate myself with the Zero Hour mention made by the hon. Member.

### **The loss of jobs in the automobile industry due to recession**

श्री दिग्विजय सिंह (मध्य प्रदेश): माननीय सभापति महोदय, देश की अर्थव्यवस्था बिगड़ती जा रही है। 2018 में लगभग 1 करोड़ 10 लाख लोग बेरोज़गार हुए, जिनमें 90 लाख गांव के लोग थे। Inventory में लगभग 5 लाख cars और 30 लाख two wheelers, unsold रूप में रखे हुए हैं। लगभग 100 car dealers ने अपनी दुकानें बंद कर दी हैं। स्वयं राहुल बजाज जी, जो एक two-wheeler manufacturer रहे हैं और आज भी इस field में उनका बहुत नाम है, उन्होंने स्वयं भी इस बारे में चिंता व्यक्त की है।

महोदय, यह देखा गया है कि पिछले 40 साल में, 2018 के वर्ष में बेरोज़गारी सबसे ज्यादा बढ़ी है और इस साल Automobile Industry में लगभग 10 लाख मज़दूर बेरोज़गार हो जाने वाले हैं।

मैं आपके माध्यम से माननीय मंत्री जी से अनुरोध करना चाहता हूँ कि आप Automobile Industry के लोगों के साथ बैठें, उनसे बात करें और जैसा दादा ने कहा, उनका विश्वास प्राप्त करें। जो tax terrorism चला हुआ है, उस पर थोड़ा ध्यान दें। मेरा आपसे अनुरोध है कि इस बारे में आप माननीय मंत्री जी से, प्रधान मंत्री जी से, वित्त मंत्री जी से और उद्योग मंत्री जी से चर्चा करें और निर्देश जारी करें। देश में बढ़ती हुई बेरोज़गारी की समस्या पर विशेष तौर पर ध्यान दिया जाना चाहिए और कोई न कोई कदम उठाया जाना चाहिए, ताकि लोगों को रोज़गार मिल सके, यही मेरी आपसे प्रार्थना है।

श्री सुरेन्द्र सिंह नागर (उत्तर प्रदेश): सर, मैं माननीय सदस्य द्वारा उठाए गए विषय से स्वयं को सम्बद्ध करता हूँ।

SHRI ELAMARAM KAREEM (Kerala): Sir, I would also like to associate myself with the Zero Hour mention made by the hon. Member.

SHRI DEREK O'BRIEN (West Bengal): Sir, I would also like to associate myself with the Zero Hour mention made by the hon. Member.

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12.00 NOON

**REGARDING THE HARELI FESTIVAL OF CHHATTISGARH**

**श्री सभापति:** छाया जी, आप बार-बार हाथ उठा रही हैं, क्या आप कुछ कहना चाहती हैं? जल्दी बोलिएगा।

**श्रीमती छाया वर्मा (छत्तीसगढ़):** सर, आज छत्तीसगढ़ का प्रसिद्ध त्यौहार, हरेली त्यौहार है। यह पहला त्यौहार है, इसलिए इसके लिए छत्तीसगढ़ गवर्नमेंट ने एक शासकीय अवकाश भी दे रखा है। यह त्यौहार किसानों का त्यौहार है। किसान आज के दिन अपने हल, हथियार इत्यादि सबकी पूजा करते हैं और ठेठरी, खुरमी, जो छत्तीसगढ़ के प्रसिद्ध पकवान हैं, उनको बनाते हैं और शाम को उत्साह मनाते हैं। मैं छत्तीसगढ़ के हरेली और प्रथम त्यौहार की आप सहित, माननीय कृषि मंत्री जी सहित पूरे सदन को बहुत-बहुत बधाई और शुभकामना देना चाहती हूँ।

**श्री रणविजय सिंह जूदेव (छत्तीसगढ़) :** सर, मैं माननीय सदस्या द्वारा उठाए गए विषय से स्वयं को सम्बद्ध करता हूँ।

**श्री सभापति :** आपको भी हरेली त्यौहार की बधाई हो, मगर त्यौहार में महिलाएं पुरुषों को कुछ खाने के लिए भी देती हैं।... (व्यवधान)... आपने अच्छी खबर दी, मगर मुंह भी तो मीठा करवाना चाहिए न, उस दिशा में कुछ व्यवस्था करिए।

**श्रीमती छाया वर्मा :** जी, ठीक है, सर। थैंक यू, सर।

**GOVERNMENT BILLS**

MR. CHAIRMAN: Members, I would just like to remind you again, and, because we are in the middle of the Session, I am not stopping now but next Session onwards, no Member will be allowed to read the Zero Hour submission. While speaking, they can refer to points but they cannot read whereas in the Special Mensions, they cannot speak, they have to read. This distinction has to be understood and it has to be maintained by one and all. ... (Interruptions)... Now, let us take up the National Medical Commission Bill, 2019. Mr. Minister to move a motion for consideration of the National Medical Commission Bill, 2019.

**The National Medical Commission Bill, 2019**

THE MINISTER OF HEALTH AND FAMILY WELFARE; THE MINISTER OF SCIENCE AND TECHNOLOGY; AND THE MINISTER OF EARTH SCIENCES (DR. HARSH VARDHAN): Sir, I rise to move:

"That the Bill to provide for a medical education system that improves access to quality and affordable medical education, ensures availability of adequate and

high quality medical professionals in all parts of the country; that promotes equitable and universal healthcare that encourages community health perspective and makes services of medical professionals accessible to all the citizens; that promotes national health goals; that encourages medical professionals to adopt latest medical research in their work and to contribute to research; that has an objective periodic and transparent assessment of medical institutions and facilitates maintenance of a medical register for India and enforces high ethical standards in all aspects of medical services; that is flexible to adapt to changing needs and has an effective grievance redressal mechanism and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

MR. CHAIRMAN: Motion moved. There are three amendments by Dr. Santanu Sen, Shri Tiruchi Siva and Shri Elamaram Kareem for reference of the National Medical Commission Bill, 2019, as passed by Lok Sabha, to a Select Committee of Rajya Sabha. Members may move the amendments at this stage without any speech. Are you moving? ...*(Interruptions)*...

DR. SANTANU SEN (West Bengal): Sir, I move the amendment.

SHRI ELAMARAM KAREEM (Kerala): Sir, I move the amendment.

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, I move the amendment.

DR. L. HANUMANTHAIHAH (Karnataka): Sir, my amendment has not come. I sent it yesterday. ...*(Interruptions)*...

MR. CHAIRMAN: Please. I have not received it. Had I received the same, I would have included it.

DR. L. HANUMANTHAIHAH: Sir, I sent it online.

MR. CHAIRMAN: Online is now acceptable but, anyhow, as you are mentioning it, I will ask them to check it and get back. ...*(Interruptions)*...

DR. L. HANUMANTHAIHAH: Thank you, Sir. ...*(Interruptions)*...

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**REGARDING POINT OF ORDER RAISED BY SOME MEMBERS  
UNDER VARIOUS RULES**

DR. SANTANU SEN (West Bengal): Sir, I have a point of order. ...*(Interruptions)*...

MR. CHAIRMAN: Under which Rule?

DR. SANTANU SEN: Sir, it is under Rule 258.

My point of order is that this Bill is relating to the medical fraternity, doctors' community and medical students. The entire medical fraternity, the medical students are on the road, they are on strike against this Bill.

MR. CHAIRMAN: It is not a point of order.

DR. SANTANU SEN: So, this Bill should not be discussed.

MR. CHAIRMAN: That is your view. You can say it during the discussion.

SHRI BHUPENDER YADAV (Rajasthan): Sir, I have a point of order.

MR. CHAIRMAN: Under which Rule?

SHRI BHUPENDER YADAV: Sir, it is under Rule 125. Reference to the Select Committee - Any Member may, if the Bill has not already been referred to a Joint Committee of the Houses... Here, the expression is 'Joint Committee'. It means Standing Committee and Select Committee, both. So, a Bill has already been passed by the Joint Committee, by the Standing Committee, is there really a need to send it again to a Select Committee? *...(Interruptions)...*

SHRI K.K. RAGESH (Kerala): \*

MR. CHAIRMAN: Let him have his say. *...(Interruptions)...* It will not go on record. *...(Interruptions)...* Members do not have the right to stand up instantly and make a speech. They have to seek the permission of the Chair. *...(Interruptions)...*

श्री भूपेन्द्र यादव: सर, मेरा यह कहना है कि यहाँ पर जब joint committee से तात्पर्य है कि वह Committee of the House है, तो Standing Committee भी Joint Committee होती है, दोनों सदनों के सदस्य उस कमेटी के सदस्य होते हैं। चूंकि इस बिल पर संसदीय समिति के द्वारा एक बार विचार हो चुका है, तो क्या जब एक बिल पर संसदीय समिति के द्वारा विचार हो चुका है, तो उसके लिए पुनः Select Committee का Motion move करना चाहिए? सर, इस पर रूलिंग होनी चाहिए।

श्री सभापति: ठीक है। I would like to bring to the notice. *...(Interruptions)...*

PROF. MANOJ KUMAR JHA (Bihar): Sir, I have a point of order under the same Rule.

Sir, hon. Member, Shri Bhupender Yadav has selectively read Rule 125. He has stopped at the first line itself, rather, I would say, at the semi-colon only. It further

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\*Not recorded.

says, "Any Member may, if the Bill has not already been referred to a Joint Committee of the Houses, move such amendment, and, if such motion is carried, the Bill shall be referred to a Select Committee, and the rules regarding Select Committees on Bills originating in the Council shall then apply." He has just read the first line.

MR. CHAIRMAN: I will take into consideration your line, his line and the line which has been the previous line. All lines will be considered. Don't worry. ...(*Interruptions*)... Keshava Rao ji, I have only allowed point of order.

DR. K. KESHAVA RAO (Andhra Pradesh): Sir, the question is that once it has gone to the Standing Committee, we do not take it up the second time but what if the Bill is totally changed and substantial changes have been made, it can certainly be done. ...(*Interruptions*)...

MR. CHAIRMAN: We can discuss it. When we discuss the Bill, we can discuss all these aspects. ...(*Interruptions*)... You have to give the names of Members for the Select Committee. If names of Members for the Select Committee are not provided by the Members at this stage, then, the amendments become infructuous and will be deemed as 'not moved'. There are rulings from the Chair in 2000, on 25th January, 1980 (45th Constitutional amendment), and, on other occasions also. So, the Members should take care of that. Now, the Motion for consideration of the National Medical Commission Bill, 2019, as passed by Lok Sabha, and, the Amendments moved are now open for discussion. ...(*Interruptions*)... आपने नाम नहीं दिये। You have not given the names. So, I have to conclude that you have not given the names. Amendments will not be there in this. Now the discussion starts. The first speaker is Shri Jairam Ramesh.

SHRI JAIRAM RAMESH (Karnataka): Sir, I rise...

MR. CHAIRMAN: The Minister will briefly make a statement and afterwards he can give answers elaborately.

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**GOVERNMENT BILLS — *Contd.***

**The National Medical Commission Bill, 2019**

DR. HARSH VARDHAN: Sir, I entered medical college 45 years back as a medical student. During these 45 years, I spent a decade in the medical college doing my graduation and post-graduation; I spent a decade working for the Delhi Medical Association and the Indian Medical Association; I spent a decade working as a Minister in the Delhi Government and the Union Government; and I spent many years in the World Health Organisation as an adviser. During these 45 years, I won over a dozen



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national and international awards for my contribution in the field of health. After having got the experience and exposure of healthcare delivery system of the country, I can say with utmost confidence and utmost sincerity at my command that this Bill that I have brought about and which has already been passed by the Lok Sabha is the biggest reform of recent times in the field of medical education. It has been brought with the blessings of our Prime Minister, Shri Narendra Modi. This date will always be written in golden letters in the history of medical education of this country.

Sir, I would just tell you briefly about the history of Medical Council and medical education regulations. It started in 1933 when the Medical Council Act was made for the first time. Stalwarts and most respected leaders of the country, Bharat Ratna Dr. B.C. Roy, and many others made exemplary contributions in strengthening, improving and controlling medical education system in the initial years. A new look MCI was created in 1956 when provisions for creating registers, creation of new medical colleges and many things were added. Then we saw that there was an increase in the number of private medical colleges in the country and also there was a system for inspection of private medical colleges to give them recognition. In the last two-three decades, we saw that the Medical Council of India got plagued with corruption. There were so many complaints against the Medical Council of India. In the beginning of the 21st century, we heard stories about income tax raids against MCI officials. We saw the Supreme Court intervening and appointing a Group of Administrators. In 2010, there were stories about the arrest of MCI officials. This House itself witnessed a Call Attention Motion in which all the Members of this House had expressed very grave concerns about Medical Council of India's functioning. The then Union Health Minister, who is the Leader of the Opposition right now, respected Shri Ghulam Nabi Azad ji had also expressed his concern about this field. He had then promised to this House that some good quality remedial measures would be undertaken. A Board of Governors was then appointed which superseded the MCI at that time. Again, in 2013, the MCI was re-created. Then, Sir, in 2014, the Prime Minister, Shri Narendra Modi, came at the helm of affairs and a new paradigm for zero tolerance to corruption started in the country. That was the time when complaints against the Medical Council were at their peak. A committee under Prof. Ranjit Roy Chaudhury was appointed by the Government in July, 2014 itself. Prof. Ranjit Roy Chaudhury was one of the most distinguished intellectuals of the medical field and also a great health planner. And it was almost at the same time that the Department-related Parliamentary Standing Committee on Health *suo motu* took notice of this issue and they also started deliberating

on the functioning of the Medical Council of India. These two Reports by the Prof. Ranjit Roy Chaudhury Committee and the Department-related Parliamentary Standing Committee on Health are full of strongest possible words and indictments against MCI of that time. I wish I had the time to read some excerpts from these, but to save time, I would not do so because when there was a discussion in this House on the Medical Council of India (Amendment) Bill, I had read many of those things here in this House itself. At that time, almost everybody had agreed that MCI was plagued with corruption. Some Members had even raised doubts about the intention of the Government to bring this National Medical Commission Bill; somebody had asked why there was delay and all that. Sir, Prof. Ranjit Roy Chaudhury Committee had recommended that the National Medical Commission Bill should be framed and tabled in Parliament. And, then, this thing was also endorsed by the Parliamentary Standing Committee on Health. At that time, in 2016, the Prime Minister appointed the Vice-Chairman of NITI Aayog to draft the National Medical Commission Bill which was brought in the Lok Sabha, and then from Lok Sabha, it was again referred to the Department-related Parliamentary Standing Committee on Health. They gave us 56 recommendations. On record, I wish to say that out of those 56 recommendations, 40 have been fully accepted, seven have been partially accepted and nine have not been accepted. Now, as promised to both the Houses during the debate on the Medical Council (Amendment) Bill, I have come to you with the National Medical Commission Bill, which has already been passed by the Lok Sabha.

Sir, this Bill is aimed at rapid expansion of medical seats while maintaining quality of medical education and reducing the cost of medical education. The need is to spur investment in the medical education sector by simplifying procedures and focussing on outcomes instead. It is not, in any way, meant to inconvenience students, but to facilitate provision of better quality of education to more and more students at reasonable fees. The National Medical Commission Bill seeks to put in place a new structure to tackle the challenges in medical education effectively. The National Medical Commission has 25 members; out of which, 21 are doctors. It has an Advisory Council which has representation from all States. It has 72 representations—36 from State Medical Councils and 36 as Vice-Chancellors of the Health Universities apart from members of National Medical Commission. It has four Boards which are separate Boards for separate functions. One Board is exclusively dedicated to UG medical education. That is UG Medical Education Board. Another Board is specifically dedicated to PG medical education. That is PG Medical Education Board. The third Board is Medical Assessment and

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Rating Board, which will ensure that the standards which are set by UG and PG Boards are fulfilled by colleges and it will also rate colleges according to their performance. Then, finally, there is Ethics and Medical Registration Board, which will ensure that higher standards of medical ethics are actually maintained in the country. Sir, similarly, there are two provisions about NEET exam and NEXT exam. There is so much of discussion about this in the media and amongst every one and, maybe, there is a lack of right communication about the NEET exam and the NEXT exam. NEET exam is already institutionalized in the country. It is already there for three to four years. Earlier, I remember, forty-five years back, as a medical student, I had to appear for so many medical examinations, for AIIMS and for other colleges. Now, every student in this country, by one exam, can appear for AIIMS and every medical college in the country. NEXT exam is another exam for the final year students, which will be conducted at the national level. That is called the NEXT exam and this will give him three things. Firstly, he will pass his final year exam. Secondly, he will become a doctor and he will be eligible to get the license for practice. Also, it will be an exam which will give him admission in the PG course according to his merit. There are other provisions about which, I think, when the Members raise these in the discussion, if there is any clarification sought, I will certainly give. Finally, I wish to say that there are some apprehensions which have been raised by the Indian Medical Association and doctors at some places. I can promise, through this House, to every doctor in this country. I have myself been a campaigner for Medical Association for many, many years. I will be the last person in this world who will not dedicate himself to uphold the integrity and the dignity of the medical profession. So, with these few words, I would like the Members to express their views. I would request that since this is a very, very important Bill for improving the medical education of the country, the House may pass it unanimously. Thank you.

*The question was proposed.*

MR. CHAIRMAN: Thank you, Mantriji. For the information of the Members, the last Committee was presided over by one of our Members of this House, Prof. Ram Gopal Yadav, and others were also a part of it including Shri Jairam Ramesh. Hon. Members, the total time given to this is three hours. So, every Party has been allotted time according to their strength as per the procedure. I would request everyone to confine to the time-limit that is allotted. Now, Shri Jairam Ramesh.

SHRI JAIRAM RAMESH (Karnataka): Sir, I rise to speak on the National Medical Commission Bill. The hon. Minister has just said that of the 56 recommendations of the Standing Committee, 40 have been accepted; no problem. Nine have been rejected; no problem.

(MR. DEPUTY CHAIRMAN *in the Chair*)

Sir, seven have been partially accepted; that is the problem. That is what I want to focus on, how by partially accepting the Standing Committee's recommendations, the Government has destroyed the spirit of the Standing Committee and is in danger of destroying the constitutional scheme of things by which health is a State subject and medical education is a Concurrent subject.

Sir, my first problem is with Clause 4 of this Bill. Clause 4 of this Bill puts a structure for the National Medical Commission —'14', '6', '5' —14 nominated by the Central Government, 6 to be nominated by the State Government and 5 to be elected from the profession. The Standing Committee had said '10', '10', '9' 10 by the Central Government, 10 by the State Government, 9 elected. Fine, I am willing to buy the argument that there must be 14 representatives of the Central Government, and there must be 5 elected representatives of the medical profession. My first amendment relates to the representation of the State Governments and I am proposing, instead of '14', '6', '5', it should be '14', '15', '5'. Sir, '14', '6', '5' means every State, Odisha, Telangana, Andhra Pradesh, Tamil Nadu will get a turn only once in twelve years. In this Division Number 185, Mr. Annadurai sat for five years; Jayalalithay/sat here for four years. They would not have accepted this Bill. I urge my regional party colleagues to reject this Bill on this ground. Sir, '14', '6', '5' is an assault on the Indian Constitution because it gives every State turn once in twelve years. I am proposing '14', '15', '5', which means every State will get a turn once in every four years, which is more reasonable. This is my first criticism. I have moved an amendment and I request my colleagues of the regional parties not to be swayed by other considerations but stick to the consideration of the Constitution. Sir, health is a State subject. Seventy-five per cent of all health expenditure in India is incurred by the State Governments, and the Central Government wants to centralize the National Medical Commission.

My second problem with the Bill is, which is the partial acceptance, it comes in Clause 10(1)(i), and what does it say, "Frame guidelines for determination of fees and all other charges in respect of fifty per cent of seats in private medical institutions

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and deemed to be universities." The original Bill which the Minister spoke about had a provision which said, "Fix fees for at most 40 per cent." The Standing Committee changed it to, 'at least 50 per cent.' In the partial acceptance, they have dropped the 'at least' and they have included 'only 50 per cent'. What does this mean? There are roughly 76,000 MBBS seats in the country today. Out of the 76,000 MBBS seats, 40,000 seats are in Government medical colleges and about 36,000 seats are in private sector. Of the 36,000 private seats, roughly 30,000 are in private medical colleges and 6,000 are in deemed universities. The hon. Minister knows and every Member of Parliament will know that even today, every State Government regulates fees to private medical institutions because of the Inamdar Judgement of the Supreme Court. There is an old and ancient Sanskrit Subhashitani which I want to bring to the hon. Minister's attention.

"वैद्यराज नमस्तुभ्यम्, यमराज सहोदरः।

यमस्तु हरति प्राणान् त्वंतु प्राणान् धनानि च।।"

हे वैद्यराज, तुमको नमस्कार! तुम यमराज के भाई हो। यमराज तो प्राण ले जाते हैं, तुम न केवल प्राण, पर हमारा धन भी ले जाते हो। Sir, this Clause 10(1)(i) will create वैद्यराजस्य which is worse than यमराजस्य. This is what this is going to do. This is going to open the floodgates to privatization of medical education. Sir, I believe in privatization. I want Air India to be privatized; I want Ashok Hotel to be privatized and I want many other institutions in the public sector to be privatized, but I do not believe in privatization of medical education. Medical education is the responsibility of the State. It is the responsibility of the Government. It is a Constitutional obligation. Clause 10(1)(i) opens the floodgates and, therefore, my amendment is to replace 50 per cent by 75 per cent because today about 75 per cent of the seats in medical colleges are already regulated. So, why are you disturbing the system of regulation? In fact, the Standing Committee said that the National Medical Commission should focus on fixing guidelines for those seats where there is no regulation. If 75 per cent is already regulated, why are you taking powers for only 50 per cent? What does 'frame guidelines' mean? Are you going to enforce it? How are you going to enforce it? 'Frame guidelines' is a very, very vague proposition. However, in my amendment, I have not disturbed that language but I have changed 50 per cent to 75 per cent. These are my two amendments. One is to change '14', '6', '5' to '14', '15', '5' and second is to change 50 per cent to 75 per cent. I urge all Members to look at their conscience irrespective of the party affiliation and support my amendments.

Sir, I have two very quick clarifications from the hon. Minister. Clauses 14 and 15 speak of an Exit Exam. This follows the recommendation of the Standing Committee. What I would like to ask the hon. Minister is this. Exam has three purposes. First is to confer a degree. Second is to give a license to practice. Third is to get admission into a post-graduate college. Medicine is not like engineering. In engineering, my final exam was a multiple-choice exam. But in medicine, you cannot have a multiple-choice exam. Fifty per cent of it is clinical. If you do not have a clinical component to your exam, then that exam is incomplete. So I want to ask the hon. Minister: Is the Exit Test a test of theory or is it a test of clinical capability as well? In medical graduates, we want not just theoretical knowledge but we want clinical capability. Would the hon. Minister please clarify what is this NEXT? Will there be a final year MBBS exam? Will there be a degree conferred by that university? And over and above that, there will be an Exit Exam. My final clarification is on Clause 32. On this ground alone, this Bill should go to a Select Committee. Clause 32 was not in the Bill that came to the Standing Committee. This has been added and I have no problem if the Government wants to add. But the Minister did not even refer to it in his opening remarks. Clause 32 creates a new cadre of health workers. What does it say? It says that it will be a mid-level career. Between a nurse and a doctor, they will create a new species called Community Health Provider. And this Community Health Provider will practice modern medicine. Are we going to institutionalise quackery? There is no shortage of quacks professing economics in this country. But now we will have an over-population of health professionals professing the knowledge of modern medicine licensed by the National Medical Commission as a Community Health Provider. I want to know from the hon. Minister as to why this was introduced. It was not there in the original Bill. The Standing Committee has not looked at it. Even I would argue and many people have argued that we need Community Health Providers, and I am in sympathy with that argument, but then, you leave it to the State Governments because every State's health needs are different. Jharkhand has different needs, Kerala or South India has different needs. Sixty per cent of all medical seats in India are in South India. We know that we need far greater attention in the East and in the Central part of India. So leave the State Governments the freedom to determine Community health Providers; do not give the National Medical Commission the power to decide for Jharkhand, to decide for Odisha, to decide for Kerala and to decide for Jammu and Kashmir. This Community Health Provider is a very, very dangerous proposition. This is as dangerous as the bridge course, which the Minister brought forward in the original Bill that you

[Shri Jairam Ramesh]

will allow AYUSH practitioners to practice modern medicine. Thankfully, Sir, the Ministry has not pursued that. They have accepted the Standing Committee recommendation but they have substituted one dangerous cocktail with another dangerous cocktail. The bridge course has gone, the Community health Provider is there. I want to draw your attention to the language. Had the Minister said only Community Health Provider, I would not have bothered. But please notice, what the language is. "The Commission may grant limited licence to practice medicine at mid-level", that is between the nurse and the doctor, "as Community Health Provider". No problem till now, but look at this language, which is the killer language, "to such person connected with modern scientific medical profession". What is this language? I can understand nurses? You are going to allow compounders! You are going to allow blood sample testers! "All persons connected with modern scientific medical profession", if this is not going to open the flood gates to quackery, I do not know what will. Therefore, on Clauses 14 and 15, I request the hon. Minister to clarify. Also, on Clause 32, I request the hon. Minister to clarify. But, as far as I am concerned, Clause 4 is non-negotiable. It is an assault on the Constitution. I request the hon. Minister to assure this House that the interests of State Governments are protected. They should be the nominees of the State Governments, not elected representatives. The people who get elected, represent the profession. They do not represent the State. And I want the hon. Minister to assure that '14','6','5' will become '14','6','5', and I also want the hon. Minister to assure the House that 50 per cent limit will be increased to 75 per cent so that medical fees in this country will be reasonable; medical education will be affordable; medical education will be accessible. I have no problem with the hon. Minister's opening remarks. The intent of the Bill is noble, but, the content of the Bill is dangerous. I wish the hon. Chairman was sitting; he would have applauded my effort.

MR. DEPUTY CHAIRMAN: We all applaud your effort.

SHRI JAIRAM RAMESH: So, let us forget the intent; let us focus on content, and on the basis of the content, Sir, I would reiterate the point that I am making that according to the Constitution, State List, Entry-7, public health is the responsibility of the State Government. This Bill ignores this constitutional responsibility, centralizes medical education, gives extraordinary powers to the National Medical Commission, and this, to my mind, is counter-productive to the objectives of the Bill.

So, I would like to make one final comment. Sir, this Bill is a tribute to the Standing Committee system, and I warn the Treasury Benches to realise and appreciate this.

This Bill went to the Standing Committee on the 4th of January, 2018. It did not go willingly. The Government was forced to send this Bill because the Indian Medical Association was on strike. They sent this Bill at the last minute. The Standing Committee was given sixty days, but, the Standing Committee submitted its report in seventy five days. And, Sir, I want to place on record once again; I have said so earlier; every Member of the Standing Committee deserves our appreciation, but, most importantly, it is the courage of the Chairman, Prof. Ram Gopal Yadav, that has ensured that two reports on the MCI were submitted, and as the hon. Minister has admitted, this Bill follows those two reports of the Standing Committee. So, I would request Mr. Bhupender Yadav, all my colleagues, and Mr. Muraleedharan that when we make a demand for the Select Committee or a Standing Committee, it is not a time wasting or delaying tactic. It is a tactic to improve this Bill. Had this Bill come to a Select Committee, or, even a Standing Committee, obnoxious Clauses, dangerous Clauses, like Clause 32, would not have been present. Sir, with these remarks, I will end my presentation, and I will request the hon. Minister not to stand on prestige, and please look at the amendments that I have suggested.

**श्री उपसभापति:** ऑनरेबल प्रो. राम गोपाल यादव जी की चेयरमैन के रूप में भूमिका के बारे में ऑनरेबल चेयरमैन ऑलरेडी यहां से कह चुके हैं। श्री सुरेश प्रभु जी।

**श्री सुरेश प्रभु** (आंध्र प्रदेश): उपसभापति महोदय, यह बहुत ही अहम बिल सदन के सामने लाया गया है। मैं समझता हूँ कि हम सब की एक मिनिमम अपेक्षा रहती है कि हमारी सेहत ठीक रहे। अगर सेहत ठीक होगी, तो यहां आकर बात भी कर सकते हैं, श्री जयराम रमेश जी स्टैंडिंग कमेटी के बारे में जिक्र भी कर सकते हैं।

सर, इसलिए सेहत ठीक रहना सबसे अहम बात है और सेहत ठीक करने के लिए, जो लोग सेहत देने के लिए जिम्मेदार हैं, ऐसे लोग किस तरह से इस क्षेत्र में आते हैं, उनके ऊपर भी निर्भर करता है।

Medical education is the foundation of the medical profession. Medical practitioners are created through medical education. That is a process. So, if the medical education itself is flawed, is not conforming to the type of standards that are necessary, how can you expect the end product of education, which are doctors, be able to do the job properly, and ensure that the health of the people is properly guaranteed? And, therefore, I congratulate the Minister because, he is a doctor himself. The biggest and the best criteria to decide who is a good doctor is who can do good diagnosis. So, he has diagnosed the problem properly that education is a key, and therefore,



[श्री सुरेश प्रभु]

if you start with medical education, the foundation of the entire medical profession will be strong. Therefore, I really congratulate him and, I am very sure, education will lead us to making India a very healthy and strong nation.

Sir, I must also congratulate the former Health Minister Shri Nadda, who is here, as well as the present Health Minister for coming out with a very comprehensive health-related issue. We have been talking for a long, long time that six per cent of GDP should be invested into health care. I am sure, with the kind of new policies that have been enunciated, we will be very soon not only reaching six per cent, probably will be exceeding six per cent of GDP. That would really lay the foundation for making sure that if the person is healthy, he will become productive. If he is productive, he will always create more wealth. So, India will become wealthy. So, I think, this is the right step in the right direction at a time when a lot of other issues related to health care are being addressed by the Government. So, education is the foundation and a fundamental thing. Therefore, this Bill is trying to address that.

Sir, we must really be doing some introspection. I fully understand the ideological issues involved in this—private versus public health care, who to provide. If a patient meets with an accident, who is likely to die on the road, will he ask the next person who is taking him to the hospital, 'Please take me to the hospital which is not private, but take me to a public hospital'? At that particular time, is saving the life of that person important or finding out which is a private or public hospital? What is important is to see who is going to deliver. What is expected of a hospital? Health care. It is to be provided by the State. When I say 'State', it is State as an institution. So, it is the fundamental responsibility of the State. But for 65-70 years, we have not been able to do that effectively. The State alone has not been able to provide the type of medical care where necessary. What is the ratio of doctors to patients? How many villages don't have well-trained medical doctors? How many people are suffering from so many of the diseases because they didn't get the medical care in time? Therefore, we now need to find out how we can bring universal health coverage. How can we make sure that more and more people will be able to deliver what is really necessary so that the ultimate purpose of providing best health care to all citizens of India is achieved, irrespective of their purchasing power, spending power? All of them must get medical care. Ayushman Bharat is one such programme. Even if we have such programmes, still it revolves around how many doctors are available. How many doctors

are available will depend upon how we are giving them the medical education. Not just numbers of doctors, but the quality of education is also important. We can have a number of doctors. We can multiply them. But, if the quality of education is not good, the doctors may be there but they may not be conforming to the standards that are required of them.

Sir, we should be proud of the fact that if you go to the U.S., or if you go to one of the most developed countries, it is said that the National Health Service, which is the U.K. Government-run programme, is the third largest employer of the world. Probably, National People's Army is at number one, probably the Indian Railways or the Indian Army is at number two and the National Health Service is the third largest employer of the world. Many of the doctors in the National Health Service, as also the para-medics in the National Health Service, are of Indian origin. They went from here. Education for a long time was good, and that is why they have produced doctors like Dr. Harsh Vardhan. I am very happy that he is the one who is not only a medical doctor helping the patients, but also helping the medical sector as a whole. But, over a period of time, you have to make sure—I am not saying that it has deteriorated or good or bad, I am not making any judgment—that education gets the world-standard improvements. We need a proper upgradation of the entire system. So, we have the National Medical Council. I don't know if anybody will stand up here and say that they did a fantastic job. I don't think anybody would say that, and therefore, the National Medical Council has to be replaced. There has been a huge consultation. I was also involved when I was in the Government... *...(Interruptions)...* partially with a protest. *...(Interruptions)...*

DR.SANTANU SEN: Sir, he is wrong. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: No, Dr. Santanu Sen, you are not allowed to speak. I am not giving you any permission. It is not going on record.

DR. SANTANU SEN: \*

MR. DEPUTY CHAIRMAN: You speak when your turn comes.

SHRI SURESH PRABHU: What I am trying to say is, we will make sure that National Medical Council is replaced with something and, therefore, we have now come with a very comprehensive and a very holistic way of dealing with all the issues which

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\*Not recorded.

[Shri Suresh Prabhu]

are related to medical education. This Commission, which is going to be appointed, I am really very happy to note that it is not going to be arbitrarily appointed. The Commission will be appointed, including the Chairperson, through a Search Committee. The appointment itself is a beginning of a process of creating an institution. So, institution building will happen through a process which itself is prepared with a lot of thought into it. I can see that all these Members will be appointed, as well as elected. They will come through a proper process and all stakeholders are involved, not only Central Government, but State Governments, professionals, stakeholders, all will be represented in this Body. So, we are going to see that this particular organisation which will have State Governments also play a very key role. We must actually look into ourselves and ask a question. If there is a medical emergency in some part of the country, as it happens many times, a particular State may be responsible, but can we just say that it is the State's responsibility? We are washing our hands off. We try to say that it is the State's responsibility, but it is a national duty. So, we try to address such medical emergencies through national intervention as well as through the State Governments. They may be responsible for it primarily. So, about medical education also we must realise that when we are going to create a medical profession for the whole country, it must conform to the standards which are nationally applicable. I cannot say that I belong to a particular State so I have a right to decide standards, so I can have a lower standard. Am I going to say that the citizens of the India can be discriminated against by saying that because you are from a particular State, the State will decide the standards? We must decide the standard nationally. It will be done by the process of involving the State Governments. State Governments are partners. They are important stakeholders but nationally the responsibility lies as a country as a whole, with us. All 130 crore Indians must be our responsibility enough. All of us represent those 130 crore people. So, we must make sure that standards are national, but prepared in such a way that State Governments are involved in it and that is what this Bill is actually talking about. We also must make sure that all stakeholders are involved. So, that is very important because medical education is not between two Governments. We cannot say 'State Governments and Central Government'. It cannot be between two Ministers, Union Minister and State Ministers. It cannot be between the Health Secretaries of Central Government and State Governments or only bureaucrats and politicians. It has also to be by the medical professionals themselves. So, this, Bill rightly so, is involving all the stakeholders, including the medical professionals

and through a very transparent process. Sir, I really wish to congratulate the Government for doing that because now it is not going to be that because I know somebody, I can be there. It is through a process and that will ensure that this Commission will be able to discharge the duties as these are necessary. The Secretariat will also play a key role and I am very happy that Secretariat itself will function and see how it is going to be created, which is properly codified in the Bill itself. Therefore, there is going to be the National Medical Commission. How is it going to be constituted and properly decided? There is going to be a Secretariat as well as a State Medical Council. Sir, the Bill clearly says that within three years if a State doesn't have a Medical Council, they must create one. Therefore, in three years, all the State Governments will have to create a State council. Therefore, this council will ensure the standards nationally, but the State-related issues, very specific, customised issues of the State, will be addressed by them. This is a very important Bill and I support it very strongly. Sir, there is also an important element to it. The first part of it is the Council. But, there are four autonomous boards which are like pillars on which this entire edifice of the Medical Commission rests. And, Sir, each pillar is very important. One pillar deals with undergraduate and one pillar deals with postgraduate standards and examinations. This is a very important issue. They set up proper standards for examinations. This is the right way to do it. So, there will be boards which will look into these separately. So, examination, standards for undergraduate and postgraduate studies will be looked after by two boards. Then, there is the MARB which will look into assessment of standards and commissioning of new medical colleges. The matter went right up to the Supreme Court. There have been instances how permissions were granted for medical colleges. We are all aware of it. It is in the public domain. Now, we will have a system whereby medical colleges will be granted permission through a very transparent process. And, these medical colleges will conform to standards. Sir, the fourth one is EMRB which will actually maintain the National Register for all medical practitioners, including those who are providing medical facilities at middle level. This Register is a very important one, because if your name is not there in the Register, you will not be allowed to practice. It is not only the National Register, the State Governments will also maintain State Register. So, this would ensure and I can easily find out who is who. I simply cannot put a name plate 'Dr. Suresh Prabhu —practicing high level medicine.' I can put my name only when my name is there in the Register. It will ensure that other than registered doctors no one else will be able to practice. Sir, we all know that we have quacks who have become part of our system. So many

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quacks are giving all kinds of medicines and, probably, not curing but creating problems and diseases. Now, these people will be taken care of as well. The proposed institution will act as foresight and no person can practice unless his name is mentioned in the Register —National or State. And, Sir, there will be a common examination. I think, this common examination is a must. As I said earlier, if you don't have the national standards, how can you expect the people to cure at the lower level? So, I think, this is an important issue. Therefore, we deal with it. I have already dealt with fee and other charges. No annual renewal is required. If anybody wants to go in an appeal, there is an appellate jurisdiction.

There is one more important thing. Sir, indigenous systems of medicine is important. This particular Bill is talking about it. I think, we really need to work on it comprehensively.

Sir, I wish to give some suggestions to the hon. Minister. We must have a continued education. Sir, Dr. Harsh Vardhanji passed his medicine 35 years ago. So, today, he must also undergo examination for regular education. As a Chartered Accountant, I also go through courses.

MR. DEPUTY CHAIRMAN: Please conclude now.

SHRI SURESH PRABHU: We must be like intermediary. It is very important. The other part is relating to infusion of technology into education. Telemedicine and other aspects have to be properly taken care of ...(*Time-bell rings*)... Each district, at least, must have one medical college, one hospital and, for that, we can involve even civil hospitals to address this problem. ...(*Interruptions*)... We will be able to do that. Traditional medicines should be properly taken care of.

Sir, I think, this is very important that we must make sure that all ...(*Time-bell rings*)... medical related issues are properly dealt here. But, I fully understand the necessity to work constantly in this direction. Thank you.

**प्रो. राम गोपाल यादव** (उत्तर प्रदेश): माननीय उपसभापति जी, मैं आपको धन्यवाद देना चाहता हूँ कि आपने मुझे इस बिल पर चर्चा में हिस्सा लेने का मौका दिया। मैं अतीत में नहीं जाना चाहता हूँ कि पहले क्या हुआ। वर्तमान में क्या हो रहा है और क्या होगा। मुझे चिन्ता इस बात की है कि इस पर भविष्य में लोगों का reaction क्या होगा और चिन्ता इस बात की भी है, जैसा श्री जयराम रमेश जी ने कहा कि इस बिल का जो balance of power है, वह सेंटर की तरफ बहुत ज्यादा कर दिया गया है, जबकि इसमें balance

होना चाहिए था। हम लोगों ने कोशिश की थी और हमारी कमेटी की जो रिपोर्ट थी, यदि उसे मान लिया जाता, तो एक संतुलन बना रहता, लेकिन वह संतुलन नहीं रखा गया। इसलिए मैं सभी माननीय सदस्यों से कहना चाहता हूँ कि आज नहीं, तो कल, हम लोगों को छोड़िए, हमारी उम्र तो ऐसी हो गई है कि पता नहीं कितने दिनों तक रहें या न रहें, लेकिन जो नए लोग हैं, जो 40 साल की उम्र के आसपास के लोग हैं, आने वाला समय उनसे यह पूछेगा कि आप संसद में थे, राज्यों के हितों के संरक्षण के लिए आपको राज्य सभा में भेजा गया था, लेकिन जब राज्यों के हितों को छीना जा रहा था, तब आप क्या कर रहे थे, तो वे क्या जवाब देंगे? इसलिए मैंने कहा कि अतीत में क्या हुआ, उसकी बात नहीं करना चाहता हूँ, लेकिन आज जो हो रहा है और इतना ज्यादा centralization कर देंगे, यह सोचा नहीं था। इसमें सब कुछ केन्द्र का है।

महोदय, एक और बात जो श्री जयराम रमेश जी ने कही, उससे मैं इसलिए सहमत नहीं हो सकता हूँ क्योंकि यदि उसे मान लिया गया, तो सारे private colleges बन्द हो जाएंगे। इसलिए यदि गवर्नमेंट चाहे, तो वह ऐसी व्यवस्था करे कि सारे private colleges खरीद ले या ऐसी व्यवस्था बनाए रखे कि वे colleges भी चल सकें और लड़कों तथा लड़कियों को medical education मिल सके।

महोदय, अभी स्थिति यह है कि बिल में इन्होंने जो एक clause 32 जोड़ दिया है, जिसकी चर्चा श्री जयराम रमेश जी ने की थी, उससे तो ऐसी स्थिति बन जाएगी, जैसे झोला छाप डॉक्टर इलाज करते थे, उसी प्रकार से इलाज होने लगेगा। इसके अनुसार आप उन्हें community health provider के नाम से limited period के लिए license दे देंगे। मैं माननीय मंत्री श्री अश्विनी कुमार चौबे जी से पूछना चाहता हूँ कि आपके पास क्या व्यवस्था है, आप उन्हें कैसे रोक पाएंगे कि वे cancer की दवा नहीं देंगे या वे operation नहीं करने लगेगे? मैंने एक गांव में देखा कि एक बबूल के पेड़ पर बोतल लटकी हुई थी। मैंने पूछा कि पेड़ पर यह बोतल कैसे लटकी हुई है, तो मुझे जवाब मिला कि मरीज को ग्लूकोज की बोतल चढ़ रही है। ऐसा ही होने लगेगा। How will you stop them? आपके पास क्या mechanism है, जिसके कारण आप यह कह रहे हैं कि हमारे जो community health provider हैं, वे preliminary चिकित्सा करेंगे? मैं बताना चाहता हूँ कि preliminary test ही सबसे ज्यादा important होता है। जब वे जांच ही नहीं कर पाएंगे, तो दवा किस की देंगे और उनकी क्या qualification होगी? Nothing has been explained in the Bill.

