

# Script

Duration 55 Minutes

(Marshall enters and inspects for quorum.)

**Marshall**: Honourable Members, Honourable Speaker. All rise.

**Honourable Speaker**: Honourable Members, A very good morning to all of you. I welcome you all to the 12<sup>th</sup> National Youth Parliament session and I hope this session will be fruitful. We begin today's session with oath or affirmation of our newly elected members. Secretary General Please.

**Secretary General**: Shriman Nawaz Hussain Sodagar, who stands elected from Srinagar constituency of Jammu & Kashmir State, will now take an oath or an affirmation. Shriman Nawaz Hussain Sodagar Please. | Shriman Nawaz Hussain Sodagar, Do you want to take an oath or an affirmation?

**Shriman Nawaz Hussain Sodagar**: Oath Please.

**Secretary General** In which language would you like to take the oath?

**Shriman Nawaz Hussain Sodagar**: In English Please.

*(The secretary General hands over to Mr. Nawaz Hussain Sodagar a copy of the form of oath in the language in which he wants to take the oath)*

**Secretary General**, *J*

**Shriman Nawaz Hussain Sodagar**:

“Nawaz Hussain Sodagar, having been elected as a member of lower house of the Youth Parliament do hereby swear in the name of god, that I will bear true faith and allegiance to The Constitution of India as by law established and that, I will uphold the sovereignty and Integrity of my country and that, I will faithfully discharge the duties upon which I am about to enter”

*(The member then places the oath paper on The Table of Secretary General and shakes hand with the chair. The member then passes behind the chair to the other side of the Secretary General Table, where he signed the roll of members. Signing the roll he takes his seat in the House. The MPs welcome hir by thumping on their desk while he shakes hands.)*

## OBITUARY REFERENCE.

**Honourable Speaker:** Hon'ble members with great sorrow and regret that I inform this house about the sad demise of former president of Indian Union, Dr A. P. J Abdul Kalam on 27<sup>th</sup> July 2015 in Shilong, Meghalya. Born on 15<sup>th</sup> October 1931 in the small temple town of Rameswaram on the southern coast, he became the 11<sup>th</sup> President of India and was famously known as the "people's president" as he made himself accessible whenever he travelled. He held a series of prestigious posts; including project director for India's first indigenous satellite launch vehicle, and chief of the integrated guided missile development programme. From 1992 until 1999 he was chief scientific adviser to the prime minister and the defence minister. In 1998 he was the chief project co-ordinator for India's second nuclear test. The year before that he was awarded the Bharat Ratna, India's highest civilian honour.

**Honourable Prime Minister:** Respected Speaker, I extend myself and my party members with the sorrow that the nation is feeling on the sudden demise of our Former Union President. APJ Abdul Kalam, who died aged 83, was a former paper boy who became a national hero in India as the architect of the country's nuclear missile programme; in 2002 he was overwhelmingly elected India's 11th president, becoming the third Muslim to hold the post. His election by nearly 90 per cent of the national and state legislatures completed an astonishing journey for the son of a poor boatman from south India whose sister was said to have pawned her wedding jewellery to pay for his education. Dr. A.P.J Abdul Kalam and his achievements are the torchbearers for the people of this country especially the young generation of this nation. I extend my heartfelt condolence to the bereaved family.

**Honourable Leader of Opposition:** Respected Speaker, I associate myself and my party members with the loss and feel the void that the nation feels at the sad demise of Dr. A.P.J Abdul Kalam. He was an extraordinary scientist, known as the "missile man", who played a crucial role in India's most successful programmes. After his retirement from Presidentship Dr. Kalam remained a public figure, accepting invitations from all over India to speak, particularly to students and children. Throughout his time in office he had sought to make the presidency relevant to young people, and afterwards spoke of himself as a teacher. In him we have lost a true jewel, a true Ratna and a great countryman. I extend my condolence to the bereaved family.

**Honourable Speaker:** The house may stand in silence for a while to express our deep sorrow.

*(The members then stand in silence for a while)*

Secretary General may please convey the message of condolence to the bereaved family.

**Secretary General:** Yes Sir

## INTRODUCTION OF THE NEW MINISTERS.

**Honourable Speaker:** Prime Minister to introduce new ministers.

**Honourable Prime Minister:** Honourable Speaker, Sir I have pleasure in introducing to you and through you to the house, my colleagues, the new ministers:

I) ShrimanMusalibPeerzada, Hon'ble Minister of Sports

*(Thumping.....),*

II) ShrimanZahidWani, Hon'ble Minister for Industries &Commerce.

III) *(Thumping.....),*

IV) ShrimatiNusratHon'ble Minister of Labour

*(While being introduced each Minister in turn stands with folded hands. The members greet them by thumping on their desk.)*

## Question Hour

**Honourable Speaker:** And now we begin with the question hour.

### Question No 101 ShirimatiSyedAreej

**SirrimatiAreej;** Hon'ble Speaker. Sir, will the Hon'ble Minister of Railways be pleased to state the arrangements made by the government regarding basic amenities in the railways for the people of the country.

(Always in two or more than two parts).

**MR.SPEAKER:** Hon'ble Minister of Railway please

### **Hon'ble Minister of Railways, NisheetZehbi**

Hon'ble Speaker, the govt. is highly concerned regarding this matter. In this regard two hundred stations are brought under "ADARSH STATION SCHEME" and are provided with basic amenities like toilets, drinking water, catering services; waiting rooms etc. 650 stations are getting new toilets. 17,000 old toilets on trains are being replaced by bio toilets increasing the number by 17,388. Also under the "SWACH RAIL SWACCH BHARAT PROGRAMME" professional cleaning agencies have been hired to keep the trains and stations clean.

**MR.SPEAKER:** Shirimati Syed Areej

**ShirimatiSyedAreej** Sir, security is a major issue in the railways, what the government is doing to improve the security especially the security of women in trains.

**MR.SPEAKER:** Honourable Minister

### **Hon'ble Minister of Railways, NisheetZehbi**

Hon'ble Speaker, the government has provided Security helpline numbers \_ 182 and 138 in this regard. also 400 railway stations are receiving CCTV camera services. Adding to this the trains are having pink zones i.e. compartments reserved only for women just to improve security services especially security of women in trains.

**MR. SPEAKER:** ShirimatiSyedAreej

**ShirimatiSyedAreej**

Sir, the black marketing of reserved rail tickets is another serious matter. The government has to ensure stopping this.

