

LOK SABHA

SYNOPSIS OF DEBATES* (Proceedings other than Questions & Answers)

Friday, August 2, 2019 / Shravana 11, 1941 (Saka)

ANNOUNCEMENT BY THE SPEAKER

Re: Emphasizing upon Janbhagidari on Food Nutrition Programme and involvement of Members in this regard.

HON. SPEAKER: Our Prime Minister has taken a decision that all of us are obliged to associate ourselves with public participation to eradicate malnutrition from the country. This move will not only protect the mother from malnutrition but would ensure fairly healthy posterity. I urge upon all of you to create a mass movement on this count.

* Hon. Members may kindly let us know immediately the choice of language (Hindi or English) for obtaining Synopsis of Lok Sabha Debates.

THE JALLIANWALA BAGH NATIONAL MEMORIAL (AMENDMENT)

BILL, 2019

**THE MINISTER OF STATE OF THE MINISTRY OF CULTURE
AND MINISTER OF STATE OF THE MINISTRY OF TOURISM (SHRI
PRAHLAD SINGH PATEL)** *moving the motion for consideration of the Bill,*

said: Jallianwala Bagh massacre took place on April 13, 1919. It occurs to me that Sadar Udham Singh was just five at that time and did harbour a kind of revolutionary flame in within which remained suppressed in his heart for a period of 21 years. Thereafter, he could not resist firing at General Dyre. Two days back was marked with death anniversary of martyr Udham Singh Ji and I pay tribute to him. This is the centenary year of the Jallianwala Bagh massacre. I express my deep sense of gratitude and feel beholden to the Prime Minister of the country for rolling out a nation-wise celebration in the fond memory of the valiant heros of uprisings martyred in massacre. The Government has come up with this Amendment in an attempt to segregate the element of politics on this and has made a sincere effort to adduce a nationalistic and institutional paradigm to this. Sub-clause B of Section 4 of Jallianwala Act is going to be removed as there figured the name of the President of a political party therein and the same is being replaced with the word “Shatabdi”. National memorial is not meant for only the countrymen, rather there are thousands and lakhs of people who are devoted to

Jallianwala Bagh, which is why this has been deleted. Moreover, the tenure of Trustees nominated by the Central Government to the Trust is proposed to be terminated even before the completion of 5 years term. I hold the conviction that such institutions that are recognized not only within the nation but across the world must not be subjected to politicization. They should be given a national character instead.

SHRI GURJEET SINGH AUJLA *initiating said:* The massacre of April 13, 1919 was not an ordinary incident. It was at a time when the Rowlett Act had been enforced which led to nation-wise protest and there was huge public outrage across the country. Mahatma Gandhi had waged a mammoth campaign against it. There was a massive movement on April 10, 1919 at Amritsar leading to the arrest drive which was bound to meet with stiff resistance by the masses, particularly by the local people as they were severely hurt. This ensued a meeting at Hindu Sabha College on April 12, 1919 and it was decided that a meeting would be convened under the chairmanship of Mohammad Basheer and the leaders of the Congress party as a mark of protest against the arrest of Dr. Saiffudin Kichlu and Satyapal Ji. On April 13, 1919 on people's gathering at the venue, General Dyre launched fire at the masses by sealing all the five entrances in which around one thousand people were martyred and nearly 1500 got injured. It was in the wake of this fateful incident that the Congress Party took a decision to erect a national memorial at the

site of incident. When the Constitution of our country came into force, the then Government brought in a Bill with the provision of equal share of all the Trustees taken on board. I would like to suggest that the local Member of Parliament should be appointed as Chair of the Memorial. He must, of course, be a Trustee of the memorial since it is based in Amritsar.

SHRIMATI HARSIMRAT KAUR BADAL: Those who remember their history, progress. Today, we are discussing the incident of Jallianwala Bagh and I would like to inform the House that the facts should be recorded in the history. Grandfather of a leader of this Party in Punjab had sent a telegram to General Dyer approving his action at Jallianwala Bagh. This is recorded history. I would, once again, like to say that this Bill is a perfect Bill. How the leader of a Party which approved of the action at Jallianwala Bagh and attacked the Akal Takht Saheb, be kept on the Trust of Jallianwala Bagh.