महोदय, दूसरी बात यह है कि admission के लिए जो NEET की परीक्षा होती है, इसमें जो counselling होती है, उसमें बहुत transparency की जरूरत है। हम लोगों के पास आए दिन बच्चे आते हैं और कहते हैं कि हम NEET में पास हो गए हैं, इसलिए हमें Government college में दाखिला दिलवा दीजिए। यही पता नहीं चलता है कि किस merit तक के बच्चे कितने अंक पाने वाले बच्चों को admission, Government college में मिला और merit list में कितने नंबर तक पाने वालों को private colleges में admission

[प्रो. राम गोपाल यादव]

मिला। यह बात उन्हें आखिर तक मालूम ही नहीं पड़ती है। हो सकता है कि merit list में नीचे आने वाले, यानी कम नंबर पाने वाले बच्चों को government colleges में admission मिल जाए, क्योंकि वहां फीस कम होती है और ज्यादा का वाले, नीचे चले जाएं, क्योंकि किसी को मालूम नहीं है कि कितने नंबर तक merit वाले बच्चों को किस कॉलेज में admission मिलेगा। अतः मेरा सुझाव है कि सार्वजनिक तौर पर यह सूचना होनी चाहिए कि government colleges में जिन बच्चों का दाखिला हुआ है, उनकी अंतिम merit की जो सूची है, वह इस नंबर तक है और उसके बाद के लड़के private college में जाएंगे। आप चाहें, तो private college की rating कर सकते हैं, बहुत अच्छे-अच्छे private college होते हैं और कुछ ऐसे भी होते हैं, जहां सुविधाएं नहीं होतीं। जो बचे हुए बच्चे हैं, जिन्होंने NEET की परीक्षा पास की है, उन्हें merit के आधार पर, gradation के आधार पर college allot हो जाने चाहिए। तीसरी बात यह है कि इसके बाद भी सीटें खाली रह जाती हैं। बच्चे पढ़ना चाहते हैं, लेकिन प्राइवेट मेडिकल कॉलेजों में सीटें खाली हैं। आधे इंजीनियरिंग कॉलेज तो बंद हो गए। यही स्थिति प्राइवेट मेडिकल कॉलेजों की भी हो जाएगी, क्योंकि आपने इसमें 50-50 परसेंट तय किया है। जब केन्द्र सरकार 50 परसेंट तय कर देगी, fee regulate कर देगी, तो राज्य सरकार उससे हट कर तो नहीं करेगी। ...(व्यवधान)... हट कर नहीं करेगी। अब कहीं regulation नहीं है। यह स्थिति है कि सीटें खाली रह जाती हैं। इसलिए NEET परीक्षा में पास होने के बाद भी जिनको दाखिला नहीं मिल पाता है, उनको मौका मिलना चाहिए। देते हैं, कहते हैं, लेकिन जब लड़के जाते हैं, तो उनको admission नहीं मिल पाता है। गवर्नमेंट की policy क्या है, इसमें स्पष्ट रूप से सब सूचनाएँ होनी चाहिए।

जहाँ तक फीस का सवाल है, तो हम लोग सारे हिन्दुस्तान की एम्स की Central Body की बैठक में बैठे थे, मैं उसका मेम्बर हूँ, दो-तीन दिन पहले ही, उसमें एम्स की फीस को बढ़ाने का सवाल था। मैंने देखा कि एम्स में जो बच्चे पढ़ते हैं, उनकी फीस इतनी कम है कि उसमें admission पाने वाले किसी बच्चे को, गरीब से गरीब आदमी के बच्चे को भी कोई problem नहीं है। मैंने कभी सोचा ही नहीं था कि एम्स में जो बच्चे पढ़ते हैं, उनकी फीस इतनी कम होगी। लेकिन अब ऐसा है कि एक बार सुप्रीम कोर्ट ने मेडिकल कॉलेजों के बारे में फैसला कर दिया था। उसने गवर्नमेंट से पूछा कि आप इन प्राइवेट कॉलेजों की क्या मदद करते हैं, तो गवर्नमेंट ने कहा कि हम इनकी कोई मदद नहीं करते हैं। फिर उसने कहा कि who are you to intervene in the admissions? तब संविधान में संशोधन करना पड़ा। करना पड़ा था या नहीं करना पड़ा था? जो प्राइवेट मेडिकल कॉलेज हैं, जिनको आप एक पैसे की मदद नहीं देते हैं, वे करोड़ों रुपए की building बनाते हैं, जैसे मिश्रा जी का कॉलेज है, तो यह बंद हो जाएगा। करोड़ों रुपए लोन लेकर उन्होंने building बनाई और फीस आप तय करते हैं।

**श्री उपसभापति:** प्रोफेसर साहब, आपका समय खत्म होने वाला है, आप तीन मिनट में conclude कर लें।

**प्रो. राम गोपाल यादव:** मैं तो conclude करने ही वाला हूँ।

**श्री उपसभापति:** आप आराम से conclude करिए। समय पूरा हो चुका है, तीन मिनट और हैं।

**प्रो. राम गोपाल यादव:** इसलिए मैं यह चाहता हूँ कि आप कुछ तो थोड़ा सा रहम प्राइवेट कॉलेजों पर भी कीजिए। आप यह 32 वाले को जरूर हटा दीजिए। इसमें इतना बड़ा झमेला था। आज सारे हिन्दुस्तान के डॉक्टर्स हड़ताल पर हैं, everywhere, throughout the country, आज के दिन, इसी बिल के खिलाफ है क्योंकि आपने इसमें 32 जोड़ दिया। It was uncalled for, unwarranted, इसकी कोई जरूरत ही नहीं है। इससे सारा सिस्टम खराब हो जाएगा। अनावश्यक लोग मरने लगेंगे, वैसे ही मर रहे हैं, हम इसे रोक नहीं पा रहे हैं। अगर आप हमारे एकाध सुझाव को मान लें, तो ठीक है, वरना आजकल आप जैसा चाहें, वैसे कर ही रहे हैं। बहुत-बहुत धन्यवाद।

MR. DEPUTY CHAIRMAN: Thank you. Now, Shri Sasmit Patra.

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS; AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI V. MURALEEDHARAN): Sir, we are discussing a very significant legislation regarding the health sector. It is about to be one o'clock. If the House decides so, then, we can decide not to adjourn for lunch, and, then, continue the discussion. ...*(Interruptions)*...

DR. K. KESHAVA RAO : No, no. ...*(Interruptions)*...

SHRI V. MURALEEDHARAN: I said, if the House agrees so. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Keshava Raoji wants to say something. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*...

DR. K. KESHAVA RAO : Sir, I am requesting that if it is a very important Bill, let the Minister be present here. ...*(Interruptions)*... We are raising legal issues. Let the Minister be present here. ...*(Interruptions)*... The Minister of State is present there. ...*(Interruptions)*... No, no. I want doctor sahib to be here so that he understands the legalities. ...*(Interruptions)*...

SHRI V. MURALEEDHARAN: The Minister has agreed to be present. ...*(Interruptions)*... Listen to me. My point is, only if the House agrees; if you don't agree, then, I am not pressing. That is all....*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Vaikoji. ...*(Interruptions)*... I have allowed Vaikoji. ...*(Interruptions)*... Vaikoji wants to say something. ...*(Interruptions)*...



SHRI VAIKO (Tamil Nadu): The House should not be adjourned. ...(*Interruptions*)... We should skip the lunch hour. Otherwise small parties are affected. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: House stands adjourned till 2.00 p.m.

*The House then adjourned for lunch at one of the clock.*

*The House reassembled after lunch at two of the clock,*

MR. DEPUTY CHAIRMAN *in the Chair.*

MR. DEPUTY CHAIRMAN: Now, Shrimati Vijila Sathyananth. You have two speakers and seven minutes. ...(*Interruptions*)...

SHRIMATI VIJILA SATHYANANTH (Tamil Nadu): Sir, I would finish within four minutes. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: The total time allotted is seven minutes. You have two speakers. So, please divide the time among yourselves.

SHRI A. NAVANEETHAKRISHNAN (Tamil Nadu): You may take two minutes. ...(*Interruptions*)...

SHRIMATI VIJILA SATHYANANTH: All right, Sir. This is a very important Bill which many of ...(*Interruptions*)...

SHRI JAIRAM RAMESH: Sir, neither the Cabinet Minister nor the State Minister of State is here. This is unfair. ...(*Interruptions*)...

SHRIMATI VIJILA SATHYANANTH: Sir, my time is running out. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: You may speak. ...(*Interruptions*)...

SHRIMATI VIJILA SATHYANANTH : Sir, this is a burning issue in our State, Tamil Nadu. We have a common entrance examination for all medical aspirants in the form of NEET. The standardized medical entrance test is facing unprecedented opposition in every corner in our State as also the country. It favours a very few students belonging to a certain class, the upper class students. We are agitating only because ...  
...(*Interruptions*)...

SHRI JAIRAM RAMESH: Sir, neither the Minister of State nor the Cabinet Minister is here. This is unfair. ...(*Interruptions*)...

SHRIMATI VIJILA SATHYANANTH: The Leader of the House is a Cabinet Minister. He is here. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Please. ...*(Interruptions)*... The Leader of the House is here. ...*(Interruptions)*... Please; not allowed. ...*(Interruptions)*...

SHRIMATI VIJILA SATHYANANTH: We are frustrated and we are agitated only because we think there should be a common syllabus. Tamil Nadu is doing very well. ...*(Interruptions)*... Sir, one minute is already lost. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I have been informed that they would be coming. ...*(Interruptions)*... You may continue to speak. ...*(Interruptions)*... The Minister is coming. He has been informed. ...*(Interruptions)*...

SHRIMATI VIJILA SATHYANANTH: Sir, one minute has gone. I want the time to be revised. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: It cannot be.....*(Interruptions)*...

SHRI JAIRAM RAMESH: Sir, adjourn the House. ...*(Interruptions)*...

SHRIMATI VIJILA SATHYANANTH: Sir, my time must be revised. ...*(Interruptions)*...

DR. K. KESHAVA RAO: Sir, I have one thing to say. This is a Bill ...*(Interruptions)*...

SHRI JAIRAM RAMESH: Sir, you may adjourn the House. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: The Leader of the House is here. He wants to say something. ...*(Interruptions)*... आप बोलिए। ...*(व्यवधान)*...

SHRI V. MURALEEDHARAN: Sir, I am noting down the points. The Leader of the House is also here. ...*(Interruptions)*... We are noting down the points. ...*(Interruptions)*...

DR. K. KESHAVA RAO: Sir, she is raising important issues. The Minister must reply to them. ...*(Interruptions)*...

SHRIMATI VIJILA SATHYANANTH: Sir, my time must be revised. I have got only two minutes. ...*(Interruptions)*...

सभा के नेता (श्री थावरचन्द गहलोत): सर, संबंधित मंत्री जी अभी आ रहे हैं। ...*(व्यवधान)*... मैं भी मंत्री हूँ। ...*(व्यवधान)*... मंत्रिमंडल की सामूहिक जिम्मेदारी होती है। ...*(व्यवधान)*... जो वक्ता बोल रहे हैं, मैं उनके कथन नोट कर रहा हूँ और वह मैं मंत्री जी को दे दूँगा। वे उनका जवाब देंगे। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: You may speak. Nothing else is going on record. ...*(Interruptions)*... Please ...*(Interruptions)*...

SHRI TIRUCHI SIVA: \*

SHRIMATI VIJILA SATHYANANTH: Sir, kindly revise my time. ...*(Interruptions)*... Sir, kindly revise my time. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: \*

MR. DEPUTY CHAIRMAN: The Minister is already there. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: \*

SHRI N. GOKULAKRISHNAN (Puducherry): \*

सुश्री दोला सेन (पश्चिमी बंगाल): \*

SHRI JAIRAM RAMESH: \*

MR. DEPUTY CHAIRMAN: The Minister is there. ...*(Interruptions)*...

DR. K. KESHAVA RAO: \*

MS. DOLA SEN: \*

MR. DEPUTY CHAIRMAN: Please. ...*(Interruptions)*... He is coming, I have been informed. ...*(Interruptions)*...

MS. DOLA SEN: \*

MR. DEPUTY CHAIRMAN: Dola Senji, please take your seat. ...*(Interruptions)*...

श्री थावरचन्द गहलोत: सर, मैंने सदन से निवेदन किया है कि मैं भी मंत्री हूँ और मंत्रिमंडल की सामूहिक जिम्मेदारी होती है। ...*(व्यवधान)*... जो वक्ता बोल रहे हैं, मैं उनके कथन नोट कर रहा हूँ। ...*(व्यवधान)*... संबंधित मंत्री बाद में जवाब देते समय उन सब बातों का जवाब दूँगा। ...*(व्यवधान)*...

श्री उपसभापति: प्लीज़। ...*(व्यवधान)*... प्लीज़। ...*(व्यवधान)*... मैं 10 मिनट के लिए हाउस स्थगित कर रहा हूँ। ...*(व्यवधान)*... 10 मिनट के लिए हाउस स्थगित किया जाता है।

*The House then adjourned at four minutes past two of the clock.*

*The House reassembled at fourteen minutes past two of the clock,*

MR. DEPUTY CHAIRMAN *in the Chair.*

SHRIMATI VIJILA SATHYANANTH: Sir, we oppose NEET as well as the NEXT entrance examination. NEET is a burning issue in our country. In Tamil Nadu, we have an empowered education system. We are number one in higher education. Our enrolment ratio is 46.8 per cent and dropouts in the primary education are only 1.08 per cent. So, we cannot be compared to any other State in the country because we are on the top, our education is at the top. But, our children are forced to attempt exams in the C.B.S.E. syllabus, which is the Central Board syllabus. My request is that bring a common syllabus to whole India and then have a common entrance examination. We completely oppose and reject the already institutionalised NEET in our country. We are totally rejecting it. Now, the next thing is, for nearly five-and-a-half years, students have studied in various medical colleges; but after doing five-and-a-half years of medical degree, after qualifying through all the subjects, practical and everything, they have to go for a common entrance examination. Now, a University should conduct an examination. But, now it is proposed as to who will conduct this examination. Another thing, the earnings of coaching centres for these entrance examinations reached up to Rs.12,000 crores. This is the earnings of the private coaching centres all around the country for this NEET examination and Exit exam. And, this will pave way for the private coaching owners to become multi-millionaires. So, this has to be stopped. Now, as per the University Act, the degree should only be conferred by the University. I have two things to ask. Under Clause 32, the Commission may grant license to nearly 3.5 lakh para medical staff, that is nurses and pharmacists, to practice, prescribe allopathy medicines. Now, because of this Clause, that is, the Community Health Provider can also prescribe medicines under the supervision of medical practitioner, but he can prescribe. It should be like that he should prescribe only under the guidance of the medical practitioner. The next point is that only up to 50 percentage, —this is my last point —fees will be fixed for the private medical colleges as per this Bill and another 50 percentage, they can have in crores. They will start with one crore or sixty lakhs or seventy lakhs. So, the education will go to the very rich people and the poor people will be deprived of this medical education. So, I need the indulgence of the hon. Health Minister to immediately revisit the complete thing and stop this NEET, and, NEET should not be enforced in our country. We totally oppose this NEET and NEXT examination.

SHRI SASMIT PATRA (Odisha): Hon. Deputy Chairman, Sir, I rise to speak on the National Medical Commission Bill, 2019. To start with Clause 4 (4), in the Composition of the Commission, it mandates that six members will be appointed on rotational basis

[Shri Sasmit Patra]

from the States and Union Territories for two years. Sir, this would ensure that States like Odisha which have a strong need for healthcare, would be deprived to have a place on the Board of the Commission for twelve years. After 12 years, each State like Odisha will get its chance. Instead of this, I request the hon. Minister to kindly consider having one permanent representative from every State because health is a regular issue, a day-to-day issue. It cannot come every four years or five years or twelve years. Sir, in terms of Clause 10 which talks about determination of fees, up to 50 per cent of the fees would be regulated by the Commission. In Odisha, earlier it used to be 85 per cent. But, with this, it will come down to 50 per cent. Sir, there are a number of students who are meritorious students but cannot afford expensive education. So, in this regard, also understanding the concerns of the education sector, I propose that there should be a National Medical Education Scholarship Fund, which should be operated by the Centre and the States in conjunction, and which will ensure that meritorious students are not deprived of their rightful share in medical education.

Sir, Clause 15 (1) talks about the National Exit Test. Now, after five years of MBBS, what happens if a student does not qualify the Exit Test? Does he continue as a Plus-two pass? Does he actually become an MBBS in transit? No one has clarity. We hope the hon. Minister will clarify as to what happens next if a person fails. Clause 15(4) states that same Test would also be taken by the people who have foreign medical degrees. Now, the question is that we have not differentiated between Indians, who have a foreign education degree in medicine, and non-Indians. So, there is no bar or ceiling on how many people would be admitted into the Registry of Doctors or as medical professionals if they do qualify. In fact, in Clause 31(1), you have specificity that you will have one-third of Community Health Providers from the National Registry of Doctors. There is no ceiling here. So, tomorrow, if one lakh practitioners across the world apply for NEXT and qualify, will you allow all of them to start practising in India? There is no clarity on that. We hope the hon. Minister would clarify this issue. Clause 15(5) states that NEXT will be used both for post-graduate education as a selection process, as well as for granting licence. So, can one examination really test the functionality of a person to practise as a doctor and licensing him, and at the same time, also test his academic proficiency so that he can go for post-graduation education? Can one examination assess both these norms? I think, I would be very happy to learn from the hon. Minister on this aspect.

Then, Clauses 24 and 25 of the Bill talk about the Under-Graduate Medical Education Board and the Post-Graduate Medical Education Board respectively. Sir, both the Education Boards are standing in silos. But medical education is not in silos; it is a progression from under-graduate education to post-graduate education. So, I would suggest to the hon. Minister, through you, that let there be an interface between the Under-Graduate Medical Education Board and the Post-Graduate Medical Education Board, so that the commonalities in terms of minimum requirements, standards and curriculum structures are looked into and they collaboratively work, rather than having post-graduate after under-graduate.

Clause 26(1)(c) talks about hiring and authorising any other third party agency or persons for carrying out inspections of medical institutions for assessing and rating such institutions. So, who are these third parties? Are they private bodies who would be authorised by the Government to go and inspect medical institutions, or, are they Government bodies who would be authorised by this Commission to inspect? I am raising this point because this was the root cause of corruption in the Medical Council of India. If this root cause of corruption is not clarified enough, then, tomorrow, you will suddenly have these so-called private bodies assessing and telling them whether they can get a medical college certification or not, and would become a back door.

Then, regarding Clause 32, sub-clauses (1), (2) and (3), various speakers have already spoken about it. There is a lack of clarity primarily in two-three areas. First is regarding granting limited licence. What is this 'limited'? Is it in tenure, or, is it in qualification? What is it? The clarity is completely missing. Number two, why is there no examination for qualifying for such Community Health Providers? (*Time bell*) I will just take a minute and I will conclude. You have the qualifying exam, NEXT, for the students to be given licences to practise as MBBS or doctors, but there is no qualifying examination so far mentioned in the Bill for granting licences to these Community Health Providers.

Finally, Clause 50 talks about the joint sitting of National Medical Commission, Central Council of Homoeopathy and Central Council of Indian Medicine. But, Sir, there is a necessity for also integrating a joint sitting with the Ministry of AYUSH. Here, you cannot have only two or three domains of AYUSH and leave the rest. So, I hope the hon. Minister will respond to these points. Thank you, Sir.

**श्री उपसभापति:** माननीय सदस्यगण, डा. सांतनु सेन जी की maiden speech है। लंच से पहले पाँच मिनट मिले थे, लेकिन उन्होंने लंच के बाद लगातार बोलने की इच्छा जाहिर की। अब मैं उन्हें आमंत्रित कर रहा हूँ। Dr. Santanu Sen, you have fifteen minutes.

DR. SANTANU SEN: Mr. Deputy Chairman, Sir, thank you very much for giving me this opportunity post-lunch. Though I strongly believe that this Bill is for the medical fraternity and doctors' community and for medical education, the entire medical fraternity, doctor community and the medical students are on road since last two weeks against this draconian National Medical Commission Bill. So, I strongly believe that this Bill should not have been discussed today. Even then, I am forced to give my maiden speech as this Bill is being discussed now. Sir, as this is my maiden speech, I could have been very joyous and very pleasant, but, to be very honest, I am standing here with very pained heart, profound grief and sorrow, because, the entire medical profession is against this Bill. Sir, sometimes this House seems to be a House of prudence, but, sometimes this House seems to be a House in hurry to tremble a well-set tradition of Indian Parliament. Sir, before I come to my main speech, I would like to clarify certain points which have been said by the Treasury Bench. I believe, before a Bill gets discussed, the leaders and the Ministers of the Treasury Benches who want to speak on the Bill should be briefed properly. Our hon. colleague, Shri Bhupender ji said that this is the same Bill and it has already been sent to a Select Committee. This is for the information of the august House that this statement is absolutely incorrect. Sir, the National Medical Commission Bill, 2017 was introduced on 29th December, 2017 and the same Bill was sent to the Standing Committee on 2nd January, 2018 at 2.15 pm. The Standing Committee made some recommendations. Then, as the 16th Lok Sabha got dissolved, that Bill got lapsed. The National Medical Commission Bill, 2019 is an absolutely new Bill. The previous Bill was containing 59 Clauses and this Bill contains 61 Clauses. There is a Clause 32, regarding which nothing was mentioned in the previous Bill. So, I think, before speaking something, we should be briefed properly. Sir, I must endorse my learned professional colleague, hon. Minister. He said that it is probably the biggest reform. Yes, of course, it is the biggest reform. Sir, a Bill like this which allows total corporatization of medical education, if this is not going to be a biggest reform, then, what else would be the biggest reform? Sir, I would again like to endorse his sentence. He said that it will be written in golden letters. Of course, it will be written in golden letters, because this Bill is going to be the mother of quackery in Indian Parliament and in the Indian history. So, if this will not be written in golden letters, then what else would be written in golden letters? Sir, I would like to clarify one point. As you all know, there was a charge against the Medical Council officials, but, at the same time, we must keep it in mind that after proper investigation, finally, the CBI had to give those officials a clean chit. This is for information of all of you.

Sir, our respected Minister said that out of 25 members of National Medical Commission, 21 members are doctors. Yes, I do admit that 21 members are doctors. But, all those doctors are Central Government employees. Sir, can you expect a Central Government employee, be it a doctor, to say anything against the desire of Government of India? Do you think so? Sir, let me come to my point. First of all, as we know that if parents bring something for their children and if the children deny accepting that because they think it is bad for them, then the parents start thinking of their impending future, and they simply take away that thing from the children. But, here, our parent; our Government, they are bringing something for the medical fraternity, for their children, and the children are refusing to accept it, because of impending danger and our parent, Government is mercilessly bulldozing the same to accept this National Medical Commission Bill, 2019, which is very unfortunate. Sir, what else can we expect from our Government, when our hon. Prime Minister in the year 2018, while sitting at Westminster, London, portrayed the doctors' community of his own country as \* in front of the British media? So, what else can we expect from this Government? Sir, when 10,000 doctors were there on the roads of Delhi on 29th July, when 300 doctors including myself were arrested by police on 29th July, and, when lakhs and lakhs of doctors in the country are on strike against this Bill, can we expect that our respected Dr. Minister will consider it? No, Sir. Rather we can expect that he will be guided by his party dictat, which has already created a record in the Parliament by bringing so many Ordinances, by passing so many unscrutinized Bills in this Session, by extending the Parliament Session like anything, as per the desire of the Government. We are used to it. There is nothing new in it. So, Sir, let me share my view not only as a Member of this august House but also as the National President of the Indian Medical Association.

SHRI V. MURALEEDHARAN: Sir, I have a point of order. Hon. Member has made an allegation against the hon. Prime Minister. ...(*Interruptions*)...

SHRI JAIRAM RAMESH: It is not an allegation. ...(*Interruptions*)...

MS. DOLA SEN: It is only a statement. ...(*Interruptions*)...

SHRI V. MURALEEDHARAN: He has used derogatory words against the Prime Minister. ...(*Interruptions*)...

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\*Expunged as ordered by the Chair.



SHRI JAIRAM RAMESH: He can authenticate it. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: It will be examined. ...(*Interruptions*)... Please continue, Dr. Sen. ...(*Interruptions*)...

SHRI V. MURALEEDHARAN: That is my view. ...(*Interruptions*)... That is my view. I am requesting the Chair. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: The records will be examined as per the Rules. ...(*Interruptions*)...

SHRI V. MURALEEDHARAN: I have the authority to request the Chair. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: The records will be examined as per rules of the House. ...(*Interruptions*)...

MS. DOLA SEN: Sir, please let the hon. Member speak. ...(*Interruptions*)... What is this, Sir? ...(*Interruptions*)... Member is delivering his speech and. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Please speak, Dr. Santanu Sen. ...(*Interruptions*)...

DR. SANTANU SEN: Sir, I expected this because yesterday also one of the learned Members from their Party spoke on camera that Santanu Sen is giving anti-national statements. I am fighting for the fraternity. Whosoever opposes them is anti-national! I will love to be anti-national if fighting for my fraternity is. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Please speak on the subject.

DR. SANTANU SEN: Sir, I term this Bill as anti-federal because firstly, this Bill completely outrages the federalism enshrined in the Constitution of India.

As per Clause 4 of the Bill, there is a Chairperson, there are ten ex-officio, 14 part-time members, totalling 25. Amongst these 14 part time members, 3 are on non-rotational basis and 11 are on rotational basis. In rotational category, six part-time members would be from amongst the members of States and Union Territories who are members of Medical Advisory Council, and, five would be from the nominees of States and Union Territories who are nominated from amongst the elected State Council members, and, the term of the rotational part-time members is 2 years and of the non-rotational members is 4 years. As such, if one State gets represented this year, it will remain unrepresented for next 12 years in case of State nominees, and, for next 14

years in case of State Council nominees. There could not have been more worst marginalization of States, as has been done in this case. On the contrary, in the existing system, every year, every State gets three representations.

Moreover, Sir, as per Clauses 45(1) and 45(2), the ultimate power lies with the Government of India and each and every State is bound to abide by the directives given by the Government of India.

Sir, even this National Medical Commission Bill snatches the autonomy of the State Medical Councils as they will remain bound to follow the decisions of the National Medical Commission. Sir, let me mention as to how this Bill centralizes the power? Not only all the Members of the National Medical Commission are hand-picked Government of India servants, as I said earlier, but also, in order to accommodate retired bureaucrats, the age-limit of superannuation has been extended to 70 years.

So, a whole set of puppets, whose strings will be tagged in the hands of the Government and who will be dancing to their tunes, will be deployed as members of the National Medical Commission. Sir, though the Government of India has deputed a Secretary-General on the Medical Council of India, Board of Governors, but the proposed National Medical Commission Bill is totally silent on that post of Secretary-General in the Board of Governors.

Sir, let me come to the point of capitation fee. I would like to inform that till date, as per Supreme Court's guidelines, admission fee of 85 per cent seats of private medical colleges is regulated by the Government. As per Clause 10(i), this Bill says, not only fifty per cent of the seats would be sold freely but also for the remaining 50 per cent, this Board will only fix up the criteria, and, will not prescribe the capitation fee. They will not prescribe capitation fee. So, indirectly, hundred per cent seats of all private medical colleges will be for sale. Do you think after the National Medical Commission Bill is passed a meritorious student from a remote rural district of the country can even dream of becoming a doctor? This is my humble question to you, Sir. It will indirectly lead to mushrooming of private medical colleges and nothing else. As the learned speaker before me said, there is a provision of third-party inspection. What is that? We are told that the MCI was corrupt. We are trying to shut the door of corruption and we are opening the floodgates of corruption. This is very unfortunate. Moreover, this Bill says that inspection of new medical colleges should be discretionary. What do you mean by discretionary? Today, I open a medical college. It will be absolutely

[Dr. Santanu Sen]

discretionary whether my medical college will be inspected or not. I will be collecting crores and crores of rupees as capitation fee. My medical college will not be inspected for three-four years. After three years, by that time I might have accumulated crores and crores of rupees. That may shut it down but I would have gone away. What will happen to the students left in the lurch? What will be the fate of those students? This is not clear in the Bill.

On Clause 15, I have some questions for hon. Minister regarding the NEXT exam. I would like to know whether the final year MBBS examination and NEXT exam will be the same or not. If all other MBBS examinations are conducted by the State Health University and that particular exam is being conducted by the National Medical Commission, then who will confer the degree? As per the University Grants Commission Act and as per the University Act, a State Health University can confer degree only at that time when the entire examination system is being conducted by that particular State University. In this case, who is going to confer that degree? There will be MCQs. As you know, Sir, in our medical profession, usually classroom teaching is there only for one year. After that, we go to clinics and get exposure to patients and that is the main tool to be a doctor. In the final year of MBBS, in the practical examination, we face medicines, surgery, gynae and what not. But if the NEXT exam is based completely on MCQs, then we can run a distance course. What is wrong in it? We can open a medical college. No hospital is needed. We can run a distance course. We will be studying in our homes and appearing in the test based on MCQs and becoming doctors. Then I will see you as a doctor. Will you allow me to see you as a patient then? No. In MBBS, as you know, Sir, in the first year, there is classroom teaching. If this Bill gets passed, the clinics will be avoided. On the contrary, if our learned Minister would have said that they will be conducting practical examination at the same time, then I would say that it is not possible to conduct a centralized practical examination for 70,000 students at a time. It can never be possible. If a student passes exam this year, he gets licence to practise. But as his score is less, he does not get admission in PG. He starts practising as a doctor. At the same time, he studies hard and appears in the same exam after one year and unfortunately he fails in the test. I want to know whether he would remain a doctor? I also want to know whether his licence will be there at all to practise outside or not. It is not clear in the Bill. In the recent system, if a student fails, after six months he gets a chance for appearing in supplementary exam. Nothing is explained in this Bill. If a student fails what will

happen to his fate? How many times a doctor or a student will be allowed to appear in this exam? How can they get admission in AIIMS? Will it be the same NEXT exam for getting admission in AIIMS or PGI or JIPMER Chandigarh? It needs to be clarified by our learned Minister. Don't you think that this Bill is going to benefit foreign graduates? Don't you think that the graduates of our own country should be given some more benefit than those who are getting MBBS degree from China, Pakistan, Bangladesh or Russia? But we are keeping it on at par with them. Indirectly, you are giving more advantage to those who are getting their MBBS degree from outside which is very unfortunate. Sir, what will happen to the service quota? ...*(Time-bell rings)*... Doctors go to render their services in villages to get advantage of service quota. If the service quota is taken away, doctors would hardly go to villages to render their services.

MR. DEPUTY CHAIRMAN: Please conclude now.

DR. SANTANU SEN: Yes, Sir. One to three more minutes, please. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Fifteen minutes are allotted. ...*(Interruptions)*...

DR. SANTANU SEN: As per Clause 32, as I said, it is going to be a muster of quackery. They are allowing lab technicians, ECG technicians, X-ray technicians, compounders, ambulance drivers, etc. who are directly or indirectly associated with medical system. They will be given licences. We fought tooth and nail against Bridge Course. But, at least, there was a provision that AYUSH doctors would be trained. But, here anyone can be trained as a doctor. He can be allowed to prescribe modern medicines.

MR. DEPUTY CHAIRMAN: Dr. Sen, please conclude now.

DR. SANTANU SEN: Yes, Sir. Just one minute more.

SHRI VAIKO: Sir, he is giving a very good speech. It is useful to everybody. ...*(Interruptions)*... Time is wasted in unnecessary shouting. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: There are rules. ...*(Interruptions)*... Please conclude.

DR. SANTANU SEN: Sir, our respected Minister has said that he has accepted 49 recommendations out of 56 recommendations. Let me humbly tell you that it is not properly correct. It is something like accepting the plate and throwing away the food. I can show you the Report which is very much with me. They have accepted certain points and they have thrown away others.

MR. DEPUTY CHAIRMAN: Please conclude now.

DR. SANTANU SEN: Last but not the least, I would let you know that as there are so many fallacies, this Bill should be sent to a Select Committee.

MR. DEPUTY CHAIRMAN: I would call the next speaker now.

DR. SANTANU SEN: One second, Sir. This Bill seems to be 'of the ambiguous, for the ambiguous and by the ambiguous'. ...*(Interruptions)*... Please send it to a Select Committee. Otherwise,

कहीं ऐसा न हो कि यहां से जाने के बाद अगर कोई मुझसे पूछे कि तुम्हारे कारोबार का हाल क्या है तो मुझे कहीं उसे यह न कहना पड़े कि:

'हाल मत पूछो मेरे कारोबार का, आईना बेच रहा था, अंधों के शहर में।'

**श्री राम नाथ ठाकुर** (बिहार): माननीय उपसभापति महोदय, आपने मुझे इस बिल पर बोलने का टाइम दिया, इसके लिए मैं आपके प्रति कृतज्ञता ज्ञापित करता हूँ। महोदय, मैं इस बिल के समर्थन में खड़ा हुआ हूँ। इस बिल का मतलब है - 1 अरब, 35 करोड़ जनता का स्वास्थ्य कैसे ठीक रहे, उसके दर्द को डॉक्टर्स कैसे दूर करें - इसके बारे में यह बिल आया है।

उपसभापति महोदय, आज जो विषय है, उस विषय के बारे में मैं कुछ सुझाव देना चाहता हूँ और वे सुझाव ये हैं कि राज्यों के अधिकारों का हनन न हो; गरीब, शोषित, पीड़ित और लांछित छात्रों के अधिकारों का हनन न हो; मेडिकल कॉलेजों की संख्या बढ़ायी जाए और जब मेडिकल कॉलेजों की संख्या बढ़ेगी, तब डॉक्टर्स की भी संख्या बढ़ेगी। इसके अतिरिक्त डॉक्टर्स की जो लिखित परीक्षाएं हों, उनके अलावा उन्हें practical का भी अनुभव होना चाहिए। महाविद्यालयों में परीक्षाएं होती हैं, लेकिन जिन महाविद्यालयों में practical नहीं होता, मेडिकल के छात्र practical नहीं सीखते या practical नहीं करते, उनके बारे में सरकार को ध्यान रखना चाहिए। महोदय, नीतीश सरकार ने बिहार की जनसंख्या के आधार पर medical colleges खोले हैं, उनमें private colleges भी हैं, private colleges को भी अधिकार मिलना चाहिए। उन्हें medical college खोलने की जो शर्तें हैं, उन शर्तों को पूरा करने का काम करना चाहिए और जो गरीब विद्यार्थी हैं, medical colleges को उन विद्यार्थियों को 50 परसेंट नामांकन कर उन्हें शिक्षित करना चाहिए, यह मेरा सुझाव है। WHO के अनुसार एक हजार लोगों पर एक डॉक्टर होना चाहिए, लेकिन अभी कितने डॉक्टर्स हैं? अभी कुल 11,57,574 डॉक्टर्स हैं। डॉक्टर्स की संख्या तब तक नहीं बढ़ेगी, जब तक नए मेडिकल कॉलेज नहीं खुलेंगे। जब तक मेडिकल कॉलेजों में छात्र प्रवेश नहीं करेंगे, तब तक नए डॉक्टर्स नहीं बन पाएंगे। डॉक्टर्स की कमी के कारण हम जनता की क्या सेवा कर सकते हैं और उसके स्वास्थ्य के बारे में क्या सोच सकते हैं? इसलिए मेरा सरकार से यह निवेदन है

कि पूरे हिंदुस्तान में मेडिकल कॉलेजों की संख्या बढ़ाई जाए और गरीब विद्यार्थियों को उनमें प्रवेश दिया जाए। ऐसी व्यवस्था हो। जो आज डॉक्टर हड़ताल कर रहे हैं, किन कारणों से कर रहे हैं, उन कारणों को भी ढूंढा जाए और उन कारणों का निराकरण किया जाए। ... (समय की घंटी)... हर एक देश में, हर एक गांव में...

**श्री उपसभापति:** श्री राम नाथ जी, अब कन्क्लूड कीजिए, समय खत्म हो रहा है।

**श्री राम नाथ ठाकुर:** PHC का गठन होना चाहिए, PHC खोलना चाहिए और वहां पर मजबूत specialist doctor होना चाहिए, यह मेरा आपके माध्यम से सरकार से निवेदन है।

**श्री उपसभापति:** धन्यवाद। राम नाथ जी, समय खत्म हो गया है। Shri K.K. Ragesh, not present. Prof. Manoj Kumar Jha.

**PROF. MANOJ KUMAR JHA (Bihar):** Hon. Minister *Saheb*, it is indeed a golden day! Lakhs of doctors are on strike. What could be more golden than this? We must pay attention to some of their serious concerns.

Sir, I have seen so many Bills. Accumulation of all powers by the Centre is the greatest tyranny you are perpetuating और फिर भी आप ऐसा कहते हैं - सहकारी संघवाद।

"इस सादगी पे कौन न मर जाए ऐ खुदा,  
लड़ते हैं और हाथ में तलवार भी नहीं।"

Sir, the premise is that the EXIT exam is the ultimate test of competency. World over, it is being challenged. World over! हम असल में उतरा हुआ पहनने लगे हैं। An exam which is challenged world over, you consider that as an ultimate test of competency and merit. I have worrisome reservations. On the Bill, my colleagues have spoken about the fact that it is brazenly; it is rather going berserk in corporatization of medical education. I do not know what kind of reason drives you to arrive at it. What kind of reason? I have been cautioning this House; blatant, brazen privatization, do not think is a panacea. That is going to cause more disease than what it is going to redress. Now, Clause 32, as many of my colleagues have talked about, is incorporating other health care professionals. There is a famous saying, Minister *Saheb*. Company of wolves is better than company of wolves in the sheep's clothing. Please understand. Do not celebrate quackery as a kind of contribution. I would say this is not a National Medical Commission Bill. This is basically National Medical 'Omission' Bill. This is an 'Omission' Bill. Now, one chance at the final exam is a problematic thing. I have myself appeared for many exams. I presume, Minister *Saheb*, you must have appeared for many exams. Considering one exam. as ultimate and you do not get a chance,

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what happens? In spite of a bright career, just one exam takes everything away from me. I have spoken about it, Sir. Moving from there, the Fee Regulation Authority. Fifty per cent seats in every private medical college have to be done by this Authority. What would happen to the rest fifty per cent? Any idea? Now, Sir, what I believe is that this idea of total control is worrisome. I can also request you for one thing under Clauses 24 and 25 कि तमाम सब क्लॉजेज़ में, please insert that only non-animal teaching methods should be added.

Finally, Sir, there was corruption and I don't know whether the due process of law established it or not. There are hundreds of employees in that body. Please think of them. It may not be a historical day for them and if you could incorporate them in different other bodies.... Sir, I will take just 30 seconds, and not more than that. Hon. Minister Saheb, as a matter of advice, I request you, it is from somebody much younger in experience that when you referred to doctors and aspiring doctors, you kept on referring to them as 'him', 'him', 'him', Sir, there is 'hers' also. There are a lot of women. Let us be very clear on that issue also. One final request I will make, through you, Sir,...

**श्री उपसभापति:** मनोज कुमार झा साहब, अब आप कन्क्लूड करिए।

**PROF. MANOJ KUMAR JHA:** Sir, just one request that when you say, 'connected to modern medicine.' सर, एक आखिरी चीज़ है, Sir, don't make this body as a rehabilitation programme, पुनर्वास योजना में तब्दील मत करिए ...(समय की घंटी)... कि कहीं से उठाकर उनको ले आए, जय हिंद सर। Thank you so much.

**MR. DEPUTY CHAIRMAN:** Now, Shri Tiruchi Siva.

**SHRI TIRUCHI SIVA (Tamil Nadu):** Sir, this Government initially attempted to encroach the powers of the State. Now, they are taking away the powers of the State. Health comes under the powers of the State. It is in the State List. But, through this Bill, everything is being centralized. There is monopoly of the Central Government in appointments. Sir, leave alone as the political parties, but what about the stakeholders who are concerned with this? The Indian Medical Association has expressed its strong reservations over several Clauses of the Bill. So also the largest body of doctors and medical students, about three lakhs, they have called for a hunger strike and they are demonstrating. So, their voices have to be listened because the Bill is totally

concerned about them. The MCI, which was already there, has now been replaced by this NMC. There were elected members in the MCI but, here everything is ad hoc, everything is appointed by the Central Government, starting from the Chairperson and to the members. And, as everyone has, repeatedly, told here that the States' representatives will be coming on a rotational basis, and every State will have its representation once in 14 years or 4 years. It cannot be accepted. So, every State should have a representation all through the year in the Commission. Something should be done because the States should have representation. Leave alone all those things, considering my time, I want to confine to two main things. We have moved amendments also in Clause 14 and Clause 15. Clause 14 says about the NEET examination. It is for students who want to join undergraduate medical education; they should pass the NEET examination. Sir, for a student to be qualified to appear for the NEET examination, the eligibility criteria is Class 12. Till Class 12, before the advent of the NEET examination, students were studying hard; they scored high marks, by way of reservations also they had their own bread. There were so many students. After the NEET has been introduced, the admission of students from backward classes and Scheduled Tribes has drastically come down, especially, students from rural side and who are from the poorer sections. For example, a maid servant, who is working somewhere in four or five houses, her daughter will be studying day and night and will be scoring high marks, thousand hundred and odd and all, but she is not getting admission through the NEET examination. Some seven students have committed suicide in Tamil Nadu because of the NEET examination because they scored high marks but they couldn't get through the NEET examination. Why? It is because they cannot go to the coaching centres. The coaching centre charges Rs. 2 lakh per candidate which they cannot afford. So, Sir, it is totally depriving the chances of medical dreams of the poorer students and those of rural students. And, next comes the NEXT. The NEXT is another one. I mean the National Exit Examination. It is three. One is licensing. Once a student has completed the medical course of five years and house-surgeonship and all, again, the person has to write the NEXT examination. Only if that person passes, he will be licensed to become a medical practitioner. Second is eligibility for those undergraduates, who are coming from foreign countries. And third is, postgraduate admission criteria. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Please conclude. ...(*Interruptions*)...