**MR.SPEAKER:** Hon'ble Minister of Railway please

### **Hon'ble Minister of Railways, NisheetZehbi**

Hon'ble Speaker, Our government has started an initiative in this regard called the YTSK ( Yatri Ticket Suvedha Kendra) to curb the black marketing of reserved rail tickets. Apart from this pesengers are allowed to book tickets upto 120 days in advance and they receive SMS alerts for arrival and departure of trains. Also "OPERATION 5 min" has been started that allows passengers to acquire tickets within 5 minutes of entering the station .

Source railway budget presented on 26 feb'2015

Speaker: Question No 102 ShirimatiAymen

**SirrimatiAymen:** Hon'ble Speaker Sir would the Minister for Tourism be please state:

- (a). the latest position on identification of tourism circuits.
- (b). the initiatives to bring them up to international standards, if that is not possible at least to a level acceptable to tourists?

**Mr Speaker: Hon'ble Minister for Tourism, ShirimatiMahoor**

**Minister for Tourism:** Respected Speaker, the ministry has identified 50 circuits for development of tourism in the country , covering a mix of culture, heritage, spiritualism and ecotourism , significantly Kashmir circuit, Beach and Fort Circuit , Desert Circuit. We have formulated a plan, Swadesh Darshan , for integrated development of tourist circuits around specific themes. The five circuits identified under this scheme include Buddhist Circuit, Hmalayan Circuit and many more. Also, through its international offices , the Ministry ahs participated in major international Travel Fairs and exhibitions in major and potential tourist generating regions across the globe. Also, the Ministry is committed to develop quality infrastructure at tourist destinations and circuits. The Ministry has sanctioned 1800 crore rupees for projects related to Infrastructure development of Destination and Circuit.

**Mr Speaker :SirrimatiAymen**

**SirrimatiAymen**

Hon'ble Speaker , May I know why despite sanctioning the 1800 crore , these circuits lack proper infrastructure and are in dire need of more hotel rooms, good roads, waterways, wayside amenities ,uninterrupted power and water supply ,etc.

**Mr Speaker:** Yes, would the Hon'ble Minister like to say anything on this.

**Minister for Tourism:** Sir , there are no two opinions that this is a grave matter , but also are efforts are spearheaded on a war footing basis to address this issue. THE Foreign exchange earnings from tourism have crossed 1 lakh crore and grown by 12% in the past year. Also , India s position n travel and tourism competitiveness has increased from 65 to 62 in 2014-15. Also , we have launched an Incredible India helpline, e-ticketing at major tourist destinations, and AdarshSmarak or model monument scheme

**Speaker: Question No 103 ShirimatiAzmat Ali**

**Sirrimati:** Respect Speaker Sir, this Govt created such a publicity stunt by announcing 18 crore new bank accounts but I'm hearing from various sources that most of the bank accounts created have zero cash transfer and have been dormant..Can the honorable finance minister inform the house when will they move from account opening to real cash out facilities..?

**Hon'ble Finance Minister Mr. SajadUIHaq**

Respected Speaker sir, PMJDY was a historic step taken by our Govt. towards financial inclusion which our govt embarked on with 1 year of coming to power which unfortunately does not go down with opposition. Respected chair, we've already announced phase two of the program and sleeve of measures have already been taken like To facilitate cash out facility, the banking network across the country comprises of the following:-

Network of 1,25,857 branches of Scheduled Commercial Banks as on 31.03.2015, out of which 48557 (38.58%) are in rural areas.

1,84,221 ATMs of Scheduled Commercial Banks as on 30.06.2015, out of which 91486 are onsite ATMs.

In the year 2014-15, 8227 Branches and 21,197 ATMs were added to the network. 1,26,062 Bank Mitras deployed as on 08.08.2015

Limit for cash withdrawal at POS (for debit cards and open system prepaid cards issued by banks in India) has been enhanced from Rs.1,000/- to Rs.2,000/- per day in Tier III to Tier VI centres.

One of the basic objectives of Financial Inclusion is the delivery of financial services at an affordable cost to the vast sections of the disadvantaged and low income groups. To achieve this objective banks are not levying any SMS/Message charges on Prime Minister Jan-DhanYojana (PMJDY) accounts and Basic Savings Bank Deposits (BSBD) Accounts.

The network of bank branches, ATMs, Bank Mitras (Business Correspondents) equipped with micro ATMs, availability of merchant PoS, issuance of Debit Card, and enhancement of limit of cash withdrawal at PoS will help the customers in meeting their cash withdrawal facility at an approachable distance.

**Speaker:** ShirimatiAzmat please

Hon'ble Speaker sir, Finance Minister is always busy making big promises and I hope this time he stands up to his words. Will he kindly inform the house, what provisions there Govt. has for a vast no. of people who are yet to be brought under PMJDY and ADHAAR?

**Hon'ble Finance Minister**

**Hon'ble Speaker:** Sir, Aadhaar is not mandatory for availing this facility. In this regard, Indian Banks Association (IBA) has been asked to issue revised guidelines to all banks. Overdraft facility has been availed by 1,64,962 account holders as on 01.09.2015.

**Speaker: Question No. 104 ShrimatiSehrishJanwari**

**ShirimitiSehrishJanwari:** Hon'ble Speaker sir, will the Minister of Irrigation be pleased to state:

(a). that out of about 141 million hectares of net area sown in the country, only an extent of 65 million hectares (46%) is currently covered under irrigation. Substantial dependence on rainfall makes cultivation in remaining areas a high risk and a less productive profession. When the Govt. is busy favouring industrialists, what are they doing for the helpless farmers to improve irrigation?

**Speaker:** Hon'ble Minister of Irrigation may answer the question please:

**Hon'ble Minister of IrrigationShirmatiNaila:** Hon'ble Speaker sahib, I would like to inform my honourable opposition that the government is committed to accord high priority to water security. Sir, we have conceived PradhanMantriKrishiSinchayeeYojana (PMKSY) in order to extend the coverage of irrigation in a focused and comprehensive manner. Sir yehtohrahibaataajtak hum ne kyakiya. Iskeilawa app 2014-15 ki budget speech utha k dekhlijeye.