SHRI DAYANIDHI MARAN: Though, the present generation has never been a part of the freedom struggle but we respect the freedom struggle. We respect each and every freedom fighter. The Jallianwala Bagh massacre, where hundreds of Hindus were shot by General Dyer, was a shameful incident. It pained me to even imagine that. Let us not try to change the history rather we should write history and build India. This Congress Party is the by-product of the earlier Congress Party. I request the Government to withdraw the Bill.

PROF. SOUGATA RAY: The Jallianwala Bagh massacre was the most horrific massacre in the history of India's Independence movement. Gandhiji set up the Jallianwala Bagh Memorial Trust. This Act was enacted in the year 1951 and the President of Indian National Congress was there in the Trust since beginning. Now, this Government wants to remove "the India National Congress". Today, the Government is trying to re-write the history. Indian National Congress carries the name of the freedom struggle. I totally oppose this Bill which is against the national history.

SHRI KANUMURU RAGHURAMA KRISHNARAJU: The Jallianwala Bagh incident had shaken the whole country. Alluri Sitarama Raju was a very great freedom fighter from Andhra Pradesh who had led the Rampa rebellion against the British. He was very much moved by the Jallianwala Bagh incident. I am bringing in this mention here because the committee has already approved the proposal to install his statue in the Parliament complex. The statue is also ready. So, I request the hon. House to unveil his statue on this 100th Anniversary of Jallianwala Bagh. There is a proposal in this Bill to remove the name of the President of the Indian National Congress. As a middle path, the Government can consider to have any other leader of the Indian Congress Party in the Trust.

SHRI RAM MOHAN NAIDU KINJARAPU: We all have to remember that this is a discussion regarding Indian freedom struggle. It needs to be

respected. It is not just one party that has fought for the freedom. We should not associate the freedom struggle with any political party. We also have to remember that there have been many freedom fighters from South India also. Alluri Sitarama Raju was one of the greatest freedom fighters from the land of Andhra Pradesh. We should take the freedom struggle as an opportunity for all Indians to unite together.

SHRI VINAYAK BHAURAO RAUT: I rise to support the Jallianwala Bagh National Memorial (Amendment) Bill on behalf of my Party Shiv Sena. As I know Jallianwala Bagh is the memorial of cruelty of Britishers and symbol of patriotism as well. Jallianwala Bagh Massacre took place in the year 1919 and now it has completed hundred years. There was a movement of Salt Satyagrah in the leadership of Mahatma Gandhi. Britishers had imposed tax on salt and during that time Mahatma Gandhi crossed from Shiroda village which lies in my Parliamentary Constituency Sindhudurg. Whenever freedom struggle was fought in the leadership of Mahatma Gandhi, all those places must be turned into a memorial to preserve the history.

KUNWAR DANISH ALI: When we heard about Jallianwala bagh massacre, our goose bumps. Discussion is being held in this House to change history. I just want to say that what we want to convey to our coming generations? We are fighting on petty issues. Mahatma Gandhi had said so many things. We

follow only those sayings of Mahatma Gandhi and Sardar Ballabh Bhai Patel which suit us. Who sacrificed their lives in the freedom movement, today effort is being made to change their history. I urge upon the Government to reconsider this Bill.

SHRI RAMPRIT MANDAL: The Present Government wants to keep aside from politics all those memorials like Jallianwala Bagh and others related to freedom movement. Therefore, this Bill has been brought by the Government. Jallianwala Bagh massacre is completing hundred years in this very year. More than thousand people had been killed in this massacre. Veer Kunwar Singh from our Bihar State led Bihar during the first war of independence. He was 80 years old at that time. I support this Bill on behalf of my Party the JDU.

SHRI BHARTRUHARI MAHTAB: In this new Bill very specific provisions are being amended. The whole Punjab was boiling at the time when Jallianwala Bagh incident took place because it had witnessed two years of drought. Agriculture was failing. There was little employment there. In 1919, the Roullette Act came into force. The whole country revolted against this Act and Mahatma Gandhi gave a call of Non-Cooperation. That was the time of torture and barbarism that was unleashed out by Gen. Dyer. The Jallianwala Bagh Memorial Fund was started in 1919. The site of the Jallianwala Bagh was acquired by this Trust which was a creation of the Congress Party. Sardar Patel was the repository