SHRI TIRUCHI SIVA: My only pointed question to the hon. Minister is this. The ambiguity is that Clause 14 says, "There shall be a uniform National Eligibility-



cum-Entrance Test for admission to the undergraduate and postgraduate super-speciality medical education." Clause 15(5) says, "The National Exit Test shall be the basis for admission to the postgraduate broad-speciality medical education". A student who wants to go for the postgraduation, should he write both NEET and NEXT or is it enough if he writes NEXT? That is the ambiguity because the same Bill says two different things. A student who wants to go for postgraduation should appear for NEET and he should also appear for...

MR. DEPUTY CHAIRMAN: Tiruchi Sivaji, please conclude. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: Sir, these two should be deleted. Unless and otherwise, you are depriving the poorer students of their medical dreams and ...*(Interruptions)*...so we strongly object these two Clauses.

MR. DEPUTY CHAIRMAN: Dr. Narendra Jadhav.

DR. NARENDRA JADHAV (Nominated): Sir, I rise to support the National Medical Commission Bill, 2019. The National Medical Commission Bill, 2019 seeks to address several deficiencies prevailing in the current healthcare system and it completely revamps the regulatory system of medical education and practice. It aims to provide for a system that improves access to quality and affordable medical education and ensures availability of adequate and high quality medical professionals in all parts of the country. There has been a strong resistance and protest from the medical fraternity and the Indian Medical Association on the ground of Clause 32, which grants licence to practice medicine to any person connected with the modern scientific profession as so-called Community Health Providers. Many hon. Members talked about it comparing it with encouraging quacks. What is missing there is the potential use of new-age technology, particularly, artificial intelligence and data analytics. Currently, in India, there is a deficit of more than six lakh doctors and the effect of this is felt most in the rural population which have little or no access to doctors or healthcare services. Like barefoot doctors in China and elsewhere, this could be a very useful measure in providing medical services everywhere, especially, with the new-age technology. The third point that I want to make is that the Bill replaces MCI, the Medical Council of India by National Medical Commission. The Medical Council of India has been known for corruption than efficiency. The MCI comprised of influential medical practitioners. It is an elected body where the President and the members are elected by medical practitioners alone. There have been allegations of corruption, nepotism and lack of accountability. In fact, I would

**3.00 P.M.**

recall that one of the Chairmen of the Council was jailed because the raids showed that they discovered tonnes of gold in his house. And the same person was reinstated again. Even when he was in jail, he was controlling the affairs of the Medical Council.

[THE VICE-CHAIRMAN, (SHRI TIRUCHI SIVA) *in the Chair*]

This Bill will certainly help in containing the corrupt practices and, therefore, I am in favour of this Bill. My final point is this. There was a talk that this is wholesale privatisation. I do not accept that. There must be more medical colleges, both Government as well as private. As far as Government sector is concerned, the share of investment, the amount of investment made in public health by Government is a little more than one per cent, which has to be increased. There will have to be more Government colleges. At the same time, the need is so large that there is a need to encourage private medical colleges as well. So I strongly support this Bill and thank you very much for giving me this opportunity.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Now, Shri Sanjay Raut.

**श्री संजय राउत** (महाराष्ट्र): वाइस-चेयरमैन सर, आज यहाँ बहुत ही महत्वपूर्ण बिल पर चर्चा हो रही है। आज हमारा देश transformation के दौर से गुजर रहा है और मेडिकल सेक्टर भी बड़े बदलाव की तरफ जा रहा है। यह जो National Medical Commission Bill, 2019 है, it is one of the biggest reforms in medical sector, ऐसा कहा गया है। मैं इस बिल के समर्थन में खड़ा हूँ, लेकिन फिर भी दोनों तरफ से लोगों ने कुछ बातें यहाँ रखी हैं, जयराम रमेश जी ने भी रखी हैं, डा. सांतनु सेन जी ने भी रखी हैं। आज जब मैं यहाँ सदन में आ रहा था, तो कुछ medical practitioners मुझसे मिलने के लिए आए थे, जो कल 28 पर थे, इस बिल के खिलाफ उनका आन्दोलन चल रहा था, आज भी है। उन्होंने मुझे कुछ बातें बताईं, तो मैंने कहा कि हम तो बिल का समर्थन करेंगे, लेकिन आपकी जो बातें हैं, मैं जरूर सदन में सरकार के सामने रखूँगा। अगर सरकार को आपकी बातों में कुछ लगता है, तो वह जरूर बदलाव करेगी।

सर, यह जो बिल है, उसके ऊपर मंत्री जी ने अपने निवेदन में Medical Council of India की जगह जो National Medical Commission आ रहा है, उसके बारे में zero corruption की बात की, लेकिन बिल के Clauses 27, 28, 29 (b) & (c) को लेकर लोगों के मन में ज्यादा चिंता है। Medical experts इससे खुश नहीं हैं, इसलिए कि काउंसिल को unlimited and uncontrolled powers दी गई हैं। मुझे लगता है कि किसी के हाथ में इतनी uncontrolled powers हों, तो गड़बड़ की संभावना जरूर होती है, जो पहले भी हुई है। इसलिए इसके बारे में आपको थोड़ा सा विचार करना पड़ेगा। इससे पहले भी सुप्रीम

[श्री संजय राउत]

कोर्ट के एक आदेश से Medical Council of India पर जस्टिस लोढ़ा समिति बैठी थी। जस्टिस लोढ़ा प्रशासक थे। 2016 में जस्टिस लोढ़ा समिति ने सिर्फ documents और आश्वासनों के आधार पर medical colleges को permission देने का experiment किया था। उस समय 34 medical colleges को केवल उनकी website, उनके documents, उनकी जानकारी के आधार पर permission दी गई थी। बाद में 34 में से 32 कॉलेजों को infrastructure की भयंकर कमी की वजह से बंद करना पड़ा। इससे जो 7 हजार students थे, वे फँस गए। मुझे लगता है कि आप जो नया बिल लाए हैं, उसमें यह provision है, तो क्या यह कहानी, यह tragedy फिर repeat नहीं हो सकती है, यह मुझे डर है।

दूसरी बात, आपने exit exam की बात की। इस बिल के पास होने पर अब MBBS के बाद practice के लिए exit exam देना पड़ेगा। अभी National Exit Test सिर्फ foreign students देते हैं। अब students confused हैं कि Clause 15(1) के provision के अनुसार क्या हमें एक या दो परीक्षा के लिए appear होना जरूरी है, क्या MBBS final और NEXT परीक्षा अलग-अलग आयोजित की जाएगी। यदि इसका उत्तर 'न' है, तो MBBS degree certificate कौन देगा, यह सवाल भी students के मन में है। फिर practical exam है। आप एक दिन में 70 हजार medical students का centralized exam कैसे दिलवाएँगे? सिर्फ theory के आधार पर medical student को practice license कैसे दे सकते हैं? फिर तो मेडिकल कॉलेज की कोई जरूरत ही नहीं बचेगी, students MBBS course distance education से भी कर सकते हैं। ऐसे कई सवाल आज इस फील्ड में पूछे जाते हैं।

फिर capitation fee के बारे में भी बहुत से लोगों ने सवाल उठाया। जयराम रमेश जी ने जो पी.ए. इनामदार मामले का मुद्दा उठाया था, सुप्रीम कोर्ट की एक Constitution Bench ने राज्य सरकार को निर्देश दिया था कि प्रत्येक राज्य में fee regulatory authority होगी, जिसकी अध्यक्षता हाई कोर्ट के retired judge करेंगे। अब पूछा जा रहा है कि इस authority का क्या होगा, क्या अभी यह authority है या आपने इसे demolish कर दिया? उसके बाद Clause 10(1)(i) के अनुसार कमीशन private medical colleges और deemed university में 50 per cent seats की fees तय करने के लिए guidelines तैयार करेगा। बाकी 50 per cent seats की fees कौन तय करेगा, उसके बारे में भी अभी confusion है। पहले Private Medical Colleges 40 हजार सीटों के लिए अपने लैवल पर admission देते थे, लेकिन अब सरकार ने सिर्फ 20 हजार सीटों के लिए ही परमिशन दी है, क्योंकि Private Medical Colleges की दुकान भी तो चलनी चाहिए, वह बंद नहीं होनी चाहिए। इस तरह की बहुत सारी चीजों को देकर सरकार ने उनके ऊपर मेहरबानी की है। मैं मानता हूँ कि ऐसी बहुत सी बातें हैं, जिनको लेकर लोगों के मन में शंकाएं हैं। आरोग्य सेवा एक बहुत महत्वपूर्ण सेक्टर है। इसके माध्यम से हम डॉक्टर पैदा करते हैं और देश की आरोग्य व्यवस्था को मज़बूत बनाते हैं। जो भी शंकाएं हमारे मन में हैं, साथ ही हमारे

बहुत सारे माननीय सदस्यों ने भी इस तरीके की कुछ बातें उठाई हैं, उनके ऊपर गंभीरता से विचार करना चाहिए। यह बिल बहुत ही अच्छा और बहुत ही महत्वपूर्ण बिल है। यह जो सेक्टर है, यह देश के नागरिकों के स्वास्थ्य से संबंधित है, इसलिए मैं चाहता हूँ कि जो मुद्दे उठे हैं, उनके बारे में अवश्य विचार करें। मैं आपके बिल का समर्थन करता हूँ, धन्यवाद।

**श्री अशोक सिद्धार्थ** (उत्तर प्रदेश): माननीय उपसभाध्यक्ष महोदय, दुर्भाग्य है कि आज हम देश की जिस 35 करोड़ आबादी की उत्तम स्वास्थ्य व्यवस्था के लिए जो यह बिल लाए हैं, उनके स्वास्थ्य की देखभाल का जिम्मा जिन लोगों के ऊपर है या आने वाले समय में होगा, वे लोग कल से आज तक स्ट्राइक पर हैं, अर्थात्? वे इस बिल से असहमति जताते हैं।

मैं तीन-चार बिन्दुओं पर माननीय मंत्री जी से क्लेरिफिकेशन चाहता हूँ। इस बिल के सेक्शन 75() का एक क्लॉज है, जिसके अनुसार National Exit Test होने की बात कही गई है, जो All India level पर होगा। जनरली first year में First Professional के exams उसी University या college के द्वारा conduct कराए जाते हैं। Second Professional के exams भी उसी college, university या institute के द्वारा ही conduct कराए जाते हैं। Third Professional के exams भी उसी institute के द्वारा conduct कराए जाते हैं, जिनमें practical, clinical and theoretical exam होता है, लेकिन Final Professional के exams किस अन्य संस्था के द्वारा कराए जाएंगे, जो All India level पर होंगे। जो बच्चे NEET के द्वारा पास होकर जाएंगे, वे पांच साल तक कठिन परिश्रम के बाद इस exam को पास करेंगे।

मान्यवर, पहले तो NEET के माध्यम से जो बच्चे पास होकर जाते हैं, उन बच्चों को पहले NEET exam पास करने में ही बहुत दिक्कतों का सामना करना पड़ता है, क्योंकि तमाम coaching centers में पैसा देकर, बहुत मेहनत से वे NEET exam पास करते हैं। उसके बाद वे बच्चे First Year, Second Year and Third Year के exams pass करते हैं। इसके बाद जब Final Year की बात आती है, उस समय All India level पर जो exam होगा, उस exam को जिस संस्था के द्वारा conduct कराया जाएगा, उसके लिए 70,000 बच्चों का apractical, clinical and theoretical exam, एक साथ, एक दिन में करवाना कैसे संभव होगा?

दूसरा, ज्यादातर जो medical professional colleges या engineering colleges के छात्र होते हैं, वे बहुत मेहनत से वहां तक पहुंचते हैं। चूंकि मैं दलित समाज से ताल्लुक रखता हूँ, इसलिए खास तौर से मैं उन दलित परिवारों के बारे में जानता हूँ, जिनके माँ-बाप अपने बच्चों को मेडिकल कॉलेज में पढ़ाने के लिए बहुत कड़ी मेहनत करते हैं और उनकी पढ़ाई के लिए पैसा खर्च करते हैं। अगर दलित परिवार का बच्चा, जिसने Third

[श्री अशोक सिद्धार्थ]

Professional तक पास कर लिया हो, लेकिन Final Exam में वह फेल हो गया, तो क्या वह बच्चा एक साल तक घर बैठा रहेगा? यदि वह एक साल तक घर बैठा रहेगा, तो वह अपने परिवार के लोगों का या अपना खर्च कैसे वहन करेगा?

तीसरा, अगर वह बच्चा second term में appear होने के बाद फेल हो गया, तो क्या वह 10+2 ही रह जाएगा? ऐसे में क्या उसके पास केवल 10+2 की डिग्री ही रहेगी या फिर MBBS पास करने के बाद उसे practice करने का अधिकार मिलेगा? महोदय, मैं आपके माध्यम से माननीय मंत्री जी से निवेदन करना चाहूंगा कि वे मेरे इन प्रश्नों पर clarification देने का काम करें।

मान्यवर, चौथा, इसमें एक बिन्दु और आया है, जिसमें Community Health Systems Providers लागू करने की बात कही गई है, जिन बच्चों ने Paramedical या Pro-metric में Diploma किया हुआ है या फिर Dental या Hygienist का कोर्स किया हुआ है, जिन बच्चों को सरकारी नौकरी नहीं मिल रही है, क्या उन बच्चों को इस Community Health Systems Providers के माध्यम से absorb करने का काम किया जाएगा? आपने जो 33% को absorb करने की बात की है, क्या सरकार या माननीय मंत्री जी इस काम को करेंगे? क्योंकि जिस तरह से Health Systems Providers की बात कही गई है ...**(समय की घंटी)**... मान्यवर, मैं एक आखिरी बात कहूंगा, जो बहुत मानवतापूर्ण बात है, उसके बाद मैं अपनी बात समाप्त कर दूंगा। अभी दो मिनट ही हुए हैं। यह जो NMC बिल आया है ...**(समय की घंटी)**... सर, आधा मिनट, 30 second और दीजिए। सर सबसे बड़ी बात यह है कि जो NMC Bill आया है, MCI को replace किया। MCI में जो employee थे, उसमें लगभग 102 employees थे, उन employees को इस बिल के enact होने के बाद तीन महीने की सैलेरी दे कर हटा दिया जाएगा।

मैं आपके माध्यम से माननीय मंत्री जी से निवेदन करना चाहूंगा कि उनका नम्बर बहुत कम है, ग्रुप 'बी' वालों को, ग्रुप 'सी' वालों को कहीं न कहीं इस बिल के enact होने के बाद adjust करने का कष्ट करें। ...**(व्यवधान)**...

माननीय, मैं बस माननीय मंत्री जी से यह निवेदन करना चाहता हूँ कि वे अपने जवाब में यह जरूर बता दें कि इन कर्मचारियों को क्या वे adjust करने का काम करेंगे? धन्यवाद। ...**(व्यवधान)**...

**श्री गोपाल नारायण सिंह** (बिहार): उपसभाध्यक्ष महोदय, आज बहुत दिनों से प्रतीक्षित यह बिल आया है। मैं इसका समर्थन करता हूँ और सरकार को भी धन्यवाद देता हूँ कि विगत 10 सालों से देश में ऊहापोह की स्थिति बनी हुई थी कि मेडिकल एजुकेशन को किस सिस्टम पर लेकर चला जाये। मैं Medical Council of India पर corruption charges तो नहीं लगा सकता हूँ, क्योंकि मेरे सामने कभी कुछ ऐसा नहीं आया है, लेकिन Medical Council of

India के बारे में एक चीज़ जरूर मुझे जो समझ में आयी है, वह यह है कि देश की आवश्यकता कितने डॉक्टर्स की है और सरकार किस तरह से डेवलप करना चाहती थी, इन तीनों में तालमेल कहीं नहीं था। गवर्नमेंट चाहती थी कि हम मेडिकल एजुकेशन को तेज़ी से आगे बढ़ाएँ, ज्यादा डॉक्टर्स प्रोड्यूस करें, ज्यादा मेडिकल कॉलेजेज़ की संख्या बढ़ाएँ, डॉक्टर्स की संख्या बढ़ाएँ और यह देश की आवश्यकता थी, लेकिन Medical Council of India जो थी, वह कहीं न कहीं इसमें रोड़ा अटकाती थी और वह अपनी limitations से अपने आपको बाहर निकालना नहीं चाहती थी। इसके चलते सुप्रीम कोर्ट को interfere करना पड़ा। सुप्रीम कोर्ट के interfere करने के बाद इसमें काफी सुधार आने शुरू हुए। सुप्रीम कोर्ट ने direct Board of Governors की दो-दो, तीन-तीन बार व्यवस्था की, लेकिन किसी राज्य सरकार ने हिम्मत नहीं की कि इस Board of Governors को कानून बदल कर नियम व नियमावली पर लाया जाए। मैं सरकार को धन्यवाद दूँगा कि इस सरकार ने हिम्मत की और इसमें बदलाव लाया।

मुझसे पहले जो वक्ता बोल रहे थे, उन्हें सुन कर मुझे ताज्जुब हुआ है। या तो as it is व्यवस्था में चलते रहा जाये, तो हमारी आवश्यकता पूरी नहीं होगी और नहीं तो हम जो बदलाव लाना चाहते हैं, उस बदलाव के साथ लोगों को सहयोग करना चाहिए। थोड़ी-बहुत कमी-बेशी रहती है, तो आज नहीं तो कल, बाद में उसमें बदलाव हो सकता है, लेकिन इस सिस्टम को नहीं लागू करें, तो मैं समझता हूँ कि मेरे शब्दों में यह देश के प्रति सबसे बड़ा क्राइम होगा। आज देश आगे जा रहा है, 135 करोड़ हमारी पॉपुलेशन हो गयी, लेकिन मेडिकल कॉलेजेज़ की संख्या कितनी है? हरेक स्टेट गवर्नमेंट रोज कहती है कि हम अपने यहाँ मेडिकल कॉलेजेज़ की संख्या बढ़ाना चाहते हैं, लेकिन उतने डॉक्टर्स कहाँ हैं? उतने डॉक्टर्स तो हैं नहीं, जो उनकी आवश्यकता को fulfill करें। क्या कोई मेडिकल कॉलेज बता सकता है कि 30-40 परसेंट से कम शॉर्टेज पर डॉक्टर्स से वह मेडिकल कॉलेज चल रहा हो? जो सरकारी मेडिकल कॉलेज हैं, प्रमाण है कि 30 से 40 परसेंट तक deficit पर सभी मेडिकल कॉलेजेज़ चल रहे हैं। इस पर IMA को चिन्ता करनी चाहिए थी। IMA को अपने अधिकारों के बारे में और अपनी प्रैक्टिस के बारे में चिन्ता है, इसका वह विरोध कर रहा है, लेकिन क्या कभी उसने यह चिन्ता की कि देश की आवश्यकता के अनुसार हमें डॉक्टर्स प्रोड्यूस करने हैं? MCI में 100 परसेंट मेडिकल प्रोफेशनल्स का कब्जा था। क्या उसको यह चिन्ता नहीं करनी चाहिए कि देश में डॉक्टर्स की संख्या बढ़नी चाहिए? उसको वह चिन्ता नहीं थी। ...**(व्यवधान)**... माफ कीजिएगा। मैंने आपको interfere नहीं किया। आप मेरी बात सुनिए।

डॉक्टर्स की संख्या बढ़ाने के लिए Medical Council of India... अब बताइए, Medical Council of India है। देश में एक प्रांत में, जहाँ 6-7 करोड़ की आबादी है, वहाँ पर 40-50 मेडिकल कॉलेजेज़ हैं, जहाँ 8 करोड़ की आबादी है, वहाँ पर 45 मेडिकल कॉलेजेज़ हैं और जहाँ पर 42 करोड़ और 20 करोड़ आबादी है, वहाँ पर 6, 7 या 8 मेडिकल

[श्री गोपाल नारायण सिंह]

कॉलेजेज़ हैं। इसकी चिन्ता कौन करेगा? यह चिन्ता Medical Council of India को करनी थी कि वह balance maintain करे। वह नहीं हुआ। आज परिस्थिति क्या हो गई? हमारे यहाँ डॉक्टरों की कमी की वजह से कॉलेजेज़ नहीं बढ़ रहे हैं। आज भी देखिए, दो-तीन चीज़ें सामने आयी हैं। आपने मेडिकल स्टूडेंट्स की शिक्षा को बढ़ाने के लिए जो नियम बनाये हैं, उसमें आपने demarcate कर दिया - प्राइवेट मेडिकल कॉलेज और सरकारी मेडिकल कॉलेज। आज जो 40-45 परसेंट शॉर्टेज पर सरकारी मेडिकल कॉलेजेज़ चल रहे हैं, उनमें तो आप दो बार seats increase कर रहे हैं। एक बार पहले भी 50-50 सीटें बढ़ायीं, जो infrastructure पूरा नहीं होने के चलते withdraw की गयीं। Infrastructure नहीं बढ़ा। इस बार भी फिर से बढ़ाया गया है, लेकिन मेडिकल कॉलेजेज़ जिनकी 100 सरकारी मेडिकल कॉलेजेज़ को खड़ा करने के लिए कम से कम 7-8 सौ करोड़ रुपये लगते हैं। अगर उसी Medical College में आप थोड़ा सा infrastructure develop कर दें और सीटों की संख्या 150 करने की परमीशन दे दें तो उसे फ़ुलफ़िल करने में शायद 10 या 15 डॉक्टरों की आवश्यकता होगी - इसका ध्यान कौन रखेगा? इसकी चिन्ता करनी पड़ेगी। ये कुछ कमियाँ थीं, जिन पर Medical Council of India ध्यान नहीं दे रहा था और अपने दायरे में बंधा हुआ था। पूरे देश में medical professionals का एक hub बना हुआ है। private practice के लिए वे बाहर से लोगों को आने नहीं देना चाहते। अभी examination की बात चल रही थी। मैं यहाँ आपसे आग्रह कर रहा हूँ कि NEET और PG के लिए पहले examination होते आए हैं। बीच में उन्होंने practice करने वालों का interview लेने वाला examination भी कर दिया। इसमें गलत क्या है। हमारे सभी कॉलेजों में deficiency के अनुसार पढ़ाई कराई जाती है। 100 परसेंट जहाँ deficiency है, वहाँ पढ़ाई नहीं कर रहे हैं। वे जो डॉक्टर बना रहे हैं, MBBS degree दे रहे हैं या PG degree अ दे रहे हैं, उनका examination कब होगा कि वे perfect हैं या नहीं? इसलिए तीसरा examination जरूरी है, ताकि 5 साल उस लड़के के दिमाग में रहे कि हम अगर seriously पढ़ाई नहीं करेंगे, practice नहीं करेंगे तो examination पास नहीं कर पाएंगे, फेल हो जाएंगे। इसमें गलत क्या है - इसका कोई जवाब दे। पिछली सरकारों के समय यहाँ लगातार एक caucus बना हुआ था लेकिन दोष MCI को दिया जा रहा है। अगर उस समय सरकारें इसे control कर लेती तो आज यह स्थिति पैदा नहीं होती, इतना आक्रोश पैदा नहीं होता। अपर हाउस में सभी विद्वान लोग बैठे हुए हैं। दूसरों को criticize करने से अच्छा है कि देश की आवश्यकता के अनुसार हम विचार करें कि देश को कहां ले जाना है? सरकार medical क्षेत्र में जितनी सुविधाएं दे रही है, उन्हें fulfil करते हुए हमें देश को आगे ले जाना चाहिए और बिल का समर्थन करना चाहिए। आज देश में लगभग पौने पांच सौ Medical Colleges हैं। उनमें से लगभग 223 या 224 सरकारी Medical Colleges हैं और बाकी 250 Private Medical Colleges हैं। जितने सरकारी Medical Colleges हैं, उनमें सरकार सुविधाएं देती है। प्राइवेट Medical Colleges को वे सुविधाएं नहीं दी जाती। जो बच्चे उन 250 Private Medical Colleges

में जाते हैं, उन्हें कुछ नहीं मिलता है, जबकि MCI के criteria के अनुसार उन्हें certificate मिला है, परमीशन दी गई है और 600-700 patients के लिए certificates मिले हैं, जबकि उतने patients को वे सुविधाएं नहीं दे पा रहे हैं। अब इसे कौन देखेगा? इसलिए मैं समझता हूं कि ऐसी छोटी-छोटी कमियों को देखते हुए, आज जो कमीशन बनने जा रहा है, देश में इसकी आवश्यकता थी और यह बिल आगे चलना चाहिए। मैं चाहता हूं और सदन से आग्रह करूंगा कि जहां बहुत सी छोटी-छोटी कमियां हैं, जिन्हें अगर कुरेदा जाएगा तो वे बहुत तकलीफ देंगी। उन्हें ज्यादा कुरेदने की आवश्यकता नहीं है।

मैं सरकार से एक आग्रह यह भी करूंगा कि देश में जितने 450 या 500 Medical Colleges हैं, अगर आप सुविधाएं देना चाहते हैं तो सबको समान रूप से दें। उन पर control आपका रहे। आप समय-समय पर चैक करें कि उसका दुरुपयोग हो रहा है या सदुपयोग हो रहा है। यह पावर आपके पास रहनी चाहिए। मेरे ध्यान में एक बात और आई है कि इसमें power centralized हो। इससे पहले power centralized NCI में थी। स्टेट्स में कमीशन कहां थे? किसी स्टेट में Medical Council of India नहीं थी। सब जगह centralized सिस्टम था और centralized power से MCI बाहर थी, जो Central Government की बात नहीं मानती थी। मैं इसका उदाहरण दे रहा हूं। अभी चौबे जी से मैंने पिछले साल कहा था कि जो लड़के NEET examination पास करते हैं, clinical side में तो आप उन्हें लेकर चले जाते हैं, नम्बर के अनुसार उन्हें दे देते हैं, लेकिन non-clinical side समूची खाली रह जाती है। आज की तारीख में, मैं समझता हूं कि सरकारी और प्राइवेट कॉलेजों में 3,000 सीटें खाली हैं जबकि नीट पास किए लगभग 60-70 हजार लड़के रोड पर घूम रहे हैं। पिछले साल मैंने मंत्री जी से उनके Secretariat में जाकर मीटिंग की थी। अभी वे यहां बैठे हैं। उन्होंने कहा था कि उन्हें अगली बार allow करेंगे। आज भी मेरी मंत्री जी से बात हुई थी। आप क्यों छूट नहीं देते हैं? नीट पास किए हुए लड़कों को free करिए, merit के अनुसार clinical side में आप उन्हें जगह दें। इसमें कोई दिक्कत नहीं है। ठीक है, उन्हें clinical side में आना चाहिए, लेकिन जो पास कर गए ...*(समय की घंटी)*... आज वे लड़के रोड पर घूम रहे हैं। आप उन्हें छूट दीजिए ताकि वे non-clinical side में admission ले लें। नीट qualify किए हुए लड़के रोड पर घूम रहे हैं, उनको छूट दीजिए ताकि वे non-clinical में admission ले लें, क्योंकि वे एक स्टेज पार कर चुके हैं, लेकिन नहीं देते हैं। ...*(व्यवधान)* ...

**श्री अहमद अशाफाक करीम** (बिहार): छूट देने के बाद भी सीट खाली रह गयी थी।

**श्री गोपाल नारायण सिंह:** अभी भी खाली है। सरकारी में 500 सीट्स खाली हैं और प्राइवेट में 2000 सीट्स खाली हैं।

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): No cross-questions please. ...*(Interruptions)*... Gopalji, please address the Chair. ...*(Interruptions)*...



**श्री गोपाल नारायण सिंह:** सर, मैंने अभी मंत्री जी से आग्रह किया, उन्होंने कहा कि हम क्या करें, एमसीआई नहीं मान रहा है। अगर सरकार किसी के सामने surrender कर जाए, तो हम उसका क्या भविष्य देखेंगे? मैंने अभी 450 मेडिकल कॉलेजों की बात की। एक मेडिकल कॉलेज खड़ा करने के संबंध में एमसीआई का जो difference है, वह इस तरह से है: 400-50 सीट्स का मेडिकल कॉलेज खड़ा करने में शुरुआती bed requirement 300 की है। **...(व्यवधान)...** उसके बाद दो साल तक 300 है। 50 सीट्स के मेडिकल कॉलेज के लिए दो साल 300 और चौथे साल 450 है। **...(समय की घंटी)...**

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Thank you, Gopalji  
...(Interruptions)... Thank you. ...(Interruptions)...

**श्री गोपाल नारायण सिंह:** सर, यह बहुत important है, इसलिए मैं आग्रह करूंगा कि मुझे कुछ और समय दिया जाए।

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Please conclude.  
...(Interruptions)...

**श्री गोपाल नारायण सिंह:** सर, जैसे ही 200 सीट्स के लिए जाएंगे, वैसे ही यह 900 beds हो जाते हैं यानी 200 सीट्स का मेडिकल कॉलेज खोलने के लिए 900 beds का हॉस्पिटल चाहिए। अगर 250 सीट्स के लिए चाहते हैं, तो 1150 beds का हॉस्पिटल चाहिए। इन differences को कौन बांधेगा?

सर, अंत में मैं आपके माध्यम से सभी माननीय सदस्यों से आग्रह करूंगा कि बदलाव हो रहे हैं, अगर इसमें थोड़ी-बहुत कमी रहती है, मंत्री जी से आग्रह है कि बाद में उसको replace कर सकते हैं, अगली बार फिर amendment ला सकते हैं, लेकिन आज जो हो रहा है, उसका समर्थन किया जाए ताकि देश की requirement के अनुसार डॉक्टरों की संख्या जल्दी से जल्दी से बढ़ाई जाए। यही कहते हुए बिल का समर्थन करते हुए मैं अपना आसन ग्रहण करता हूँ, धन्यवाद।

DR. K. KESHAVA RAO (Aandhra Pradesh): Sir, knowing well the limitations of my time, I will only rush through the Bill and talk. Everybody likes the Bill, let Gopalji know this. We are also saying that यह बिल बहुत महत्वपूर्ण है, इसको पास करना चाहिए, लेकिन इसके अंदर क्या है, उसको आप जरा देख लीजिए। The intentions are noble. The contents are ignoble. Please understand that. We are not at all against the Bill. I will be reading clause-by-clause, as we are particularly opposed to it. And, all of you know this. We do not want the clause 4 to be there only because Seventh Schedule protects. You must know Entries I and II. They protect my State. And, I am going to protect States' powers and the federalism. So, I would, not for a minute, agree to

lose my powers. That you must understand. I think, Mr. Jairam Ramesh has already briefed all that.

Now, I come to Clause 10. The earlier Act said 'regulated'. I am rushing through it because of this I am not trying to address all the Members; I am addressing the hon. Minister directly. The earlier Bill said 'regulated'; the hon. Supreme Court said 'regulated'. And, they all asked you to have a High Court Judge as a 'Regulator', as far as the seats are concerned. But, today, you have removed the word 'Regulator' and have put the 'guidelines'. Will it stand the test? Or, even if it stands the test, tell me what exactly I should look to. Now, I am coming to Clause 32, the controversial clause. I would also like to read it to you. It says that the Commission may grant limited licence —what limited? You don't know —to practise medicine at mid-level —'Mid-Level' means above a nurse and below a doctor —as Community Health Provider to such person —Mr. Satish Chandra will tell you; Mr. Navaneethakrishnan will tell you; or any Advocate General or any lawyer will tell you 'a person' means 'any person'; 'any person' means even a cycle stand attendant can also be a Community Health Provider —connected with modern scientific medical profession who qualify such criteria as may be specified by the regulations. That means, a compounder or a blood collector or somebody who is along with a doctor, all these people can be doctors tomorrow. Then, I read Clause 32(3). It says that the Community Health Provider —as I told you even a compounder is now a Community Health Provider —may prescribe specified medicines independently, only in primary and preventive healthcare, but in case other than primary and prevent healthcare, he may prescribe medicine only under the supervision of medical practitioners registered under sub-section(/) of Clause 32. Again, under Clause 32, it is the same fellow! This was Clause 32(3) that I was reading to you. Under Clause 32, this is the same 'mid-level' person who is appointed. Sir, I am reading Clause 32(3). Under Clause 32, whoever is appointed as the mid-level doctor or mid-level man, on his advice, you can prescribe medicine. That means, a quack can not only practice, but he can also advise the other practitioners. This is what this Clause says. You must understand this. Most of the population in India lives in villages. People go to primary hospitals; they do not go to speciality hospitals.

Now, I come to Clause 15. I am reading it out for the Minister, so that he could understand this. What I am saying is, —not because I am saying it —please give it to your own man. अगर आपने यादव जी को दे दिया होता, तो भी चलता। अगर वे भी एग्नी कर देते हैं, तो मैं यहाँ बैठ जाता हूँ। You said the Law Department has said

[Dr. K. Keshava Rao]

this. The Law Department might say this. But, you ask the practitioners here. This is very important. Clause 15(1) says, "A common final year undergraduate medical examination..." "A common" —that means it will be common for all the people. We have 800 universities today. Now, they have become 900. I give medical degree after holding an examination, after teaching the course and after completing the studies. After five years' study, I hold an examination in the fifth year, which is known as final examination, and I give a degree. It is all right if you are saying that my degree is not useful and you are putting him to another test to get him registered in your Register. I would not have an objection. You are not taking over my powers. I am holding an examination, final examination, in the fifth year, after this course. ...(*Time-bell rings*)... As Shrimati Vijila said, let there be a common course, a common curriculum. We would have agreed to this because you know what we are teaching. I am teaching and you are taking exam. Of these two institutions, one is my university which is a statutory body—I have powers in the State; it is under me —and giving degree and next your NMC. This is what you are saying. The last word I say is, all my talk is of no use at all, all the people's talk is of no use at all. When we look at Clause 45.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Please conclude.

DR. K. KESHAVA RAO: Sir, you are a lawyer; that is why I am telling you. Clause 45(1) says that without prejudice to the foregoing provisions of this Act... notwithstanding anything said there, the powers of the Central Government to give directions to a Commission and advice to autonomous bodies will be final.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Thank you.

DR. K. KESHAVA RAO: So, all that will change. But, ultimately, if the Minister passes an order and says we are. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Thank you.

DR. K. KESHAVA RAO: Sir, this is my last word. I am asking this from the Minister.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): He has got your point.

DR. K. KESHAVA RAO: He is one of the best surgeons. But in his hand, he is given something like a rusted knife. With rusted knife, what can he do? I know he is supposed to be one of the best surgeons. He understands the clauses well.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Now, Shri A. Navaneethakrishnan. You have three minutes.

SHRI A. NAVANEETHAKRISHNAN: Mr. Vice-Chairman, Sir, quacks become declared doctors by this Bill. This is what my understanding is. The Community Health Provider —I am unable to understand this —will be given limited licence. I think it is a new policy decision taken by the Central Government. Very humbly, I request the Central Government, to revisit it because quacks cannot be declared by law as doctors. Even by law, one person cannot be declared as doctor and one cannot make him to be a practising doctor. I would like to draw the kind of the attention of the hon. Minister to the provisions of Constitution, subject to correction and approval by this House. My reading of the Constitution is, the 42nd Amendment has made this mistake. Normally, the BJP says that it is a legacy problem. But, by the 42nd Amendment, many provisions in clauses have been reversed. But this provision, namely, putting the education from the 'State List' to the 'Centre List' is not yet reversed. This is the whole problem. ...(*Interruptions*)...

AN. HON. MEMBER: That was done during the Emergency. ...(*Interruptions*)...

SHRI A. NAVANEETHAKRISHNAN: This provision came into force on 03.01.1977. ...(*Interruptions*)... Only because of the 42nd Amendment, now the State of Tamil Nadu is suffering, very much suffering. I may be permitted to furnish the details. Tamil Nadu is already a developing State. There is no doubt about it. In medical education, Tamil Nadu is a pioneer. So, you cannot enforce a law which cannot be made applicable to Tamil Nadu. That is the point. Tamil Nadu is having 23 Government medical colleges; and the Central Government is running one ESI Medical College and the State Government is running another medical college, IRT Perundurai; and the number of self-financing MBBS colleges is 30. So, the total number of seats available is 5,400. So, 23 plus one, 24 Government medical colleges are being run by the State Government with full infrastructure. From these top medical institutions, doctors are going to London and other places. Doctors studied in Madras Medical College, Kilpank Medical College, Stanley Medical College, they are all employed and also all the students studying in Madras Medical College, Kilpank Medical College and Stanley Medical College are getting their seats for their higher studies. Further, for your kind information, Madras State is converted into Tamil Nadu State; Madras is converted into Chennai but Madras Medical College still continues to be the Madras Medical College. The reason is very simple. It has got its own brand name in the medical world. The medical education

[Shri A. Navaneethakrishnan]

in Tamil Nadu is far, far better than the whole of the world. We are having experts. So, you must understand it.

I would also like to draw the kind attention of this House to Entry 32 of List II. Because of the 42nd Amendment alone, now these Bills are being brought in and passed, and Tamil Nadu people and the Tamil Nadu Government is going to suffer. I may be permitted to read Entry 32 of List II of the Constitution. ...(*Time-bell rings*)... It says, "Incorporation, regulation and winding up of corporations, other than those specified in List I, and universities; unincorporated trading, literary, ..." Other things are not necessary. So, Entry 33 specifically mentions 'universities'.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Thank you.

SHRI A. NAVANEETHAKRISHNAN: No, no, one minute, Sir.

Sir, you are \*

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Don't say, \*

SHRI A. NAVANEETHAKRISHNAN: Please. One minute. Wait Sir. If this is not done, then there is no meaning in giving opportunity.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): You request for one minute. That's all. Don't argue.

SHRI A. NAVANEETHAKRISHNAN: Clause 15(1) says, "A common final year undergraduate medical examination, to be known as the National Exit Test shall be held for granting licence to practice medicine as medical practitioners and for enrolment in the State Register or the National Register, as the case may be."

Sir, definitely, we are having the world-famous doctors through MGR University under which all the medical colleges are affiliated. Please don't destroy our medical education system. ...(*Time-bell rings*)... We are delivering public health service with high quality and free of cost because in Tamil Nadu, there is a good medical service and health service system in place. Please don't destroy it. Don't put the people of Tamil Nadu into trouble. We strongly oppose it.

SHRI K.K. RAGESH (Kerala): Sir, I rise to oppose this draconian, unconstitutional Bill.

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\*Not recorded.

Sir, as we all know, the Medical Council of India was a corrupt body. Using that corruption as an opportunity, the Government is trying to centralize the medical education system in our country. Sir, the States are not their tenants. They have got their own rights. I would like to know from the hon. Minister as to who is going to conduct these exit examinations. Universities are established under an Act of the Legislature and they have their own legislative competence. The Government is snatching away the power of the universities to conduct examinations, which is extremely unconstitutional and is a blatant violation of the basic structure of our Constitution.

Sir, who is going to determine the fees and admission? Education is in the Concurrent List. Earlier it was in the State List, but Education is now in the Concurrent List and States have all the power to determine the fee and admission and also frame an admission policy. All these powers are being snatched away by the Central Government. In Kerala, we have got a medical university. You are making it a mere shop to issue certificates. Don't do that. As many hon. Members here have said, MCI was a democratically elected body and it had States' participation and States' representation. Here only five States are going to be represented while the other States would have to wait for 10-15 years for getting a representation. Yes, there is corruption, but what is the remedy? You have to ensure transparency. You have to strengthen democratic functioning of the Council. You are taking away the powers and making the body a mere Central Government department. Again, why has corruption erupted in the field of medical education? That is mainly because of the private self-financing medical education institutions. They are doing all this. On the one side, you talk about quality, on the other, you talk about corruption. Why has the quality deteriorated? Go in for a proper study. It is the mushrooming growth of private self-financing medical institutions that are responsible for the low quality of medical education in our country. Again, what are they doing? They are opening up the same for private players, the corporates, who are making huge profits. You are opening up the field of medical education to corporates. ...(*Time-bell rings*)... Sir, I would take two minutes more.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Please conclude.

SHRI K.K. RAGESH: Sir, you were so benevolent to others. Please give me some time.

PROF. MANOJ KUMAR JHA: Sir, smaller parties should be given more time. ...(*Interruptions*)...

SHRI K.K. RAGESH: Sir, earlier, in Kerala, all the seats were being regulated by the State Government. Now, they are regulating only 50 per cent seats. And what are they doing? They are putting up another 50 per cent seats on auction. The Supreme Court had termed capitation fee as illegal and they are making a legal provision for private self-financing medical colleges to collect capitation fee. Sir, it is extremely unfortunate.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Thank you. Please conclude.

SHRI K.K. RAGESH: Sir, I would like to know the meaning of 'community health providers connected with modern medicine'. What is the definition? It is vague.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Mr. Ragesh, please conclude.

SHRI K.K. RAGESH: Sir, who are these 'community health providers'?

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): The Minister got the point. Please conclude.

SHRI K.K. RAGESH: Sir, who are these cow urine therapists? Let the Minister explain that. Why are they providing such vague definitions in such an important legislation?

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Mr. Ragesh, please resume your seat.

SHRI K.K. RAGESH: Sir, I would request the hon. Minister to take the concerns expressed by various Members seriously and send the Bill to a Select Committee for further legislative scrutiny.