*Handi*

Usmemein humne 1000 crore rupees ziraat se vabastamukhtalifshoobonkitarakikiliye serf kiya. Shadyad humare memberansahibakhaboron se zaida star plus kashaukraktihai, isiliyeunhe is cheezkailmahikihamare mulkmeinkya hoi rahahai. Hall hi mein humneek meeting talabkiziraat se vabastamukhtalifahdeydaronki, jismeinyeh tai huwaki ministry of agriculture ko nodal department kadarjadiyajayega. TakiPradhanMantriKrishiSinchayeeYojana (PMKSY) maoasaraurmauzitareekay se lagukiyajaye.

*ashere is Suppl.*

**Hon'ble Speaker: Question no. 105 ShriZubair Ahmed****Hon'ble Speaker:**

sir, students in India often face problem and confusion while selecting their options while comparing ratings given by different international rating agencies where our universities hardly figure in top 200, don't you think it's time when we should move towards India specific rating for higher education institutions?

**Speaker:** Hon'ble Education minister Mr Faizanul- Islam please**Hon'ble Education Minister:** sir our Ministry is busy in preparing a framework to rank India's higher Education Institutions. This India-Centric Ranking Framework will give an alternative to Indian students. The ministry had even held consultations with QS and Times ranking authorities to look at how to improve the rankings.**Sir I have a supplementary,****Hon'ble Speaker: You may proceed.**

Hon'ble Speaker sahib would our worthy leader of the opposition care to answer- what'll be the grounds for such a rating and when can we expect it to be operational?

**Hon'ble Speaker:**Hon'ble Education Minister Mr. Zubair and Leader of the opposition**Hon'ble Education Minister**

Sir, academic institutes will be assessed on parameters like teaching-learning; research; collaborative practice and professional performance; graduate outcomes; placements; outreach and inclusive action and peer group perception. One of the important parameters is outreach and inclusive action, which will assess institutes on affirmative action and steps taken to reach out students from disadvantaged sections of society. Moreover, the rankings will be driven through a web-based portal wherein each institute will be able to furnish information.





## Breach of Privilege

*(Member of the opposition, Mr Tahleel takes permission from Mr. Speaker)*

**Honourable Speaker:** Yes Mr. Tahleel.

**ShrimanTahleel:**Honourable speaker there has been a serious breach of privilege by the members of the ruling party. Days before, a serious and confidential issue relating to the foreign policy of India towards its neighbouring countries was discussed, which later was leaked into media and now has become a chaotic debate. Honourable Speaker, before the side puts forth any of their developmental projects or increments in GDP. Let them get to know about the rules, regulations, norms, discipline, decorum of the parliament and let them not make the people ashamed of whom they choose to be their representatives.

**Honourable Speaker:**Mr. Tahleel, have you given notice of it earlier?

**ShrimanTahleel:** Yes, sir I have already given notice of it at 10:00 A.M. this Morning.

**Honourable Speaker:**It will be examined and you will come to know about it. Now papers to be laid



## Papers to be Laid on the Table

**Honourable Speaker:** Honourable Minister of Renewable Energy Shrimati Shaima Sayed

**Shrimati Shaima Sayed:** Sir, I beg to lay on the table copy of the papers related to reports by following:

- a) Identification of Industrial Sector Promising for Commercialisation of solar energy
- b) Market assessment of solar water heating in the Himalayan regions
- c) Delhi International Renewable Energy conference.

**Honourable Speaker:** Honourable Minister of Human Resource Development Shrimati Ahrar Syed

**Shrimati Ahrar Syed:** Sir, with your permission I would like to lay down following:

- A) report of working group of subcommittee of national development council
- B) report on technology mission on oilseeds and pulses
- c) report on integrated nutrient



## Message from Upper Chamber

**Honourable Speaker:** Secretary General to report message from Upper Chamber of Youth Parliament

**Secretary General:** Sir I have to report the following message received from the Secretary of the Upper Chamber of the Youth parliament

'Is that the bill for Regulation of Sports bodies 2015 which the government passed in last session has been rectified and is ready to b sent for presidents approval'



## Welcoming The Foreign Delegation

**Honourable Speaker:** Honourable Members, I have to make an important announcement. On my own behalf and on behalf of the Honourable Members of the House, I have great pleasure in extending our warm and hearty welcome to the Honourable Members of the British Parliamentary Delegation who are on a visit to India as our honoured guests.

It is very high powered delegation. The delegation arrived on Sunday 21<sup>st</sup> September 2015. They are now seated in the Special Box. We wish them a happy and comfortable stay in our country.



## Calling Attention Motion

**Honourable Speaker:** Now let us take up Calling Attention Motion. ShriZubair Ahmad

**Shrizubair Ahmed:** AdharniyaAdhyakshMahodayJi, KyaKrishiMantri mere prashnkauttardenge,

- i) AakhirkyuninkipaaritkihuiiZameenAdhigrahan Bill mein Rural Development keliye Consent Clause koanniwarinahinkiyagayahajiskanateejayehnikalrahahaikiinkilaaparwahiyonkakhaamyazagareeb kisaanapnijaandekarbughatrahahai. Aur,
- ii) Kyunyah suit boot kisarkaarUdyogpatiyonkihitoonkorashtriyaHitt se zyaadamehetwa de rahehain?