of all Trust's fund because he was the treasurer of the Indian National Congress. Whatever money was there was in the name of the Congress Party. Therefore, I would say, let us not belittle ourselves by removing the President of Indian National Congress. It was in 2006 that the UPA Government recognized the Leader of Opposition as a trustee. It was a Bharatiya Janata Party leader. There was no post of Leader of Opposition in 1951. Now the Government is making a provision, very right, that the leader of the largest party in Opposition in Lok Sabha will be a member. What harm will it make if the leader of the Indian National Congress Party becomes a trustee? Why do you have to change the structure of the well? It should be maintained in its original condition as the Archaeological Survey of India does in the case of all its structures. Nothing should be changed and no tampering should be done. The eternal flame that always burns at Jallianwala Bagh should continue.

SHRIMATI SUPRIYA SADANAND SULE: We were brought up with the values of the Great Mahatma Gandhiji. We were highly influenced by the Constitution written by Dr. Baba Saheb Ambedkar. Several trusts were formed by the then Congress Party. Fortunately, we never left any group out. Whenever we have anything, we take every voice along with us. For me it is actually surprising and disappointing that when you are in a position of such supreme power, there is no humility. There are a lot of things we have enough to fight against. So, rather

than spending three hours on such a Bill, we should worry about the economy of this country.

SHRI BENNY BEHANAN: Firstly, let me pay my homage to the great martyrs by recounting the tragedy of April 1919. The Jallianwala Bagh massacre took place on 13 April , 1919. It was with this tragedy precipitated by the British that the freedom movement took an irreversible turn. The Trust referred to in the Bill is the Trust formed by the Indian National Congress in 1920 in memory of the great sacrifice made by the freedom fighters of Jallianwala Bagh. In 1923 the Trust purchased the land for the project. That being the fact, if the Government of the day and the Ruling Party have any issue with the Trust, I ask the Government to hand over the Trust back to the Indian National Congress to whom it legitimately belongs. So, let us not destroy our own history and its people by this Bill which tries to obliterate the role of Indian National Congress and the symbols of the freedom movement. I humbly request the hon. Minister not to delete the 'President of Indian National Congress' as Trustee.

SHRI SUMEDHANAND SARASWATI: Jallianwala Bagh massacre was not an ordinary incident. The seeds of this incident were sown immediately after the revolt of 1857. Thereafter, when Gandhiji returned to India from Africa, he raised his voice against the Rowlatt Act and he also carried out Satyagrah against it. Wide-spread protests were launched against the Rowlatt Act in each and every

city of Punjab. General Dyre resorted to extreme brutalities to suppress the movement. His statement before the enquiry committee is a testimony of his sheer brutality. A child named Udham Singh was the witness of that massacre who later took a vow to resort to unflinching retaliatory move. More than 350 people were martyred and 1500 people were injured in the Jallianwala Bagh incident. So, I support this Bill which seeks to amend the Sections of this Bill.

SHRI DNV . SENTHILKUMAR S.: The Jallianwala Bagh National Memorial (Amendment) Bill, 2019 amends that a trustee to be removed from the Indian National Congress and to be introduced a member from the largest Opposition party. In this regard, I would like to ask that is it really important to bring a Bill just to change the trustee member? The people of this country will judge this Government upon the magnanimity in taking step for the welfare of downtrodden, poor, children and woman of this country. So, we do not support this Bill.

SHRI HARISH DWIVEDI: I rise to support the Jallianwala Bagh National Memorial (Amendment) Bill, 2019. It is essential to remember Sardar Udham Singh ji on this occasion. So, first of all, I would pay my homage to him and to the martyrs of Jallianwala Bagh incident. Through this Bill, we are not taking such step which may cause any injustice to the people of this country. Our Government has built many such memorials of several eminent persons but our

Government has never made a claim that member of such memorial trust would be from our party. We used to listen stories of the gory incident of Jallianwala Bagh during our childhood days and I feel that Jallianwala incident was the only incident which had shaken the whole nation. National memorial should be built on every place which is related to the freedom struggle of our country. There is also a need to build a national memorial at Chhawani Shahid in my district. The Government has been definitely striving for running these institutions in an impartial manner. I feel that if these institutions are represented by the Government and the people having history background, the functioning of such institutions could be streamlined.