**श्री सुशील कुमार गुप्ता** (राष्ट्रीय राजधानी क्षेत्र दिल्ली): उपसभाध्यक्ष महोदय, देश की जनसंख्या के अनुपात में डॉक्टर्स की बड़ी भारी कमी है। डब्ल्यू.एच.ओ. के अनुसार एक हजार व्यक्तियों के पीछे एक डॉक्टर की जरूरत है। हिंदुस्तान में इस समय राष्ट्रीय एवरेज 1,666 लोगों के पीछे एक डॉक्टर है। दिल्ली में 334 लोगों के पीछे एक डॉक्टर है। देश के अंदर सबसे अधिक स्वास्थ्य सेवाओं पर बजट का साढ़े तेरह प्रतिशत दिल्ली सरकार खर्च करती है। देश के अंदर 61 प्रतिशत हेल्थ केयर सेंटर में केवल एक डॉक्टर है और 60 प्रतिशत पी.एच.सी. में एक भी डॉक्टर नहीं है।

सर, सबसे ज्यादा खराब हालत बिहार, झारखंड और यूपी. में है। जहां पर दो-तिहाई रोगियों के लिए कोई भी qualified doctor उपलब्ध नहीं है। आज पूरे देश के अंदर डॉक्टर्स

पर हमले हो रहे हैं, उनकी सुरक्षा का प्रबंध सरकार करे, लेकिन उस तरफ कोई ध्यान नहीं है। देश के अंदर लगभग 525 मेडिकल कॉलेज हैं। हर वर्ष वहां से 70,000 मेडिकल ग्रेजुएट पास होते हैं। आज की तारीख में 6 लाख डॉक्टर्स की कमी है और अधिक मेडिकल कॉलेज खुलने चाहिए। मैं मंत्री जी से इस बात का निवेदन करता हूं। एम.सी.आई. पर पिछले कुछ वर्षों से भ्रष्टाचार के आरोप लग रहे थे, जिसको बदलने के लिए सरकार नेशनल मेडिकल कमीशन बिल, 2019 लेकर आई है। मैं समझता हूं कि सरकार भ्रष्टाचार वहां भी खत्म कर सकती थी। वहां एक लोकतांत्रिक प्रक्रिया से सारे देश के डॉक्टर्स मिलकर मेडिकल एजुकेशन को चलाते थे, परंतु सरकार की मंशा भ्रष्टाचार को खत्म न करके, इस मेडिकल एजुकेशन प्रक्रिया के ऊपर अपना कब्जा करना रही है। इस तरीके से एम.सी.आई. को भंग करके आप जो यह बिल लेकर आए हैं, इसमें आप 25 सदस्यों का बोर्ड बनाएंगे। 25 सदस्यों में से 21 सदस्यों को भारत सरकार मनोनीत करेगी और केवल पांच सदस्य डॉक्टर, जो पूरे हिंदुस्तान के सभी राज्य चुनकर भेजेंगे, इस प्रकार का एकाधिकार भारत सरकार का मेडिकल एजुकेशन पर करने के लिए जो बिल आ रहा है, मैं समझता हूं कि यह लोकतांत्रिक प्रक्रिया नहीं है। आपने आयुष के डॉक्टर्स के लिए 6 महीने के Bridge Course का प्रावधान किया है, ताकि वे ऐलोपैथिक मेडिसिन लिख सकें। मेरे विचार से यह अवधि कम है, इसे कम से कम एक वर्ष का कोर्स बनाना चाहिए, ताकि qualified doctors इस क्षेत्र के अंदर आ सकें। सरकार ने community health providers को इस बिल के माध्यम से बिना किसी नॉलेज, बिना प्रशिक्षण के ऐलोपैथिक इलाज करने के लिए प्रावधान किया है। मैं समझता हूं कि देश के प्रशिक्षित डॉक्टर्स के अनुपात में जब एक-तिहाई लोगों को इतनी बड़ी संख्या में लाइसेंस दिया जाएगा, तो वे सब मिलकर गांव के गरीब लोगों का इलाज करेंगे और वहां पर जान तक जाने की नौबत आ सकती है। ...(समय की घंटी)... इनको बिना प्रॉपर ट्रेनिंग के, बिना प्रॉपर कोर्स के ऐसी इजाजत देना, मैं समझता हूं कि बहुत खराब होगा। इसके विपरीत देश के अंदर qualified MBBS Doctors को ...(व्यवधान)... National Exit Test अनिवार्य कर दिया है। वे पांच साल में MBBS करेंगे और उसके बाद National Exit Test पास करे बिना वे प्रैक्टिस नहीं करेंगे, जो हेल्थ प्रोवाइडर्स हैं, ...(व्यवधान)...

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Please conclude.  
...(Interruptions)...

श्री सुशील कुमार गुप्ता: वे भी एग्जाम लिख सकेंगे। मैं समझता हूं...सर, एक सेकण्ड... एम.सी.आई. के लगभग 100 कर्मचारी हैं, उनकी तीस-तीस साल तक की सर्विस हो चुकी है, उनको C.G.H.S. और Deputation पर भारत सरकार के equivalent मौका मिलता था। ...(समय की घंटी)... मैं समझता हूं कि उनकी सर्विस, जो इस बिल के माध्यम से खत्म कर रहे हैं। उसके ऊपर भी माननीय मंत्री जी कुछ विचार करें।

THE VICE-CHAIRMAN: Shri C.M. Ramesh; not present. Shri Ghulam Nabi Azad.



SHRI GHULAM NABI AZAD (Jammu and Kashmir): Hon. Vice-Chairman, Sir, my colleague, Shri Jairam Ramesh, has spoken at length on the subject. At the outset, I would like to congratulate the hon. Health Minister that he has taken over as the Health Minister of the country.

(MR. DEPUTY CHAIRMAN *in the Chair*)

In the NDA-I, he was there for a brief period. Being an able doctor and a pleasant personality, we expect a lot from him. But, in so far as this Bill is concerned, I think this was conceived by his Government much before he chipped in. Had he been there and had this Bill been conceived by him, I don't think the quality of this Bill would have been so poor. I would like to mention that when I first heard the speech of the hon. Minister in the other House, the Government was making some tall claims about their past five year period. They have said, "under-graduate doctors, that means M.B.B.S. doctors, have increased by 28,000 in these five years and the number of post-graduates has increased by 18,000." But, according to me, the number of doctors, under-graduate doctors, by now should have been, not 28,000, but 40,000 in five years. And, the number of post-graduate doctors, in five years, by now, should have been 25,000 instead of 18,000. So, it has come down. Why I am saying so! For this number, this 28,000 and 18,000, no credit goes, no effort of this Government. It was in the previous Government, the UPA-II, wherein I had the opportunity to be the Health Minister, we brought sweeping changes in the Medical Council Act. And, large number of administrative decisions, to increase the infrastructure and to increase the human resource, were taken. We are lacking in our country in terms of human resource and we are lacking in infrastructures. So, these were the two things which drew the attention of the Government, which drew my attention. The reason for this attention was that just a few months before that, —before taking over as Health Minister, I was the Chief Minister and as Chief Minister, I had kept the Health Ministry with me —I stumbled over these problems. Then, I was told that you cannot improve the infrastructure and the medical seats and post-graduate seats unless some amendments and some changes are made in the Medical Council Act. So, which is why, maybe first time in my life, I asked for a Ministry from the then Prime Minister, that was the Health Ministry. I wanted to bring those changes and I am very happy that as a result of those changes, the number of seats are increasing today. What were those changes; how the under-graduate seats were increased, how it took a jump! I am not talking seats of the private colleges but I am talking about Government medical colleges.

There were Government medical colleges right from Jammu and Kashmir to North-East. I would like to cite an example of Jammu and Kashmir. The two medical colleges of Jammu and Kashmir were set up in 1952. And, until I was the Chief Minister, the number of seats remained only 50 in each medical college for almost 65 years. The Medical Council could not increase the seats for various reasons. I came across a situation in medical colleges across the country, whose seats have not been increased by the Medical Council of India for decades together. I took a policy decision that all those medical colleges in Government sector—not in the private sector; so that no money was involved—whose seats had not been increased for the past 20 consecutive years, their seats would be doubled by the Ministry of Health. As a result of that decision, by one stroke of pen, 4,000 seats were increased. So, if you add those 4,000 seats, 28,000 में से 20,000 तो वही हो गए। So, what is the role of this Government? Where have they increased the seats? These 20,000 seats are the result of that one decision only. Then, another decision was taken, which was again an Executive decision, in consultation with the Medical Council. A cap was fixed in 1956 on both, Government and private medical colleges, that irrespective of the faculty and infrastructure they had—they might have surplus 100 per cent faculty, or they might have surplus 100 per cent infrastructure—they could not increase the MBBS seats. The maximum limit was 150 seats. So, we made a change that if a private or a Government medical college had surplus infrastructure and surplus human resources, the cap was increased from 150 to 250. As a result of that decision, again, by a stroke of pen, a few thousand seats were increased. As a result of these two changes, by now, your seats should have been 40,000 in five years and not 28,000. So, this is not a उपलब्धि; according to me, you are short of 12,000 seats. That means, you have faulted somewhere in implementing this. Similarly, a mention has been made that in five years, 18,000 seats have been increased. Again, before taking up my work, which I had said yesterday while talking about the issue of cancer, one Professor, who was a guide for a post-graduate student, could teach only one PG student, be it gynecologist, be it oncologist, or any other subject. That means, one Professor could produce one PG in one stream. So, we changed the student-teacher ratio to 1:2 and 1:3. Oncology was in great demand. So, we changed it to 1:3. As a result of that decision, 100 per cent post-graduate seats were increased in all the streams, and in some streams, 300 per cent seats were increased. The number of seats was 3,700 per year. That means, almost 18,500 seats should have been increased in five years. But, this is also 18,000 only. In addition to that, there were two other decisions. All those boys and girls, who were doing

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PG in the United States of America and other countries, their degrees were not recognised. We took a decision to recognise the degrees of five English-speaking countries, that is, U.K., U.S.A. and three other countries. By virtue of that decision, there was again a huge increase in PG seats. All those, who had been studying abroad, could not practise here. So, their number is not mentioned here. Then, there was another decision to increase the number of PG seats previously, both in Government and private colleges. It was for the new colleges. Earlier the situation was that they could take the PG seats only after the first batch had completed the MBBS. But, we changed and said that colleges need not wait for that because the PG teachers are different from under-graduate teachers. So, while you are in third semester, you can simultaneously take the PG seats also. It means that in advance three years, you can get the seats. As a result of which, large number of PG seats can be taken. So, keeping all these decisions in mind, in five years, this number should not have been 18000, but, it should have been 30000 by now. You are taking credit and I am giving discredit. That means, the decisions which we had taken, according to those decisions, even if you would have been sleeping for five years, the number should have been much more than this, but, the number has come down. Sir, this was regarding infrastructure.

Now, I would like to talk about NEET. It is being said that this is the first Government which has introduced NEET. I have a book of the Ministry of Health and Family Welfare, "The Achievements of Five Years" published in the year 2013. What is written in this book? They are saying that NEET is something that they have done. It was already published in the year 2013 in this book that a single entrance test, in the name of the National Eligibility Cum Entrance Test for admission to Under Graduate and Post Graduate medical courses was conducted by CBSE and NBE respectively for the academic years 2013 and 2014. Sir, this matter was under litigation in the hon. apex court. However, the hon. apex court allowed the admissions which were already given on the basis of NEET. So, this was implemented since the year 2013, and you are saying that this Government has introduced it.

Now, I would say something about competence of curriculum. It has been claimed that the competence-based curriculum has been worked out by this Government. I would like to request that this curriculum was created by the reconstituted Medical Council of India, in the year 2014, and, this remained pending with this Government from the year 2014 till 2018. But, in September, 2017 after waiting for more than three

**4.00 P.M.**

and-a-half years, the Medical Council of India gets a copyright for this. As a result of which, it was only in November, 2018, that they had to notify it, having done in the year 2014. So, you kept this pending for full five years, and you are taking credit for introducing this!

Sir, it is also being said that this Government and this Bill has introduced the registration of doctors by the State Medical Council. I would like to say that the State Medical Councils and State Medical Registers are defined in the year 1956 in the Indian Medical Council Act. So, this is nothing new for which the Government can take credit.

Sir, now, I would say something about the existing fee regulations. Much has been said about it, and I totally agree with that. My time is running out, so I have to be specific. There is hardly any regulation now. There was a regulation earlier, but, there is hardly any regulation now. I totally agree with this.

Sir, now, about the composition of NMC, it is a 25-member Commission. The representatives of the States are only six, due to which, the States will get their turn after 12 years. The representation of the Medical Council from the States is five, due to which, the State Medical Council will get their turn after 14 years. So, my submission is that the representation of the States in the NMC should be increased from six to ten, and the representation of the State Medical Council should be increased from five to nine, so that, maybe after four years they can get their turns.

Let me talk about the issue of floodgates of corruption. Producing doctors is our lakshya, our goal and our aim. But our aim is to produce doctors, efficient doctors, and, not the quacks. What was the earlier position and what is the present position? In terms of Clause 28(7) - onsite inspection is not binding. Earlier, there were five inspections, and, now, no inspection is required. Under Clause 29(c), permission is grantable on hypothetical compliances. The Bill says, "whether adequate hospital facilities have been provided or would be provided within the time-limit specified in the scheme". Without hospital, you cannot have doctors. It is all practical; theory in the class and practical in the hospital. First, they learn as the teacher operates in the hospital, and, then, they have to operate themselves. There is no hospital. We give him permission and say, as and when he has the time, he will make the hospital! Earlier, the hospital was the first thing. The faculty was the first thing. Sir, a college is short of one bathroom or toilet, the college is rejected; if you are short in faculty,

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3 per cent in private colleges, and, 5 per cent in Government colleges, then, the college is rejected. So, you have done away with this. Give the permission, increase the faculty. So, this is not done.

Coming to the Exit Test, I have already discussed the issue with the hon. Minister. Earlier, the MBBS student would get the degree from the university. Now, from Kashmir to Kanyakumari for MBBS, there will be an Exit exam. He will be passing NEET, he will become MBBS and he will get the licence, and, he can also apply for PG. But it is not mentioned here. Suppose, he does not come in the merit list for the PG, then, he has to apply next year again for the Exit exam. Suppose, next time, he fails the Exit exam, whether he fails only for the PG, or he fails for the MBBS degree also, or, his licence also goes. I would request the hon. Minister to clarify this issue, which is one of the most important aspects.

Sir, I will finish in two minutes. Next issue is about the termination of permanent employees. There are about 102 permanent employees in the Medical Council of India. The Bill speaks about the compensation not exceeding three months' salary and they will be told, 'goodbye'. It cannot be so. They are permanent. They are junior officers, clerks, peons and all that. It is violative of article 21 of the Constitution. So, my submission would be that these 102 employees —I am not talking about the officer-level or the Secretary-level posts —should be absorbed in the Commission.

Lastly, Sir, I would say that you are playing with the lives of 70 per cent population of the country. It is about the community health providers. It is about a bridge-course of six months. Who is a health provider? If a doctor's assistant has been giving him stethoscope for five years, he will also be taken in that category and he will be given the bridge course. A clerk who has been assisting a doctor, I am not saying a real clerk but someone who is having some basic knowledge, and has been giving him forceps or knife for operation, he will also get six-month bridge course and then he can prescribe medicines and become a doctor. Are we going to make 70 per cent of the population of our country guinea pigs? No. What was the provision there? Again I am reading the book published by the Ministry. It was not published by me. There was this Bachelor of Science (Community Health). The duration of the course was three years and a half. The Bachelor of Science is for the science student who has passed class 12. It is just like in the case of MBBS. It says that the course is proposed to be introduced to create mid-level health professionals who will primarily be deployed

at sub-centres and would possess the necessary public health and ambulatory care competencies to serve rural people. The proposal for the introduction of the course had been approved by the Cabinet in the meeting held on 13th November 2013. The course would be accredited by the National Board of Examinations and introduced in the States which are willing to adopt that. The course was passed by the Cabinet. It would be monitored by the NBE. The duration of the course would be three years and a half to train and educate the students. The course was approved by the Medical Council of India. It is now being replaced by this. Now somebody, who has been providing forceps and knife in the operation theatre to the doctor or somebody who has been providing stethoscope to the doctor, will be given six-month training and he will prescribe medicines in the rural areas. I have strong objection to this. We don't want our rural people to get killed. Thank you very much, Sir.

SHRI KANAKAMEDALA RAVINDRA KUMAR (Andhra Pradesh): Sir, I thank you for having given me this opportunity to speak on this Bill.

This Bill brings complete Central Government control in this area. This Bill creates a four-tier structure. That is National Medical Commission, Medical Advisory Council, four autonomous bodies and the Secretariat. The NMC will have 25 Members. There will be one Chairperson. There will be three nominees from the Government of India. Another set of persons will be appointed under Clause 11. Representatives from States will get their subsequent tenure only after twelve years. And nominated members and medical professionals will get their subsequent tenure only after twelve years and fourteen years respectively. But when it comes to nominees of the Government of India, they are permanent in nature.

The Bill proposes a Medical Advisory Council consisting of 103 members. It has nothing but to play an advisory role. There are four autonomous Boards—UG Education Board, PG Education Board, Medical Assessment and Rating Board, and Ethics and Medical Registration Board. Out of all these, the Ethics and Medical Registration Board has to play a key role in this entire set-up. All the four Presidents of these respective autonomous Boards will be the members of the National Medical Commission automatically.

The appellate body for the orders passed by the President of the respective boards will be the National Medical Commission. The Presidents of respective Boards will become Members of the National Medical Commission. Being the Members of the National

[Shri Kanakamedala Ravindra Kumar]

Medical Commission, they will sit as an appellate court over an order passed by them as President of respective Boards. It is against the law. That cannot be permitted. Another point is this. The Medical Advisory Council is an autonomous body. Then, Clause 28 is for giving consent and permission for establishment of medical colleges. Under Clause 10(1)(i), fee of fifty per cent seats in medical colleges would be determined by the National Medical Commission. Three exams are being conducted, that is, NEET, NEXT and PG Entrance. This is nothing but punishing the students.

MR. DEPUTY CHAIRMAN: Please conclude now.

SHRI KANAKAMEDALA RAVINDRA KUMAR: Sir, one minute, please. Clauses 45 and 46 of the National Medical Commission Bill deal with powers of the Central Government. The Central Government may give such directions, as it may deem necessary, to a State Government for carrying out all or any of the provisions of this Act and the State Government shall comply with such directions. It is nothing but a monopoly of the Central Government. Respective State Governments must have representation in the National Medical Commission.

MR. DEPUTY CHAIRMAN: Please conclude. There are other speakers.

SHRI KANAKAMEDALA RAVINDRA KUMAR: Sir, all State Governments should get representation. Thank you, Sir, for giving me time.

SHRI JOSE K. MANI (Kerala): Sir, on certain Clauses of the National Medical Commission Bill, we have doubts and reservations. I have some suggestions to make. By having some of the Clauses in the Bill, the Government is actually playing with the lives of the ordinary people. One is, Clause 32 of the National Medical Commission Bill provides for licensing of 3.5 lakh unqualified non-medical persons to practise modern medicine. The term of community health providers has been vaguely defined. This law encourages needless quackery and puts the lives of ordinary people in danger.

Sir, I would just raise precise points. The second point is this. It is provided under the National Medical Commission Bill that the final MBBS examination would be common for all. Who will conduct this examination? Who will evaluate the answer-sheets? What is the mode of examination? Are there only theoretical questions or multiple choice questions? Nothing has been defined in the Bill.

Sir, the third point is, clinical examination is the gold standard in medicine. If this is not done, we will have only half-trained medical graduates, adept only in theory and very poor in clinical medicine. This will ruin medical education. My fourth apprehension is this. What is the role of the medical universities which are conducting the examinations? The National Medical Commission will make them rubber stamps. The fifth point is, medicine is a profession to be regulated by medical professionals just like lawyers are regulated by Bar Council. The National Medical Commission Bill makes medicine a bureaucratic institution as all the 25 members are nominated by the Central Government, making it an extension of political party in power. The last point is, at present, every State has a representative in MCI. Under the National Medical Commission, only five States will be represented at a time. This is against the federal structure of our Constitution. These are the apprehensions and reservations. I hope the Government would answer these questions. Thank you.

MR. DEPUTY CHAIRMAN: Now, Shrimati Vandana Chavan; not here. Then, Dr. D.P. Vats. You have five minutes.

DR. D.P. VATS (Haryana): Sir, I thank you for permitting me to speak on such an important Bill. I would say that I have been associated with medical education for the last 50 years, starting as a medical graduate, a medical postgraduate from Pune University, Assistant Professor, Associate Professor, Professor, Director and Principal of the Armed Forces Medical College, and in charge of Maharaja Agrasen Medical College at Agroha, Hisar. I have also been associated with other medical institutions in the Armed Forces. You can say, I am a bhukt-bhogi and I would bring out the facts. Many apprehensions have been expressed by my hon. friends on my right. Having an objective assessment, I would first say that this Bill is student-friendly. As far as entrance exam is concerned, there is no change except that now the All India Institute of Medical Sciences and such institutions, which were already autonomous, would also come under the ambit of this NEET exam. It is student-friendly. They do not have to appear for many exams. One exam would make them to qualify for these institutes also as per their merit.

Second thing is this NEXT exam. As a medical teacher, I have been listening to students. My own daughter is a doctor. There are so many exams and so many preparations. This combined PG entrance test had a syllabus starting from first professional and ranging upto final professional and it was very tiring. Students appeared for two times, three times, four times and then qualified for PG. Now, this test, a single



[Dr. D.P. Vats]

test, makes you to qualify for your license to practise medicine. You qualify as a medical graduate also. If you come in merit, you qualify for your PG also. If you want to improve next time, there is a provision to qualify for PG and improve your merit. It is the same way for foreign graduates. This is very much there. How are you saying that we would be inviting very sub-standard graduates? There is a common entrance test, a common exam. If they qualify in that common exam, they qualify to be doctor. Also, in National Board of Examination's conducted exam, only 20 per cent to 30 per cent of foreign graduates qualify. There is no lowering of standard. Apprehensions were there about who would conduct this exam. This is a pattern of final year M.B.B.S. exam. Final M.B.B.S. exam means practical also, clinical also and theoretical also. Those modalities are to be finalized in next three years. Certainly, it is not going to be a topsy-turvy change. Universities would be involved, doctors would be involved. It is only a transition from MCI to NMC. Why we need this transition because the MCI has not been doing well. Everybody says that the Supreme Court had to intervene twice. Delhi High Court once called it a 'den of corruption', not me. I have conducted Andhad inspections also fifty times; MCI inspection is a nightmare for the colleges, even Government colleges. Then, it is the expansion of medical education friendly. What has happened to those students, who were admitted in a medical college? They did their first year, they did their second year and in third year, the MCI says: 'No, close this.' I can quote many medical colleges. Even in Haryana, medical colleges had to be closed and students, as per High Court orders, were given to other colleges. That infrastructure, which were still good hospitals, good medical colleges, had to be closed. Now, still, the State is involved. State will give the essentiality and feasibility certificate. Then only you can start a medical college. With that certificate, university will also be involved. How do you say it is anti-federal? It is not anti-federal. First, medical education, in itself, involves clinical workload, facility and faculty. The syllabus is in English. It is more or less common all over the world. How can you involve federalism in this? This is only unity of command to work. There was an autonomous body. ...(*Time-bell rings*)... It has not done well. We are replacing it with a better body. Then, I still say that boards are there. They will formalize the modalities for its conduct. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Dr. Vats, please conclude.

DR. D.P. VATS: Thank you, Sir. I am a soldier. Once you say, I will sit down. Thank you very much.

SHRI BINOY VISWAM (Kerala): Sir, I know that the Minister is a learned doctor. He is a good physician; a good surgeon and a very good man. I have a great respect for him. But, still, I am constrained to say that this Bill is objectionable. There is a saying, \* the Government must fight corruption. But, Sir, the Medical Council was full of corruption. They want to erase corruption completely and forever. For that, they came with this new Bill, that is, the National Medical Commission Bill. This would pave the way for more corruption. To fight corruption, they are trying to bring more corruption. It is very clear that the root of corruption in the field of medical education was the mushroomed growth of medical colleges in the private sector. They came on their legs all over the country. With no infrastructure, no qualities, no efficient teachers and no equipments but they became medical colleges. As factories, they produced doctors. It is full of corruption. There is no need to explain that. Now, in the NMC Bill, you are saying that 50 per cent of the seats are for those factories which produced the quacks. So, this is a Government which believes in quackery, not nationalism. On this day and yesterday also, lakhs of doctors are on fighting fields. Will the Government call them anti-national? By objecting to a rule of the Government, and by saying that you are doing a wrong thing, what right the Government has or any party has got to call all of them—who raise the voice of dissent—anti-national? In that case, the Government should tell us as to what is the yardstick of nationalism or of national pride. These doctors are nationalists. Sir, we, who oppose the Bill, are nationalists. We are more nationalists than you people. The thing that we want to say is that corruption is a corruption and corrupt-doing is a corrupt-doing. We would like to call a spade a spade. And, then, you call us that we are anti-national and that is the game that you are playing here. It can be seen in this Bill also. Sir, too much centralization forms the chunk of this Bill.

MR. DEPUTY CHAIRMAN: Conclude, please.

SHRI BINOY VISWAM: Sir, just two sentences. Everything is with the Central Government. Right from the Chairperson's appointment, members, Search Committee, Advisory Council and Autonomous Boards, everything will be decided by the Central Government alone. What about those people, the staff who were there in the Medical Council for 15 to 20 years and more than that? They came to all of us.

MR. DEPUTY CHAIRMAN: Conclude, please. ...(*Time Bell rings*)...

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\*Hon' ble Member Spoke in Malyalam.

SHRI BINOY VISWAM: Please take care that they are not thrown to the streets. Their future has to be guaranteed. ...(*Time Bell rings*)... Thank you, Sir.

MR. DEPUTY CHAIRMAN: Shri R.K. Sinha; not present. Now, Shrimati Roopa Ganguly.

**श्रीमती रूपा गांगुली** (नाम-निर्देशित): उपसभापति महोदय, आपने मुझे The National Medical Commission Bill, 2019 पर बोलने का अवसर दिया, इसके लिए धन्यवाद। हम सिनेमा जगत से आते हैं, इससे लोगों को लगता है कि हम बस वही काम करते आए हैं, बाकी हमें कुछ नहीं आता। मैं पिछले 30 साल से काफी social work करती आई हूँ और गांव-गांव में घूमी हूँ। इसी वजह से मेरा politics में और खासकर भारतीय जनता पार्टी में आने का interest बना। जब हम गांव-गांव में घूमते थे, खासकर हमारे राज्य में और पूरे देश में कई जगह हमें काफी कुछ देखने को मिला। जब मैं गांव-गांव में घूमती थी, खास करके अपने राज्य में घूमती थी, वहां पर और पूरे देश में बहुत सारी जगहों पर मुझे यह देखने को मिला है और मेरे बहुत अच्छे-अच्छे दोस्त हैं, उनके जरिए भी मुझे यह पता चला है, बहुत सालों से सुनती आ रही हूँ Medical Council of India की बहुत सारी करप्शन की studies के बारे में। उसके बारे में हम discuss न करें, तो अच्छा है। वह अब खत्म होने वाली है और यह कमिशन आने वाला है। इसके जरिए बहुत कुछ होने वाला है।

महोदय, बहुत सारे राज्य हैं, जहां पर मंत्रियों के भाइयों, जो medical organization में बड़ी-बड़ी जिम्मेदारी लेकर बैठे हैं, मंत्रियों के भाइयों और स्टेट के बड़े-बड़े लीडर्स को fake medical certificates मिलता है। वे लोग fake medical certificate लेकर काम करते हैं, उन सबको रोका जाएगा। Clause 32 के तहत यह बात सबने कही है। आप मुझे यह बताइए कि आज की तारीख में गांव में कितने MBBS डॉक्टर जाते हैं? कोई नहीं जाता है। दस साल से, बीस साल से वही quack doctors, जिनको हम quack बोल कर उनका सम्मान करते हैं, वही लोग रात-विरात गांव में जाकर साधारण लोगों का treatment करते हैं। मुझे यही बताइए कि अगर इनमें से कौन सही है, कौन योग्य है, किसका certification देने का कैसी पद्धति है, यह पता किया जाए, तो इसमें क्या आपत्ति है? अगर मंत्री जी और यह पूरा Commission, ये सारे लोग बैठ कर इसको तैयार करें, तो उनमें से यह पता चल जाएगा कि कौन छोटी-छोटी साधारण दवाई देने के लिए योग्य है, उनका कितने साल का experience है। ये सब देखने से यह पता चल जाएगा कि कौन इसको करने के योग्य है और कौन नहीं है। जो इसके योग्य नहीं है, वह लोगों को बुद्ध बना कर operation नहीं कर पाएगा, क्योंकि उनका नाम registration में आ जाएगा। इसलिए वह उतनी ही दवाई दे सकेगा, जितने के लिए वह योग्य होगा। मैं माननीय मंत्री जी से इतनी ही रिक्वेस्ट करूंगी कि regional languages में भी उनके certificates बनाने की व्यवस्था की जाए। इससे बहुत फायदा होगा।

महोदय, आज भी गांव में जो साधारण लोग हैं, उनको हाथ फूलने की छोटी सी बीमारी हो जाती है, तो उनको समझ में ही नहीं आता है कि उनको sugar है या kidney की प्रॉब्लम है या कोई और बीमारी है। 10 साल बाद उनको पता चलता है कि बीमारी बहुत बढ़ गई है, तब उनको राज्य के बड़े-बड़े अस्पतालों में इलाज के लिए भागना पड़ता है। इसके माध्यम से हम इससे बचेंगे।

महोदय, दूसरी बात यह है कि एक बड़ा ग्राम है, वहां पर मैं काम करती थी। वहां पर शहर के लिए दिन में दो बसेज होती थीं, शहर की दूरी 60 किलोमीटर है, वहां जाने और आने में ही काफी समय लगता है। वहां पर sugar test या blood test का कोई बंदोबस्त नहीं है। इसके लिए लोगों को शहरों में जाना पड़ता है। अगर वहां पर यहां से ऐसे डॉक्टर तैयार करके भेजे जाएंगे, तो गांव के लोग training लेकर इसको कर सकेंगे। मैं यह नहीं बोल रही हूँ कि वह Cancer का treatment करेगा। वह क्यों करेगा? गांव के लोग इतने भी बुद्ध नहीं हैं कि वे उनसे कैंसर का ट्रीटमेंट कराएंगे। हमारे देश के लोगों को इतना बुद्ध समझने की जरूरत नहीं है।

महोदय, मैं इस विषय में एक और बात बताना चाहती हूँ और वह यह है कि सब लोग State power को लेकर इतने चिंतित क्यों हैं? इस संबंध में politically बोलने की आवश्यकता नहीं है। कुछ राज्यों के संदर्भ में मैं कहना चाहती हूँ कि Central power की जरूरत है। NSDC, जो यहां पर skill development करते हैं, सेंटर से जो certificates मिलते हैं, वे राज्य में applicable नहीं होते हैं। राज्य में फिर से एक और परीक्षा देनी पड़ती है, एक साल या दो साल की एक और course करना पड़ता है। ऐसा क्यों? ऐसा स्टेट रेवेन्यू बढ़ाने के लिए किया जाता है। इससे बच्चों पर क्या बीत रही है? वे तो NSDC से अच्छे से nursing की ट्रेनिंग ले चुके हैं। पश्चिमी बंगाल में यह applicable नहीं है। वहां पर यह applicable नहीं है और वहां पर इनको फिर से परीक्षा देनी पड़ती है, कोर्स करना पड़ता है। ...**(समय की घंटी)**... Medical Commission के संबंध में इतने सारे लोगों ने इतनी गलत बातें कही हैं। महोदय, मैं सुबह से इस बिल को पढ़ रही हूँ। मैं आपके माध्यम से माननीय मंत्री जी को यह कहना चाहती हूँ कि वे जो statement देते हैं, वे कुछ regional भाषा में दी जाएं, तो अच्छा होगा। इससे यह होगा कि ये जो धरने पर बैठे हैं, इनको न बैठना पड़े। Bar to practice is something which is great. कोई उलटा-सीधा practice कर ही नहीं पाएगा। अगर कोई ऐसा करेगा, तो उसको जेल जाना पड़ेगा।

महोदय, इसमें एक और बहुत अच्छी चीज है और वह यह है कि Clause 55 में यह है कि power of Central Government to supersede Commission, इसके तहत यह है कि अगर कमिशन के लोग कुछ भी उलटा-सीधा करेंगे, तो उनको जेल भेजने की पावर गवर्नमेंट के पास होगी, बहुत-बहुत धन्यवाद।

सामाजिक न्याय और अधिकारिता मंत्रालय में राज्य मंत्री (श्री रामदास अठावले): डिप्टी चेयरमैन सर,

"राष्ट्र के साथ-साथ हेल्थ को मजबूत करना,  
यह है मोदी सरकार का मिशन,  
इसलिए संसद में बिल आया है, नेशनल मेडिकल कमीशन,  
अब वह नजदीक आ गया है एक क्षण,  
सब मेडिकल सुविधा मिलने से पेशेंट का खुश होगा मन,  
यह जो बिल आया है, मैं इस बिल का करता हूँ सपोर्ट,  
और करता हूँ डा. हर्ष वर्धन को रिपोर्ट" ।

यह जो बिल है, यह बहुत इम्पोर्टेंट है। हमारे Scheduled Castes and Scheduled Tribes के लोग भी डॉक्टर बनते हैं। आपको मालूम है कि नायर अस्पताल में पायल तडवी नाम की एक Scheduled Tribe की लड़की थी। मैं आपको बताना चाहता हूँ कि जब एडमिशन मिलता है, तब कुछ कम मार्क्स होते हैं, लेकिन जब उनको मेडिकल एग्जाम पास करना होता है, उसमें जनरल कैंडिडेट्स जितने मार्क्स ही मिलने चाहिए, तब कोई डॉक्टर बनता है। ...(समय की घंटी)...

श्री उपसभापति: आपका समय पूरा हुआ।

श्री रामदास अठावले: डॉ पायल तडवी के साथ जो भी अन्याय हुआ, उसके कारण उन्होंने आत्महत्या की। मेडिकल काउंसिल के माध्यम से इस संबंध में भी गंभीरता से विचार होने की आवश्यकता है। हम सब लोग मिलकर हमारी हेल्थ सुधारने के लिए काम करेंगे। यह जो मेडिकल काउंसिल है, भारतीय चिकित्सा परिषद है, वहाँ कुछ भ्रष्टाचार भी होता था, उसे रोकने के लिए यह मेडिकल कमीशन का बिल आया है। ...(व्यवधान)... इस बिल का मैं समर्थन करता हूँ और सभी से अपेक्षा करता हूँ कि वे इस बिल का समर्थन करेंगे। हम हेल्थ को सुधारेंगे। हेल्थ सुधरेगी, तो देश सुधरेगा, देश सुधरेगा, तो हम सुधरेंगे, हम सुधरेंगे, तो तुम सुधरोगे। हम सब मिलकर आगे बढ़ेंगे। इस बिल का मैं अपनी रिपब्लिकन पार्टी ऑफ इंडिया की तरफ से समर्थन करता हूँ। जय भीम, जय भारत!

MR. DEPUTY CHAIRMAN: Now, Minister's reply.

DR. HARSH VARDHAN: Thank you, Sir. I heard everybody with rapt attention.  
...(Interruptions)...

श्रीमती छाया वर्मा (छत्तीसगढ़): सर, मैं कुछ बोलना चाहती हूँ। ...(व्यवधान)...सर, मेरा प्वाइंट ऑफ ऑर्डर है।

श्री उपसभापति: प्वाइंट ऑर्डर किस रूल के तहत है? ...(व्यवधान)... क्या प्वाइंट है आपका? ...(व्यवधान)...

**श्रीमती छाया वर्मा:** सर, एक सीरियस प्रॉब्लम है। ...**(व्यवधान)**...

**श्री उपसभापति:** प्वाइंट ऑफ ऑर्डर किस रूल के तहत है? ...**(व्यवधान)**...

**श्रीमती छाया वर्मा:** सर, मैं रूल-258 के अंतर्गत बोलना चाहती हूँ। ...**(व्यवधान)** ... सर, इस बिल का एक हिंदी version आया है और एक इंग्लिश में आया है। इन दोनों में आप देखेंगे कि एग्जाम के लिए हिन्दी version में लिखा है कि केवल ग्रेजुएट लोग एप्लाई करेंगे और इंग्लिश version में graduate and post graduate के लिए लिखा है। सर, यह नियम बन रहा है। हम किसको मानेंगे, हिन्दी को मानेंगे या इंग्लिश को मानेंगे? सिर्फ यह बता दीजिए।

**श्री उपसभापति:** माननीय मंत्री जी अपने जवाब में बोलें।

**डा हर्ष वर्धन:** सर, मैंने बड़े ध्यान से सब की बातें सुनी हैं। जो चार-पाँच बातें सभी के ...**(व्यवधान)**...

SHRI VAIKO: Mr. Minister, you can reply in English. The Bill is regarding the medical profession. Kindly speak in English ..**(Interruptions)**..

**श्री उपसभापति:** प्लीज़, प्लीज़ ...**(व्यवधान)**...

SHRI VAIKO: Kindly speak in English..**(Interruptions)**..

**श्री रामनाथ ठाकुर:** हिन्दी में बोलिए हिन्दी में बोलिए ...**(व्यवधान)**...

DR. HARSH VARDHAN: I will speak in both the languages. Sir, I will wait for your direction..**(Interruptions)**..

SHRI VAIKO:\*

**श्री उपसभापति:** कोई और बात रिकॉर्ड पर नहीं जा रही है। ...**(व्यवधान)**...

DR. HARSH VARDHAN: Sir, I have heard everyone ...**(Interruptions)**... Okay; I will speak in both the languages ...**(Interruptions)**...

SHRI VAIKO:\*

MR. DEPUTY CHAIRMAN: Mr. Vaiko, you go to your seat. ...**(Interruptions)**... Mr. Vaiko, go back to your seat..**(Interruptions)**.. Translation arrangement is already there ...**(Interruptions)**... Mr. Vaiko, please take your seat. ...**(Interruptions)**... Only the Minister has taken the permission. No one else has taken the permission. ...**(Interruptions)**... Translation arrangement is already there. Please take your seat. ...**(Interruptions)**...

श्री हरनाथ सिंह यादव (उत्तर प्रदेश): सर, हिन्दी को प्राथमिकता देनी चाहिए। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Only the Minister's reply will go on record. ...(*Interruptions*)...

DR. HARSH VARDHAN: Sir, I have heard everyone with rapt attention. I wish to thank everybody for expressing their concerns over the medical education in the country. I will be very brief, yet try to cover all the four-five subjects that have been broadly raised by the Members. Some of the issues have been related to NEET and NEXT. There are still some misgivings about them and some misinterpretation of whatever has been written. So, I thought of making it clear first. As we all know, NEET is already an institutionalized mechanism in the country. We have already had NEET examination in the last few years. It has been successfully accepted and received by the aspiring doctors in the country. It is, right now, executed in thirteen languages and the syllabus for the examination takes into consideration the syllabus of various Boards. That is what I know about it. Continuously, there is a process of improvement in NEET. That is about the NEET examination, Sir. ...(*Interruptions*)...

Then about the NEXT examination, it is basically the final year examination of all the MBBS students, of all institutions, all over the country. In this NEET also, now, you know that AIIMS and all is included in one examination. This is the new version after the previous versions. Every institution, including AIIMS and all the institution of national importance, will all be part of NEET.

Then, for the NEXT examination, there will be one examination. All the MBBS students have to pass the final year examination in their colleges. So, now there is going to be a final year examination, which is common for all, which has both the things. The theory part is designed in such a way that in an objective manner it also tests the clinical acumen as we do it in ECFMG-plus. There is also a practical examination. So, for a student, to actually become an MBBS doctor, he has to pass the theory examination as well as the clinical examination. After completing his internship, he gets his degree. For the theory examination marks, he becomes eligible for getting admission into a PG course. So, it is as simple as that. He is giving this one examination instead of two-three examinations. With that, he passes his MBBS. He is getting a license to practice after completing his internship. He also, automatically, based on his merit, gets entrance into a PG course. ...(*Interruptions*)... Sir, let me complete. I have the patience to hear everything. Please have the patience to hear me also. सर, जैसा मैंने आपको कहा कि ...(व्यवधान)...

SHRI VAIKO: Why are you switching over to Hindi? ...*(Interruptions)*...

डा. हर्ष वर्धन: सर, कम्युनिटी हेल्थ ...*(व्यवधान)*... सर, इस एक्ज़ाम में जो दूसरा concern है ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Nothing will go on record. ...*(Interruptions)*... Nothing will go on record except the Minister's speech. ...*(Interruptions)*...

SHRI VAIKO: \*

डा. हर्ष वर्धन: सर, यहां पर जो एक पॉइंट रेज़ किया गया है, वह कम्युनिटी हेल्थ प्रोवाइडर्स के बारे में रेज़ किया गया है। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Mr. Vaiko, translation arrangement is already available. Please take your seat. ...*(Interruptions)*...

डा. हर्ष वर्धन: सर, मैं इस सदन के सदस्यों को बताना चाहता हूँ कि पूरी दुनिया में including America, England and Australia में mid level health workers का concept है। This is an official concept. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Hon. Members, translation arrangement is already there for everyone. ...*(Interruptions)*...

DR. HARSH VARDAN: The concept of mid level health workers is officially described in WHO journals. It is described in Lancet also and it is being implemented in many developed countries of the whole world.

MR. DEPUTY CHAIRMAN: Except the Minister's speech nothing is going on record. For Members, translation arrangement is already available. So, please listen. Have patience. ...*(Interruptions)*... It is not compulsory to speak in English. You please sit down, Mr. Vaiko. ...*(Interruptions)*... Please take your seats. ...*(Interruptions)*... Hon. Members, please take your seats. Translation arrangement is already available and there are recognised language translators here. ...*(Interruptions)*... माननीय मंत्री जी, आप अपना रिप्लाई दें। ...*(व्यवधान)*... Nothing will go on record except the Minister's reply.

डा. हर्ष वर्धन: सर, मैं कुछ बेसिक चीज़ें स्पष्ट करना चाहता हूँ। Community health providers के बादे में इस सदन के सदस्यों को बहुत सारी misgivings हैं। Community health providers, यह concept सारी दुनिया के अंदर है, जिसमें दुनिया के America, England और Australia जैसे विकसित देश भी हैं। वहां पर भी यह applicable है। जैसा मैंने कहा कि विश्व स्वास्थ्य संगठन के journals में इसकी definition है।



MR. DEPUTY CHAIRMAN: Nothing will go on record, except the Minister's speech. ...(*Interruptions*)...

डा. हर्ष वर्धन: सर, Lancet के अंदर इसकी definition है ...(*व्यवधान*)... सर, mid level health workers, दूसरे health workers और डॉक्टर्स के बराबर जो स्पेसिफिक सर्विसेज हैं ...(*व्यवधान*)...