**Honourable Speaker:** Honourable Agriculture Minister Please.

**ShriMouwahid:** Honourable speaker, I stand here in absolute sorrow over the recent incident of an instigated suicide by a farmer brother of our nation, and I would like to reiterate my stand here, that it is the opposition that is responsible for the abetment of this suicide owing to the malice laden propaganda it is promoting against a very genuine bill. They along with their serial agitators, their goons and footage hungry toothless opposition leaders are trying to spread incorrect information about a long pending reform that aims to catapult the nation in the direction of progress. I would like to ask my opposition, why they never opposed the draconian eminent domain doctrine that existed throughout their 60 years of rule? Hon'ble speaker, this is nothing more than a cheap gimmick on the part of the opposition that has sadly resulted in the loss of a life. Sadly this opposition, trying to make a statement terms us as a suit boot kiSarkar. I say I welcome that label. Because for us, we wish to see every farmer so developed that they don the suit boot as well. For us, overall development is paramount. The opposition has issues with the consent clause. Do they not realise this provision is only in case of national security, rural infrastructure, affordable housing for the poor, industrial corridors, and social infra and PPP projects where the government holds the land. Hon'ble speaker, is the opposition trying to say that national security isn't of paramount importance? Are they saying that the votes they garner from these poor farmers for bijlipani and sadak are just that. Votes. And when it comes to doing something about it, they oppose it tooth and nail and influence the poor gullible farmer by misleading him. Don't our farmers deserve a better life? They spoke about compensations once the projects have been developed, don't they see how industrial corridors are contributing in terms of alternative employment generation, besides the general compensation that will be provided at the specified rate, not just to the land owner, but also to those who are dependent on the land? Hon'ble speaker, the opposition is ignoring the fact that relief and rehabilitation have been made the most important aspects of the act, something that their long dark period never considered, not even when they supposedly woke up in 2013. The number of provisions that our government has made in this act in the interest of our farmers, besides considering national interest and development, are immense. Right from compensation provisions, to relief and rehabilitation, to returning un utilized land after a certain period, are all in the interest of the nation overall. This ragtag opposition and its fringe agitators are creating confusions or political gains. This law is going to change the outlook and the future of India, in a positive way. History shall stand witness to the progress this act shall bring to our nation in this era of competitive federalism. I wish the opposition rises above its petty political gimmicks that risk the lives of our poor farmers and try and understand the importance of this reform in letter in spirit instead of opposing it for the sake of opposing it.

## No Confidence Motion

**ShrimanZubair** (Leader of Opposition): is sarkar ne ajtak koi be kaam dang se naikiya , ye mehazkursiyonpearamaurtaqreeronmein bade bade wade kartein. Ye sarkar logon koDokhaaurunkeemostionskesathkhilwadkartehein.....  
 ..... Honourable Speakeer, Issarkar ne na education pe , na health secterpe , na defence pe our na agriculture pe koi kaamkiya  
 Sir, we demand a motion of no confidence be granted.

**Honourable Speaker:** Motion moved.

“Those who are in the favour of government please say, Aye”

“Those against the government please say, Nay”

We have a 51:49 ratio and I think the Ayes have it, the Ayes have it, the Ayes have it.

**Prime Minister:**maishukarguzarhuapne party members kiaur un logoukijinhounemujhmaivishwasdikhaya .Meinunkevishvaskipuriqadarkarte hue, unkoyaqeen dilate hounkiunkadikhyahuavishvaszayanhihoga .Mai guzarishkartihunapni opposition membrane se ki who haraekmudehko politicize naakare ,let’s not paint every issue with the brush of politics ,this will be not good for our mother India .maiguzarishkartihu ,darkhwastkartihuapnemulkkelougou se ki who jaagjaye ,zimedaaarhojai .jisquomke log hoshiyarhotetai ,zimedaaaraursamajhdarhotetai ,us quomke log badhtetai ,ubhartetai .aurjisquomke log soyehotetai ,gairzimedaraurlaparwahotetaiusquomkimoutwaqt se pehlehojatihai .maiwaadkartihuapnemulk se ,apnemulkkisarzameen se apnemulkkedarikbande se ki jab tak is mulkmaikhushhali,amanwasukoonwapisnahilaata, tab taksukoonkisaanshilenge. being the Prime Minister I do acknowledge the fact, that there had some loop holes in our governance but still then we reassure the nation, we have been and we will be working for the development of our country as much as possible and we all will be the witness of a beautiful, peaceful and above all progressed nation.

Dil Badal Sakhtehein Jazbaat Badal Sakhtehein

Mulik k fiqr-o-khayala tbadal sakhtehein

Douremoujoud k din-o-raatbadalsakhtehein

Tum badaljawoyaro ,touhalaatbadalsakhtehein

thank you

## Legislative Bill

**Honourable Speaker:** Honourable Minister of Law to introduce the Bill.

**Shriman Home Minister:** Sir, I beg to move for leave to introduce a Bill further to amend the Motor Vehicles Act.

**Honourable Speaker:** The question is

“That the leave be granted to introduce a Bill further to amend the “Motor Vehicles Act”

Those who are in favour will please say “Aye”

(A majority say Aye)

Those who are against it please say “No”

(A minority say No)

I think the ‘Ayes’ have it the Ayes have it the Ayes have it

Leave is granted

**Shriman Home Minister** Sir, I introduce the Bill

## Bill for Consideration

**Honourable Speaker:** Now the house will take up consideration of the Police Force Bill, 2015

Minister Please,

**Shriman Home Minister:** Mr. Speaker, I beg to move: “The Police Force Bill, 2015” an act to consolidate and amend the law relating to the establishment, regulation, powers and duties of the Police Service and for matters connected therewith and incidental thereto.

Sir, the very foundation of our nation is based on rule of law, of all the three organs of governance, law is held to be supreme and most powerful. Be it the executive, the legislature or the judiciary no one is held above the law laid down in the constitution of our country. While judiciary acts as the watchdog of rule of law, it is the police force which is the guardian of law and order in the society.

The police force is the protector of law on the field, the legislature may pass bills into laws, the courts may issue orders, the executive heads may come up with policy documents and directions but it is the men in uniform who act as the spirit of these letters. Without the police nothing can withstand the chaos of a diversified nation which has a unique blend of culture, language, traditions and religion; like of ours. It is the constitutional obligation of the State to provide an impartial and efficient Police Service and empower it in such a manner so that it functions as an efficient, effective, people-friendly and responsive agency.

Since the independence our police force has largely remained based on the traditional methods of crime prevention and detection. While as our country entered an era of digital age, effective cyber policing still remains a distant dream for India. With changing times new challenges have emerged on the fore front. India is now no longer a legacy of British colonial rule but an emerging super power which wishes to enlist itself in the UNSC by year 2020. As companies, individuals and researchers flow in to this subcontinent, our police force needs to equip itself with dual role of providing due consideration to basic human rights to the foreign entities and also pave policies and methods which prioritise the security of the nation as well.

Terrorism, Illegal Drug & Human Trafficking, Money Laundering & Covered Uprisings, Human Rights Violation are such crimes which san jurisdiction of national and international boundaries. They are the challenges which require a more holistic approach from police force as first responders to any such eventuality.

Sir, in order to cope up with the challenges that 21<sup>st</sup> century presents to our nation there is an ardent, emergent and unprecedented need to reorganise the police force of our nation and make it more professional, service oriented, independent of extraneous influences and accountable to law. The Government has brought forward this Bill before this August House, because we believe it is the most appropriate time that police force is vested with specialized powers and finances so that these challenges can be dealt with an iron hand. Some of the important features of this bill which I present forth for the kind consideration of the respected house include the following:

Sir the main objective of this bill is to codify and amend the law relating to the establishment, regulation, powers and duties of Police Service in our country.