SHRI RAHUL RAMESH SHEWALE: First of all, I would like to pay my homage to the martyrs of Jallianwala Bagh massacre. This Bill seeks to remove the President of Indian National Congress as a Trustee from Jallianwala Bagh Memorial Trust. I would like to urge upon the Government that the history of freedom fighters across the country should be taught in this country. All the great men who had contributed towards attaining the freedom of this country, should be given due credit.

SHRI N.K. PREMACHANDRAN: Jallianwala Bagh Movement is known for a very big contribution of our martyrs in the Freedom Struggle. It is quite unfortunate that a political controversy has come in the name of martyrs and in the

name of National Memorial like Jallianwala Bagh. What is the Government going to gain by deleting the words, “the President of the Indian National Congress” as a Trustee. This Memorial should be used for integrating the people of this country, beyond politics, caste, religion and language. But now, we are dividing the people of the country in the name of a Memorial. The NDA Government should not misuse its political mandate for rewriting the history of Indian Independence. I urge upon the Government to withdraw the Bill.

SHRI JASBIR SINGH (DIMPA) GILL: I rise to oppose this Bill. INC was in the forefront of the freedom struggle and maximum of those who went to jail and faced atrocities were Congressmen. The present dispensation were nowhere or had no role in the freedom struggle but were helping the Britishers against the freedom fighters. Now they are trying to rewrite the history and rub the sacrifices of Congress in the freedom struggle. The Government of India should pressurize the UK to apologise for the worst condemnable act in which thousands of peaceful, unarmed Indians were killed in Jallianwala Bagh massacre.

SHRI RAMESH BIDHURI: The Congress was formed for the public movement only after the arrival of Mahatma Gandhi in the year 1915. Prior to it, it was none other than the Britishers who was leading the Congress. Whether the names of Satyapal ji and Kichlu ji should not have been included in the Jallianwala Bagh Memorial. In 1947, Mahatma Gandhi was of the opinion that the election

would be held according to the democratic process and the Congress should be relegated to the past.

SHRI BHAGWANT MANN: Hundred years have passed since the Jallianwala Bagh massacre took place. The Jallianwala Bagh National Memorial are required to be made free from all sorts of politics. We failed to institute even a statue of the martyr Udham Singh Ji, however, we spend a lot of time here on discussing about the martyrs.

SHRI VIRENDRA SINGH: This Parliament has been a witness to a large number of debates on historical issues. I would like to thank the Government of India for inspiring the Parliament of the country to discuss the matters of historical importance. The national movement should not be dragged into the political debate. I would like to submit that the efforts should also be made to ensure that the debate which is going on the historical issues does not turn into a farce. History has so much vigour that no one can dare to change it. I agree to the fact that all the memorials of this country should be maintained by the Ministry of Culture.

SHRI PRAHALAD SINGH PATEL *replying said:* I would like to place on record my appreciation for all the hon. Members who have participated in the debate. At the outset, I would like to say that this is a national memorial and hence it cannot be mere a political memorial. It is a day for us to congratulate our hon.

Prime Minister for making efforts to make it the national memorial in its true spirit and to keep it away from all sorts of politics. This Trust was formed in 1951 and all its lifetime members such as hon. Jawaharlal Nehru, Dr. Saifuddin Kichlu and Maulana Abdul Kalam Azad are no more. Whether it is not a fact that after their demise, the Congress took 40 years to appoint the permanent members of the Trust. Would anyone in the country have objected had any member from the family of Shahid Sardar Udham Singh been a member of this Trust? You should accept the truth that it is a national memorial. Lot of works have been completed there and a few are still going on. The construction work is going on under the supervision of the ASI itself. Objection has been raised even against this. All year round, the Government has organized seminars in all the States of the country. On the centenary of the Jallianwala Bagh, programmes have been held all over the country in the memory of the martyrs. About which aspect of the construction, which is going on in Jallianwala Bagh, you have disagreement? In this incident common people became martyrs. Shouldn't those people get place in that Trust? We are not trying to change the history of someone but we are trying to make history. There should be no politicisation under the changed circumstances after hundred years of a national memorial. We want that there should be no re-writing of culture and history but there should be, at least, some kind of revision. Don't you want that those people who have been forgotten or left out should also get the

honour? We have never said that the President of the BJP will be in this Trust. Today, it has completed hundred years. We bow to those who sacrificed their lives and condemn that exploitation. It is not just some common memorial or Trust for us. That place has the blood of our sacrificing forefathers, we will have to respect that. I request the House to pass this Bill unanimously so that this memorial gets the status of a national memorial.