MR. DEPUTY CHAIRMAN: It is not going on record. सिर्फ माननीय मंत्री जी की बात रिकॉर्ड पर जाएगी।

डा. हर्ष वर्धन: सर, वे उतनी ही competence से दे सकते हैं, यह international journals में है। सबसे बड़ी बात यह है कि community health providers के बारे में किसी ने कहा कि ये भी हो सकता है, वह भी... बिल में कहीं किसी के बारे में नहीं लिखा है। अभी एन.एम.सी. बनेगी, एन.एम.सी. को बनने के लिए 9 महीने का समय है। उसके बाद एन.एम.सी. अगले तीन साल के अंदर exit exam को, जो next exam है, उसको implement करेगी और एन.एम.सी. में 25 में से 24 डॉक्टर्स हैं, वे डॉक्टर्स मिलकर तय करेंगे कि किस particular profession के व्यक्ति को, जो modern system से जुड़ा है... उदाहरण के लिए यदि एक नर्स है, उसने चार साल का कोर्स किया है, तो क्या लिमिटेड हर उसको सब-सेंटर के ऊपर लिमिटेड मेडिसिन देने की बात की गई है, उसको एक साल का, दो साल का या तीन साल का, और कितना बड़ा कोर्स करना है, उसका क्या curriculum होना चाहिए। ये सब कुछ एन.एम.सी. तय करेगी और वह public consultations और medical professionals, सबसे इनपुट्स लेने के बाद करेगी। इसलिए कम्युनिटी हेल्थ प्रोवाइडर्स के बारे में जो भी यहां पर कहा गया है, in no way it is promoting quackery, बल्कि quacks को हमने इस बिल के अंदर और ज्यादा सज़ा देने का प्रावधान किया है। उनको एक साल की सज़ा और पांच लाख रुपये तक का जुर्माना, जो कि मेडिकल काउंसिल के अंदर बहुत ही नॉमिनल था, ताकि किसी को भी इस प्रकार के कम्युनिटी हेल्थ प्रोवाइडर्स के बारे में यह confusion नहीं रहना चाहिए - internationally accepted WHO certified practice and it will be decided by the NMC after studying everything और किसी को भी दे देंगे। यहां इतने सारे लोगों ने, सब लोगों का नाम लिया कि इनको भी दे सकते हैं, उनको भी दे सकते हैं। There should be no misgiving about it.

सर, उसके बाद दूसरी चीज़ यह है कि यहां पर 50% सीट्स के बारे में बहुत लोगों ने अपने कमेंट्स दिए हैं। हम आपको स्पष्ट करना चाहते हैं कि देश में 80 हजार के करीब एम.बी.बी.एस. की सीट्स हैं। इसमें लगभग 40 हजार सीट्स गवर्नमेंट सिस्टम के अंदर हैं, सरकारी मेडिकल कॉलेजेज़ में हैं, 40 हजार प्राइवेट कॉलेजेज़ में हैं। 40 हजार जो सरकारी हैं, उनमें बहुत नॉमिनल फीस लगती है। यह हम सब को पता है। जो बाकी 40 हजार प्राइवेट की हैं, उनमें पहले मेडिकल काउंसिल ऑफ इंडिया के अंदर एक भी सीट

की फीस को रेग्युलेट करने का और कैप करने का कोई प्रोविजन नहीं था। अभी हमारी सरकार ने यह तय किया है कि 50% सीट्स को रेग्युलेट भी किया जाएगा और उसको रूल्स के अंदर कैप भी किया जाएगा कि वह कितना हो सकता है और कितना मिनिमम होना चाहिए। आप जानते हैं कि यह मेडिकल एजुकेशन कन्करेंट सब्जेक्ट है। यह बाकी जो 50% सीट्स हैं, ये प्राइवेट सेक्टर की हैं... इसको स्टेट्स को रेग्युलेट करने के लिए they will enter into a MoU with respective medical colleges क्योंकि किसी भी मेडिकल कॉलेज को स्टार्ट करने के लिए स्टेट को essential certificate देना होता है, वह सेंट्रल गवर्नमेंट नहीं देती है और वह अपनी स्टेट की requirement के हिसाब से उनको कितना प्राइवेट सिस्टम को expand करना है, कितनी उसकी जरूरत है, तो इसलिए जो यहां पर कहा जा रहा है कि बाकी 50% सीटें, जो हमने ऐसे खुली छोड़ दी हैं, एक व्यवस्था के अंदर जहां कि मेडिकल एजुकेशन कन्करेंट लिस्ट में है, पहली बार 50% सीट्स को हमने यहां पर ही कैप कर दिया है, बाकी 50 % को हमने स्टेट्स के लिए छोड़ दिया है, इसके लिए किसी के मन में कोई confusion नहीं रहना चाहिए।

सर, तीसरा यहां पर बहुत लोगों ने इस बात के ऊपर चर्चा रेज की है कि जैसा मैंने कहा कि जो फीस है, उसके हम लोग रूल्स के अंदर कैप लगाएंगे, ताकि किसी प्रकार से इस प्रोविजन का मिसयूज न हो सके। तीसरी बात यह है कि सभी ने कहा कि यह जो स्टेट्स का रिप्रेजेंटेशन है, यह एन.एम.सी. में कम है। अगर आपको मैं बताऊं तो 25 जो एन.एम.सी. के मेम्बर्स हैं, इसमें 11 स्टेट्स से रिप्रेजेंटेटिक्स आते हैं, 5 मेडिकल काउंसिल से और 6 वाइस चांसलर्स के रूप में आते हैं। इसके अलावा जो autonomous boards हैं, उनमें चारों में भी एक-एक स्टेट के रिप्रेजेंटेटिक्स हैं, तो 11+4=15 हो जाते हैं। उसके अलावा एक हमारी जो एक सर्च कमेटी है, जो कैबिनेट सेक्रेटरी की अध्यक्षता में काम करेगी, उसमें भी स्टेट का एक रिप्रेजेंटेटिव होगा। इस प्रकार से 6 लोग इसके अंदर स्टेट्स के रिप्रेजेंटेटिक्स हैं। देश में जितने भी रेग्युलेटर्स काम करते हैं या रिजर्व बैंक से लेकर या दूसरे रेग्युलेटरी हैं, सब के डिटेल्स स्टडी किए। सब के अंदर vast majority, बल्कि दूसरों में तो 100% they are all pointed out by the Government. लेकिन इन सब के बावजूद भी क्योंकि सब लोगों की मंशा देखी कि इसके अंदर थोड़ा और रिप्रेजेंटेशन को increase किया जाए, इसलिए मैं इस सदन को बताना चाहता हूँ कि सरकार की तरफ से हम इसके अंदर एक अमेंडमेंट लेकर आए हैं, जो अभी हमने रिक्वेस्ट की है और जो circulate भी हो गया है, जिसमें कि स्टेट मेडिकल काउंसिल से पांच मेम्बर्स की जगह नौ और इसी प्रकार से स्टेट की यूनिवर्सिटीज की तरफ से जो 6 की जगह 10 रिप्रेजेंटेटिक्स आएंगे और जो सदन की जनरल भावना है, इसका आदर करने की दृष्टि से इसको हम लोगों ने किया है। इसके अलावा जो broadly एक पावर के बारे में कहा गया, बहुत लोगों ने कहा कि भारत सरकार इसे capture कर रही है। भारत सरकार कैसे रेग्युलेशन कर सकती है, भारत सरकार कैसे इसके अंदर कोई भी डायरेक्शन दे सकती है, कोई एडवाइज दे सकती है? तो उसके लिए मैं सिर्फ इतना कहना चाहता हूँ कि Clause 45 of the Bill gives powers

[डा. हर्ष वर्धन]

to the Central Government to give directions on policy matters to NMC and autonomous boards. यह इसमें है। The Indian Medical Council Act, 1956 also had a similar provision in Section 3(6). And, this is as per standard clauses in all other Acts for setting up various regulators. मैं इसमें example के लिए आपको ध्यान दिलाना चाहता हूँ कि Section 20 of the AICTE Act, 1987; Section 75 of the Electricity Act, 2003; Section 43 of the PFRDA Act, 2013; Section 7 of the RBI Act, 1934; Section 16 of the SEBI Act, 1992; Section 30(C) of the Chartered Accounts Acts, 1949; Section 25 of the TRAI Act, 1997; Section 20 of the UGC Act, 1956; and, there are many other Acts. So, there is nothing abnormal in this. Clause 46 of the Bill empowers the Central Government to give directions to State Governments for carrying out the provisions of the Act. And, this clause has been examined and cleared by the Department-Related Parliamentary Standing Committee in its 109th Report. It is as per the recommendations of this Committee also. सर मैं समझता हूँ कि आपके जितने भी विषय यहां पर आए- माननीय गुलाम नबी आज़ाद साहब ने बहुत सारी चीज़ें बतायीं, I have huge respect for you. आपने अपने समय के बहुत सारे reforms के बारे में बताया, जो आपने अच्छे-अच्छे reforms और idea दिए, I don't deny कि आपके समय में कोई अच्छे ideas नहीं आए, लेकिन मैं बड़ी modesty के साथ कहना चाहता हूँ कि हमने आपके सारे अच्छे ideas को बहुत dynamic तरीके से पांच साल में implement किया है - जो उस समय ideas के रूप में थे। महोदय, हर एक Government का process है, यह ongoing continuous process होता है - आपने जो भी अच्छे काम शुरू किए, अगर वे उस समय सिर्फ idea के level पर रहे, तो हमने उन सबको implement किया है। आपने बहुत सारी अच्छी चीज़ें की हैं, I also saw many good things done by you. हमें इस बात को स्वीकार करने में कोई दिक्कत नहीं है, लेकिन जो आपने सीट्स के बारे में जितनी सीट्स कहा है तो मैं समझता हूँ कि जितनी सीट्स MBBS के अंदर और PG के अंदर हैं और जितने reforms medical education में हुए - जब यहां पर Medical Council Act के amendment पर debate हुई थी, तो मैंने उन सबका बहुत विस्तार से उल्लेख किया था। मैं बड़े गर्व के साथ यह कहना चाहता हूँ कि प्रधान मंत्री, नरेन्द्र मोदी जी के समय में जितने reforms हुए हैं और उन reforms के जितने outcomes हुए हैं, in terms of perceptible and measurable changes ऐसा पिछले 50-60 साल के इतिहास में कभी नहीं हुआ और हमें इस बात का गर्व है। इसमें हमने आपके अच्छे ideas को भी implement किया है, हम यह नहीं कहते कि आपने अच्छे ideas नहीं दिए।

सर, मैं समझता हूँ कि माननीय जयराम रमेश जी के सारे concerns I have addressed, डा. सांतनु सेन के भी। माननीय राम गोपाल यादव जी ने दो तीन बातें कहीं थीं, just for your knowledge, मैं बताना चाहता हूँ counseling में क्या होता है। जो आपने कहा कि

the NEET counselling should be completely transparent. तो मुझे कहना है कि इसमें कोई दो मत नहीं हो सकते, जो DGHS में Medical Counseling Cell है, it hosts complete information on its website, सब कुछ transparent है। And, we will take up with the States also for transparency in their counselling, ताकि अगर किसी चीज़ के अंदर कहीं पर transparency में कमी है तो we will try to further strengthen. इसके अतिरिक्त private medical colleges में जो vacant seats के बारे में आपने बात की है तो इसके लिए मैं बताना चाहता हूँ कि Names of candidates amounting to ten times the left vacancies are sent to the colleges in the Stray Vacancy Round. The number of seats left vacant at the end of counselling is coming down each year now. जो आपने दो बातें कही थीं, मेरे ख्याल से broadly इन्हीं तीन-चार issues के इर्द-गिर्द आपने अपने concern एक्सप्रेस किए हैं। NEET exam के बारे में, NEXT exam के बारे में, private medical colleges को जो 50 परसेंट सीट्स दी हैं और बाकी 50 परसेंट का क्या होगा, उसके बारे में community health provider के बारे में और representation of States के बारे में पूछा गया है। I think, I have tried to explain every thing in brief. I have also taken care of your emotions with regard to poor representation to States. मैं फिर वही बात दोबारा से repeat करना चाहता हूँ कि बहुत सारे लोगों ने यहां पर इस बात का मखौल उड़ाया है कि यह इतना बड़ा reform कहां से हो गया। मैं आपको फिर से बताना चाहता हूँ कि जब इतिहास लिखा जाएगा तो National Medical Commission को नरेन्द्र मोदी जी की सरकार के एक बड़े reform के रूप में देश में record किया जाएगा और आज का दिन, जब आप इस बिल को पास करेंगे, तो इसे भी golden letters में लिखा जाएगा। आज हो सकता है, आप इसका मखौल उड़ाएं, लेकिन भविष्य के गर्भ में क्या है, वह आप और हम सब मिलकर देखेंगे। मैं आप सबसे विनती करता हूँ कि आप सब इसको unanimously पास कर दें और आने वाले समय के लिए, देश के लिए एक नया मेडिकल एजुकेशन का इतिहास शुरू कर दें। मैं देश के अंदर सारे मेडिकल स्टूडेंट्स को, सारे जो aspiring doctors हैं, जो डॉक्टरी पेशे के अंदर काम कर रहे हैं और इंडियन मेडिकल एसोसिएशन के सदस्यों को, सबको मैं यह विश्वास दिलाना चाहता हूँ, मैंने जिदगी भर दिल्ली मेडिकल एसोसिएशन और इंडियन मेडिकल एसोसिएशन के राइट्स के लिए लड़ाई लड़ी है और मैं मेडिकल प्रोफेशन का आपसे कोई कम बड़ा सपोर्टर या समर्थक नहीं हूँ। I have always fought for preserving and protecting the integrity of the medical profession. इसलिए देश के किसी भी डॉक्टर को कोई भी किसी तरह का शक और शुबहा नहीं होना चाहिए। यह जो बदलाव है, यह उनकी जिंदगी के अंदर एक बेहतरीन बदलाव लाने वाला है, जिसको qualitatively perceive भी किया जा सकेगा और आने वाले वर्षों में measure भी किया जा सकेगा। सर, इन्हीं शब्दों के साथ मैं अनुरोध करता हूँ कि इस बिल को....

**श्री सतीश चन्द्र मिश्रा** (उत्तर प्रदेश): माननीय उपसभापति महोदय, मैं चाहता हूँ कि माननीय मंत्री जी employees के बारे में भी कुछ कहें।

**डा. हर्ष वर्धन:** सर, employees के बारे में लोक सभा में भी कहा था कि number one, we will adequately compensate them. वे मुझे भी मिलने आए थे। We will look at their issue with total compassion and try to find out a solution which is acceptable. उनसे consultative process भी on करेंगे। आपकी जितनी चिंता है, उतनी ही हम लोगों को उनके प्रति पूरी संवेदनशीलता से चिंता है।

**श्रीमती विप्लव ठाकुर** (हिमाचल प्रदेश): उपसभापति जी...(व्यवधान)...

**MR. DEPUTY CHAIRMAN:** I shall now put the motion moved by Dr. Harsh Vardhan regarding the National Medical Commission Bill, 2019, to vote. ...(*Interruptions*)..

**DR. K. KESHAVA RAO:** Mr. Minister, I have to seek one small clarification. मिनिस्टर साहब, यह बताएं कि who will issue the MBBS degree? मैं मिनिस्टर साहब का ध्यान इस बात की ओर आकर्षित करना चाहता हूँ, who will issue the MBBS degree? University करेगी या Central Government करेगी?

**डा. हर्षवर्धन:** यह Central Government कुछ नहीं कर रही है, जो National Medical Commission बनेगा, वह exam की modalities तय करेगा और यह obvious है कि उसे डिग्री तो वही university देगी, जिस university में वह पढ़ेगा।

**श्री हुसैन दलवाई** (महाराष्ट्र): सर, मेरा एक question है ...(व्यवधान)...

**MR. DEPUTY CHAIRMAN:** No, No. Please sit down. ...(*Interruptions*)... I shall now put the motion moved by Dr. Harsh Vardhan regarding the National Medical Commission Bill, 2019, to vote. The question is:

"That the Bill to provide for a medical education system that improves access to quality and affordable medical education, ensures availability of adequate and high quality medical professionals in all parts of the country; that promotes equitable and universal healthcare that encourages community health perspective and makes services of medical professionals accessible to all the citizens; that promotes national health goals; that encourages medical professionals to adopt latest medical research in their work and to contribute to research; that has an objective periodic and transparent assessment of medical institutions and facilitates maintenance of a medical register for India and enforces high ethical standards in all aspects of medical services; that is flexible to adapt to changing needs and has an effective grievance redressal mechanism and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: We shall now take up Clause-by-Clause consideration of the Bill. In Clause 2, there are two Amendments (Nos. 9 and 10) by Dr. T. Subbarami Reddy. Are you moving them?

DR. T. SUBBARAMI REDDY (Andhra Pradesh): Sir, since the Minister has given an extensive reply, I am satisfied with the reply. I am not moving them.

*Clause 2 was added to the Bill.*

*Clause 3 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 4, there are 17 Amendments;

Amendment (No. 11) by Dr. T. Subbarami Reddy, Amendments (Nos. 17 and 18) by Shri Jairam Ramesh, Amendments (Nos. 32 to 37) by Shri Tiruchi Siva, Amendments (Nos. 45 and 46) by Dr. Santanu Sen, Amendment (No. 52) by Dr. L. Hanumanthaiah, Amendments (Nos. 53 to 55) by Dr. Harsh Vardhan. ...(*Interruptions*)...

SHRI S.R. BALASUBRAMONIYAN (Tamil Nadu): Sir, we wanted exemption for NEET and NEXT. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Please speak one at a time.

SHRIMATI VIJILA SATHYANANTH: Sir, we wanted an exemption for NEET and NEXT.

SHRI S.R. BALASUBRAMONIYAN: He has not given any assurance. ...(*Interruptions*)...

SHRIMATI VIJILA SATHYANANTH: We did not hear about that. ...(*Interruptions*)...

SHRI S.R. BALASUBRAMONIYAN: We are not satisfied with the Minister's reply. ...(*Interruptions*)...

SHRI A.K. SELVARAJ (Tamil Nadu): Sir, ...(*Interruptions*)...

SHRIMATI VIJILA SATHYANANTH (Tamil Nadu): So, we are staging a walk out.

*(At this stage some hon. Members left the Chamber)*

MR. DEPUTY CHAIRMAN: Okay. Dr. T. Subbarami Reddy, are you moving your Amendments?

**5.00 P.M.**

DR. T. SUBBARAMI REDDY: Sir, I am not moving them.

MR. DEPUTY CHAIRMAN: Amendments (Nos. 17 and 18) by Shri Jairam Ramesh. Are you moving them?

SHRI JAIRAM RAMESH: Sir, give me one minute. ...*(Interruptions)*... Law making is give-and-take. There is a compromise. I had suggested a certain formula to increase the representation of States —'14, 6, 5' was the formula in the Bill. I was suggesting—'14, 15, 5.' Now, what the Government has done, it has increased '6' to '10' and '5' to '9'. It is welcome.

I have no problem with it. It is a compromise. You have taken one step forward and responded to the amendments, and I welcome that. However, Sir, two points I wish to make. State Government representatives ...

MR. DEPUTY CHAIRMAN: Please be brief.

SHIR JAIRAM RAMESH: It is important, Sir. State Government nominee is different from an elected nominee. I would like the hon. Minister to please keep this in mind. When you are increasing elected nominees, he represents the profession. He does not represent the State. So, I would request the Government to think about it. Maybe, in the next Session, you come back because you have increased the number of elected nominees. IMA will be very happy. They should be very happy but the States are not fully compensated. However, I have one suggestion. In the Rules, this will work to the advantage of the States. Today, there are 29 States and 7 Union Territories, making it a total of 36. If all the 7 Union Territories are taken as one representative, so you get 30. With a 10 formula, every State will get represented once in four years, which is very good. However, if you take all 7 Union Territories as 7, then this representation breaks down. I would like the hon. Minister to please consider this so that the States get a sense of representation once in every four years.

MR. DEPUTY CHAIRMAN: Thank you. Are you moving them?

SHRI JAIRAM RAMESH: Sir, I am not moving them in view of the compromise that the Government has come forward.

MR. DEPUTY CHAIRMAN: Amendments (Nos. 32 to 37) by Shri Tiruchi Siva. Are you moving them?

SHRI TIRUCHI SIVA: Sir, I have six amendments out of which one is about part-time members. I just moved an amendment. Each one State and UT should get one. But the Minister has enhanced it to 22. So, I am not moving.

MR. DEPUTY CHAIRMAN: Then there are two Amendments (Nos. 45 and 46) by Dr. Santanu Sen. Are you moving them?

DR. SANTANU SEN: Sir, I would like to take just one minute. First of all, I would like to thank our hon. Minister for giving respect and honour to the sense of federalism. I would like to say just one word for the good sense of all of us. Sir, in this proposed Bill, there is a provision where the medical practitioners can lodge their complaint. But there is no provision where the common people and the patient parties can lodge their complaint. Kindly look into it. Then it will not be considered as anti-people. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Are you moving them or not?

DR. SANTANU SEN: I am not moving.

MR. DEPUTY CHAIRMAN: Then there are Amendments (Nos. 50 to 52) by Dr. L. Hanumanthaiah. Are you moving them?

DR. L. HANUMANTHAIAH: No, Sir.

MR. DEPUTY CHAIRMAN: Now, there are three Amendments (Nos. 53 to 55) by Dr. Harsh Vardhan.

#### **CLAUSE 4 - COMPOSITION OF COMMISSION**

DR. HARSH VARDHAN: Sir, I move:

(No. 53) That at page 3, line 27, *for* the word "fourteen", the word "twenty-two" be *substituted*.

(No. 54) That at page 4, line 16, *for* the word "six", the word "ten" be *substituted*.

(No. 55) That at page 4, line 20, *for* the word "five", the word "nine" be *substituted*.

*The question was put and the motion was adopted.*

*Clause 4, as amended, was added to the Bill.*

*Clause 5 was added to the Bill.*



MR. DEPUTY CHAIRMAN: Now, in Clause 6, there are five amendments; (Nos.1 and 2) by Shri K. Somaprasad. Are you moving them? Amendment (No.12) by Dr. T. Subbarami Reddy. Amendments (Nos. 25 and 26) by Shri Elamaram Kareem and Shri K.K. Ragesh.

SHRI K. SOMAPRASAD (Kerala): Sir, I am not moving them.

MR. DEPUTY CHAIRMAN: Amendment (No.12) by Dr. T. Subbarami Reddy.

DR. T. SUBBARAMI REDDY: Sir, my Amendment is regarding notice period for the Chairperson for resigning the office. It should be 'one month' instead of 'three months'. This is what I suggested. The Minister can look into it.

MR. DEPUTY CHAIRMAN: Are you moving it?

DR. T. SUBBARAMI REDDY: No, I am not moving it.

MR. DEPUTY CHAIRMAN: Amendments (Nos. 25 and 26) by Shri Elamaram Kareem and Shri K.K. Ragesh. Are you moving them?

**CLAUSE 6 - TERM OF OFFICE AND CONDITIONS OF SERVICE OF  
CHAIRPERSON AND MEMBERS**

SHRI ELAMARAM KAREEM: Yes, Sir. I am moving it. Sir, I move:

(25) That at page 5, line 36, *for* the words "two years", the words "four years" be *substituted*.

(26) That at page 5, lines 39 to 45 be *deleted*.

*The question was put and the motion was negatived.*

*Clause 6 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 7, there is one Amendment (No. 13) by Dr. T. Subbarami Reddy. Are you moving it?

DR. T. SUBBARAMI REDDY: Just a minute, Sir. Chairperson or a member cannot be removed from office unless they are given a reasonable opportunity to be heard. That is all. This point may be examined. I am not moving it.

*Clause 7 was added to the Bill.*

*Clause 8 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 9, there is one Amendment (No. 14) by Dr. T. Subbarami Reddy. Are you moving it?

DR. T. SUBBARAMI REDDY: Sir, I am not moving it.

*Clause 9 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 10, there are four Amendments; Amendment (No.3) by Shri K. Somaprasad. Amendment (No. 19) by Shri Jairam Ramesh. Amendment (No. 47) By Dr. Santanu Sen. Amendment (No. 27) by Shri Elamaram. Shri K. Somaprasad, are you moving it?

SHRI K. SOMAPRASAD: Sir, I am not moving it.

MR. DEPUTY CHAIRMAN: Amendment (No. 19) by Shri Jairam Ramesh.

SHRI JAIRAM RAMESH: Sir, please give me just two minutes. The hon. Minister has responded. The fees that is going to be fixed by the National Medical Commission is for 50 per cent of the seats. However, the Bill says, 'frame guidelines'. I would request him to make the language tighter. Today, State Governments are determining fees for about 80 per cent of the seats and here, it says, 'frame guidelines for 50 per cent of the seats'. Sir, just now the hon. Minister said, State Governments are free to have MoUs for 50 per cent of the seats. Today, the State Governments have MoUs for about 80 per cent of the seats. इस प्रकार से आप स्टेट गवर्नमेंट का हिस्सा घटा रहे हैं, बढ़ा नहीं रहे हैं। Sir, this is a very important point. This is the heart of the Bill. I want the Minister to be clear as to what 'frame guidelines' means. What does it mean? Are you going to fix? Secondly, when you are saying 50 per cent, are you not going to have any cap on the balance 50 per cent? I want you to explain that. If I am satisfied, I would not move my amendment.

DR. HARSH VARDHAN: We are going to put a cap. It is not open कि कोई कितना भी और कुछ भी कर लेगा। We would put a cap. It is very clear to us.

SHRI JAIRAM RAMESH: Sir, it is not there in the Bill.

DR. HARSH VARDHAN: It would be clarified in the rules. It would be done in a very stringent and proper manner.

SHRI JAIRAM RAMESH: Please bring it forward and make it a part of the Bill, because it cannot be a part of the rules. It should a part of the Bill. That is all that I am saying. ...(*Interruptions*)... I may not move the Amendment, but please make it a part of the Bill. Let the Minister give an assurance, Sir.

MR. DEPUTY CHAIRMAN: Dr. Santanu Sen, are you moving your Amendment, (No. 47)? ...(*Interruptions*)...

DR. SANTANU SEN: No, Sir. ...(*Interruptions*)...

SHRI JAIRAM RAMESH: Sir, let the Minister give an assurance first.

SHRI P. CHIDAMBARAM (Maharashtra): Just five words —'we would cap the fees'.

DR. HARSH VARDHAN: Sir, I have already said that we would cap the fees.

SHRI JAIRAM RAMESH: Make it a part of the law. That is all that I am saying.

DR. HARSH VARDHAN: We would put it in the rules and regulations properly. How can we make it a part of the law now unless we move an amendment? ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: In Clause 10, there is one Amendment (No. 27) by Shri Elamaram. Mr. Elamaram Kareem, are you moving your Amendment?

#### **CLAUSE 10 - POWERS AND FUNCTIONS OF COMMISSION**

SHRI ELAMARAM KAREEM: Sir, I move:

(27) That at page 7, line 32, for the words "fifty per cent.", the words "seventy per cent." be *substituted*.

*The question was put and the motion was negatived.*

*Clause 10 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 11, there are two Amendments (Nos. 38 and 39) by Shri Tiruchi Siva. Are you moving them?

SHRI TIRUCHI SIVA: Sir, I am not moving them.

*Clause 11 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 12, there are three Amendments (Nos. 40 to 42) by Shri Tiruchi Siva. Are you moving them?

SHRI TIRUCHI SIVA: I am not moving them.

*Clause 12 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 13, there is one Amendment (No.15) by Dr. T. Subbarami Reddy. Are you moving it?

DR. T. SUBBARAMI REDDY: I am not moving it.

*Clause 13 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 14, there are two Amendments; Amendment (No.28) by Shri Elamaram Kareem and Amendment (No.43) by Shri Tiruchi Siva.

Shri Elamaram Kareem, are you moving it?

**CLAUSE 14 — NATIONAL ELIGIBILITY-CUM-ENTRANCE TEST**

SHRI ELAMARAM KAREEM: Sir, I move:

(No. 28) That at page 9, line 10, *for* the words "and in such other languages", the words "and in all languages listed in Eighth Schedule of the Constitution" be *substituted*.

MR. DEPUTY CHAIRMAN: Shri Tiruchi Siva, are you moving your Amendment?

SHRI TIRUCHI SIVA: Sir, the National level test which is conducted in CBSE syllabus does not suit all the States. Seven students have already committed suicides. We have also asked for an exemption. But again the Bill insists on CBSE syllabus NEET. So, I move:

(No. 43) That at page 9, clause 14, be *deleted*.

MR. DEPUTY CHAIRMAN: I shall first put the Amendment (No. 28) moved by Shri Elamaram Kareem to vote.

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now take up Amendment (No. 43) moved by Shri Tiruchi Siva.

SHRI TIRUCHI SIVA: Sir I want division.

SHRI BHUBANESWAR KALITA (Assam): Sir, I have one point to make. In this kind of voting that you are pursuing now, there is no scope of verification of the signatures. Members sign it and the slips come, and get counted. I have no objection about that. My objection is that signature verification system should be there in future.

DR. K.V.P. RAMACHANDRA RAO (Telangana): \*

श्री उपसभापति: माननीय सदस्यगण ...(व्यवधान)... माननीय सदस्यगण ...(व्यवधान)... Please, this is not allowed. ...(Interruptions)... मैं बताना चाहूंगा। ...(व्यवधान)... Please take your seat, Dr. Rao, not allowed. You have not been permitted by the Chair, so, nothing is going on record. जो सवाल अभी माननीय सदस्य श्री कालिता जी ने उठाया, मैं बताना चाहूंगा कि ये जितने भी वोटिंग कार्ड्स हैं, जिन पर सिग्नेचर हो कर आते हैं, they are subject to verification. Seat and Division number is verified. लॉबीज़ के जो लोग आप सबसे वोट कार्ड कलेक्ट करते हैं, उस समय सारी चीज़ें वेरिफाई होती हैं।

दूसरा, जो माननीय मंत्रीगण यहां बैठे हुए हैं, जो राज्य सभा के सदस्य नहीं हैं, उनको यहां बैठने का अधिकार तो है, लेकिन वे वोट नहीं करते हैं।

I shall now put the Amendment (No. 43) moved by Shri Tiruchi Siva to vote.  
The question is:

(No. 43) That at page 9, clause 14, be deleted.

*The House divided.*

MR. DEPUTY CHAIRMAN: Result of the 'Division' on Amendment (No.43) by Shri Tiruchi Siva:

Ayes: 61

Noes: 104

Abstain: 04

**AYES - 61**

Abdul Wahab, Shri

Anand Sharma, Shri

Antony, Shri A.K.

Azad, Shri Ghulam Nabi

Babbar, Shri Raj

Banerjee, Shri Ritabrata

Bhattacharya, Shri P.

Bhunia, Shri Manas Ranjan

Biswas, Shri Abir Ranjan

Bora, Shri Ripun  
Chakraborty, Shri Subhasish  
Chandrashekhar, Shri G.C.  
Chavan, Shrimati Vandana  
Chhetri, Shrimati Shanta  
Chidambaram, Shri P.  
Chowdhury, Prof. Jogen  
Dalwai, Shri Husain  
Dullo, Shri Shamsher Singh  
Elangovan, Shri T. K. S.  
Fayaz, Mir Mohammad  
Gowda, Prof. M. V. Rajeev  
Gupta, Shri Manish  
Hanumanthaiah, Dr. L.  
Haque, Shri Md. Nadimul  
Hariprasad, Shri B. K.  
Hassan, Shri Ahamed  
Hussain, Shri Syed Nasir  
Jha, Prof. Manoj Kumar  
Kalita, Shri Bhubaneswar  
Karim, Shri Ahmad Ashfaque  
Ketkar, Shri Kumar  
Laway, Shri Nazir Ahmed  
Mistry, Shri Madhusudan  
O' Brien, Shri Derek  
Patel, Shri Ahmed  
Punia, Shri P. L.  
Ramamurthy, Shri K. C.  
Ramesh, Shri Jairam  
Rangarajan, Shri T.K.  
Rao, Dr. K.V.P. Ramachandra  
Rathwa Naranbhai J., Shri

Ray, Shri Sukhendu Sekhar  
Reddy, Dr. T. Subbarami  
Selja, Kumari  
Sen, Ms. Dola  
Sen, Dr. Santanu  
Shanmugam, Shri M.  
Sibal, Shri Kapil  
Singh, Shri Digvijaya  
Siva, Shri Tiruchi  
Soni, Shrimati Ambika  
Syiem, Shrimati Wansuk  
Tamta, Shri Pradeep  
Tankha, Shri Vivek K.  
Thakur, Shrimati Viplove  
Tlau, Shri Ronald Sapa  
Vaiko, Shri  
Verma, Shrimati Chhaya  
Vora, Shri Motilal  
Wilson, Shri P.  
Yajnik, Dr. Ameer

**NOES - 104**

Acharya, Shri Prasanna  
Agrawal, Dr. Anil  
Akbar, Shri M. J.  
Alphons, Shri K. J.  
Ashok Siddharth, Shri  
Bachchan, Shrimati Jaya  
Baishya, Shri Birendra Prasad  
Bajpai, Dr. Ashok  
Baluni, Shri Anil  
Banda Prakash, Dr.  
Bhunder, Sardar Balwinder Singh

Chandrasekhar, Shri Rajeev  
Chhatrapati, Shri Sambhaji  
Chowdary, Shri Y. S.  
Dasgupta, Shri Swapan  
Desai, Shri Anil  
Dudi, Shri Ram Narain  
Dungarpur, Shri Harshvardhan Singh  
Fernandes, Shri Oscar  
Ganguly, Shrimati Roopa  
Gehlot, Shri Thaawarchand  
Goel, Shri Vijay  
Gohel, Shri Chunibhai Kanjibhai  
Goyal, Shri Piyush  
Gujral, Shri Naresh  
Jadhav, Dr. Narendra  
Jain, Dr. Anil  
Jatiya, Dr. Satyanarayan  
Javadekar, Shri Prakash  
Jha, Shri Prabhat  
Judev, Shri Ranvijay Singh  
Kanakamedala Ravindra Kumar, Shri  
Kashyap, Shri Ram Kumar  
Khan, Shri Javed Ali  
Kore, Dr. Prabhakar  
Mahatme, Dr. Vikas  
Malik, Shri Shwait  
Mandaviya, Shri Mansukh  
Manhas, Shri Shamsher Singh  
Mathur, Shri Om Prakash  
Meena, Dr. Kirodi Lal  
Misra, Shri Satish Chandra  
Mohapatra, Dr. Raghunath



Muraleedharan, Shri V.  
Nadda, Shri Jagat Prakash  
Naqvi, Shri Mukhtar Abbas  
Nathwani, Shri Parimal  
Nekkanti, Shri Bhaskar Rao  
Netam, Shri Ram Vichar  
Nirmala Sitharaman, Shrimati  
Nishad, Shri Vishambhar Prasad  
Oraon, Shri Samir  
Panchariya, Shri Narayan Lal  
Pandey, Ms. Saroj  
Patra, Shri Sasmit  
Perween, Shrimati Kahkashan  
Poddar, Shri Mahesh  
Prabhu, Shri Suresh  
Pradhan, Shri Dharmendra  
Puri, Shri Hardeep Singh  
Rajaram, Shri  
Rajbhar, Shri Sakaldeep  
Ram Shakal, Shri  
Ramesh, Shri C. M.  
Rane, Shri Narayan  
Rao, Shri G.V.L. Narasimha  
Rao, Shri Garikapati Mohan  
Rao, Dr. K. Keshava  
Reddy, Shri V. Vijayasai  
Rupala, Shri Parshottam  
Sable, Shri Amar Shankar  
Sahasrabuddhe, Dr. Vinay P.  
Seetharama Lakshmi, Shrimati Thota  
Shukla, Shri Shiv Pratap  
Singh, Chaudhary Birender  
Singh, Shri Amar  
Singh, Shri Gopal Narayan

Singh, Shri K. Bhabananda  
Singh, Shri Veer  
Sinha, Shri R. K.  
Sinha, Shri Rakesh  
Soni, Shri Kailash  
Suresh Gopi, Shri  
Swain, Shri Narendra Kumar  
Swamy, Dr. Subramanian  
Tasa, Shri Kamakhya Prasad  
Tendulkar, Shri Vinay Dinu  
Thakur, Dr. C.P.  
Thakur, Shri Ram Nath  
Tomar, Shri Vijay Pal Singh  
Tundiya, Mahant Shambhuprasadji  
Uikey, Shrimati Sampatiya  
Vaishnaw, Shri Ashwini  
Vats, Dr. D.P.  
Vemireddy, Shri Prabhakar Reddy  
Venkatesh, Shri T. G.  
Verma, Shri Ramkumar  
Verma, Shri Ravi Prakash  
Yadav, Dr. Chandrapal Singh  
Yadav, Prof. Ram Gopal  
Yadav, Ch. Sukhram Singh  
Yadav, Shri B. Lingaiah  
Yadav, Shri Bhupender  
Yadav, Shri Harnath Singh

**Abstain-4**

Kareem, Shri Elamaram  
Ragesh, Shri K. K.  
Somaprasad, Shri k.  
Viswam, Shri Binay

*The motion was negatived.*

*Clause 14 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In clause 15, there are five Amendments. Amendment (No. 6) by Shri K.K. Ragesh; Amendment (No. 20) by Shri Ripun Bora; Amendment (No. 29) by Shri Elamaram Kareem and Shri K.K. Ragesh; Amendment (No. 44) by Shri Tiruchi Siva; Amendment (No. 48) by Dr. Santanu Sen. Shri K.K. Ragesh, are you moving your amendment?

CLAUSE 15- NATIONAL EXIT TEST

SHRI K.K. RAGESH: Sir, I move:

(No. 6) That at page 9, lines 32 to 35 be *deleted*.

MR. DEPUTY CHAIRMAN: Shri Ripun Bora, are you moving your Amendment?

SHRI RIPUN BORA (Assam): Sir, I have just one point that this practicing license should be made renewable at every point of time. Sir, I am not moving my Amendment.

MR. DEPUTY CHAIRMAN: Shri Elamaram Kareem, are you moving your Amendment?

SHRI ELAMARAM KAREEM: Sir, I move:

(No. 29) That at page 9, clause 15 be *deleted*.

MR. DEPUTY CHAIRMAN: Shri Tiruchi Siva, are you moving your Amendment?

SHRI TIRUCHI SIVA: Yes Sir, I am moving. This is about the NEXT examination. I need one clarification from the hon. Minister. After completing the UG course, the student has to write this examination and those students who are coming from foreign and have completed their degrees have to write this examination, and, those students who want to get admission in the PG course, they have to write the examination. Those who want to get into the PG have to write the examination and it will be a common exam. The problem is, how many exams a person has to write.

MR. DEPUTY CHAIRMAN: Thank you.

SHRI TIRUCHI SIVA: While I was speaking, the simple clarification I sought, whether the NEET examination will be again conducted for a student who wants to go for PG.

MR. DEPUTY CHAIRMAN: You have already moved the Amendment!

SHRI TIRUCHI SIVA: Kindly understand, Sir. It is a very important issue. ...*(Interruptions)*...

DR. HARSH VARDHAN: I think, I had already clarified it but once again, let me clarify that there will be only one exam. Actually, it is a final year exam of MBBS students, which is otherwise also held. Every MBBS student who passes out MBBS, he has to give this exam. So, this is final year exam. With this exam's merit itself, he gets admission into the PG, he gets the licence. ...*(Interruptions)*... It is a national level examination.

SHRI TIRUCHI SIVA: Sir, Tamil Nadu is agitated against this.

MR. DEPUTY CHAIRMAN: So, are you moving your Amendment?

SHRI TIRUCHI SIVA: Yes, I move:

(No. 44) That at page 9, clause 15, be *deleted*.

MR. DEPUTY CHAIRMAN: There is one Amendment (No. 48) by Dr. Santanu Sen. Are you moving it?

DR. SANTANU SEN: No, Sir. I am not moving it.

MR. DEPUTY CHAIRMAN: I shall now put the Amendment (No. 6) moved by Shri K.K. Ragesh to vote.

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now put Amendment (No. 29) moved by Shri Elamaram Kareem.

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now put Amendment (No. 44) moved by Shri Tiruchi Siva to vote.

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now take up Clause 15. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: Kindly listen to me. I am prepared to get convinced but give me some time. This House is meant to deliberate.

MR. DEPUTY CHAIRMAN: You have already mentioned your point.

SHRI TIRUCHI SIVA: Sir, I would like to submit to the hon. Minister, there are Official Languages Rules, 1976. It is a circular in Hindi. It extends to the whole of India except Tamil Nadu. This is my only request. At least, exempt us from this.

DR. HARSH VARDHAN: Sir, as far as the NEXT exam is concerned, as I said, the new NMC, which will be formed, has to do all these exams in the next three years. They will do all the consultation. They have to conduct that. We cannot promise that. *...(Interruptions)...* Everything will be done by NMC. *...(Interruptions)...* Everything will be done by NMC in the next three years. Rules and Regulations for the exams will be framed by the NMC. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Please take your seat, Mr. Siva. *...(Interruptions)...* You have already spoken. *...(Interruptions)...* I shall now put Clause 15 to vote.

*Clause 15 was added to the Bill.*

*Clauses 16 to 25 were added to the Bill.*

*...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Nothing is going on record. *...(Interruptions)...*

In Clause 26, there are four Amendments. Amendments (Nos. 4 and 5) by Shri K. Somaprasad, and, Amendments (Nos. 30 and 31) by Shri Elamaram Kareem. *...(Interruptions)...* Shri K. Somaprasad, are you moving your Amendments?

CLAUSE 26 - POWERS AND FUNCTIONS OF MEDICAL ASSESSMENT  
AND RATING BOARD

SHRI K. SOMAPRASAD: Sir, I move:

(No. 4) That at page 12, lines 50 to 52 be *deleted*.

(No. 5) That at page 13, lines 1 to 8 be *deleted*.

*The question was put and the motion was negatived.*

MR. DEPUTY CHAIRMAN: Shri Elamaram, are you moving your Amendments?

SHRI ELAMARAM KAREEM: Sir, I move:

(No. 30) That at page 12, lines 50 to 52 be *deleted*.

(No. 31) That at page 13, lines 1 to 8 be *deleted*.