In addition to the existing duties and function, the bill mandates social responsibility of the Police i.e providing all requisite assistance to a victim of crime or to persons found in hapless condition is now mandatory provision and duty upon a police officer and he/she will irrespective of medico-legal formalities have to necessarily provide it. The police officer is also required to inform and make arrangements for providing free legal aid to the deserving persons. The chapter also prohibits the use of indecent language or any misbehaviour by the police personnel during the discharge of the duty. The Police Officers are also required to maintain a proper standard of their health and robust physique. A periodical determination of such standards will be conducted and any personnel failing to which satisfy such standards shall be terminated from services.

Sir, the act also provides that Police officers should make and keep audio or video or electronic records of any activity performed by them during the discharge of their duties. A revolutionary step as I believe it is for the first time that government machinery is being put under camera surveillance for 24 hours and 7 days all along the year. Another provision of this bill provides for community policing in which a civil society committee will be constituted in each police station which will comprise of local residents assisting the police in discharge of their duty. We believe this step will foster an era of police public partnership which is still a distant dream in our country.

Sir as I mentioned earlier there is an immediate need to modernise the police force and our government wishes to initiate it by modernising the police stations itself. The first refuge that a victim has is that of a police station and therefore this bill mandates that every police station in the country be equipped with adequate manpower and infra structure facilities which include medical care, food, shelter and observatory. Also proper arrangements for detunes shall be made and the lock ups shall be upgraded to minimum humane conditions. In addition to above mentioned provisions, every police station shall accommodate a separate cell for Legal Aid, Women Cell & Safe Custody of Juveniles including separate cyber crime cell. All these facilities shall be verified by the chairperson and members of the State Human Rights Commission on a periodical basis.

The bill also mandates that during the training and capacity building of personnel's for the police force subjects such as Human Rights & Cyber Forensics will be made compulsory and a failure to pass such courses shall lead to disciplinary actions which include stoppage on promotion, demotion or in extreme cases termination from services.

The most striking feature of this Bill is the constitution of All India Police Complaints Authorities which shall examine, enquire and adjudicate into complaints of misconduct and malpractice against the police officers. As citizens we are very well aware of the ground realities as such prevalent in our country. The long lists and records of pending cases



in the courts of our country discourage a common man from bringing any action against a cop. Then there is fear of harassment as the famous saying goes "Pani Mein RehKarMagarmach Se Bair Nahi". But when the protector becomes the invader itself, there remains no option but to create a supra authority for disposal of such complaints at an earliest time. The All India Police Complaints Authority as mandated by this bill is the incarnation of such supra authority in letter and spirit. Now the common man can have fast disposal to his complaints against the Khakhi as once a complaint is logged against the cop in question, he/she shall be stripped off from all of his powers in the same instance and required to report with a show cause notice.

For the effective application of these provisions the Police Complaints Authority shall be constituted on State and District level as well.

Sir it has never been the good laws or law makers which have protected the sanctity of governmental institutions but the effective and honest enforcement of laws has always made the difference. It is not the judge sitting in the court room, nor the bureaucrat or not the legislator who rushes to the spot or coordinates the public law and order in the field. It is the ordinary constable, wearing a khakhee cloth and swinging a bamboo stick who represents all these organs as one man army and I hope this bill will help in initiating the much awaited change needed in this three in one representation of ours.

That would be all. Thank You Sir & Respected Members.

**Honourable Speaker::** I am confident that all Honourable Members of this house irrespective of party affiliation believe in the fact that the Police Force of our country is in a dire need to be reformed and, therefore, will welcome the Bill whole heartedly and through it, will help to raise the standards of our Police Force akin to that of developed nations. With these words, I now move that the Police Force Bill, 2015 be taken into consideration.

#### **Motion Moved**

That the bill relating to the establishment, regulation, powers and duties of the Police Service and for matters connected therewith and incidental thereto, be taken into consideration.

**Honourable Speaker:** ShrimanIst Speaker what are your remarks on this bill?

**ShrimanIstSpeaker:** Honourable Speaker Sir, I rise to support this bill as I believe it is a revolution in making and thus I feel proud to associate myself with the passing of such a reformative act. It has been a long pending issue of our nation since we achieved independence that the Police Force should be patronised on modern trends and should be made more people friendly. While going through this bill I personally feel that government has attained the very basic objective of reformation on modern lines. The provisions dealing with Police-Public Cooperation are indeed a welcome step as civil society has been yearning for it since decades. The sections pertaining to Social Responsibility of Police & Community Policing are very much similar to that of developed nations where Police itself discharges the functions of a Social Welfare Department.

The Honourable Law Minister has elaborated upon all the main provisions of this bill but some of the provisions which I believe are detrimental to the passing of this bill are the provisions laid down in Section 136 which for the first time impose severe penalty on a police officer who commits an unreasonable arrest,



search, seizure & violence. It is more akin to that of providing a tool in the hands of a common man to protect himself from high handedness of police.

Similarly the bill has also laid down certain guidelines for the protection of public property and moral order while discharging the functions of police which is a much needed reform in modern times.

Another important provision is that of separating the investigative functions and the maintenance of public order function with the department. Having a separate wing to investigate crime and separate wing to maintain decorum during a public function will help police to provide their services in a much quick and efficient manner.

The historical provisions of this bill are indeed a great step towards fostering an enlightened society in our nation and I believe the other members of this house will also support the passing of this bill which will help the Police Force to regain its lost glory

Honourable Speaker: Shriman Danish Riaz please enlighten the house with your views

Shriman Danish Riaz (Member of the Opposition): Honorable speaker sir, Police is one of the vital organs of the executive which holds a pivotal role in maintaining law and order in society and for that matter there should be partiality in the functioning of the police dept.

The legislature that this govt. has come up in connection with police reforms is monstrous, inadequate toothless and has a larger scope of mismanagement. Some of the provisions are in fact contrary to the constitution of India,

Honourable speaker it seems that this bill has more in it for the govt. than for common people.

It gives Govt. power to interfere in police proceedings in unconstitutional way,

It is a mockery of our democracy that the govt. has no knowledge of our constitution; coming up with such a vague legislation is just unacceptable.