The Bill was passed.

THE DAM SAFETY BILL, 2019

THE MINISTER OF JAL SHAKTI (SHRI GAJENDRA SINGH SHEKHAWAT) *moving the motion for consideration of the Bill, said:* Safety of dams and their increasing age is a matter of concern for the engineers all over the world. Out of 5745 dams in the country, 293 dams are more than 100 years old. More than 20 per cent of the total dams in the country have completed 50 to 100 years. Although, there is no direct connection between the danger of a dam collapsing and the age of a dam. There is need of paying more attention to the maintenance and proper management of the dams with their increasing age. Collapsing of a dam not only creates threat to life and property but also affects the whole riverine ecology. Flora, fauna etc everything there gets affected by it. The

safety of dams is an inter-state subject therefore it is imperative that a common protocol for the safety of dams is formulated for the entire country. So far, there have been 40 cases of collapse of dam in India. Presently, two institutions work in the country at the national level - National Committee on Dam Safety and Dam Safety Organization. National Committee on Dam Safety determines the norms for the safety of large dams. It provides technical support to the States in formulation of policies along with improvement in systems, operations and maintenance and their protocols. Central Dam Safety Organization is there to implement the reports or policies formulated by the committee. Similar two tier arrangement exists in the States also. Since these institutions play the advisory role, they have no constitutional powers. Therefore, the seriousness with which work on this important subject should be undertaken does not happen. In this Bill also a provision has been made for the same two tiered system. We have also made a provision for constituting a National Dam Safety Committee and National Dam Safety Authority. Committee is a technical body. It will work as a think tank constituting of members from States, representatives of Union Government and also subject experts who will together formulate the policies regarding nationwide Dam Safety and Operations. One hon. Member repeatedly mentioned that there are 13 such dams in the country which are owned by some State but are situated in other States. There are serious security and safety shortcomings therein. In this

situation, the National Dams Safety Authority will act as State Dam Safety Organisation so as to ensure the safety of such dams. Today, adequate emergency action plan is not there in most of the dams of the country. The dam is such a huge structure that it coming under danger, may imperil the lives of lakhs of people together and devastate the entire ecological system. This is a matter of serious concern for us. The Government does not intend to possess the dams. Dams are the property of the States and it will continue to be theirs. The water stored in the dams will also be the property of the States and also the electricity generated through these dams will be the property of States. This subject is connected with the national security and also with the efforts to check the devastation. Keeping in view this pious sentiment, this Bill should be passed unanimously.

SHRI ADHIR RANJAN CHOWDHURY *initiating said:* All the Great Civilisations in the world flourished on the basis of water management. Water management is inherent in our civilisation as well. The *per capita* storage capacity in India is a meagre 262 cubic meters. We have no dispute with the Government in so far as dam safety is concerned. But the experts have suggested that 2010 Bill may be brought under Entry 56 of the Union List to be expedient in public interest. The 2010 Bill gave states the flexibility and option to enact the law but the 2019 Bill makes it mandatory for all the states to comply and takes away such flexibility. The 2019 Bill would also override any existing Inter-State Agreement related to

dam safety. The Bill specifies that the Central Government has the power to alter the function of the State Governments and State Committees on dam safety through a notification. The dam safety is essentially a regulatory function. The CWC is in clear conflict of interest of being involved in the dam safety mechanism. The CWC is entrusted with different jobs. But, the Government has brought CWC in another job. The CWC has had a poor track record in dam safety. The instance of Kerala inundation is case in point. The Government should conduct a pre-monsoon and post-monsoon inspection of all the dams. The Bill also does not address the issue of operational safety in sufficient manner. Dam inherits displacement of the common people. But there is no provision to offer compensation to the affected families. There was a proposal to build 7 dams in DVC in my State, but only four have been built so far. I hope, hon. Minister will give good news to us by telling us something about DVC, Frakka Barraj and Teesta project. Still, I would say that efforts should not be made to encroach upon the rights of the States as India is a federal country.