*The question was put and the motion was negatived.*

*Clause 26 was added to the Bill.*

*Clause 27 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 28, there is one Amendment (No. 7) by Shri K.K. Ragesh. Shri K.K. Ragesh, are you moving the Amendment?

**CLAUSE 14 — NATIONAL ELIGIBILITY-CUM-ENTRANCE TEST**

SHRI K.K. RAGESH: Sir, I move:

(No. 28) That at page 9, line 10, *for* the words "and in such other languages", the words "and in all languages listed in Eighth Schedule of the Constitution" be *substituted*.

*The question was put and the motion was negatived.*

*Clause 28 was added to the Bill.*

*Clause 29 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 30, there are two Amendments; Amendment (No.16) by Dr. T. Subbarami Reddy and Amendment (No. 21) by Shri Ripun Bora. Dr. T. Subbarami Reddy, are you moving the Amendment?

DR. T. SUBBARAMI REDDY: Sir, I am not moving the Amendment.

MR. DEPUTY CHAIRMAN: Shri Ripun Bora, are you moving the Amendment?

SHRI RIPUN BORA: Sir, I will make one point only on complaints and ethical misconduct of doctors. They can appeal to the NMC. But it should not be the NMC. It should be a Medical Appellate Tribunal with judicial expertise.

MR. DEPUTY CHAIRMAN: Shri Ripun Bora, are you moving the Amendment?

SHRI RIPUN BORA: Sir, I am not moving the Amendment.

*Clause 30 was added to the Bill.*

*Clause 31 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 32, there are two Amendments; Amendment (No. 8) by Shri K.K. Ragesh and Amendment (No. 49) by Dr. Santanu Sen. Shri K.K. Ragesh, are you moving the Amendment?

SHRI K.K. RAGESH: Sir, the term 'community health provider' is extremely vague.

MR. DEPUTY CHAIRMAN: Dr. Santanu Sen, are you moving the Amendment?

DR. SANTANU SEN: Sir, I want to know from respected Minister as to who will be regulating 34 deemed universities in the country. I am not moving the Amendment.

MR. DEPUTY CHAIRMAN: Shri K.K. Ragesh, are you moving the Amendment?

### CLAUSE 32 — COMMUNITY HEALTH PROVIDER

SHRI K.K. RAGESH: Sir, I move:

(No.8) That at page 16, clause 32 be *deleted*.

MR. DEPUTY CHAIRMAN: I put the Amendment (No. 8) moved by Shri K.K. Ragesh to vote.

SHRI K.K. RAGESH: Sir, division. ...(*Interruptions*)...

SHRI ANAND SHARMA (Himachal Pradesh): Sir, this is Rajya Sabha. It is meant to legislate and deliberate. ...(*Interruptions*)... Every time if the Chair says, with due respect, to us as if we are primary school students, 'Nothing will go on record', why have we come here? ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Mr. Anand Sharma, it is your wrong impression. ...(*Interruptions*)... No. ...(*Interruptions*)... It is your wrong impression. I will not accept this. ...(*Interruptions*)... It is not fair. ...(*Interruptions*)...

SHRI ANAND SHARMA: You can't treat us like this. ...(*Interruptions*)... Even clarifications we can't ask. ...(*Interruptions*)... Why do we come here then? ...(*Interruptions*)... This is democracy. ...(*Interruptions*)... This is not Stalin's regime. ...(*Interruptions*)... Every day this is happening. ...(*Interruptions*)...

SHRI P. CHIDAMBARAM: Sir, the Minister is willing to clarify. Why do you stand in the way? ...(*Interruptions*)...

DR. K. KESHAVA RAO: Sir, the Minister is saying that he will clarify. ...(*Interruptions*)...

SHRI DEREK O'BRIEN (West Bengal): Sir, the Minister is willing to clarify.

DR. SANTANU SEN: Just a few minutes back, I thanked our Minister for his good gestures. I just want to know very humbly: Who will be regulating the 34 deemed universities of our country? That's all.

DR. HARSH VARDHAN: Sir, everything is being regulated by NMC including the deemed universities.

MR. DEPUTY CHAIRMAN: I shall now put Amendment (No. 8) to vote. The question is:

That at page 16, clause 32 be *deleted*.

**The House divided.**

SHRI K.K. RAGESH: Sir, I was repeatedly asking for division. ...(*Interruptions*)...

SHRI Y.S. CHOWDARY (Andhra Pradesh): Sir, the division may be deemed to have been taken. ...(*Interruptions*)...

DR. K. KESHAVA RAO: Sir, all that we are asking is clarification. If the clarification is given, why would we need division? ...(*Interruptions*)... He also wants to respond. Point is, we are here to deliberate. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Let him stand and say that. Mr. K.K. Ragesh, because you asked for division, that process is going on.

SHRI K.K. RAGESH: Sir, I demanded division and this is the seventh time that I am saying 'division'.

MR. DEPUTY CHAIRMAN: So, that process is going on. Result of the 'Division' on Amendment (No. 8) by Shri K.K. Ragesh:

Ayes: 51

Noes: 104

**AYES -51**

Abdul Wahab, Shri

Anand Sharma, Shri

Antony, Shri A.K.

Ashok Siddharth, Shri

Azad, Shri Ghulam Nabi

Babbar, Shri Raj

Bhattacharya, Shri P.



Bora, Shri Ripun  
Chandrashekhar, Shri G.C.  
Chavan, Shrimati Vandana  
Chidambaram, Shri P.  
Dalwai, Shri Husain  
Dullo, Shri Shamsher Singh  
Elangovan, Shri T. K. S.  
Gowda, Prof. M. V. Rajeev  
Hanumanthaiah, Dr. L.  
Hariprasad, Shri B. K.  
Hussain, Shri Syed Nasir  
Jha, Prof. Manoj Kumar  
Kalita, Shri Bhubaneswar  
Kareem, Shri Elamaram  
Karim, Shri Ahmad Ashfaque  
Ketkar, Shri Kumar  
Mistry, Shri Madhusudan  
Patel, Shri Ahmed  
Punia, Shri P. L.  
Ragesh, Shri K. K.  
Ramamurthy, Shri K. C.  
Ramesh, Shri Jairam  
Rangarajan, Shri T.K.  
Rao, Dr. K. Keshava  
Rao, Dr. K.V.P. Ramachandra  
Rathwa Naranbhai J., Shri  
Reddy, Dr. T. Subbarami  
Selja, Kumari  
Shanmugam, Shri M.  
Sibal, Shri Kapil  
Singh, Shri Digvijaya  
Siva, Shri Tiruchi

Somaprasad, Shri K.  
Syiem, Shrimati Wansuk  
Tamta, Shri Pradeep  
Tankha, Shri Vivek K.  
Thakur, Shrimati Viplove  
Vaiko, Shri  
Verma, Shrimati Chhaya  
Viswam, Shri Binoy  
Vora, Shri Motilal  
Wilson, Shri P.  
Yadav, Ch. Sukhram Singh  
Yajnik, Dr. Ameer

**NOES - 104**

Acharya, Shri Prasanna  
Agrawal, Dr. Anil  
Akbar, Shri M. J.  
Alphons, Shri K. J.  
Bachchan, Shrimati Jaya  
Baishya, Shri Birendra Prasad  
Bajpai, Dr. Ashok  
Baluni, Shri Anil  
Banda Prakash, Dr.  
Bhunder, Sardar Balwinder Singh  
Chandrasekhar, Shri Rajeev  
Chhatrapati, Shri Sambhaji  
Chowdary, Shri Y. S.  
Dasgupta, Shri Swapan  
Desai, Shri Anil  
Dudi, Shri Ram Narain  
Dungarpur, Shri Harshvardhan Singh  
Fernandes, Shri Oscar  
Ganguly, Shrimati Roopa

Gehlot, Shri Thawarchand  
Goel, Shri Vijay  
Gohel, Shri Chunibhai Kanjibhai  
Goyal, Shri Piyush  
Gujral, Shri Naresh  
Jadhav, Dr. Narendra  
Jain, Dr. Anil  
Jatiya, Dr. Satyanarayan  
Javadekar, Shri Prakash  
Jha, Shri Prabhat  
Judev, Shri Ranvijay Singh  
Kanakamedala Ravindra Kumar, Shri  
Kashyap, Shri Ram Kumar  
Khan, Shri Javed Ali  
Kore, Dr. Prabhakar  
Mahatme, Dr. Vikas  
Malik, Shri Shwait  
Mandaviya, Shri Mansukh  
Manhas, Shri Shamsheer Singh  
Mathur, Shri Om Prakash  
Meena, Dr. Kirodi Lal  
Misra, Shri Satish Chandra  
Mohapatra, Dr. Raghunath  
Muraleedharan, Shri V.  
Nadda, Shri Jagat Prakash  
Naqvi, Shri Mukhtar Abbas  
Nathwani, Shri Parimal  
Nekkanti, Shri Bhaskar Rao  
Netam, Shri Ram Vichar  
Nirmala Sitharaman, Shrimati  
Nishad, Shri Vishambhar Prasad  
Oraon, Shri Samir

Panchariya, Shri Narayan Lal  
Pandey, Ms. Saroj  
Patra, Shri Sasmit  
Perween, Shrimati Kahkashan  
Poddar, Shri Mahesh  
Prabhu, Shri Suresh  
Pradhan, Shri Dharmendra  
Puri, Shri Hardeep Singh  
Rajaram, Shri  
Rajbhar, Shri Sakaldeep  
Ram Shakal, Shri  
Ramesh, Shri C. M.  
Rane, Shri Narayan  
Rao, Dr. K. Keshava  
Rao, Shri G.V.L. Narasimha  
Rao, Shri Garikapati Mohan  
Reddy, Shri V. Vijayasai  
Rupala, Shri Parshottam  
Sable, Shri Amar Shankar  
Sahasrabuddhe, Dr. Vinay P.  
Seetharama Lakshmi, Shrimati Thota  
Shukla, Shri Shiv Pratap  
Singh, Chaudhary Birender  
Singh, Shri Ajay Pratap  
Singh, Shri Amar  
Singh, Shri Gopal Narayan  
Singh, Shri K. Bhabananda  
Singh, Shri Veer  
Sinha, Shri R. K.  
Sinha, Shri Rakesh  
Soni, Shri Kailash  
Suresh Gopi, Shri

Soni, Shrimati Ambika  
Swain, Shri Narender Kumar  
Swamy, Dr. Subramanian  
Tasa, Shri Kamakhya Prasad  
Tendulkar, Shri Vinay Dinu  
Thakur, Dr. C.P.  
Thakur, Shri Ram Nath  
Tlau, Shri Ronald Sapa  
Tomar, Shri Vijay Pal Singh  
Tundiya, Mahant Shambhuprasadji  
Uikey, Shrimati Sampatiya  
Vaishnaw, Shri Ashwini  
Vats, Dr. D.P.  
Vemireddy, Shri Prabhakar Reddy  
Venkatesh, Shri T. G.  
Verma, Shri Ramkumar  
Verma, Shri Ram Prakash  
Yadav, Prof. Ram Gopal  
Yadav, Shri B. Lingaiah  
Yadav, Shri Bhupender  
Yadav, Dr. Chandrapal Singh  
Yadav, Shri Harnath Singh

*The motion was negatived.*

THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): Sir, I have just one point to make. Each Member, whosoever has given Amendment, will either ask for vote or will ask for some clarification. My request is that he should be given a few seconds before he makes a decision. Otherwise, once they don't get the time to seek clarifications, they press for vote. We can save a lot of time in this way. Everybody does not want to press for Division. They press for Division when they are not allowed to speak. So, if you do that, I think, 90 per cent Members will not press for Division.

MR. DEPUTY CHAIRMAN: I shall now put Clause 32 to vote.

*Clause 32 was added to the Bill.*

*Clauses 33 to 36 were added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 37, there is one Amendment (No. 56) by Dr. Harsh Vardhan.

**CLAUSE 37 - RECOGNITION OF MEDICAL QUALIFICATIONS GRANTED BY  
STATUTORY OR OTHER BODY IN INDIA**

DR. HARSH VARDHAN: Sir, I move:

(No. 56) That at page 18, line 24, *after* the words "qualification to be equivalent", the words "for the purposes of teaching also" be *inserted*.

*The question was put and the motion was adopted.*

*Clause 37, as amended, was added to the Bill.*

*Clauses 38 to 44 were added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 45, there is one Amendment (No. 22) by Shri Ripun Bora. Are you moving the Amendment?

SHRI RIPUN BORA: Sir, I just want one clarification that in this provision, the Central Government has powers to issue directions to the autonomous Board and to the Council. There is one line that their views will be taken as far as possible. My point is that the words, "as far as possible" may be misused. So, it should be deleted, and it should be mandatory that the views of the Board and the Commission should be taken by the Government before issuing any direction.

MR. DEPUTY CHAIRMAN: Are you moving the Amendment?

SHRI RIPUN BORA: I am not moving the Amendment.

*Clause 45 was added to the Bill.*

*Clauses 46 to 59 were added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 60, there are two Amendments; Amendment (No. 23) by Shri Ripun Bora, and Amendment (No. 24) by Shri Sanjay Singh. Shri Ripun Bora, are you moving the Amendment?

SHRI RIPUN BORA: Sir, I just want one clarification from the hon. Minister about Group B, C and D employees of the Medical Council of India, who will be terminated. After termination, will the hon. Minister take any steps to accommodate them in any other Department?

MR. DEPUTY CHAIRMAN: Are you moving the Amendment?

SHRI RIPUN BORA: I am not moving the Amendment.

DR. HARSH VARDHAN: Sir, while replying to the whole debate I had already answered this in great detail.

MR. DEPUTY CHAIRMAN: Shri Sanjay Singh, not present.

*Clause 60 was added to the Bill.*

*Clause 61 and the Schedule were added to the Bill.*

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

DR. HARSH VARDHAN: Sir, I move:

That the Bill, as amended, be passed.

*The question was put and the motion was adopted.*

MR. DEPUTY CHAIRMAN: Open the lobbies.

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**REGARDING EXTENSION OF SITTING TO PASS THE UNLAWFUL  
ACTIVITIES (PREVENTION) AMENDMENT, BILL 2019**

**विपक्ष के नेता (श्री गुलाम नबी आज़ाद):** ऑनरेबल डिप्टी चेयरमैन सर, 6 बजे रोज़ झगड़ा होता है, कल भी हुआ और परसों भी हुआ। आज हम झगड़ा नहीं करना चाहते हैं और यह परम्परा भी अच्छी नहीं है कि हर रोज़ टाइम को लेकर तू-तू, मैं-मैं हो। हमेशा से, आज नहीं, बल्कि जब यूपीए सत्ता में थी या एनडीए सत्ता में थी, जब भी विशेष बिल को या विशेष सब्जेक्ट पर 6 बजे के बाद बैठने की जरूरत होती है, तो हम हमेशा बैठते हैं। लेकिन जब से extended period हुआ, तब से वैसे ही सरकार को ज्यादा टाइम मिलता है, क्योंकि Question Hour का टाइम भी मिलता है। पहले बिल दो बजे शुरू होता था, अब वह 12 बजे से ही शुरू हो जाता है। जब से extended period हुआ, तब से रोज़ देर तक बैठना पड़ता है। अब कल दस मिनट कम नौ बजे खत्म हुआ। सब लोगों का 6 बजे के बाद कोई न कोई प्रोग्राम होता है, इसके कारण सब मीटिंग्स कैंसिल हुईं। जो मीटिंग सात-आठ बजे थी, वह हमें बारह-एक बजे तक करनी पड़ी। परसों भी हम आठ

بजे तक बैठे। मेरा माननीय होम मिनिस्टर से निवेदन है कि अभी 6 बजे हैं, इसलिए इस बिल को कल 11 बजे शुरू कीजिएगा। इसमें हमें कोई आपत्ति नहीं है। सब्जेक्ट पर discuss कीजिए। ...**(व्यवधान)**...

†**قائد حزب اختلاف (جناب غلام نبی آزاد) :** آنریبل ڈپٹی چیئرمین سر، چھ بجے روز جھگڑا ہوتا ہے، کل بھی ہوا اور پرسوں بھی ہوا۔ آج ہم جھگڑا نہیں کرنا چاہتے ہیں اور ہی پرمپرا بھی اچھی نہیں ہے کہ ہر روز ٹائم کو لیکر تو تو، می-می-بو۔ ہم شہ سے، آج نہیں، بلکہ جب ہی-ہی-ہی۔ ستھ می تھی ٹی ائی-ڈی-اے۔ ستھ می تھی، جب بھی وشریش بل کو ٹی وشریش سبجیکٹ پر چھ بجے کے بعد بیٹھنے کی ضرورت ہوتی ہے، تو ہم ہم شہ بیٹھتے ہیں۔ لیکن جب سے ایکسٹینڈ بھی ہوئی ہوا، تب سے ویسے ہی سرکار کو زیادہ ٹائم ملتا ہے، کہیں کہ کونشن آؤر کا ٹائم بھی ملتا ہے۔ پہلے بل دو بجے شروع ہوتا تھا، اب وہ بارہ بجے سے ہی شروع ہو جاتا ہے۔ جب سے ایکسٹینڈ ٹائم ہوا، تب سے روز دی تک بیٹھنا پڑتا ہے۔ اب کل دس منٹ کم ہو جئے ختم ہوا۔ سب لوگوں کا چھ بجے کے بعد کوئی نہ کوئی پروگرام ہوتا ہے، اس کی وجہ سے سب مٹنگس کٹسٹل ہوئیں۔ جو مٹنگ سات-آٹھ بجے تھی، وہ ہم ہی بارہ-ایک بجے تک کرنی پڑی۔ پرسوں بھی ہم آٹھ بجے تک بیٹھے۔ می امانتے ہوم منسٹر سے نوٹین ہے کہ ابھی چھ بجے ہی، اس لئے اس بل کو کل گیارہ بجے شروع کھئے۔ اس می کوئی آپتی نہیں ہے۔ سبجیکٹ پر ڈسکس کھئے۔۔۔(مداخلت)۔۔۔

SHRI VAIKO (Tamil Nadu): \*

MR. DEPUTY CHAIRMAN: Please do not intervene while LoP is speaking. ...*(Interruptions)*... No, it is not going on record. ...*(Interruptions)*... Let him speak.

SHRI VAIKO:\*

MR. DEPUTY CHAIRMAN: Please take your seat. ...*(Interruptions)*... The Leader of the Opposition and the Leader of the House are allowed without any interruptions. ...*(Interruptions)*... There are certain traditions of the House that need to be followed.

SHRI GHULAM NABI AZAD: Sir, what I am saying is that the time allotted for this Bill. ...*(Interruptions)*... but, do not take the House for a ride.

MR. DEPUTY CHAIRMAN: No, you please take your seat. ...*(Interruptions)*... you are not allowed by the Chair. ...*(Interruptions)*... The LoP is speaking. ...*(Interruptions)*... I have not allowed you. ...*(Interruptions)*... Please take your seat. ...*(Interruptions)*... Let him speak. ...*(Interruptions)*...

†Transliteration in Urdu Script.

\*Not recorded.



6.00 P.M.

SHRI VAIKO: \*

MR. DEPUTY CHAIRMAN: No, I have not allowed you. ...*(Interruptions)*... This is not going on record. ...*(Interruptions)*... whatever the LoP is saying only that is going on record.

SHRI GHULAM NABI AZAD: Sir, I am not speaking for the individuals, I am speaking for the parties here, that we will discuss it for four hours tomorrow. Even if we need, we will discuss it for five hours. We have no objection discussing this for four hours or five hours, if we discuss it tomorrow.

THE MINISTER OF PARLIAMENTARY AFFAIRS; THE MINISTER OF COAL; AND THE MINISTER OF MINES (SHRI PRALHAD JOSHI): Sir, through you, I would like to make an appeal to the House. This is the first Session after the General Elections. So many Bills had lapsed after being passed by the Lok Sabha. ...*(Interruptions)*... So many Bills had lapsed. We have only four working days and the Government has so much of Business. It is my earnest request to the House to extend the sitting for today and pass Item No. 2, *i.e.* the "Bill further to amend the Unlawful Activities (Prevention) Act, 1967. Sir, the third item, whatever is listed in the Business, we will take up tomorrow. But, it is the appeal of the Government to the entire House that the second item may be completed today and then we can adjourn the House. Please take the sense of the House. ...*(Interruptions)*...

SHRI GHULAM NABI AZAD: Sir, it is unjust and unfair on the part of the Government. Number one, you are getting the Bill passed without the scrutiny, and, then, you are doing it in the extended period. It is a double thing. ...*(Interruptions)*... We have accepted that we will discuss this Bill. You have not sent it to the Standing Committee, we are ready to discuss it during the day time, but not during the night time. ...*(Interruptions)*... We wanted this Bill to be sent to a Select Committee. You have not sent it. Okay. We are not pressing for that as of now, but, at least, you can start this Bill tomorrow. What is the harm? ...*(Interruptions)*...

पर्यावरण, वन और जलवायु परिवर्तन मंत्री; तथा सूचना और प्रसारण मंत्री (श्री प्रकाश जावडेकर): सर, आज पूरा देश राज्य सभा को बधाई दे रहा है कि लगातार काम हो रहा है। ...*(व्यवधान)*... यह अच्छा माहौल है, इसलिए ऐसा नहीं करना चाहिए कि अब रुकेंगे। क्योंकि विपक्ष ने जिस तरह से सहयोग दिया और चर्चा हो रही है, देश इसकी पूरी प्रशंसा कर रहा है।

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\*Not recorded.

...(व्यवधान)... यह backlog है। ...(व्यवधान)... सर, यह backlog है। ...(व्यवधान)... यह तो दो साल का backlog है। ...(व्यवधान)... इसलिए, रोज़ दो बिल पूरे करने चाहिए, यह मेरा आग्रह है।

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### MESSAGE FROM LOK SABHA

#### The Insolvency and Bankruptcy Code (Amendment) Bill, 2019

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:-

"In accordance with the provisions of rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 1st August, 2019, agreed without any amendment to the Insolvency and Bankruptcy Code (Amendment) Bill, 2019, which was passed by Rajya Sabha at its sitting held on the 29th July, 2019."

PROF. MANOJ KUMAR JHA (Bihar): Sir, I have a point of order. Sir, there is a protocol in this House that when the Leader of the House, when the Prime Minister... Let me finish. ...(Interruptions)...

Sir, I saw two very ugly scenes today. One was pertaining to language. Sir, we have suffered a lot since 1960s. Sir, this House must set the bar. When the Leader of the Opposition stands, when the hon. Prime Minister stands...

MR. DEPUTY CHAIRMAN: Please be brief.

PROF. MANOJ KUMAR JHA: We may have difference. It was in that context that I wanted to put my views on record.

MR. DEPUTY CHAIRMAN: Thank you. Now, I move to the Unlawful Activities (Prevention) Amendment Bill, 2019. ...(Interruptions)...

SHRI DEREK O'BRIEN (West Bengal): Sir, I have a point of order. Sir, we have no problem. The House is running. I have a humble request. You run the House, but before you run the House, please look at Rule 37, and, seek the permission to extend the time. Make an announcement and then run the House. That is the *parampara*. Thank you. ...(Interruptions)... You have to do that. Run the House but please do it. ...(Interruptions)...

SHRI GHULAM NABI AZAD: We can sit till 7.00 p.m. today and continue the discussion tomorrow. ...(*Interruptions*)...

THE MINISTER OF PARLIAMENTARY AFFAIRS; THE MINISTER OF COAL; AND THE MINISTER OF MINES (SHRI PRALHAD JOSHI): Sir, today, we will continue till item no. 2 is completed. We will dispose of the item no. 2, that is, the Unlawful Activities (Prevention) Amendment Bill, 2019. ...(*Interruptions*)... जब तक वह पूरा नहीं होगा, तब तक हम आज का कामकाज पूरा करेंगे। ...(*व्यवधान*)...

THE MINISTER OF RAILWAYS AND THE MINISTER OF COMMERCE AND INDUSTRY (SHRI PIYUSH GOYAL): Sir, we will withdraw many of our speakers so that we can do it faster. ...(*Interruptions*)... We will withdraw many of our speakers. ...(*Interruptions*)... We will withdraw many of our speakers and only one person will speak so that we can do it faster. ...(*Interruptions*)...

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**GOVERNMENT BILLS - Contd.**

**The Unlawful Activities (Prevention) Amendment Bill - 2019**

MR. DEPUTY CHAIRMAN: So, let us now move to the Unlawful Activities (Prevention) Amendment Bill, 2019. ...(*Interruptions*)... Shri G. Kishan Reddy to move a motion for consideration of the Unlawful Activities (Prevention) Amendment Bill, 2019. Hon. Minister, please move. ...(*Interruptions*)...

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI G. KISHAN REDDY): Sir, I move:

"That the Bill further to amend the Unlawful Activities (Prevention) Act, 1967, as passed by Lok Sabha, be taken into consideration."

MR. DEPUTY CHAIRMAN: Motion moved. There are five Amendments by Shri Elamaram Kareem, Shri Binoy Viswam, Shri Vaiko, Shri K.K. Ragesh and Shri Tiruchi Siva for reference of the Unlawful Activities (Prevention) Amendment Bill, 2019, as passed by Lok Sabha, to a Select Committee of the Rajya Sabha. Members may move the Amendments at this stage without any speech. While moving the Amendments, these Members have to provide the names of the Members who will be on the Select Committee. Shri Elamaram Kareem, are you moving? ...(*Interruptions*)...

SHRI BINOY VISWAM: Sir, I move the. ...(*Interruptions*)...

SHRI ELAMARAM KAREEM: Sir, I move the ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: You have not given the names. ...(*Interruptions*)...

SHRI K.K. RAGESH: Sir, I have already given the names. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: I will come to you. ...(*Interruptions*)...

SHRI DIGVIJAYA SINGH (Madhya Pradesh): Sir, I am on a point of order. ...(*Interruptions*)... Just one minute, Sir. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Digvijayaji, please wait for one minute. ...(*Interruptions*)... You have not given the name of the Members on Select Committee, so, it would be infructuous. ...(*Interruptions*)... It would be infructuous. ...(*Interruptions*)... I shall now put the Amendment given by Shri Vaiko. You have given the names. You have to move the amendment. Just move it.

SHRI VAIKO: Sir, I move:

"That the Bill further to amend the Unlawful Activities (Prevention) Act, 1967, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

1. Shri Tiruchi Siva
2. Shri T. K. Rangarajan
3. Shri Manish Gupta
4. Prof. Manoj Kumar Jha
5. Shri Sanjay Singh
6. Shri Rewati Raman Singh
7. Shri Bhubaneswar Kalita
8. Shri Binoy Viswam
9. Shrimati Vandana Chavan
10. Ms. Dola Sen

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha".

MR. DEPUTY CHAIRMAN: I shall now take up the Amendment by Shri K.K. Ragesh. ...(*Interruptions*)...

SHRI DIGVIJAYA SINGH: Sir, I have a point of order. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: I will call you. ...(*Interruptions*)... Let him move, then, I will call you. ...(*Interruptions*)... Now, Amendment by Shri K.K. Ragesh. ...(*Interruptions*)... You have not given the names. ...(*Interruptions*)...

SHRI K.K. RAGESH: Sir, I have already submitted the names. Yesterday, it was submitted.

MR. DEPUTY CHAIRMAN: Is it there? I don't have the names with me.

SHRI K.K. RAGESH: It was already submitted yesterday.

MR. DEPUTY CHAIRMAN: Are you moving?

SHRI K.K. RAGESH: Sir, I move:

"That the Bill further to amend the Unlawful Activities (Prevention) Act, 1967, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

1. Shri K. K. Ragesh
2. Shri Anand Sharma
3. Shri Sukhendu Sekhar Ray
4. Shri Tiruchi Siva
5. Prof. Manoj Kumar Jha
6. Shri Sanjay Singh
7. Shri Binoy Viswam
8. Dr. K. Keshava Rao
9. Shri Abdul Wahab
10. Shri Jose K. Mani
11. Shri B.K. Hariprasad
12. Dr. Ameer Yajnik

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha".

MR. DEPUTY CHAIRMAN: The motion for consideration of the Unlawful Activities (Prevention) Amendment Bill, 2019, as passed by Lok Sabha and the amendments moved

thereto are now open for discussion. ...(Interruptions)... Please, माननीय दिग्विजय जी, कुछ कहना चाहते हैं। ...(Interruptions)...

SHRI TIRUCHI SIVA: Sir, where are my Amendments? ...(Interruptions)...

MR. DEPUTY CHAIRMAN: One minute. Do you have Amendments? ...(Interruptions)... It was in the papers. It was not given to me. ...(Interruptions)... I shall now take up the Amendment moved by Shri Tiruchi Siva. Are you moving?

SHRI TIRUCHI SIVA: Sir, I move:

"That the Bill further to amend the Unlawful Activities (Prevention) Act, 1967, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

1. Shri Tiruchi Siva
2. Shri Bhubaneswar Kalita
3. Shri Derek O'Brien
4. Shri K.K. Ragesh
5. Prof. Manoj Kumar Jha
6. Shri Sanjay Singh
7. Shri Binoy Viswam
8. Shri Vaiko
9. Shri K.T.S. Tulsi
10. Shrimati Vandana Chavan
11. Dr. L. Hanumanthaiah

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha".

*The questions were proposed.*

SHRI DIGVIJAYA SINGH: Sir, my humble request to you is this. As per Rule 37 of the Rules Book mentioned by Shri Derek O'Brien, as a practice, you should take the sense of the House from each leader of the political parties before deciding one way or the other. This is my request to you, Sir. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: I think, we have moved and there is. ...(Interruptions)...

SHRI DIGVIJAYA SINGH: Sir, this is the practice. ...*(Interruptions)*... This is the way the sense of the House is taken. ...*(Interruptions)*... Each leader of the political parties is represented here. *(Interruptions)*. You should take the sense of the House whether they are ready or not. ...*(Interruptions)*... It is not a question of majority. ...*(Interruptions)*...

पर्यावरण, वन और जलवायु परिवर्तन मंत्री; तथा सूचना और प्रसारण मंत्री (श्री प्रकाश जावडेकर): सर, उसके बाद अमेंडमेंट पर वोटिंग भी हुई।

श्री उपसभापति: माननीय दिग्विजय जी, मैंने sense of the House लिया, समझा और आपसे कहा।

श्री प्रकाश जावडेकर: सर, वोटिंग भी हो गई है, हम आगे बढ़े हैं।

SHRI DIGVIJAYA SINGH: No, Sir. ...*(Interruptions)*... You have not taken the sense of the House. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Shri Kapil Sibal. ...*(Interruptions)*...

SHRI DIGVIJAYA SINGH: Take the sense of the House. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Shri Prabhat Jha. ...*(Interruptions)*...

SHRI DIGVIJAYA SINGH: I am quoting from convention. ...*(Interruptions)*... Please follow the convention. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Shri Prabhat Jha. ...*(Interruptions)*... Shri Prabhat Jha. ...*(Interruptions)*...

श्री प्रभात झा (मध्य प्रदेश): माननीय उपसभापति महोदय, ...*(व्यवधान)*...

SHRI DIGVIJAYA SINGH: Sir, you have not responded to my point of order. ...*(Interruptions)*... We were moving. ...*(Interruptions)*...

श्री उपसभापति: माननीय दिग्विजय जी, मैंने बहुत स्पष्ट रूप से बताया कि जैसा माननीय मंत्री जी ने कहा, उसके बाद सबकी sense लेकर मैंने ग्रहण किया कि यह हाउस चलेगा और इसी कारण चल रहा है। ...*(व्यवधान)*... झा साहब, अब आप बोलें।...*(व्यवधान)*...

श्री प्रभात झा (मध्य प्रदेश): उपसभापति महोदय, मैं सदन में उपस्थित the Unlawful Activities (Prevention) Amendment Bill, 2019 पर बोलने के लिए खड़ा हुआ हूँ। हमारा देश वर्षों से आतंकवाद से जूझ रहा है। ...*(व्यवधान)*... देश में हुई एक छोटी सी भूल के कारण, आजादी के बाद देश में जो घटना घटी, उसका खामियाजा आज पूरे देश को भुगतना

पड़ रहा है। वह आतंकवाद का मामला था। यह आतंकवाद कहां से पैदा हुआ - आतंकवाद हमारी गलतियों के कारण पैदा हुआ। मैं दावे के साथ कहता हूँ कि अगर देश में आतंकवाद नहीं होता, जिस तरह आज हम कहते हैं कि भारत दुनिया में तीसरे नम्बर पर आना चाहता है, तो दूसरे देश कहते कि भारत पहले स्थान पर रहे और हमें तीसरे स्थान पर आना है - ऐसी स्थिति बनती। यह समझने की बात है कि आतंकवाद के कारण आज 135 करोड़ आबादी वाले देश का एक-एक आदमी परेशान है। आतंकवाद से सभी लोग परेशान हैं। मुझे लगता है कि हम सबको इसे गौर से देखना चाहिए। जब विश्व में हम कहीं जाते हैं, भारत के प्रधान मंत्री ने पिछले 5 वर्षों में विश्व के हर मंच पर, हर देश में जहां वे गए, वहां आतंकवाद पर बात करके पूरे विश्व का ध्यान इस समस्या की तरफ आकर्षित किया है। यही कारण है कि आज पाकिस्तान पूरी तरह से विश्व में isolated हो चुका है। अगर इसका श्रेय किसी को जाता है, तो देश के प्रधान मंत्री, नरेन्द्र मोदी जी को जाता है। चाहे कोई देश रहा हो - चीन हो, रशिया हो, अमेरिका हो, यू .एन.ओ. का मंच हो, जी-20 हो - हर मंच पर उन्होंने कहा कि आज विश्व की सबसे बड़ी समस्या आतंकवाद है। आपको सुनकर आश्चर्य होगा कि आतंकवाद के कारण विगत 28 सालों में पूरे विश्व में 55 लाख करोड़ रुपए का नुकसान हुआ है। यह रिपोर्ट **Global Terrorism Index** के अनुसार है, जिसमें कहा गया है कि 2001 से लेकर 2017 तक दुनिया की अर्थव्यवस्था को 55.82 लाख करोड़ रुपए का नुकसान पहुंचा है। यह सामान्य बात नहीं है। यदि आतंकवाद न होता तो भारत कहां से कहां पहुंच गया होता। आतंकवाद के कारण 2014 में अर्थव्यवस्था को होने वाली क्षति 108 अरब डॉलर यानी 7.52 लाख करोड़ रुपए तक पहुंच गई थी। अमेरिका की ट्रेड टॉवर पर 9/11 को जो आतंकी हमला हुआ था, उससे अल-कायदा को 4 से 5 लाख डॉलर का खर्च आया, लेकिन उस हमले ने अमेरिका को हिलाकर रख दिया था। हमारे देश के भूतपूर्व राष्ट्रपति, श्री ए.पी.जे. अब्दुल कलाम ने स्वयं एक सेमिनार में आतंकवाद पर चिन्ता व्यक्त की थी। हम जब भी आतंकवाद की बात करते हैं, उसे अल्पसंख्यकवाद से जोड़ दिया जाता है - ऐसा नहीं होना चाहिए। डा. ए.पी.जे. अब्दुल कलाम ने स्पष्ट कहा था कि इस देश की सबसे बड़ी बीमारी आतंकवाद है। इसे किसी चश्मे से नहीं देखना चाहिए और आतंकवाद को कुचलने के लिए कठोर से कठोर कानून बनाना चाहिए। इसीलिए सदन में जो बिल आया है, वह आतंकवाद को कुचलने के लिए लाया गया है। यहां मैं बताना चाहता हूँ कि इस देश पर एक नहीं अनेक आतंकी हमले हुए हैं। मुम्बई सीरियल ब्लास्ट 12 मई, 1993 को हुआ। कोयम्बटूर धमाका 14 जनवरी, 1998 को हुआ, 3 नवंबर, 1999 को श्रीनगर के बादाम बाग में हमला हुआ, जम्मू-कश्मीर विधान सभा पर 1 अक्टूबर, 2001 को हमला हुआ, भारतीय संसद, जहां हम बैठे हैं, उस पर 13 दिसंबर 2001 को हमला हुआ। लश्कर-ए-तैयबा और जैश-ए-मोहम्मद के पांच आतंकवादियों ने भारत के सबसे बड़े सुरक्षित माने जाने वाले इस लोकतंत्र के मंदिर पर सबसे बड़ा हमला किया था। इतना ही नहीं 14 मई, 2002 को जम्मू-कश्मीर के कालुचक में हुए हमले में 21 जवान शहीद हुए थे। अक्षरधाम मंदिर पर 24 सितम्बर, 2002 को हमला हुआ, 22 जुलाई, 2003 को जम्मू-कश्मीर के अखनूर



[श्री प्रभात झा]

में हमला हुआ। सर, ये घटनाएं क्या हैं? ये घटनाएं भारत को हिला देने वाली घटनाएं थीं। दिल्ली सीरियल बम ब्लास्ट 29 अक्टूबर, 2005 को हुआ, दो दिन में आतंकवादियों ने तीन बम धमाके किए। मुंबई में 11 जुलाई, 2006 को ट्रेन धमाका हुआ। मुंबई की लोकल ट्रेन्स में अलग-अलग सात बम विस्फोट हुए। महाराष्ट्र के मालेगांव में 8 दिसम्बर, 2006 को हुए धमाकों में 32 लोग मारे गए। 5 अक्टूबर, 2006 को श्रीनगर में हुए हमले में सात सुरक्षाकर्मी शहीद हुए। भारत और पाकिस्तान के बीच चलने वाली समझौता एक्सप्रेस में 19 फरवरी, 2007 को हुए धमाके में 68 यात्री मारे गए। आंध्र प्रदेश... यह मैं इसलिए बता रहा हूं, क्योंकि भारत का कोई भी कोना ऐसा नहीं है, जो आतंकवाद से पीड़ित से न हो, इसलिए यह जो कानून लाया गया है, इस पर पूरा ध्यान देकर, इसको किसी दूसरी निगाह से नहीं देखना चाहिए। आतंकवाद की कोई जात नहीं होती है, उसका कोई धर्म नहीं होता है। हम कभी नहीं कहते कि फलां आतंकवादी, फलां आतंकवादी, लेकिन क्या इस बात से इंकार किया जा सकता है? आतंकवाद का दुख किसको नहीं है? भारत का एक-एक व्यक्ति आतंकवाद से दुखी है। कितने पैसे खर्च हो रहे हैं, कितनी चीजें हो रही हैं? जब से श्री अमित शाह जी गृहमंत्री बने, तो देश में अचानक वातावरण बदला है। मैं उनके सामने यह बात कहना उचित नहीं समझता हूं, लेकिन मुझे कहना पड़ रहा है। आज भारत की निगाहें, भारत सरकार के गृह मंत्रालय पर हैं और सब को यह विश्वास है कि आतंकवाद का खात्मा अगर होगा, तो इसी गृह मंत्रालय और इसी गृह मंत्री के नेतृत्व में होगा।

उपसभापति महोदय, गैर-कानूनी गतिविधियां (निवारण)संशोधन विधेयक, 2019 में मुख्य चार-पांच कानूनों का प्रावधान रखा गया है। आतंक की गतिविधियों को संयुक्त होने की आशंका के आधार पर किसी अकेले व्यक्ति को आतंकी घोषित किया जाएगा। अब ये बार-बार कहते हैं कि...आपने भी तो वर्ष 2003, वर्ष 2009 और वर्ष 2013 में अनेक संशोधन किए, हम भी संशोधन लाए हैं। क्या आतंकवाद से लड़ने की ताकत, लड़ने की बात आप नहीं कहते हैं? कौन इसका विरोध करेगा? भारत लहलुहान है। भारत के हर राज्य में लहू बह रहा है। कभी भी कोई घटना होती है, लेकिन आज स्थिति बदली है और यह कानून मजबूत होगा, तो आतंकवादी... कोई आरोप लगाने की बात नहीं है, इसमें कहा गया है कि आतंकियों की आर्थिक और वैचारिक मदद करने वालों और आतंकवाद के सिद्धांत का प्रचार करने वालों को भी आतंकवादी घोषित किया जाएगा। क्या भारत का कोई व्यक्ति यह चाहता है कि हम आतंकवाद के खिलाफ न लड़ें? हर व्यक्ति चाहता है कि हम आतंकवाद के खिलाफ लड़ें और जब हम चाहते हैं, तो एक साथ भारत की आवाज़ उठनी चाहिए। जब विश्व में एक आवाज़ हो सकती है, विश्व के लोग और हमारे प्रधान मंत्री विश्व में जा-जा कर एक राष्ट्र को पूरी तरह से, जो जनक हैं... आपने देखा उरी में घटना हुई। उरी में एक बार एयर स्ट्राइक हुआ, हालत खराब हुई, भारत ने और विश्व ने भारत के साथ खड़ा होने का निर्णय किया और किसी ने भी हमारा विरोध नहीं किया। उसके बाद पुलवामा में घटना हुई, वहां पर सर्जिकल स्ट्राइक हुई, उसका जवाब दिया। आतंकवाद का जवाब डर कर नहीं हो सकता

है, उसका जवाब अच्छे, कठोर कानून बनाकर हो सकता है और उसकी शुरुआत आज इस बिल के माध्यम से की गई है। मैं गृह मंत्री जी को बधाई देना चाहता हूँ। आतंकवाद के मामले में एन.आई.ए. के इंस्पेक्टर स्तर के अधिकारी को जांच का अधिकार दिया जाता है। इसमें कौन-सी बड़ी बात है। अगर हम एन.आई.ए. को ताकतवर नहीं बनाएंगे, जो सबसे बड़ी एजेंसी है, तो किसको ताकतवर बनाएंगे और इसलिए उसका ताकतवर होना बहुत अनिवार्य है। उसकी ताकत बढ़ेगी, तो आतंकवाद भी धीरे-धीरे खत्म होगा। आतंकवादी गतिविधियों पर संपत्ति जब्त करने के पहले एन.आई.ए. को अपने महानिदेशक से मंजूरी लेनी होगी।