This legislation is a fraud on the constitution itself. This bill hides more than it reveals.

Opposition vehemently opposes this bill and demands amendment to some provisions so as to synchronise this bill with the constitution of India and public interest. Until our demands for amendment are not met, we won't let this bill to be passed.

Govt. by controlling police wants to form an autocratic set up which will serve their own personnel benefits

**Sec 10** which says police officer to keep the information confidential is against the ideology of democracy, police being a part of govt cannot be allowed to work in secrecy ... all the material, statements, evidences information collected in course of official duty by any PO immediately becomes a public document and is to be placed in public domain .. it will be prejudice to the interests of general public .....

**S22 glorifies** police brutality. The section while describing the procedure to handle the injured person in custody clearly mentions the word " physically injured due to the force used by police officer "

Are we supposed to understand that govt has given free hand to police to use force we ask govt to explain this phrase. Have they given free hand to police against the accused in the police lockups.....?

The most dangerous, preposterous section of this bill is **sec 62** which lays down the procedure to form village defence committees for the protection of inhabitants of that particular village.

Hahahah it's a shame that police itself can't protect the interests of the masses. If people themselves are to protect their interests then what is the need of police, then we don't need the govt as well people will govern themselves.

Under the social contract of democracy people surrender some rights to govt and it is the duty of govt to protect those rights like social security and protection. If we are to protect ourselves on our own then what's the fun of elected govt and moreover the procedure to elect the members of VDC is not laid in the bill which gives room for discretion

**Sec 53 to 56** again gives wide powers to high ranking officials in case of postings and promotions with this internal; system of working gives rise to the rampant corruption in the system and with no proper procedure is laid which makes it all the way more vague and controversial in nature

**Sec120** which bars the complaint after six months is again controversial. It is against the fundamental rights and there is no scope for reasonable delay in filing complaint.

**Sec 101** which lays down the member of the SPCA is again a fraud on the people of the state

Only 1 person the chairman is from the judiciary rest all members are appointed but the govt which give complete control to the govt.

It gives govt power to influence the proceedings of the committee this hits the neutrality of the committee. This gives govt powers to save and officer they want

The main glitches in this part of the bill are sections 102 and 105

102 says the chairperson is to be appointed by govt with consultation of CJ but sec 105 gives govt to remove chairperson unilaterally, this again gives govt a power to control the committee ..

**Sec 107** lays the provision says on whose complaint action may be taken against the officer,

- 1) A victim
- 2) NHRC
- 3) DG police.

It's strange to see that no mention of judiciary in this section to avoid any confusion the judges should also be included to maintain the effectiveness



**Chapter 10** deals with the complaints against the PO the part is authoritative in nature. Govt has kept all the powers to itself and thus deterred the neutrality and partiality of the SPCA

**Sec 107** maintains the procedure of inter departmental inquiry , which prevents the system of check and balance the absence of any independent authority to check the neutrality and partiality makes this whole chapter in effective

Opposition demands the inclusion of judiciary in this section

We propose the idea of a panel of 2 sitting HC judges to look into the functioning of the SPCA DPCA

Opposition rejects any step or idea to make the police puppets in the hands of govt. This bill speaker sir will affect the image of police in the mind of masses and will create distrust among the general public.

Until these amendments are not made there is no question of allowing this bill to pass

Let me be clear police is there for the help of public and not for the govt's personal use. This bill is prepared in such a manner as to keep police under the clutches of govt.....we won't let that happen we will fight against any attempt by this govt to dilute the structure of the police.....

**Honourable Speaker:** ShrimanIrshadRasheed, app kayvicharkyahain is bill k prati?

**ShrimanIrshadRasheed** AdharniyeAdyakshMohadayPranaam,

Aaj hum apkesamakshkhadehokarsoyamkobadiduwidhajanaksithithimeinmahsooskarrahayhain. Parantuiskakarandsaamnyaroop se yeh bill nahihaintuhumainaisalagtahaiki hum ajapnedesh k surakshakarmiyoonkolekarsansadmein timpani pe timpani kiyejarahehainwohbhinindajanak, jiskaporashrey is araamdhayakkursimeinbeathiviklaansarkarkoajaatahai.

Inhekahanmaloomadhyakshmohadaykihamaresurakshakarmi 45 degree kijulsa dene waligharmiaur minus 19 degree kikadaktithandmeinkhadarehkarapnakartaiveporakarrahehainaurhamaraypradhan mantra, rakshavagreh mantra delhi k A.C kothiyoonmeinvirajmaanhai.

AdhyakshMohadayHamaareSurakshakarmiyoonkawetanekmajdoorkidihadi se bhikamhai.Inkiwetankaupdeshpichle 15 saalon se sansadmeinpadhahaiaurpaaritkiyejaane k liyetarasrahaai.Usupdeshkolekarsarkartas se masnahihorahihaiaurlekaraayihaiyeh Police Reform Bill.

AdhyakshMohadaay, yehbaatnindajanakhaikiangrezon k jaane k baadpehlibaarsarkar police balmeintabdeelilaney k liye koi kadamutharahihailikin is baatmeinbhi koi shaknahikiyadi is bill koparitikiyagayatohjantakajeevandobarhojayega.

Is bill k antargat police bal k dwaraistimaalkiyejaane wale hathiyaaronkolekar koi pravadhannahihai, is say sarvajanikjeevanpekyaprabavpadhsaktahaiuska koi anumaannahihai is adbut Sarkarko. Pichlibaarcochi k thanay se 25 AK47

rifleinlapatapaayigayienaurajtalakpatahahichalakiwehhathyaarzameenkhangayiyaasmaannigalgaaya.

AdhyakshMohaday, had dekhiye, is updeshmai is baatkapravadhaanbhihaikikadachithapkovirodhpradarshankarnahaitohapkokewal police bal se

anumatilenepadegi. Aray is anpadhsarkarko ye nahimaloomkiviroodhpradarshankarnahamaarasaamveidanikhhaqhaijissehumevancithnahikiyajasakta.

Arayaurtohour is bill k antargath agar koi veaktikisi Qatar kogalti se bhitoddetahaitoh us par 1000 rupaiyajurmanahoga, matlabkigharmeinpatni k saamnejaane k liyebhi Qatar meinjaanahoga.