SHRI N.K. PREMACHANDRAN: At the time of introduction, I was opposing the introduction of the Bill on technical grounds and also merely on constitutional grounds. Still I support the contents of the Bill. It is because this Bill is pertaining to the dam safety of the country as a whole. Dams have played a key role in the rapid sustainable agricultural and rural growth of the country. It is a

big concern for India because 75 per cent of the large dams in India are more than 25 years old. Section 8 sub-section 1 clause 2 of the Bill says the Chairman of the National Dam Safety Authority is a single man authority, a person who is not less than the rank of an Additional Secretary. This means the seriousness has not been put on the Dam Safety Authority. It is better to ensure that a competent technical person be the head of the authority with more Members. The second objection to the Bill is regarding section 9(3). There is no appellate authority to appeal against the decision of the single-member authority. The third one relates to section 24(1). It is because a dam belongs to a particular State but it is being situated in another State. No State can give justice to another State. My suggestion is, let the Kerala representative and the Tamil Nadu representative be there in the National Committee on Dam Safety as permanent members. Then only, we can resolve the dispute in an amicable manner. The whole dam safety mechanism is dominated by the Chairman of the Central Water Commission. The track record of dam safety of the Central Water Commission is not good. Kindly review that position. My third point is, the Bill does not define the term stakeholders. My fourth point is that the Bill does not mention the qualification and the independent track record of the members to be appointed in the National Committee on Dam Safety and the State Committee on Dam Safety and there is no mechanism for their selection. My fifth point is that the dam safety should be integrated with the land use planning. My

sixth point is that the Disaster Management Authority does not have a significant role as per the Bill. The Bill is too focused on the structural safety of dams and not so much on the operational safety. A mandatory provision to have the Dam Break Analysis should be compulsory for all the dams.

SHRI A. RAJA: I rise to oppose the Bill. The Bill is an onslaught on the federal structure of the Constitution. When both the subjects, land and water and storage of water, that is dam, are both within the purview of the State, how can this House bring in a law? Almost 30 years back, a separate Directorate was created by an Executive Order in Tamil Nadu in this regard. But no consultation has been done with the Government of Tamil Nadu by the Central Government in this matter. The World Bank has carried out an exhaustive study of dams in the global context and has concluded that there should not be a central legislation. Through this Government wants to create four bodies, namely, National Committee on Dam Safety, National Dam Safety Authority, State Committee on Dam Safety and State Dam Safety Organisation. I would like to know as to how the National Committee on Dam Safety can be advisor as well as regulator. The National Dam Safety Authority should have been made accountable to the National Committee on Dam Safety. The National Dam Safety Authority should not have been given power to adjudicate. The State Committee on Dam Safety has been designed in such a way that it disturbs the federal system of the Constitution.

SHRI P. P. CHAUDHARY: I rise to support the Dam Safety Bill, 2019. I would like to tell the House that it is within the competence of this Parliament to legislate with respect to this subject. The proper surveillance, inspection, operation and maintenance of dams is of utmost importance. The construction of dams involves huge investment of funds. All the authorities which predate this Bill had just an advisory role. Now, they have been given statutory powers. This Bill does not aim to disturb the ownership of dams. As far as the power of Central Government to issue directives to the States is concerned, it must be given to the Central Government.

SUSHRI MAHUA MOITRA: Water is a resource which has traditionally been governed by the three doctrines the world over, namely, public trust, riparian rights and proper appropriation. This particular Bill takes away the power of the State Government to manage dam safety and, thus, it infringes upon the federal structure. This Bill is completely silent on the devolution of funds from the Centre to the States to carry out the various measures for dam safety. The National Committee on Dam Safety will be consisting of 21 members and all of them are nominated by the Central Government. The States should have representation in this Committee. The National Dam Safety Authority should have been put under a senior level officer. The constitution of the State Committee on Dam Safety should be left to the States. The Union Government should take financial

responsibility for dam safety. The State Dam Safety Organisation should not override the existing State level bodies. The Section 41 which deals with punishment for obstruction in duty, is a very draconian Section. The National Dam Safety Authority should play a supportive and consultative role. The Chairman of the Central Water Commission should not be the Chairperson of the National Committee on Dam Safety because it causes conflict of interest.

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SNEHLATA SHRIVASTAVA
Secretary General

**Supplement covering rest of the proceedings is being issued separately.

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NOTE: It is the verbatim Debate of the Lok Sabha and not the Synopsis that should be considered authoritative.

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