उपसभापति महोदय, प्रस्ताव में संशोधनों का उद्देश्य आतंकी अपराधों को त्वरित जांच अभियोजन की सुविधा प्रदान करना है। और आतंकी गतिविधियों में शामिल व्यक्ति को आतंकवादी घोषित करने का प्रावधान प्रदान करना है। अगर डर नहीं होगा, तो ये घटनाएं होंगी। पहली बार अमरनाथ यात्रा में कोई भी दुर्घटना नहीं हुई है, अगर यह श्रेय जाता है तो भारत के गृह मंत्रालय और उनके द्वारा पूर्व में लिए गए निर्णयों को जाता है। नहीं तो कितनी घटनाएं होती थीं। लोग कहते थे, हम अमरनाथ यात्रा पर नहीं जाएंगे और अब peacefully सारी यात्रा सम्पन्न हुई है।

उपसभापति महोदय, किसी कानून में व्यक्तिगत आतंकवादी को नामित करने का कोई प्रावधान नहीं है, इसलिए जब किसी आतंकवादी संगठन पर प्रतिबंध लगाया जाता है तो उसके सदस्य एक नया संगठन बना लेते हैं। पहले हम संगठन को रोकते थे तो एक नया व्यक्ति संगठन बना लेता था, लेकिन अब व्यक्ति पकड़ा जाएगा और जब व्यक्ति पकड़ा जाएगा तो आतंकवाद पर अंकुश लगेगा। यहां पर संदेह व्यक्त किया जाता है कि हम किसी को भी पकड़ लेंगे। सर, आतंकवाद के मामले में सारे देश को एक स्वर में बात करनी चाहिए और यह बात मैं इसलिए कह रहा हूँ कि यह न बीजेपी की समस्या है, न कांग्रेस की - यह पूरे राष्ट्र की समस्या है। जैसा माननीय गृह मंत्री जी ने लोक सभा में कहा, "आतंकवाद व्यक्ति की मंशा का होता है, आतंकवाद संस्थाओं में नहीं होता है इसलिए आतंकवाद से जुड़े व्यक्ति को आतंकवादी घोषित करने के प्रावधान की बहुत ज्यादा जरूरत है और इसके लिए संयुक्त राष्ट्र और अन्य राष्ट्रों, चीन, अमेरिका, फ्रांस और ब्रिटेन के समान प्रावधान किए गए हैं। इसलिए ये बातें की जा रही हैं। आतंक विरोधी कानून में अब तक सिर्फ यह प्रावधान था कि वह किसी समूह को प्रतिबंधित कर सकता था, लेकिन किसी को व्यक्तिगत तौर पर नहीं। उसके बाद कुछ ऐसे न्यायिक फैसले आए जिनमें प्रतिबंधित संगठनों से जुड़े हुए लोगों को सजा दिलाना कठिन साबित हो रहा था।

उपसभापति महोदय, इस संशोधन के बाद अब किसी को व्यक्तिगत तौर पर आतंकी घोषित किया जा सकेगा। संशोधित कानून के तहत संगठनों के साथ-साथ व्यक्तियों को भी आतंकी घोषित किया जा सकता है और आज इसकी आवश्यकता भी है। इसका उदाहरण है, यासीन भटकल जैसा आतंकवादी, जो काफी वर्षों तक radar में था। अगर उसे आतंकवादी घोषित कर दिया गया होता तो उसे बहुत पहले ही पकड़ लिया जाता, लेकिन ऐसा नहीं

[श्री प्रभात झा]

हुआ। हम लोग ऐसा नहीं कर पाए, जैसा माननीय गृह मंत्री जी ने लोक सभा में कहा है। पिछले पांच वर्षों के दौरान आतंकवाद हमारी सरकार के प्राथमिक एजेंडे में था। पूरे विश्व में नरेन्द्र मोदी जी ने इस बात को उठाया - लोग हंसी-मज़ाक में लोग बोल देते थे, लेकिन सवाल यह नहीं है - भारत में ही नहीं, विश्व में आतंकवाद के खिलाफ हर मंच पर एक सूत्री कार्यक्रम अगर किसी ने चलाया और सबका समर्थन हासिल किया है तो उस बड़े व्यक्तित्व का नाम है - नरेन्द्र मोदी, नरेन्द्र मोदी और नरेन्द्र मोदी। पिछले पांच वर्षों के दौरान हमारी सरकार ने पूरे देश में आतंकवाद को समाप्त करने के लिए निरंतर प्रयास किए हैं। पाकिस्तान द्वारा विशेष रूप से जम्मू-कश्मीर में राज्य प्रायोजित आतंकवाद से दृढ़ता और प्रभावी ढंग से निपटा गया है। आज जब मैं आपके सामने यहां पर इस विषय पर बोल रहा हूँ, तो मैं बताना चाहता हूँ कि आज सुबह भी अनेक आतंकवादी ढेर हुए हैं। आप सब जानते हैं, मैं आरोप नहीं लगाना चाहता, लेकिन पहले सैनिकों के सिर काटकर फेंक दिए जाते थे और चुनौती दी जाती थी - अब सिर काटने की बात तो दूर है, उन्हें लगता है कि हमारा सिर न कट जाए, इसलिए ऐसी घटनाएं कम हुई हैं। किसी ने सोचा था कि आतंकवादी स्थलों को पूरी तरह से नष्ट किया जाएगा? सर्जिकल स्ट्राइक में क्या हुआ था? कहने के लिए राजनैतिक तौर पर लोग विरोध कर रहे हैं, लेकिन सच्चाई क्या है? जहां से आतंकवाद पैदा होता है, वहां पर सर्जिकल स्ट्राइक करके नरेन्द्र मोदी जी ने भारत के 130 करोड़ लोगों का सम्मान दिखाया और भारतीय सेना ने अपना सम्मान दिखाया। इस तरह से आतंकवाद के खिलाफ लड़ाई लड़ी जाती है। इसलिए आज पूरा विश्व हमारे साथ खड़ा होता है, किसी ने इस पर कोई टीका-टिप्पणी नहीं की, लेकिन दुर्भाग्य के साथ कहना पड़ रहा है कि इस पर टीका-टिप्पणी उन्होंने की, जिन्हें नरेन्द्र मोदी जी का हाथ पकड़कर कहना चाहिए था कि प्रधान मंत्री जी, हम इस लड़ाई में आपके साथ हैं। आतंकवाद भारत की मिट्टी से मिटकर रहेगा - जब तक नहीं मिटेगा, तब तक राजनीति से ऊपर उठकर हम बात करेंगे। क्या यह कहने की सामर्थ्य हममें हो सकती है? मुझे लगता है कि अब धीरे-धीरे हम सबको अपना मन बदलना होगा।

उपसभापति महोदय, वर्तमान में जो कानून है, उसकी धारा 25 के अनुसार, आतंकवाद की कार्यवाही का प्रतिनिधित्व करने वाली सम्पत्ति को केवल उस राज्य के डीजीपी द्वारा लिखित अनुमोदन के साथ जब्त किया जा सकता है, जिसमें ऐसी सम्पत्ति स्थित है। कई बार आतंकी विभिन्न राज्यों में अपनी सम्पत्ति ले जाते हैं और वहां पर उसे रखते हैं। ऐसे मामलों में अलग-अलग राज्यों में डीजीपी की मंजूरी लेना बहुत मुश्किल हो जाता है। जिसके कारण होने वाली देरी से अभियुक्तों की संपत्ति आदि को स्थानांतरित किया जा सकता है। इसलिए जल्द से जल्द आतंकवाद की कार्यवाही का प्रतिनिधित्व करने वाली संपत्तियों को जब्त करना आवश्यक कदम हो जाता है। कानून में संशोधन, डीजी, एनआईए को ऐसी संपत्ति को जब्त करने का अधिकार देना है। इसमें क्या गलत है? क्या एनआईए को अधिकार नहीं होना चाहिए? क्या आतंकवादियों को छूट देनी चाहिए? क्या भारत को लहलुहान होने देना चाहिए?

इसीलिए यह कठोर कानून आतंकवाद के लिए है और आतंकवाद भारत की सबसे बड़ी समस्या है। इस समस्या को हटाने के लिए अगर यह बिल आया है, तो इस बिल का तहेदिल से हम सभी को समर्थन करना चाहिए।

उपसभापति महोदय, वर्तमान में जो कानून है, उसकी धारा 43 के अध्याय 4 और अध्याय 6 के अनुसार ...**(समय की घंटी)**... डीएसपी या समकक्ष पद से नीचे कोई अधिकारी यूएपीए के तहत अपराधों की जांच करने के लिए सक्षम नहीं है। एनआईए को डीएसपी की कमी का सामना करना पड़ता है। उनके पास इतनी फोर्स नहीं है, एनआईए के पास 57 स्वीकृत पदों के मुकाबले सिर्फ 29 डीएसपी हैं और 105 स्वीकृत पदों के मुकाबले 90 निरीक्षक हैं। इसीलिए डीएसपी स्तर के व्यक्ति की बात कही गई है। यह संशोधन भारत के हित में है, एक-एक भारतीय के हित में है, भारतमाता के हित में है। अगर विरोध में है, तो सिर्फ आतंकवादी और आतंकवाद के उन अड्डों के विरोध में है। इसलिए एनआईए की ताकत और इसमें जितने संशोधन हुए हैं... मुझे पूरा भरोसा है कि आप सब मिलकर..., क्योंकि देखिए आतंकवाद के बारे में सभी लोग बात करते हैं, सभी कहते हैं, जब कांग्रेस थी, तो उन्होंने भी कोशिश की होगी, लेकिन यदि मेरे दांत नहीं हैं या दांत तोड़कर आप मुझे सुपारी खाने के लिए कहेंगे, तो यह मेरे साथ न्याय नहीं होगा। न्याय तब होगा, जब दांत देने पड़ेंगे।...

**श्री उपसभापति:** प्रभात जी, अब आप कन्क्लूड कीजिए।

**श्री प्रभात झा:** वर्तमान सरकार, नरेन्द्र मोदी जी की सरकार ने आज दांत देने की कोशिश की है। ...**(समय की घंटी)**...

**श्री उपसभापति:** प्रभात जी, अब कन्क्लूड कीजिए।

**श्री प्रभात झा:** आतंकवाद को जड़-मूल से नष्ट करने के लिए यह बिल लाया गया है। मुझे पूरा भरोसा है कि हम सब मिलकर इसका समर्थन करेंगे।

**श्री उपसभापति:** माननीय कपिल सिब्बल जी।

SHRI KAPIL SIBAL (Uttar Pradesh): Sir, thank you very much for giving me this opportunity. I would first request the Home Minister to agree to send this Bill to a Select Committee. If that is not agreed upon, I stand here to oppose the Bill. सर, सबसे पहले मैं यह कहना चाहता हूँ कि सदन में कोई ऐसा सदस्य नहीं होगा, जो कभी आतंकवाद के हक में बोले। हम सब एक हैं। आतंकवाद के खिलाफ लड़ाई लड़नी है, आतंकियों को खत्म करना है, इसमें कोई दोराय नहीं हैं। मैं समझता हूँ कि ऐसे बिल हम ही लाए थे। 1967 में यह बिल हम लाए थे और उसके बाद आपको याद होगा कि 1985 में, जब 1984 में इंदिरा जी की हत्या हुई, तो 'टाडा' भी हम ही लाए थे। उसके बाद 2001 में जब पार्लियामेंट में अटैक हुआ, तो 2002 में 'पोटा' आप लोग लाए थे। फिर

[Shri Kapil Bibal]

इस बिल में 2004, 2008 और 2013 में संशोधन किया, और आज आप एक और संशोधन लेकर यहां आए हैं। हमें इस बात पर गौर करना होगा कि इन बिलों का क्या अनुभव रहा है? इसके पीछे घटनाएं भी हुई हैं, जब 1967 में बिल लाया गया, तो उस समय, शायद आपको याद है या नहीं, एक कमेटी बनी थी under the Integration Council. That committee was the Committee of Integration and Regionalism. They gave a suggestion कि हमें Article 19 में संशोधन करना चाहिए to bring in 19(2), 19(3), and 19(4), the provision 'sovereignty and integrity of India'. 1967 से पहले 19(2), 19(3), 19(4) में यह 'sovereignty and integrity of India' प्रोविज़न नहीं था।

(उपसभाध्यक्ष, डा. सत्यनारायण जटिया पीठासीन हुए)

जब हम as a Member of Parliament oath लेते थे, वहां भी sovereignty and integrity नहीं था। 1967 के बाद यह उसमें रखा गया, क्यों रखा गया? क्योंकि उस समय इस देश में एक secessionist movement चल रहा था और इसलिए यह बिल लाया गया। जैसे मैंने कहा कि 1984 में इंदिरा जी की हत्या हुई, तो हम लोग 'टाडा' लेकर आए। आपको याद होगा कि "टाडा" 1989 तक चला और फिर उसके बाद हमने 1991 तक extend किया, फिर हमने उसे 1993 तक extend किया और फिर 1995 में वह लैप्स हो गया। वह क्यों लैप्स हुआ, क्योंकि हमने देखा और हमारा अनुभव यह था कि यह कानून तो अच्छा है, लेकिन इसका घोर दुरुपयोग हो रहा है। मैं आपको वे आंकड़े दे भी सकता हूँ, लेकिन ज्यादा वक्त नहीं है, क्योंकि हमारे बाकी के दो सदस्य भी बोलेंगे। उसका घोर दुरुपयोग हुआ और इसीलिए वह लैप्स कर दिया गया। जब 2001 में पार्लियामेंट पर अटैक हुआ, तो फिर हम "पोटा" कानून लाए और उसका भी घोर दुरुपयोग हुआ और फिर, 2004 में हमने "पोटा" को रद्द किया, "पोटा" को खत्म किया।

उपसभाध्यक्ष जी, मैं आपके माध्यम से माननीय मंत्री जी को इतना बताना चाहता हूँ, क्योंकि मेरे पास कुछ फिगर्स हैं और आपने उस सदन में बोला था कि ऐसे बिलों का कभी दुरुपयोग नहीं हुआ। मैं केवल इसी बिल की बात करता हूँ। Unlawful Activities (Prevention) Act of 1967, मेरे पास कुछ आंकड़े हैं और वे मेरे अपने आंकड़े नहीं हैं। ये नेशनल क्राइम रिकॉर्ड ब्यूरो के 2014, 2015 और 2016 के आंकड़े हैं। मैं इन आंकड़ों के बारे में आपको कुछ बताना चाहता हूँ कि इस कानून के अंतर्गत 2014 में, जो पेंडिंग केसेज़ थे, जो ट्रायल केसेज़ थे, वे लगभग 1,144 थे और उनमें से जो try हुए, वे केवल 106 थे और उनमें से conviction कितनी हुई, 33 केस complete हुए और 9 लोगों की conviction हुई और 24 acquit हुए, मतलब कि percentage of acquittals was 73 per cent and 27.3 per cent was the rate of conviction. अब हम 2015 की बात करते हैं। वर्ष 2015 में 1,209 पेंडिंग केसेज़ रहे, जिनके ट्रायल complete हुए, वे 76 केसेज़ थे, जो convict लोग हुए, उनकी संख्या 11 थी और जो लोग acquit हुए, उनकी संख्या 65 थी। What was the

rate of conviction? It was 14.5 per cent. इसी कानून के अंतर्गत यह हुआ है। फिर आप 2016 में आ जाइए, 1,256 केसेज़ पेंडिंग थे, उसमें से 33 ट्रायल complete हुए, उसमें से 11 convict हुए और 22 acquit हुए, rate of conviction 33 परसेंट रहा। इसका मतलब क्या है? हमें क्या अनुभव हुआ? एक तो ट्रायल होते ही नहीं हैं, इसमें बेल मिलती ही नहीं है, लोग सात-सात साल, दस-दस साल जेल में रहते हैं। जब acquittal हो जाता है, तो सात साल बाद जेल से बाहर आते हैं। इस पर सदन को गौर करना पड़ेगा कि कब-कब ऐसा हम काम करते रहे हैं। कानून होना चाहिए, लेकिन कुछ प्रावधान उसमें ऐसे भी होने चाहिए कि लोग सात-सात साल, आठ-आठ साल जेल में न रहें। अगर आपका rate of conviction 14, 15, 16, 17 और 20-30 परसेंट रहेगा और 70 परसेंट acquit हो जाएंगे और वे सात-सात साल, आठ-आठ साल जेल में रहेंगे, तो इसका नतीजा क्या होगा?

आपको याद होगा कि "पोटा" के कानून में एक 12 साल के बच्चे को झारखंड में एक आरोपी दिखाया गया। "पोटा" के कानून में एक 81 साल के वृद्ध आदमी को आरोपी दिखाया गया। मैं यहाँ पर रिपोर्ट पढ़ना नहीं चाहता हूँ, मेरे पास रिपोर्ट है कि हर राज्य में इसका किस प्रकार से दुरुपयोग हुआ। हम चाहते हैं कि सरकार आतंकवाद से लड़ाई करे, हम आतंकियों को खत्म करें, लेकिन साथ-साथ हमें यह भी जानना चाहिए कि ज़मीन पर क्या हो रहा है ! पहली बात तो मैं आपको generally बताना चाहता था। दूसरी बात यह है कि जब ऐसे कानून आते हैं, We must make sure that these controversial provisions that are in these legislation, we need to send them to a Committee because if the Treasury Benches do not allow these Bills to be considered by a Committee, what will be the consequence? The consequence will be that the Bills will be passed by a brute majority in the Lok Sabha and by a manufactured majority here. Bills will be passed. What will be the outcome? These Bills will be challenged in a court of law. Many provisions will be struck down in a court of law. The matter will come back to Parliament. When it comes back to Parliament, you will again draft it. Again we will ask for it being referred to Standing Committee. If we have the numbers, it will go to a Standing Committee. This is an endless process. In fact, it is much better if you send this Bill to the Standing Committee or to a Select Committee. Let everybody discuss the issue and have an appropriate legislation which we all support. We are not against this legislation.

Now, the issue I wanted to raise is a very fundamental one. The issue relates to the fact that you have, in this Bill, under Clause 5, the right to issue a notification declaring somebody a terrorist. You know, under Sections 13, 15, 38 of the Act, anybody who abets terrorism or supports terrorism or funds terrorism or conspires with a terrorist or does any act which in any event supports a terrorist has to be prosecuted. It is

[Shri Kapil Bibal]

already covered. He has to be prosecuted. If he is prosecuted, then he is deemed to be, in the eyes of the nation, a terrorist. Why do you want a separate provision to name somebody as a terrorist? I don't understand the logic of that. And, that too you are doing it only through an executive notification! आप मुझे बताइए कि गृह मंत्रालय ने एक notification जारी कर दिया कि यह terrorist है। आपने कहा कि आप पहले सरकार के पास जाइए। अगर सरकार इंकार कर दे, तो फिर आपने कहा कि आप review में जाइए। Review Committee में एक tribunal बैठेगा, एक judge बैठेगा। वह तय करेगा कि गलत हुआ या सही, लेकिन आपने उस शख्स को terrorist क्यों घोषित किया और कब घोषित किया, यह बिल नहीं बताता। At what stage will you declare him as a terrorist? Will you declare him as a terrorist before an FIR is lodged? Will you declare him as a terrorist at that stage? Will you declare him as a terrorist if charge-sheet is filed? Will you declare him as a terrorist after the trial takes place and he is convicted? At what stage will you declare him to be a terrorist? It is not clear from the Bill! And, if he is already tried for a terrorist offence, you don't have to declare him as a terrorist. Why? It is because, under the law, a person is innocent till he is proved guilty. So, if a person is innocent till he is proved guilty and he is to undergo trial, then, on what basis you will issue a notification under Clause 5 and declare him as a terrorist? There is no logic behind it. There is no basis to put this provision here. Tomorrow, just for the sake of speculation, you declare somebody you consider to be an urban naxal a terrorist. What will happen to him? He will be ostracized in society. No bank will extend any loan to him. He cannot participate in any civil activity. And, he will be deemed to be a terrorist in the eyes of the nation! What is his recourse? What is happening today under the PMLA? What is the Government doing? They lodge an FIR. They don't investigate thereafter. FIR lodge कर दिया, investigation हुआ ही नहीं। फिर ED आ गया। ED उसके पास चला जाता है और वह उसे कहता है कि these are proceeds of crime. आप मुझे बताइए कि आपके पास पैसा कैसे आया? CBI कुछ नहीं करती और उसका सारा धंधा खत्म हो जाता है। यह businessmen के साथ हो रहा है, socialists के साथ हो रहा है, social workers के साथ हो रहा है। अब ऐसा ही इस कानून में होगा, क्योंकि you will say that he has proceeds of terrorism. आपने उसका notification कर दिया, उसके बैंक में चले गए, account फ्रीज कर दिया और कहा कि these are proceeds of terrorism और उसका नतीजा क्या होगा? सबसे पहले तो आप हमें बताइए कि आप ऐसा प्रावधान क्यों लाए? किस स्टेज पर आप तय करेंगे कि वह terrorist है? अगर हाफिज़ सर्ईद है, तो terrorist है, अगर गोडसे है, तो terrorist है, लेकिन आप में यह कहने की हिम्मत नहीं है। वर्ष 1947 से आज तक आप लोगों में गोडसे terrorist

था, यह कहने की हिम्मत नहीं है। गृह मंत्री जी, आप उठकर कह दीजिए, क्योंकि सब नजरिए की बात है। किस नजर से आप किसे देखते हैं, उसके अनुसार तय करते हैं। आप जिस नजरिए से किसी को देखते हैं, वह terrorist हो जाता है। बड़े दुख की बात है कि आज आप लोगों ने उन लोगों को जेल में रखा हुआ है, जो academics हैं, जो UN से funding लेते हैं, जो civil activists हैं। कल आप उनको notification से terrorist कहलवा देंगे? हमारा केवल इतना ही विरोध है। आप बताइए कि किस आधार पर आप उसको terrorist कहेंगे? आपकी मंशा होगी, तो कह देंगे, नहीं मंशा होगी, तो नहीं कहेंगे।

मैं आपको एक और बात बताऊँ। इस कानून में धारा 153(A) और 153(B) Code of Criminal Procedure भी लिखित है। जो communal activity करता है, under UAPA he can be declared to be a terrorist. अब 2014 के बाद किन-किन लोगों ने इस देश में 453(A) और 153(B) का उल्लंघन किया है, क्या आपने कभी सोचा कि उनको terrorist कहलाया जाए? आप कभी सोचेंगे भी नहीं, क्योंकि आपका नजरिया दूसरा है। आप केवल उन लोगों को terrorist दिखलाएँगे, जो आपके खिलाफ बोलेगा। अगर JNU में कुछ हो गया, कुछ युवाओं ने कुछ कर दिया, आप उनको terrorist दिखा देंगे। कहीं और यूनिवर्सिटी में कुछ हो गया, किसी दलित ने कुछ कर दिया, उसको आप terrorist दिखा देंगे। कोरेगाँव में कुछ हो गया, तो उन लोगों को आप terrorist कहलवा देंगे। वह बेचारा करेगा क्या? इसलिए पहले तो आपको यह स्पष्ट करना चाहिए कि आप किस आधार पर कहेंगे कि यह शख्स terrorist है और यह शख्स terrorist नहीं है। आपको यहाँ बताना पड़ेगा।

मैं ज्यादा वक्त नहीं लूँगा, केवल दो-चार बातें आपके सामने रखूँगा। हम आपको एक बात की दाद देते हैं। जहाँ तक आपकी बात है, you get what you see and you see what you get. लेकिन हम आपको एक आश्वासन देना चाहते हैं कि from here, this side also, you will get what you see. जब-जब आप इस तरह के प्रावधान लाएँगे, क्योंकि आपका नजरिया कुछ और है, हम यहाँ खड़े होकर विरोध करेंगे, till our last breath. आप हमारे पीछे CBI लगा दीजिए, आप हमारे पीछे ED लगा दीजिए, आप हमें जेल में भेज दीजिए, आप Income Tax लगा दीजिए, लेकिन हम यहाँ खड़े रहेंगे और आपका विरोध करेंगे। हमने देखा है कि पिछले दिनों में किस तरह से आप लोगों के पीछे, आप कानूनों का दुरुपयोग कर रहे हैं, चाहे वह PMLA हो, चाहे यह कानून हो, चाहे कोई और कानून हो। ...**(समय की घंटी)**... मतलब अब इस देश में ऐसा लग रहा है कि एक चेहरा, एक बिजनेसमैन, सब कुछ केवल एक आदमी के नाम पर। कोई दूसरा तो हमें दिखता ही नहीं है। इसलिए गृह मंत्री जी, मैं आपसे आग्रह करूँगा कि आप केवल यह न सोचिए कि हम यहाँ चुप रहेंगे। आपके पास majority है, वहाँ भी है और यहाँ भी, क्योंकि कुछ लोगों के लिए emergency हो जाती है, तो majority नहीं रहती। ...**(व्यवधान)**... वह भी हम जानते हैं, लेकिन देखिए, जो आतंक के शिकार रहे हैं, वे कौन रहे हैं, हम लोग। आतंक की वजह से हमारे दो-



[Shri Kapil Bibal]

दो प्रधान मंत्री चले गए। हमें वह पीड़ा है। हमारे चीफ मिनिस्टर साहब भी आतंकवाद की वजह से चले गए। दुख है, तो हमें है, लेकिन हमें यह भी मालूम है कि हमें कोई ऐसा कानून का दुरुपयोग नहीं करना चाहिए। यह भी हमें मालूम है। गृह मंत्री जी, यहाँ सदन में बैठ कर हम कानून तो पास कर सकते हैं, लेकिन सदन के बाहर जमीन पर क्या हो रहा है, यह आपको मालूम नहीं है। उन लोगों की पीड़ा सोचिए, जो अभी उत्तर प्रदेश में हुआ है। ...**(समय की घंटी)**... एक family मार दी। जो जम्मू-कश्मीर में हुआ है ...

**उपसभाध्यक्ष (डा. सत्यनारायण जटिया):** सिब्ल जी, आप conclude करिए।

**SHRI KAPIL SIBAL:** Sir, I am just concluding in one minute. जो जम्मू-कश्मीर में हुआ है, जो गुजरात में हो रहा था, जो महाराष्ट्र में हो रहा था, जब 1985 में TADA का कानून बना था, तो सबसे ज्यादा लोग कहाँ गिरफ्तार हुए थे, गुजरात में। आतंक पंजाब में था, गिरफ्तारी गुजरात में थी। आतंक पंजाब में था, गिरफ्तारी महाराष्ट्र में थी। क्यों? वहाँ तो आतंक नहीं था, लेकिन कानून का दुरुपयोग हो रहा था। मैं आपसे इतना आग्रह करूँगा कि सदन को यह बता दीजिए। आपने NIA की बात की। NIA में तो already कानून है, under Section 3 and Section 6 of the NIA Act. This is a scheduled offence under the Schedule of the NIA Act. So, in fact, the NIA can investigate any offence, at any stage, even under the present law. There is no issue there. The only amendment that you have brought under Section 25 is that you can actually now confiscate the property through the approval of the Director General. Fine! We have no problem with that, because that power is already with you. Our problem is that this open-ended declaration of a private person as a terrorist is just meaningless; it is unconstitutional; it will be struck down and it will come back to you. Then, you will have to send it to a Standing Committee or a Select Committee. Thank you very much, Sir.

**SHRI SUKHENDU SEKHAR RAY (West Bengal):** Sir, I rise to oppose this Bill. Although we have zero tolerance for terrorism, and we are fighting terrorism for decades together, जब बहुत सारे आदमी लोरी सुना करते थे, तब हम कोलकाता की सड़कों पर और बंगाल के बहुत सारे मोहल्लों में naxalites के साथ physically and politically fight करते थे, वह ज़माना था। उसके बाद जब हमारे यहाँ maoist activities शुरू हुईं, तब उनको भी हमने combat किया। देशप्रेम पर किसी एक पार्टी की ठेकेदारी नहीं है, सारी पार्टीज़ और हिन्दुस्तान की आम जनता देशप्रेमी है और जो लोग terrorist activities के साथ हैं, उनको हम अपने देश का नागरिक ही नहीं मानते हैं।

महोदय, जैसा कि अभी हमारे बुजुर्ग और कानूनी बिरादरी के सदस्य श्री कपिल सिब्ल साहब ने अभी बताया, मुझे आश्चर्य लग रहा है कि इस अमेंडमेंट को लाने की जरूरत

क्या थी? जो UAPA है, उसमें सारे प्रावधान मौजूद हैं। सिर्फ विरोधी का कंटरोल करने के लिए, किसी के माथे पर urban naxal या टुकड़े-टुकड़े गैंग का टीका लगा दो और बिना कोई कार्रवाई किए उसको जेल में भेज दो, फिर छः महीने तक तो कुछ नहीं होगा। मैं अभी इसी बिल पर चर्चा करना चाहता हूँ। My first point is that it is a potentially dangerous Amendment Bill, which empowers the officials of the Union Government to brand a person a terrorist without following the due process of law. Now, the name of such a person will be included under the Fourth Schedule, as has been mentioned in this Bill, proposed to be added in the parent Act. The only statutory remedy available to the person whose name will be included under the Fourth Schedule is that he can appeal before the Central Government, and that committee is a drawing-room committee of the Central Government. If he is not happy with the findings of the Appellate Committee, then, he will go for a further representation, review application before the Reviewing Committee. This committee is also a drawing-room committee of the Government, because, as already mentioned by Kabil Sibalji, the UAPA has, in fact, become redundant, because in 75 per cent of the cases, people have either been acquitted or released. I am giving you a recent example. Last week, one gentleman, whose name is Abdul Ghani Goni, was acquitted after spending 23 years in jail on the charge of terrorist activities. Ultimately, the court acquitted him because no evidence could be found against him. It is a very pathetic situation. The ordeal began with his arrest by Gujarat ATS in 1996 and ended with his release after 23 years from the Jaipur Central Jail last week. What did he say after the release? He said and I quote: "That I was falsely implicated in case after case and prolonged trials had ruined my life. I could not meet my mother who died in hospital as I could not get a parole even from the Supreme Court." So, this is the ugliest situation under which a person will undergo an ordeal if this Fourth Schedule is included in the parent Act. The funny thing is that this Fourth Schedule does not prescribe *per se* any conviction or punishment as such. Then what is the need for inclusion of this Fourth Schedule in the parent Act? Because मेरे माथे पर यह तिलक लगा दिया जायेगा कि "मैं टेररिस्ट हूँ" Fourth Schedule में नाम आ जायेगा, and I will be vulnerable to mob-lynching and the other elements who are now playing a very dominant role in our society. जैसे मैंने अमिताभ बच्चन की एक फिल्म देखी थी, जिसमें उसके हाथ में बचपन में लिख दिया गया था - "मेरा बाप चोर है", वैसे ही मेरे माथे पर एक टीका लगा दिया जाएगा कि "मैं टेररिस्ट हूँ", क्योंकि मैं सरकार का विरोधी हूँ। कोई भी विरोधी हो और यह जो urban naxal... जो लोग आज tribal rights के लिए fight कर रहे हैं, जो लोग environment protection के लिए fight कर रहे हैं, उनको भी कोई urban naxal बोल कर या maoist बोल कर

[Shri Sukhendu Sekhar Ray]

Fourth Schedule में उनका नाम लिखा देगा कि ये टेररिस्ट्स हैं। आपका IPC का सेक्शन 124A है, इसमें sedition का charge आप किसी के खिलाफ ला सकते हैं। पैरेंट एक्ट में बहुत सारे प्रावधान हैं, NIA में हैं। मैं sedition and anti-national activities के बारे में दो उल्लेख करना चाहता हूँ।

आज 1st August है। 30th July, 1900 को 'वन्दे मातरम' पत्रिका में अरविन्द घोष ने कुछ लिखा था और ब्रिटिश सरकार ने उनके खिलाफ 124A के तहत sedition का charge लगाया और उनको कचहरी में खड़ा कर दिया। उनके पक्ष में देशबन्धु बैरिस्टर चित्तरंजन दास ने फाइट किया। उन्होंने क्या बोला? जो कानूनी लड़ाई हुई, वह तो हुई। अन्त में सी.आर. दास ने जो बोला, मैं आपकी इजाज़त से उसकी दो लाइनें quote करना चाहता हूँ। "A man like this who is being charged with the offences imputed to him stands not only before the bar in this Court but stands before the bar of the High Court of History. That long after this controversy is hushed in silence, long after this turmoil, this agitation ceases, long after he is dead and gone, he will be looked upon as the poet of patriotism, as the prophet of nationalism and the lover of humanity." तो आज जिसको आप urban naxal कहते हैं, maoist कहते हैं, चाहे वह हो अथवा न हो, क्योंकि इस पर विचार करने की तो कोई जरूरत नहीं है। अभी एक इंस्पेक्टर के पास पावर दे दी गयी है। पहले असिस्टेंट कमिश्नर के पास पावर थी, डीएसपी के पास थी, लेकिन अब इंस्पेक्टर के पास दे दी गयी है। वह किसी को भी पकड़ कर सिफारिश करेगा कि इसका नाम Fourth Schedule में दे दो, यह आतंकवादी है। यह 'आतंकवादी' शब्द भी ब्रिटिश लोगों द्वारा पैदा किया हुआ है। हमारे शहीद भगत सिंह को टेररिस्ट माना जाता था, शहीद खुदीराम बोस को, चन्द्रशेखर आज़ाद को, उधम सिंह को टेररिस्ट माना जाता था। उनको टेररिस्ट किसने बनाया था- ब्रिटिश गवर्नमेंट ने। आज 6,000 करोड़ रुपये खर्च करके उनकी मूर्ति कहीं कोई बनाये या न बनाये, लेकिन हर हिन्दुस्तानी के दिल में उनके नाम बसे हुए हैं। आज जिसको हम maoist कहते हैं, कहीं ऐसा न हो कि 50 साल, 100 साल बाद उसकी तस्वीर घर-घर में कोई लगाये।

सर, गांधी जी के खिलाफ भी sedition का charge लाया गया था। वे जो 'Young India' नामक मैगज़ीन निकालते थे, उसमें उन्होंने 1929 में कुछ लिखा था। उन्होंने sedition law के खिलाफ क्या बोला? IPC में सेक्शन 124A अभी भी है। उसमें गांधी जी ने बोला था कि.. "The section constituted a rape of the word 'law'". यह गांधी जी का कहना था, मेरा नहीं। इस तरह अगर सरकार चाहती है कि सदन में बिल लाए और हम विरोध करें, मेरे विचार से यह कानून भी आपको एक दिन वापस लेना पड़ेगा, क्योंकि जैसा कपिल सिब्बल जी ने बताया कि इसे भी unconstitutional ठहरा दिया जाएगा। कोई पी.आई.एल. फाइल होगी, कोई आदमी कोर्ट में चला जाएगा। हमारे पास बहुत से जजमेंट हैं, मैं उनका

विवरण दे सकता हूँ, लेकिन समय नहीं है। बहुत कम समय मुझे मिला है। सिर्फ एक उदाहरण आपके सामने रखना चाहता हूँ - बलवंत सिंह vs. स्टेट ऑफ पंजाब तथा अरूप भुइयां vs. स्टेट ऑफ असम - इनमें free speech के लिए क्या प्रावधान होना चाहिए, position होनी चाहिए, Supreme Court has made it amply clear. क्योंकि मेरा टाइम खत्म होने वाला है, आप भी कृपया घंटी न बजाइए।

अंत में मैं कहना चाहता हूँ कि यह सरकार जो कुछ करना चाहती है, कर ले क्योंकि उसके पास भारी बहुमत है। You are very successfully propagating and establishing a regime of majoritarianism. एक समय यही हिटलर स्टॉलिन और मुसोलिनी ने भी किया था। मैं इतिहास का पिरामिड यहां खोलना नहीं चाहता, लेकिन चेतावनी देता हूँ कि कहीं ऐसा न हो कि एक दिन आपको ही face करना पड़े। Edmond Burk ने आज से 225 साल पहले क्या बोला था, उसकी दो लाइनें मैं quote करना चाहता हूँ। कृपया घंटी मत बजाइए। I quote – 'People crushed by laws have no hope but to evade power. If the laws are their enemies, they will be enemies to law.'