Is anpadhaurviklangarsarkar ne samvidhaan k sansthapakoon k prandookopeedapohanchaihai. Hum ne sansadmeinpehle hi satermein is sarkar k bare meinbavishvani kit hi kiyehsarkarajjadi k baadaisipehlisarkarhogijodeshkeuplakshyekokadaashorpoahanchayegiaurbilkulwaisa hi ha rahahai is bill k dwara.

Ant meinAdhyakshMohaday, hum bus itnakehnachahtehainki is updeshtonishafalkarkejantako is aapdhajanakisisthimeinnadalein. Dhanyawaad.

**Honourable Speaker:** Honourable Minister for Home Affairs.

**Shriman Home Minister:** Sir it is indeed a learning experience for me to listen to the vibrant inputs of all the members of this house, both the supporters and critiques equally.

The first issue that I would clarify upon is that of Pay Raise for Police Personnel as pointed out by ShrirshadRasheed in his furious speech. Sir, the honourable opposition member is forgetting about the 2 subsequent Pay Commissions that stand implemented as of today. The Police Personnel's along with other government employees have been provided a multi-folded raise of basic pay along with other immunities such as D.A, T.A & H.R.A. The Comptroller-Auditor General's Report for the year

Regarding the reservations as held by the opposition regarding the violation of constitutional rights by making the permission of police officer necessary prior to holding any sit in or protest it is humbly submitted to opposition, kindly sir don't give us lectures regarding the violation or sanctity of constitution. It was your government that was snubbed by Honourable Supreme Court for passing such acts which were ultra-vires to constitution. Our government believes that Protest is a constitutional right and we respect the freedom to hold and organise such protests. But sir protest at the cost of human life and public order, such things can't be tolerated or taken into consideration. There have been various instances when a peaceful protest turned into a riot and then Police was accused of being negligent towards their duty. This provision is a precautionary measure to thwart any such event which could turn into an ugly situation and cause huge losses to government exchequer in terms of public property and other utilities. If police is kept in loop with such protests which are peaceful and don't harm any interests I don't feel that such a move will cause any violation to a constitutional right.

In his address to this august gathering Shri Danish Riaz also vehemently criticized many provisions of this bill on the pretext of non-inclusion of Judicial Accountability in section 101 and 107. Is the respected opposition member forgetting the fact that Judiciary in our country is already over burdened with almost 4 crore cases still pending? These provisions are included to provide some relief to common man from the pendency of courts. And if the worthy opposition thinks that by bringing in such an amendment to force which will frustrate the basic purpose of this provision then they are grossly mistaken. Our government will never compromise on the stand of providing fast and efficient justice to common masses.



The honourable opposition member also raised the contention regarding section 120 which expressly prohibits the filing of complaint after 6 months. This I, again, believe is a step to ensure judicial awakening among the masses. An event which has occurred 2 or 3 years ago should not bother the efficient functioning of Police Force. And if such a thing is allowed then we should stop complaining about the overburdening of Police department and subsequent delay in investigating and disposing of cases.

I humbly request the house to consider the fact that since Independence a lot of things have changed in our administration and governmental processes. We have achieved the status of a developing nation and are set to become a developed one in coming decade. Our country is the only country among the developing nations across the world which has been able to send an expedition to Mars and yet when we look down to the protectors of our society and intellect the image is of a man with a stick and shield made of bamboo wood. The same Police Act which controlled this department in colonial period is controlling it now. This bill is freedom from that colonial aspect. It is the first step that we as the protectors and makers of law have to take if we want to succeed as a nation in times to come. It is a humble request to everyone present in this house to strengthen the Police Force of our country by assigning his/her assent to this Bill.

I request the House to pass the Bill.

**Honourable Speaker:** The Question is,

That the bill to consolidate and amend the law relating to the establishment, regulation, powers and duties of the Police Service and for matters connected therewith and incidental thereto, be taken into consideration.

Those who are in favour will say 'Aye'.

(The majority of Members say 'Aye')

Those who are against it will say 'No'

(A minority of the Members say 'No')

I think the 'Ayes' have it, 'Ayes' have it, 'Ayes' have it.

The motion is adopted.

Clause by clause consideration

**Honourable Speaker:** Now the question is that Section 101 & 107 stands part of the Bill.

There is one amendment in Section 101 & 107 by 'Shriman Danish Riaz' Are you moving it?

**Shriman Danish Riaz:** No, sir, in view of the reply given by the Minister I am not pressing my amendment.

**Honourable Speaker:** Now the question is that Section 101 & 107 stand part of the Bill.

Those who are in favour will say 'Aye'

(The majority of Members say 'Aye')

Those against will say 'No)

(A minority of Members say 'No')

I think the 'Ayes' have it, the 'Ayes' have it, the 'Ayes' have it,

The emotion is adopted

Sections 101-107 stand part of the Bill.

Now the question is:

"That Chapter I, the enacting formula and the Title stand part of the Bill"

Those who are in favour will please say 'Aye'.

(The majority of Members say 'Aye')  
Those who are against it will please say 'No'.  
(A minority of Members say 'No'.)  
I think the 'Ayes' have it, the 'Ayes' have it, the Ayes' have it.  
The motion is adopted.

Honourable Minister of Home Affairs, please.

Shriman Law Minister: Sir, I move the Bill be passed.

Honourable Speaker: Motion moved  
"That the Bill is passed".  
Those who are in favour will please say 'Aye'.  
(The majority of Members say 'Aye')  
Those against it may please say 'No'.  
(A minority of Members say 'No'.)  
I think the 'Ayes' have it, the 'Ayes' have it, the Ayes' have it.  
  
The motion is adopted.

## Private Members Bill

**Honourable Speaker:** Now the house will take up private members resolution, Mr. Junaid Amin to move the resolution.

**Shriman Junaid Amin:** Sir, I move the following resolution.

This house recommends that the government should bring in the Prevention of Torture Act, as a full-fledged legislation to prevent the inhumane treatment met out to detainees and prisoners.

As we all know that India is a signatory to "THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN & DEGRADING TREATMENT OR PUNISHMENT" as adopted by UNITED NATIONS GENERAL ASSEMBLY on 19<sup>th</sup> of December 1975 and India signed the same on 14<sup>th</sup> of October 1997.

There are many reasons, events and unwanted causalities which are behind the introduction of this bill. Some of which are:

- a. Torture is undemocratic and violates the fundamental principle of criminal jurisprudence.
- b. Bengal State Prisoners Act of 1818 and Defence of India Act of 1939 should not have been continued even after dawn of independence as such laws are ultra vires to chapter iii of the constitution.
- c. Such recourse is repugnant to the spirit and mandate of Article 21 & 22 of the constitution of India
- d. According to national crimes record bureau, under the ministry of HOME AFFAIRS, 1060 prisoners died in 2003, 1169 in 2004, 1387 prisoners died in 2005 and 1424 prisoners died in 2006.
- e. According to the report of the same bureau, recording the deaths taken place between 2000-2010, on an average every year, 146 persons die, in police custody and 136 persons die in judicial custody, with increase in custodial killings each year.

Although some provisions relating to the matter exist in the I.P.C, yet they neither define "TORTURE" as clearly as in article 1 of the convention nor does it make it a criminal offence as called by article 4 of the said convention. In such circumstances it is necessary for the ratification of the convention so that the domestic laws of our country are brought in conformity with it.

The matter has been examined at length in consultation with the LAW COMMISSION OF INDIA & LD. ATTORNEY GENERAL OF INDIA. After considerate deliberations on the issue, it's decided to bring in "stand alone" legislation so that the aforesaid convention can be ratified.

The important provisions of this bill are as follows:-

1) Whoever, being a public servant or being abetted by a public servant or with the consent or acquiescence of a public servant, intentionally, does any act, for the purposes to obtain from him or a third person such information or a confession which causes:-

- (i) Grievous hurt to any person; or
- (ii) Danger to life, limb or health (whether mental or physical) of any person;

is said to inflict torture

**EXCEPTION:** Provided that nothing contained in this section shall apply to any pain, hurt or danger aforementioned, caused by any act, which is inflicted in accordance with any procedure established by law or justified by law.



2) Where the public servant or any person abetted by or with the consent or acquiescence of such public servant, tortures any person:-

(a) for the purpose of extorting from him or from any other person, interested in him, any confession or any information which may lead to the detection of an offence or misconduct; and

(b) on the ground of his religion, race, place of birth, residence, language, caste or community or any other ground whatsoever,

Shall be punishable with imprisonment of either for a term which may extend to ten years and shall also be liable to fine.

3) Notwithstanding anything contained in the cr. Procedure, 1973, no court shall take cognizance of an offence under this bill unless the complaint is made within 6 months from the date on which the offence is committed.

Thank you.

**Honourable Speaker:** Member of Government

**Shrimati Maryam:** Honourable Speaker, sir I rise to support the resolution moved by my learned member, and through you I would like to congratulate him for bringing forward this resolution. It is an undeniable fact that the Prison System in our country has been associated with committing of many atrocities across the nation. Among improper medical care, unhygienic food, lack of adequate spacing and unavailability of basic amenities, Torture figures on top of such atrocities. The laws and regulations governing the conduct of Prison authorities is insufficient and does not include modern applications which are in consonance with international standards. It is in this spirit that I associate my support to the proposed resolution and wish that such act is brought forth without any further delay

**Honourable Speaker:** Hon'ble Leader of Opposition Shirimati Azmat Ali

**Shirimati Azmat Ali:** Honourable speaker sir,

Sir I would rise to oppose the bill on torture that the Govt. has tabled in the house. Since this bill is vague and lacks clarity.

The bill appears to be just a formality to abide by the UN convention and protect the cosmetic beauty of international relations which India has been maintaining with developed nations when it should have been a serious attempt to curb the nuisance of torture which has become the order of the day in Indian Jails.

Our country being the world's largest democracy, has enlightened and inspired nations towards the path of tolerance and unity in diversity and as such the very idea of torture is a set back to the such fundamentals.

The bill should have been constituted keeping such things in mind but then non-serious and immature approach of the Govt. will render the bill non effective in practicality.

Hon speaker sir let me point out the errors and weaknesses in the bill which need to be taken into account before it is actually implemented.

- (a) In sec 3 words "such information or a confession" should be substituted with words 'unlawfully' to give it a broader notion
- (b) Sec 5 of the bill is a blow to the concept of natural justice, a slap on the face of judiciary and disrespect to the judges. The section makes it compulsory for court to take action only when a written complaint is made. Sir the courts should be given power to take suomoto action if the judge has a reason to believe that a person under custody has been tortured. An under trial in police custody, for fear, may not reveal the torture to the judge, and a Judge in that situation is not supposed to act till the complaint is made.

This section is, therefore, ultra vires to the constitution

I will conclude by saying that this bill is unconstitutional, toothless and is not going to serve the purpose as intended. If the bill is passed in this form, with curbs on the powers of the court it will aid, rather than prevent the heinous crime of torture in India

**Honourable Speaker:** Honourable Home Minister what is your opinion?

**Hon'ble Home Minister:** Sir I extend my sincere thanks to ShriJunaid Amin for bringing forth to the notice of the house this very serious issue of Prevention of Torture in Indian Jails that has become a national shame for our country. The government has tried to make a difference time and again by amending the acts which control the administration of Prison functions. Our government since past many years have been successfully running the scheme of self-employment in various prisons and it makes me proud to announce that nationwide revenue of 36 crores have been generated through these schemes. It is also noteworthy that that International Committee of Red Cross in its annual report of Jail visits has enlisted Indian Prisons as one of the most habitable and up-to-date Prisons among developed nations.

The government is in debt to Shri. Junaid Amin for highlighting this issue however our government is already mulling a new bill in this regard and would definitely be including these points in that bill. I would therefore request the honourable member to withdraw the bill.

**Honourable Speaker:** SHRI Junaid Amin.

**ShrimanJunaid Amin:** Sir, I am grateful to the Honourable Ministers to be generous enough to support the bill and in view of the reply given by the Minister I am withdrawing my bill.

**Honourable Speaker:** Motion moved

"That the Bill is withdrawn".

Those who are in favour will please say 'Aye'.

(The majority of Members say 'Aye')

Those against it may please say 'No'.

(A minority of Members say 'No'.)

I think the 'Ayes' have it, the 'Ayes' have it, the Ayes' have it.

**Honourable Speaker:** The bill stands withdrawn. THE HOUSE IS ADJOURNED TO MEET AT 11:00 A.M. TOMMOROW.

Sd/  
Shahid Ali khan  
Coordinator  
University of Kashmir