अंत में, हरिवंश राय बच्चन जी की सिर्फ तीन लाइनें quote करता हूँ -

‘तू न थकेगा कभी, तू न रुकेगा कभी, तू न मुड़ेगा कभी,  
कर शपथ, कर शपथ, कर शपथ,  
अग्निपथ, अग्निपथ, अग्निपथ।

हमारी दीदी ने अग्निपथ पर चलने की हमें शपथ दिलाई है और हम अग्निपथ पर चलते रहेंगे। अंत में, कविवर रबीन्द्रनाथ टैगोर को याद करते हुए अपनी बात खत्म करता हूँ - ‘जब कोई साथ न आए तो एकला चलो रे’

**उपसभाध्यक्ष (डा. सत्यनारायण जटिया):** आपका अग्निपथ बने सुपथ। ...(व्यवधान)...

जिन्दगी किसी मकसद के लिए है और उस मकसद को पूरा करने के लिए, देश को कामयाबी तक ले जाने के लिए, जो शपथ हमने ली, उसे पूरा करना है। मैं अशफाकुल्ला खां की वसीयत यहां सुना देता हूँ -

‘उस रोज़ कामयाबी पर जब कभी हिन्दोस्तां होगा,  
रिया सैयात के हाथों से अपना आशियां होगा।  
चखाएंगे मज़ा बरबादिए गुलशन कगलची को,  
बहार आ जाएगी उस दिन, जब अपना बागवां होगा।’

**प्रो. राम गोपाल यादव:** महोदय, बहुत विद्वान वक्ताओं के बाद, चेयर पर बैठे उपसभाध्यक्ष महोदय, स्वयं बहुत विद्वान हैं, ऐसे समय बोलने का जो मौका मुझे मिला है, मैं बड़े असमंजस में हूँ कि मैं कहां से शुरू करूँ? मैं फिज़िक्स का स्टूडेंट रहा हूँ। उस युग के सबसे

[प्रो. राम गोपाल यादव]

**7.00 P.M.**

बड़े वैज्ञानिक अल्बर्ट आइंस्टीन ने जब Theory of Relativity को propound किया, उन्होंने कहा कि - Everything is relative. Nothing is absolute - हर चीज़ सापेक्ष है। कोई चीज़ परम-सत्य नहीं है। बहुत प्रसिद्ध philosopher हुए जे. कृष्णामूर्ति, उन्होंने कहा, "जब बादल गरजता है, तो गौरैया डर की वजह से अपने घोंसले में घुस जाती है, लेकिन मोर नाचने लगता है।" इसलिए आपको जो चीज़ अच्छी लगती है, वह हमें अच्छी नहीं लग रही है। हर आदमी आतंकवाद के खिलाफ है, लेकिन आपका जो Unlawful Activities (Prevention) Amendment Bill है, और इस तरह के बहुत सारे एक्ट आए और सबका दुरुपयोग हुआ, इसलिए आशंका तो मन में होगी ही। भारत के संविधान निर्माताओं ने हमें मौलिक अधिकार दिए थे और irrevocable मौलिक अधिकार दिए थे। हम धीरे-धीरे कहां से चले थे और कहां पहुंच गए? किस तरह से मौलिक अधिकारों में से सम्पत्ति के अधिकार को हटाया गया, किस तरह से 1962 के बाद, चीन के अटैक के बाद, DIR लाया गया। हमारे नेता यहीं बैठते थे, जहां ये बैठते हैं, जनेश्वर मिश्र जी। वे डीआईआर में ढाई साल जेल में बंद रहे। यह बना किसी और के लिए था, लगा political लोगों पर। बाद में आपने देखा कि और लोग इसके भुक्तभोगी रहे। मौलिक अधिकारों को संशोधन करने का अधिकार मिल गया, गोलकनाथ केस में majority के साथ कहा गया कि इसको अमेंड नहीं किया जा सकता है, लेकिन बाद में जब Kesavananda Bharti case में 24वें संविधान संशोधन पर जजमेंट आया, तो यह स्वीकार कर लिया कि हां, "To implement some of the Directive Principles of State Policy, Fundamental Rights can be curtailed." आप ये सब जानते हैं। अनुच्छेद 12 में लिखा हुआ है कि कोई भी ऐसा कानून नहीं बनाया जा सकता है, जो इस तीसरे चैप्टर में दिए हुए मौलिक अधिकारों को सीमित करे, लेकिन कानून बने और कानून इस सीमा तक बने कि internal security को maintain करने के लिए MISA बना और इसके तहत सारे political लोग जेल में चले गए। इनमें से बहुत सारे लोग होंगे। MISA बना और इन्हीं लोगों ने बनाया। हमने तो देखा कि दारोगा लिख देता था कि यह कह रहा था कि रेल की पटरी उखाड़ दो, इमरजेंसी लगी हुई है और यह internal security के लिए ठीक नहीं है, यह देश की security को maintain रखने के लिए खतरा है, इसलिए इसको MISA के तहत बंद कर दो, कोई जमानत नहीं होगी। यह हुआ, इसलिए डर तो है ही। यह मौलिक अधिकारों पर सीधा अटैक है। संदेह के आधार पर तो 302 के मुलजिम को कोर्ट भी छोड़ देता है, लेकिन यहां संदेह के आधार पर आप किसी व्यक्ति को terrorist घोषित कर देंगे। कौन terrorism के पक्ष में है? Everybody sitting here is against terrorism. Terrorist को मारने में, terrorist को arrest करने में क्या पुलिस की गोली को किसी के आदेश का इंतजार करना पड़ता है? क्या किसी से आदेश लेना पड़ता है? क्या कोई यह प्रश्न उठाता है कि इसको क्यों मार दिया गया? हमने देखा है कि 1962 के बाद यह दिखा

देते थे कि Mao Tse-tung की वह Red Book उसके झोले में थी, इसलिए यह देश के लिए खतरा है। अब कह देंगे कि इसके पास लिटरेचर पाया गया। पढ़े-लिखे आदमी हर तरह के लिटरेचर पढ़ते हैं। हमने Golwalkar साहब के Bunch of Thoughts को भी पढ़ा है और Che Guvevara से लेकर जो सारे क्रांतिकारी हैं, उनकी किताबें पढ़ी हैं और वे सब हमारे पास हैं। अगर यह लिटरेचर पाया जाए, तो कहा जाएगा कि यह आतंकवादी है। ...**(व्यवधान)**... ऐसे कई लोग हैं। इसलिए जो चल रहा है, उस पर लोगों को संदेह है। सर, यह स्पष्ट होना चाहिए। Unlawful activities क्या होती हैं? हम पोलिटिकल लोग आंदोलन करते हैं। हमें भारत के संविधान ने मौलिक अधिकारों के आर्टिकल-19 में यह स्वतंत्रता दी है। Freedom of Speech and Expression, Freedom to assemble peacefully and without arms; Freedom to form unions and associations, ये मौलिक अधिकार आर्टिकल-19 में हैं या नहीं? अगर हम जिला प्रशासन के खिलाफ आंदोलन करते हैं, तो पता चलता है कि यह एक्ट लग गया। कहा जाता है कि यह unlawful activities हैं। Have you defined, what is unlawful activity? कहा जाता है कि आपने कानून का उल्लंघन किया, दफा-44 को तोड़ा। धारा-44 को पूरे उत्तर प्रदेश में 9 अगस्त को तोड़ने जा रहे हैं और सब लोगों पर मुकदमे लगेंगे। तब तक आप यह बिल पास कर दोगे, कहीं यह भी न लग जाए? ...**(व्यवधान)**... यह भय है। आप इसे मजाक में मत लीजिए। पिछले लंबे अनुभव के आधार पर हिंदुस्तान की जनता के मन में यह भय समा गया है कि जब-जब सख्त कानून बने हैं, तब-तब उनका दुरुपयोग हुआ है। यह उन लोगों पर भी हुआ है, जिन्होंने कानून बनाए। यह कौन जानता था कि जिस कांग्रेस पार्टी का गाँव के हर घर में एक वर्कर था, वह कभी सत्ता से हट जाएगी, क्या यह किसी ने सोचा था? लेकिन वह हटी, तो आप यह मत समझिए कि आप सत्ता में इतने बड़े बहुमत से आए हैं। आपको पता भी नहीं चलेगा कि ज़मीन कब नीचे से खिसक गई और जनता ने कब, कहाँ, क्या फैसला कर दिया? इसलिए कभी ऐसा कानून मत बनाइए, जो उल्टा पड़े। आप स्पष्ट रूप से terrorist की बात कीजिए। मैंने यह उस दिन भी कहा था, जब ordinance पर बात हुई थी कि आप किसी को भी terrorist मत मान लीजिए, किसी आदमी को आपकी एनआईए ने पकड़ लिया और आप जानते हैं कि अधिकारियों के रुख आजकल क्या हैं? आप कभी किसी गवर्नमेंट में रहे, किसी सरकार में रहे, महाराष्ट्र में रहे, किसी अन्य जगह रहे और किसी अधिकारी को ठीक जगह पोस्ट नहीं किया और बाद में वह आपकी कृपा से एनआईए में आ गया और वह यह बात मन में रखे रहा और किसी आदमी को पकड़ के उससे ये बयान में लिखवा दिया कि फलां-फलां नेता या एमपी के घर पर हम गए थे, कुछ दिनों वहाँ रहे थे। उनके यहाँ खाना भी खाया था। हमारे यहाँ सीआरपीसी के सेक्शन 216 में कई व्यक्ति आ चुके हैं, चूंकि हम तो चम्बल के किनारे, यमुना के पास रहते थे और वहीं बिल्कुल पास में सब डकैत रहते थे। धारा-216 में किसी को भी नोटिस आ जाता था कि उन्होंने तुम्हारे यहाँ खाना खाया था। मैंने एक एसएसपी से कहा कि आपका बंगला यहाँ इटावा में बना हुआ है, आप इसे जमुना के किनारे, यहाँ से दो किलोमीटर हटकर बना लीजिए, आपकी पत्नी डकैतों को खाना

[प्रो. राम गोपाल यादव]

खिलाएगी। वह अपनी जान बचाए या खाना खिलाए? ...**(व्यवधान)**... इससे क्या कोई terrorist हो गया या डकैत हो गया? And, the SSP accepted my logic and withdrew all the notices under Section 216. ऐसी स्थिति है, तो डर तो लगेगा ही, इसलिए आप जब कानून बनाएं, तो उसमें कोई ambiguity नहीं रहनी चाहिए। यह नहीं होना चाहिए कि इसका दुरुपयोग होने की कोई गुंजाइश है। फूल प्रूफ कानून होना चाहिए। यह बहुत ही ambiguous कानून है, इसको किसी भी तरफ मोड़ा जा सकता है। हमने सुना है, मुझे आज भी याद है कि जब वर्ष 1977 में इमरजेंसी के बाद किसी ने यह मामला कोर्ट में चैलेंज किया, उस समय Niren De was the Attorney General of India at that time. जब जज ने उनसे पूछा कि अगर किसी जिला मैजिस्ट्रेट को किसी आदमी का चेहरा अच्छा नहीं लगता है और वह यह कहता है कि इसकी वजह से आपातकालीन प्रोविजंस को लगाने में दिक्कत आ सकती है, तो क्या कलेक्टर उसके प्राणों को ले सकता है, तब उन्होंने क्या कहा था? What was the answer of Niren de, the then Attorney General of India? Yes, of course. हमने वे दिन देखे हैं। लोगों के मन में यह भय है। लोगों के मन में धीरे-धीरे यह भय आ रहा है। भय पैदा करने के लिए इस तरह की बातें पैदा की जा रही हैं। कौन रोकता है? हम कहते हैं कि चीन ने जो हमारी सीमा दाब रखी है, उसको वापस लीजिए, चाहे आप उसे सेना के बल पर लीजिए। ...**(समय की घंटी)**... हम कहते हैं कि Pakistan-occupied Kashmir हमारा है, उस पर अपनी सेना भेजिए और उसको वापस लीजिए। कौन रोकता है? हम अपने बच्चों को, अपने परिवार के लोगों को, नौजवान लोगों को सेना में भेजने के लिए तैयार हैं। आतंकवाद का समर्थन कौन कर सकता है? लेकिन जब कोई कानून संदिग्ध हो -- यह किसी पर लागू नहीं हो रहा, आप देखिएगा। यह आप कर रहे हैं। मान लीजिए, कुछ पढ़े-लिखे लोगों के मन में आता है, उन्हें लगता है कि यह काम गलत हो रहा है, यह मौलिक अधिकारों का हनन हो रहा है और अगर वे आवाज उठा दें, तो क्या वे आतंकवादी हो गए? अभी कुछ जो वकील वगैरह पकड़े गए, उन्होंने कौन-से आतंकवादी का समर्थन किया है? वकील पर कौन-सी बंदिश है? वह तो किसी का भी वकील हो सकता है, वकील का क्लाइंट कोई भी हो सकता है। आप जानते हैं, यहाँ बहुत बड़े-बड़े वकील बैठे हैं, कपिल सिब्बल साहब चले गए। अगर कोई आदमी किसी को वकील करने जाता है, तो वकील रोक नहीं सकता। मैं आधा मिनट और बोलूँगा। वकील रोक नहीं सकता है।

**उपसभाध्यक्ष (डा. सत्यनारायण जटिया):** मैं भी रोक नहीं रहा, आप पूरा कीजिए।

**प्रो. राम गोपाल यादव:** आप तो हमारे गुरु हैं। वकील रोक नहीं सकता है, मना नहीं कर सकता है। अगर वह दूसरे पक्ष का वकील नहीं है, तो वह मना नहीं कर सकता है। यह व्यवस्था वकालत के सिद्धांत में है। ...**(व्यवधान)**... मान लीजिए, किसी संदिग्ध व्यक्ति का कोई वकील है, तो क्या आप उसे आतंकवादी कह देंगे? नहीं कह सकते, लेकिन आपको तो हर चीज़ से डर लगने लगा है। हर चीज़ से डर लगने लगा है। इसलिए अपनी बात

खत्म करने से पहले मैं दो लोगों को वोट करना चाहूँगा। फ़ैज़ अहमद फ़ैज़ ने एक बार लिखा था:

"निसार मैं तेरी गलियों पे ऐ वतन,  
जहाँ चली है रस्म कि न कोई सर उठा के चले।"

दूसरा, मैं दुष्यंत कुमार साहब की दो लाइनों को कहना चाहूँगा, जो बड़ी प्रसिद्ध हैं:

"मत कहो आकाश में कोहरा घना है,  
ये किसी की व्यक्तिगत आलोचना है।"

अगर यह भावना आपके मन में आ जाएगी, तो हम सब जेल चले जाएँगे। मत कहो आकाश में कोहरा घना है, ये किसी की व्यक्तिगत आलोचना है। आपका बहुत-बहुत धन्यवाद।

श्री जी. किशन रेड्डी: सर, मैं कुछ कहना चाहता हूँ। ...(व्यवधान)...

उपसभाध्यक्ष (डा. सत्यनारायण जटिया): आप आगे आ जाइए। ...(व्यवधान)...

श्री जी. किशन रेड्डी: आदरणीय उपसभाध्यक्ष जी, जो individual terrorist को घोषणा करने का ...(व्यवधान) ... उपसभाध्यक्ष जी, अभी-अभी पुलवामा इंसिडेंट में ...(व्यवधान) ... सीआरपीएफ ...(व्यवधान)...

कुछ माननीय सदस्य: सर, ये क्या बोल रहे हैं? ...(व्यवधान)...

श्री जी. किशन रेड्डी: मैं intervene कर रहा हूँ ...(व्यवधान)...

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): He is not replying.  
...(Interruptions)...

श्री जी. किशन रेड्डी: उपसभाध्यक्ष जी, इंटरनेशनल लेवल पर सभी देशों में जाकर ...(व्यवधान)...

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): I have allowed him.  
...(Interruptions)...

श्री जी. किशन रेड्डी: मैं intervene कर रहा हूँ। मौलाना मसूद अजहर को टेररिस्ट घोषित करने के लिए अपने देश के अधिकारी, अपने देश के प्रधान मंत्री अलग-अलग देशों में गए और यूनाइटेड नेशंस के सामने उसको individual terrorist घोषित करने के नाते उनसे सपोर्ट माँगा। अभी भारत में जो terror activities करते हैं, भारत की सेना के ऊपर आतंकवादी हमला करते हैं, ...(व्यवधान) ... जैसे, दाउद इब्राहिम को international terrorist घोषित किया गया है, ...(व्यवधान) ... दूसरा, हाफिज मोहम्मद सईद को भी international terrorist घोषित किया गया है। ...(व्यवधान)...



SHRI VAIKO: Where is the Home Minister? ...*(Interruptions)*...

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Silence, please. ...*(Interruptions)*...

श्री जी. किशन रेड्डी: मौलाना मसूद अजहर को भी ...*(व्यवधान)*...

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Silence, please. ...*(Interruptions)*...

श्री जी. किशन रेड्डी: हम ऐसे लोगों को terrorist घोषित करना चाहते हैं। ...*(व्यवधान)*... इसके लिए हम ये संशोधन लाए हैं। ...*(व्यवधान)*...

SHRI VAIKO: Where is the Home Minister? ...*(Interruptions)*...

श्री जी. किशन रेड्डी: मैं कांग्रेस पार्टी से पूछना चाहता हूँ कि आपके ज़माने में ...*(व्यवधान)*...

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Please sit down. ...*(Interruptions)*... Mr. Vaiko, sit down. ...*(Interruptions)*... He is the Minister of State. ...*(Interruptions)*...

श्री जी. किशन रेड्डी: आपके ज़माने में आप लोगों ने जितने terrorist organizations की ऐसी घोषणा की है ...*(व्यवधान)*... आप लोगों ने इस ऐक्ट के नाते लगभग 34 organizations को terrorist organizations घोषित किया है। ...*(व्यवधान)*...

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Please sit down. ...*(Interruptions)*... Nothing is going on record. ...*(Interruptions)*...

SHRI VAIKO: \*

श्री जी. किशन रेड्डी: कांग्रेस पार्टी ने वर्ष 1967 में जो एक्ट बनाया, उसी आधार पर उसी एक्ट के अंतर्गत individual categories के नाते घोषणा करना चाहते हैं। इसमें कुछ नया नहीं है, एक section भी नया नहीं है।

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Please sit down. ...*(Interruptions)*... It is not going on record. ...*(Interruptions)*...

श्री जी. किशन रेड्डी: जो section आप लोग... इस एक्ट में है, हमारे पास एक्ट है, उसी एक्ट के अंदर हम घोषणा कर रहे हैं।

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): It is not allowed. ...*(Interruptions)*... Not allowed, please sit down. ...*(Interruptions)*... He is the Minister of State and he has a right to intervene. ...*(Interruptions)*...

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\*Not recorded.

श्री जी. किशन रेड्डी: जैसे हम ऑर्गनाइज़ेशन की घोषणा करते हैं, वैसे ही हम individual व्यक्ति को भी terrorist के नाते घोषणा कर रहे हैं।

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Shri S. Muthukaruppan. ...*(Interruptions)*... The Minister of State is there. ...*(Interruptions)*... The Cabinet Ministers are here. ...*(Interruptions)*...

SHRI S. MUTHUKARUPPAN (Tamil Nadu): Sir, the House is not in order. ...*(Interruptions)*...

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Please sit down. ...*(Interruptions)*...

SHRI S. MUTHUKARUPPAN: Sir, the House should be in order. ...*(Interruptions)*... Sir, my time is going on. ...*(Interruptions)*...

SHRI JAGAT PRAKASH NADDA (Himachal Pradesh): On an ongoing debate.....*(Interruptions)*... Please Mr. Vaiko. ...*(Interruptions)*...

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Please sit down. ...*(Interruptions)*... It is not going on record. ...*(Interruptions)*... It is not going on record. ...*(Interruptions)*...

SHRI VAIKO: \*

SHRI JAGAT PRAKASH NADDA: Sir, when a debate is going on, the Minister has got every right to intervene. ...*(Interruptions)*... He just intervened and the debate will continue. ...*(Interruptions)*... What is the harm? ...*(Interruptions)*... You cannot stop anybody. ...*(Interruptions)*... There are ways. ...*(Interruptions)*... Mr. Vaiko, you are not the custodian of the House. ...*(Interruptions)*... Mr. Vaiko is not the custodian of the House. ...*(Interruptions)*... He does not have the. ...*(Interruptions)*...

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Please sit down. ...*(Interruptions)*...

SHRI BHUBANESWAR KALITA: Sir, I am on a point of order. *(Interruptions)*.

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Under which Rule?

SHRI BHUBANESWAR KALITA: Sir, it is under Rule 258.

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\*Not recorded.

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Please quote the Rule. What does it say? ...(*Interruptions*)...

SHRI BHUBANESWAR KALITA: Sir, the hon. Minister has every right to intervene in the debate. He has right to intervene in the debate but he has taken the name of some political party in a derogatory way. So, it should be expunged. That is why. ...(*Interruptions*)...

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): We will see the record and do it accordingly. हम अपने रिकॉर्ड को देखकर तय करेंगे, जो सही होगा, उसे रखा जाएगा। Now, Shri S. Muthukaruppan.

SHRI S. MUTHUKARUPPAN (Tamil Nadu): Hon. Vice-Chairman, Sir, the Unlawful Activities (Prevention) Amendment Bill, 2019 amends the Unlawful Activities (Prevention) Act, 1967. The Act provides special procedures to deal with terrorist activities among other things. The Unlawful Activities (Prevention) Act, 1967 was enacted to provide for more effective prevention of certain unlawful activities of individuals and associations and for dealing with terrorist activities and for matters connected therewith. The said Act has been amended in the years 2004, 2008 and 2013 to add certain provisions to this Act. Further, the reason for this Act is that the Security Council of the United Nations require the States to take action against certain terrorists and terrorist organizations, to freeze their assets and other economic resources, to prevent their entry into or transit through territory and prevent the direct or indirect supply or transit of arms, ammunitions to the individuals or entities listed in the Schedule. These are all reasons for the birth of this Act. Again, Sir, what is terrorism? As per this Unlawful Activities (Prevention) Act, it defines "Whoever does any act with intent to threaten the unity, integrity, security or sovereignty of India, or with intent to strike terror, or likely to strike terror in the people or in any section of the people in India or in any foreign countries, that is, by using bombs, dynamite, other explosive substances or inflammable substances or fire arms or other lethal weapons, poisonous or noxious gases or other chemicals or by any other substances like biological radioactive, nuclear or otherwise so likely to cause death, injuries to any person or persons, loss, damage or destruction. Section 15 defines as to what is terrorism."

(MR. CHAIRMAN, *in the Chair*)

Next, Sir, I would like to say about the stringent provisions of this Act. As per Section 167 of the Criminal Procedure Code, sub-section (2)(b) says that no Magistrate

shall authorize the detention of the accused person in custody, for a total period exceeding thirty days, sixty days and ninety days, that is, punishable with death and imprisonment for life or imprisonment for a term of not less than ten years. For this, Sir, I am quoting Section 167. Under Section 302 of IPC, that is, punishment for murder, in this offence, if investigation is not completed by the prosecution within 90 days, the accused will be released on bail even though the offence is sessions in nature. The Magistrate shall release the accused on bail. This is mandatory provision as per the Criminal Procedure Code, Section 167, sub-section (2)(a)(b). As far as the Unlawful Activities (Prevention) Act is concerned, the existing law is already modified. Section 43D, that is, modified application of certain provisions of this Section 167 of CrPC, shall apply in relation to a case involving an offence punishable under the Unlawful Activities (Prevention) Act. Subject to modification in Section 43D sub-section (2), that is, if the investigation is not completed within ninety days, the detention of the accused can be extended up to 180 days. This is the existing provision of that Act. This is the stringent provision of this Act. It shows the seriousness of the Act.

Now, I am coming to the Bill. Under the Act, the Central Government may designate an organization as a terrorist organization, if it commits or participates in acts of terrorism; prepares for terrorism; promotes terrorism or is otherwise involved in terrorism. The Bill additionally empowers the Government to designate individuals. As per this Bill, the Government is to designate individuals as terrorists on the same grounds.

Further, Sir, under the Act, an Investigating Officer is required to obtain the prior approval of the Director General of Police to seize the properties that may be connected with terrorism. This is in the existing law. This Bill adds that if the investigation is conducted by an officer of the National Investigation Agency, the approval of the Director General of National Investigating Agency would be required for seizure of such property.

Again, Sir, under the Act, investigation of cases may be conducted by the officers of the rank of Deputy Superintendent of Police or Assistant Commissioner of Police or above. But, the Bill empowers the officers of the National Investigating Agency of the rank of Inspector or above to investigate the case because the serious offences under Section 302 are grave crime, especially, as per the Indian Penal Code. But in cases under Section 302 of IPC, the Investigation Officer is Inspector of Police. So,

[Shri S. Muthukaruppan]

like that the NIA is also saying that the Investigating Officer is Inspector of Police. Further, the Act defines terrorist acts to include acts committed within the scope of any of the treaties listed in the Schedule to the Act. The Schedule lists nine treaties, including the Convention for the Suppression of Terrorist Bombings, 1997 and the Convention against Taking of Hostages, 1979. The Bill adds another treaty to the list. This is the International Convention for the Suppression of Acts of Nuclear Terrorism. These are all the important amendments of this existing Act. The reasons for this Bill or the need to amend the Act is that the Bill document states that the National Investigation Agency currently faces many difficulties in the process of investigation and prosecution of terrorism-related cases. In order to overcome such difficulties, the Government of India is seeking to amend the said Act, that is, the Unlawful Activities (Prevention) Amendment Bill, 2019. The amendment would help to remove certain illegal infirmities and the amendments would also give powers to the National Investigation Agency Director-General to allow for the seizure or attachment of property. Further, the amendment of Unlawful Activities (Prevention) Act will allow the National Investigation Agency to designate an individual suspected to have terror links 'a terrorist'. As of now, only the organisations are designated as 'terrorists'. The National Investigation Agency was set up in 2009 following the November, 2008 Mumbai terror attacks that left 166 people dead. The earlier laws like the Terrorist and Disruptive Activities (Prevention) Act (TADA) lapsed in 1995 and the Prevention of Terrorism Act (POTA) was repealed in 2004. To control terrorism in our country, the Unlawful Activities (Prevention) Act and National Investigation Agency are essential. Before I conclude, I once again like to say that the above said amendments are essential to prevent and control terrorism inside and outside our country. I welcome this Bill on behalf of my party, AIADMK and support this Bill.

MR. CHAIRMAN: The next speaker is Shri Ram Nath Thakur, but before Shri Ram Nath Thakur, मुझे एक announcement करनी है Normally, Members on Friday will be planning their programs, etc. Please take note, as the Government and the Opposition seems to have reached to some understanding; the discussion on this Bill will go up to 8 o'clock tonight and, then, the House will be adjourning. Tomorrow, the discussion on the Bill will continue at 11 o'clock and also 12 o'clock. Then, by 1.00-1.15 p.m., we have to conclude the Bill. Afterwards, there will be the lunch break. After lunch break, the Wages Bill and a small Bill, the National Institute of Design (Amendment) Bill, 2019, will be taken up. Depending on the situation and also the mood of the Members, other things will be taken up. So keep that in mind. ...*(Interruptions)*...

SHRI JAIRAM RAMESH: Sir, the Wages Bill is very important. ...*(Interruptions)*...

SHRI BHUBANESWAR KALITA: We should not skip the Zero Hour submissions. ...*(Interruptions)*...

MR. CHAIRMAN: There is an agreement reached already, please. Tomorrow, his Zero Hour submission is also there. I have permitted it. Everybody, naturally, will be worried once they give notice. So I have decided in my discretion that these. ...*(Interruptions)*...

SHRI JAIRAM RAMESH: Sir, the Wages Bill is very important. ...*(Interruptions)*...

MR. CHAIRMAN: Please. ...*(Interruptions)*... Every Bill is important here. We have got the will to discuss the Bill and then, finally, take it to the conclusion. The Zero Hour submissions, which are to be made, notices are going to be given by tomorrow. They will be live up to Monday depending on their relevance as per my admission. So be rest assured on that count. Secondly, I am told during my absence, there was again some discussion about language. Let me make it very clear from the Chair, the practice of the Parliament has been for years together that the Members can speak in whatever language that is permitted. They can speak in English, they can speak in Hindi. And now, the latest is, they can speak in 22 Indian languages. The Ministers can also reply either in Hindi or in English. There is an arrangement for simultaneous translation. One may have strong views. I do not dispute with them. But this is the policy of the Parliament and it is also an agreed thing. So let us not unnecessarily discuss issues. You may like or you may not dislike. That is why I have given a simple solution to this. No imposition, no opposition—this should be the policy that has to be understood. Now, Shri Ram Nath Thakur.

SHRI JAIRAM RAMESH: Sir, may I seek a clarification? Sir, are you saying that tomorrow, the Wages Bill and the NID Bill will be taken up only in a period of half-an-hour?

MR. CHAIRMAN: Whatever time is allotted, that will be respected. ...*(Interruptions)*... When the Session is extended, there is no Private Members' day. You should be aware of it. Now, Shri Ram Nath Thakur.

SHRI V. MURALEEDHARAN: Sir, the Parliamentary Affairs Ministry has made arrangement for refreshment after the House adjourns today at 8'o clock.

**श्री राम नाथ ठाकुर:** सभापति महोदय, आपने मुझे इस बिल पर बोलने का मौका दिया, मैं अपनी तरफ से और अपने दल की तरफ से आपको कृतज्ञता ज्ञापित करता हूँ।

(श्री उपसभापति पीठासीन हुए)

विधिविरुद्ध क्रिया-कलाप (निवारण) अधिनियम, 1967 को संशोधन करने वाले विधेयक 2019 के संबंध में मेरा मानना है कि एनआईए को दिए जाने वाले अधिकार उचित हैं। इतना ही नहीं मैं तो यह भी सुझाव देना चाहूंगा कि एनआईए को इतनी शक्तियां दी जाएं कि वह अमरीका के एफबीआई के समान कार्य करने लायक हो जाए। इस हेतु आईपीसी में कुछ संशोधन कर कुछ अपराधों को चिन्हित किया जाए, जिनकी जांच-पड़ताल सिर्फ एनआईए के द्वारा ही हो। इसमें उचित तो यह होगा कि आईबी, सीबीआई, नारकोटिक्स ब्यूरो आदि सभी संस्थाओं को एकीकृत करते हुए, उसके अधिकार क्षेत्र तथा कार्य क्षेत्र में विस्तार किया जाए, ताकि सम्पूर्ण राष्ट्र में संघीय जांच व्यवस्था के तहत एक पूर्ण जांच एजेंसी एनआईए द्वारा कुछ विशेष प्रकार के अपराधों की जांच कर त्वरित न्याय प्रणाली की स्थापना करने में मदद करे। इस अपराध की श्रेणी में आतंकवाद, आंतरिक सुरक्षा आदि आ सकते हैं। अतः मैं अनुरोध करूंगा कि एक मंत्री समूह द्वारा इस हेतु एक समिति बनाकर इस उद्देश्य की प्राप्ति की दिशा में कार्य किया जाए। मैं यह भी चाहूंगा कि न्याय प्रणाली को मजबूत किया जाए और समय सीमा के अंदर न्याय प्रदान किया जाए।

दुष्यंत की एक रचना को सुनाने के साथ, मैं अपनी बात समाप्त करूंगा।

"सिर्फ हंगामा करना मेरा मकसद नहीं,  
मेरी कोशिश है सूरत बदलनी चाहिए,  
मेरे सीने में न सही, तेरे सीने में है आग जहां,  
आग जलनी चाहिए।"

**SHRI PRASANNA ACHARYA (Odisha):** Mr. Deputy Chairman, Sir, thank you for giving me an opportunity to speak on this Bill. Sir, the Unlawful Activities (Prevention) Amendment Bill, 2019 relates to the safety and security of this country. So, there is no question of opposing this Bill. My Party and I support this Bill. Now, the point of objection among many sections of the House is this. How can you designate an individual a terrorist? Just a while, the Minister of State in the Ministry of Home Affairs was mentioning about Hafiz Saeed and Masood Azhar. We urged upon the United Nations to declare Masood Azhar a terrorist. We urged China to declare the same individual as terrorist. What was the counter question? Why is India not doing that first? We are not in a position to declare an individual, either he is Hafiz Saeed or Masood Azhar, as a terrorist. And with begging hand, we are standing before the United Nations, China and other countries to designate this particular man as a terrorist.

So, Sir, it is a very humiliating situation for this country in that respect. Therefore, Sir, I think, at the very appropriate time, the hon. Home Minister has brought the Unlawful Activities (Prevention) Amendment Bill, 2019.

Sir, yes, I know that there are lot of apprehensions and doubts about the misuse of the provision of law. Those who are apprehensive of this have their own logic. I support them because there are precedents in the country, as Professor was rightly describing, where such laws have been utterly misused in the past. It is but natural that some people have their doubts about the use or misuse of this law. It was quoted earlier that even in this country, persons like Shri Morarjibhai Desai, Shri Jayaprakash Narayan, Shri Atal Bihari Vajpayee were considered a threat to the internal security of this country and put behind bars. इनको जेल में डाल दिया जाए।

It is natural, Sir, when there have been records, precedents, history in this country, that such laws, which are meant for the safety and security of the country have been misused for political ends. It is but natural that some people have a doubt. To those who did this, the country taught them a lesson. My sincere appeal to this Government will be not to commit the mistake which the predecessors have committed. यहाँ हिन्दुस्तान के लोग बेवकूफ नहीं है। वे सब जानते हैं।

The second thing that I want to mention is that you put somebody behind bars but there are many cases where such people have been acquitted in the court of law, subsequently. उनकी जिंदगी बरबाद हो गई, sometimes, two-thirds of their lifetime. Why is this happening? What is the NIA doing? Are they not consulting lawyers? Therefore, my suggestion to the Government is that the law should be properly utilized. You may strengthen the NIA. Recently, this House approved your Amendment Bill to give more teeth to it. In spite of the fact that you are giving more teeth to it, in spite of the fact that Parliament is giving you more power to designate even an individual as a terrorist, why are there a number of accusations on you? A number of cases are pending now. They are not being disposed of. Why is it happening? Many times, innocent people are put behind bars for two years, four years, ten years, twenty years and after that they are acquitted by the court! So, the Government has to be very careful about all these things.

Nuclear terrorism is a new thing. Appropriately, we have to deal with nuclear terrorism also. I think, there is a provision in the Bill. It is a timely Amendment the Government has brought to empower the agencies. My sincere appeal to the Government would be that it may kindly learn lessons from history and that it should never, never try to misuse this law. Thank you.



MR. DEPUTY CHAIRMAN: Hon. Members, Shri Vaiko will make his maiden speech.

SHRI VAIKO: Mr. Deputy Chairman, Sir, thank you very much for giving me the opportunity. This day is a memorable day in the 55 years of my public life as it happens to be the maiden speech in this august House after 23 years. Opportunity is the blessed gift in a man's life. That is why, Thomas Gray, in his poetry, 'Elegy Written in a Country Churchyard', said:

Full many a gem of purest ray serene,  
The dark unfathomed caves of ocean bear,  
Full many a flower is born to blush unseen,  
And waste its sweetness on the desert air.

Sir, ability is of little account without opportunity says Jefferson, the founding father of the Constitution of the U.S.A. Forty-one years ago, in 1978, the opportunity to enter this House was bestowed upon me by the dedicated disciple of Thanthai Periyar and Arignar Anna, the President of DMK, Dr. Kalaignar Karunanidhi in 1978, in 1984, again in 1993, three times. I was moulded by Murasoli Maran, the President of the DMK Parliamentary Party, and when I made the first maiden speech Bhupesh Gupta and N. G. Ranga applauded this young, small man. This time, the President of the DMK, the Leader of the Opposition of the Tamil Nadu Assembly, my beloved brother, Thalpathi M. K. Stalin has given me this opportunity to enter this House. So, I owe my gratitude to Dr. Kalaignar and Shri Murasoli Maran, and to Thalpathi Stalin. Sir, the time at my disposal is very short. But I have to recall the words of Arignar Anna when he entered this august House in April, 1962. In his maiden speech Arignar Anna stated, 'I belong to the Dravidian stock. I am proud to call myself a Dravidian. That doesn't mean that I am against a Bihari, or a Maharashtra or a Bengali or a Keralite. Why I say I belong to the Dravidian stock is because the Dravidians have got distinct, different, concrete things to deliver to the sub-continent.' Sir, this Bill, which I oppose vehemently, is to strangulate the voice of the minorities, the voice of the freedom loving people. Whoever comes to power, when they are in Opposition, they oppose the draconian provisions. The great Pandit Jawaharlal Nehru opposed the Preventive Detention Act of the British Raj, but when they came to power, they used the same Preventive Detention Act. When we won the battle in Bangladesh, Madam Indira Gandhi entered the House, the great late lamented Atal Bihari Vajpayeeji welcomed her as the Durga of India, but what happened? When she abolished the privy purses and nationalised the banks she was applauded by the whole country.

When she was defeated in the Allahabad High Court, when she was disqualified, what happened? A total revolution call was given by Lok Nayak Jayaprakash Narayan and all the leaders joined, but on the dead night of 25th June, when meeting at Ramlila was going on, democracy was murdered in this country and what happened the same morning? All the leaders, including Jayaprakash Narayan, Morarji Desai, Atal Bihari Vajpayee, L. K. Advani were arrested, detained behind bars, George Fernandes arrested after a few months and my leader at that time, the Chief Minister of Tamil Nadu, declared a resolution against the Emergency which was described as the Magna Carta by Comrade E.M.S. Namboothiripad. The Government of DMK was dismissed for this whole reason on 30th January, 1976. On the very same night, I myself, along with 500 cadres, were detained under MISA. I spent two jail terms in Palayamkottai and Salem. What happened? What was the result? The people threw away the Government. When Madam Indira Gandhi came back as the Prime Minister of India, they did not learn the lesson which they got previously. They brought the TADA. My own blood brother, Shri Ravichandran, who gave shelter to the wounded, to those who had lost their limbs, the LTTE, was arrested under the TADA. He was put in the prison. Whenever he was taken to the court, or the hospital, his hands were chained; he was handcuffed. Then, what happened? Again, the leader of the then Government, Shri Atal Bihari Vajpayee treated me like his son. He stated in a meeting in Bihar, 'Vaiko is like my son'. But, what happened? When they wanted to bring POTA, myself and Shri Murasoli Maran opposed it at the NDA meeting. The only thing I could achieve was to stop the move to put pressmen/journalist behind bars, which was deleted. But what happened? I was the first victim of this country. I was the only Member of Parliament who was put behind bars under POTA for nineteen months by Jayalalitha Government. Ms. Jayalalitha was the Chief Minister and used POTA. Mr. Atal Bihari Vajpayee —I was told by his adopted daughter —wanted to meet me in jail, but protocol stopped him. Therefore, he requested the hon. Vice-President of India, our present Chairman, Shri Venkaiah Naidu, to go and meet me in Vellore prison. My beloved brother, the great revolutionary, Mr. George Fernandes, came thrice to jail to see me. Sir, I filed a Writ Petition from jail before the Supreme Court asking, 'Giving support to a banned organization —LTTE —is it a crime and will it come under the purview of the POTA?' The great lawyer Shri Fali Nariman appeared for me. The Judge gave the verdict that a mere speech supporting a banned organization like LTTE will not come under the purview of Section 21 of the POTA. After nineteen months, I had to come to face elections; I did not contest. Had I contested the situation would have been different.

[Shri Vaiko]

But, Sir, today, I want to tell you, here, the great Shri Sukhendu Sekhar Ray quoted about sedition law. Under this very sedition law, the great Balgangadhar Tilak was sentenced for six years imprisonment! Today is the death anniversary of this great leader Tilak. Sir, Mahatma Gandhi was sentenced under Section 124A —sedition law. When Shri Arvind Ghosh was convicted, what Desha bandhu Chittaranjan Das had said? My friend, he said, 'Standing before the bar of the High Court is history, long after these controversies have been silenced, long after this turmoil, long after his death, he will be looked upon as a poet of patriotism, as prophet of nationalism and an icon of humanity.' Sir, you will be shocked to know, I was convicted under Section 124A. I am the only person since independence who has been convicted for sedition under Section 124A last month. Now, today, I am on bail. My case is going to come up in another two weeks in the High Court of Madras. If the sentence is enhanced to two years, I will lose the membership of the House and I will be disqualified. I don't care. I don't care about anything in my life. I live for principles. But, the only person who is convicted under sedition, after Independence, is this simple fellow standing before you. Tilak and Mahatma are mountains and I am a molehill. I am a humble man. But, giving support to LTTE and Eelam, I was branded as a traitor of this country! I come from a Congress family. But, as a student, I joined the DMK movement. I was in jail for five years. The best place for any politician to read and write is prison. This is my experience.

Sir, now, today, the Unlawful Activities (Amendment) Bill, 2019, is before us. Sir, I have to look at the clock, because you have put the deadline of 8 o' clock. I am having here with me the original Act. This Bill was passed by the Lok Sabha with an objective to align the law with the international obligation as mandated in several Conventions and Security Council Resolutions on the issue. This Bill would empower the Government to designate individuals as terrorists, among other changes. Hon. Home Minister, Shri Amit Shahji, had said in the Lok Sabha, during the discussion on the Bill, 'When you have fear in your mind, what can I do?' Sir, I have all the respect for the hon. Home Minister. But, who is feared and for what reason? Kalburgi was killed; Narendra Dhabolkar was killed; Govind Pansare was killed; Gauri Lankesh was killed. The great Poet, Rabindranath Tagore, the Nobel laureate, in Gitanjali, says:

"Where the mind is without fear  
and the head is held high,  
where knowledge is free.

Where the world has not been broken up into fragments by narrow domestic  
walls,

Where words come out of the depth of truth,  
Where tireless striving stretches its arms towards perfection.  
Where the clear stream of reason has not lost its way into the dreary  
desert sand of dead habit.  
Where the mind is lead forward by thee  
into every widening thought and action.  
In to that heaven of freedom, my father,  
LET MY COUNTRY AWAKE!"

But, such anti-terror legislations should not be misused to garget human rights defenders, religious minorities who already have been facing discrimination and reprisals.

Albert Schweitzer, the Nobel laureate, for his medical service to lepers in the dark areas of African Continent, has written a book 'Philosophy of the East'. He says, "Thirukkural, moral scriptures of great poet Thiruvalluvar, has no equal in literature around the world". Thiruvalluvar says, in his couplet under the caption of the chapter Tyranny, I quote, first I say in Tamil:

*\* 'People's tears of sorrow past endurance, are not they Sharp instruments to wear the monarch's wealth away? (Couplet No.555, The Cruel Septre)' Inconsolable tears due to torture, are the weapons, which will destroy any establishment.*

The Bill should be seen in conjunction with the recently passed National Investigation Agency (Amendment) Bill, 2019. When the NIA acts biased in cases where the perpetrators are from majority community, how is it possible for the minority community to live without the fear of this law being misused against them? When such a selective approach is being followed by the NIA, why should we give more powers to it?

I was booked in two cases under the Unlawful Activities (Prevention) Act, one case was for delivering a speech supporting LTTE in a hall meeting at Chennai. I was acquitted after the full trial. The other case was for undertaking a procession condemning the killing of Supa Thamilselvan, an LTTE spokesman, by the Sri Lankan military bombardment. When I challenged the invoking of UAPA before the Madras High Court, the entire charge-sheet was quashed. Thus, I am a standing example of misuse of the MISA, the TADA, the POTA and the UAPA.

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\*English version of the original speech delivered in Tamil.

[Shri Vaiko]

Coming to the Unlawful Activities (Prevention) Amendment Bill 2019, I oppose the said amendment for the following reasons: One, it targets individuals by calling him 'terrorist' by the unilateral act of including his name in the Fourth Schedule. No opportunity is contemplated to hear the view of the individual before his or her name is included in the Fourth Schedule. The Central Government, by this Bill, is empowering themselves by issuance of a notification to include the name of any individual in the Fourth Schedule and declare him as a 'terrorist'. It is highly undemocratic and unconstitutional; in that, the freedom of human being is curtailed. Secondly, this Amendment Bill empowers only the police officer, not below the rank of Deputy Superintendent of Police. Thirdly, this Amendment Bill is bringing a fear in the minds of nation that the nation is under constant threat, both from inside and outside the nation.

The present Central Government is usurping the powers of the State Governments by taking the right of the investigation unto themselves. The basic structure of our nation, that is, India is a Council of States. Hence, this country should be called as United States of India. This country should be called United States of India. By the policy of 'One Nation', being adopted by this Government, I apprehend that the unity of India will be endangered. The proposed Amendment is totally unwarranted, as there are sufficient laws in force. The citizens of India are peace-loving people. They always express their views through ballot and never resort to any violence.

Therefore, I request the House to reject the Bill if it is not referred to a Select Committee for a detailed study.

I would like to state Mr. Martin Scheinin, the former United Nations Special Rapporteur, on the promotion and protection of human rights and fundamental freedoms while countering terrorism, who wrote in an article, "For a while, the global consensus about the imperative of combating terrorism was so compelling that authoritarian governments could get away with their repressive practices simply by renaming political opponents as terrorists".

This draconian, abominable, atrocious Bill, the Unlawful Activities Prevention (Amendment) Bill should be rejected lock, stock and barrel. Otherwise, this Bill will be thrown into dustbin by the people in the future history of India.

SHRI B. LINGAIAH YADAV (Telangana):\* Hon'ble Deputy Chairman Sir, I thank you for giving me this opportunity. I am also thankful to the Hon'ble Chairman for facilitating the Hon'ble Members to speak in this House, in all the twenty two Languages listed in the Eighth Schedule of the Constitution. I want to convey the opinion of my party on The Unlawful Activities (Prevention) Amendment Bill, 2019 brought by the Central Government where it can designate the individual as a terrorist and seize his property when he takes part in terrorist activities. It is not about political parties or who was in power earlier and who was in opposition earlier. Be it individuals like Shri Narendra Modi, Shri Rahul Gandhi and Shri Kapil Sibal or be it political parties like UPA or NDA, it is also not important who occupies what position. What is important is the security of the Nation. Two hundred years ago, this country forced the British to leave this land. People lost their lives fighting for Independence. But it is sad that thousands of people died because of terrorism. I want to convey once again that, it is our responsibility to eradicate terrorism in this country. Telangana Rashtra Samithi party leader Shri K. Chandrashekar Rao is stricter when it comes to National Security or Internal Security of the country. On many occasions my party and our leader Shri K. Chandrashekar Rao have condemned the terrorist incidents and the terrorist groups responsible for these activities. The primary objective is that, the country has to develop. The country has to attain stability and integrity. I wish to remind the House that the citizens of this country who want the country to attain stability and integrity should strive towards eradicating the anarchic forces. Today, we identify terrorists as a group or as an organization but we cannot designate an individual as a terrorist. There is a need to stop the terrorist activities caused by individuals and this is what this Bill is trying to do. No one can oppose this Bill. There is a need not only to eradicate the larger terrorist organizations but also the individuals responsible for terrorism.

Sir, through you I want to request the Central Government and the Hon'ble Home Minister that, few provisions made in the Bill will nullify some powers of the State Governments. Though the provisions made might not influence in larger extent but they will definitely impact to some extent and my request is to reconsider these provisions made in the Bill. For example, NIA can take unilateral decision to take steps against the terrorist individuals or terrorist organizations without sharing information with the State Governments or the Director General of Police in the State. This will affect the federal structure of the country. Since Law and Order comes under the jurisdiction

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\*English version of original speech delivered in Telugu.

[Shri B. Lingaiah Yadav]

**8.00 P.M.**

of the State Governments, it is not proper to take such actions by keeping the State Governments in dark. Many a time we keep telling that Centre and States should have a healthy relation. This is called Cooperative Federalism. When we insist on Cooperative Federalism, we should understand that ignoring the rights of the States will cause inconvenience to the State Governments. If there is any delay by the State Governments, please fix a time limit and the States will adhere to it. We have to act in a dignified way when it comes to Federalism. All of us should rise above party line and help in eradicating terrorism from the country. I urge the Central Government that this Bill should not be used against individuals and organizations for political vendetta. I support this Bill. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Thank you. ...*(Interruptions)*...

The House stands adjourned till 1100 hours on Friday, the 2nd August, 2019.

*The House then adjourned at eight of  
the clock till eleven of the clock on  
Friday, the 2nd August, 2019.*