

[Shri Ravi Prakash Verma]

being run. A large number of children are being deprived of their right of primary education.

Hence I submit before the union Government to order a high level problem in this regard and to effectively resolve the problem by granting financial assistance to the State Government.

14.50 hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL OF
THE TELECOM REGULATORY AUTHORITY OF
INDIA (AMENDMENT) ORDINANCE

AND

TELECOM REGULATORY AUTHORITY OF
INDIA (AMENDMENT) BILL

[English]

MR. CHAIRMAN : We will now take up the Telecom Regulatory Authority of India (Amendment) Bill and the Statutory Resolution together. Shri Basudeb Acharia to speak.

SHRI RUPCHAND PAL (Hoogly) : Madam, I have a point of order. I had given some amendments today before 10 a.m. But I am told that they have not been admitted and they relate to a very very vital, sensitive issue of national concern. I would just refer to what happened in the past on similar occasions.

Madam, as you know, in the last week there had been a situation in which we could not take up Government business or Government Bills and also many other issues which are agitating the minds of the hon. Members.

Madam, I draw your attention to page 505 of the Practice and Procedure in Parliament by Kaul and Shakhdar. It says :

"Period of notice of the amendments : A notice of an amendment is required to be given at least one day before the day on which the Bill is to be considered in the Lok Sabha."

It then says :

"In the case of Bills taken up for consideration at short notice the period of notice of amendments has been waived by the Speaker on several occasions in the past."

Madam, as you know, on Friday itself a decision was taken that on Monday the Telecom Regulatory Authority Bill

would be taken up, on Tuesday the Railway Budget on Wednesday the General Budget, on Friday the Motion of Thanks to the President for his Address would be taken up. I am not referring to what happened in the B.A.C. meeting but what came through the hon. Minister of Parliamentary Affairs.

A notice was given between 3.15 p.m. on Friday and 10.00 a.m. today. There have been occasions several times in the past that in such situations permission had been given for acceptance of such amendments.

This is my point of order. I seek your protection as also your direction.

MR. CHAIRMAN : This Bill has not been listed only today. It has been on the business right since Parliament Session started.

SHRI BASU DEB ACHARIA (Bankura) : No, No.

MR. CHAIRMAN : Please listen. It has been listed. It has come on the business list even earlier that it is going to be discussed today.

SHRI BASU DEB ACHARIA : No. It came only today.

SHRI PAWAN KUMAR BANSAL (Chandigarh)
Madam, that was only for introduction.

MR. CHAIRMAN : Please let me finish.

SHRI RUPCHAND PAL : Madam, the Bill was listed for introduction and not for consideration.

MR. CHAIRMAN : Please listen to me. You knew the Bill was coming up in this Session. All I am saying is that it was not suddenly introduced today. The point is that hon. Speaker has made it very clear that there is no time for circulation today and he has disallowed the amendment. He has already informed you that he has disallowed the amendment. I cannot now change the hon. Speaker's decision which has already been communicated. Please cooperate.

SHRI RUPCHAND PAL : Madam, that is not the point. The point is that we go by the Rule Book. We go by precedents and conventions.

MR. CHAIRMAN : It is the discretion of the hon. Speaker.

SHRI RUPCHAND PAL : We go by the recommendations of the experts on the functioning of Indian Parliament.

MR. CHAIRMAN : All that has been said is that the hon. Speakers in their discretion admitted at several times.

I agree to that. But, today he has not admitted. So, what can I do?

SHRI MANI SHANKAR AIYAR (Mayiladuturai) : Madam, I think you should appeal to him. It is the right of the Members to move amendments. It is the most fundamental right.

MR. CHAIRMAN : But, Shri Mani Shankar Aiyar, it should be 24 hours in advance.

SHRI MANI SHANKAR AIYAR : But, there are precedents.

MR. CHAIRMAN : There have been precedents. In special cases the Speakers have allowed.

(Interruptions)

SHRI RUPCHAND PAL : Madam, I will give the instances. It was done in 1955, 1957, 1962, 1968, 1972 and 1974. So it was done on several occasions.

SHRI BASU DEB ACHARIA : There were two holidays, namely Saturday and Sunday.

SHRI RUPCHAND PAL : Madam, yesterday was Sunday and the day before was Saturday. This consideration thing came up only today. . . .*(Interruptions)*

Madam, I seek your protection. This is a very vital amendment. Otherwise, the right of a Member is being taken away on such an occasion.

MR. CHAIRMAN : The amendment has not been circulated. I cannot possibly take up something which has not been circulated. The Members should know what is your amendment.

SHRI RUPCHAND PAL : About circulation, it is specifically mentioned that not every amendment will have to be circulated. To facilitate other Members, there is a custom and a practice of circulation. It is not that something which is not possible to be circulated will not be allowed to be moved by a Member.

MR. CHAIRMAN : The Bill was introduced on the 9th of March. You had, in any case, the idea that the Bill was coming up as it was introduced in the House and amendments could have been given.

(Interruptions)

SHRI MANI SHANKAR AIYAR : How could he know ? . . .*(Interruptions)*

SHRI RUPCHAND PAL : Madam, how could we know? So many things had come. The Motion of Thanks

on the President's Address was listed so many times. . . .*(Interruptions)*

MR. CHAIRMAN : You have a rule that it must come one day in advance. In exceptional circumstances, the Speaker may allow. Today, he has said that he is not allowing any amendment because there is no time. So, please cooperate and sit down. Let us start discussion.

(Interruptions)

SHRI MANI SHANKAR AIYAR : Madam, it is not fair because if there is a provision to move an amendment without circulation and if the amendment has come in respect of a Bill which we did not even know at the end of the last week that it was going to be taken up today, then, I think, I would appeal through you to the hon. Speaker that this matter be reconsidered and we be allowed, at least during the course of the discussion, to move the amendment. . . .*(Interruptions)*

SHRI S. BANGARAPPA (Shimoga) : Madam, I would like to submit that there are two stages as far as introduction of the Bill or getting it passed are concerned. Madam, what you said about introduction just now is right. But here is a case where the Bill has reached a stage of getting passed, going through the process of consideration and passing. He has given an amendment also.

MR. CHAIRMAN : He has given it this morning.

SHRI S. BANGARAPPA : Yes, he has given it this morning because yesterday was a holiday, day before yesterday was also a holiday, and there was no occasion for him to give it before that. The Bill, for the first time, has come up for consideration and passing today only, as per the list of the agenda. Therefore, Madam, the hon. Member is very much well within his rights to move an amendment and the hon. Speaker or his office should not have rejected the amendment submitted by the hon. Member. I think, the Member is well within his rights to agitate for the acceptance of the amendment given by him.

MR. CHAIRMAN : Does anyone else want to say anything?

SHRI MANI SHANKAR AIYAR : Madam, the hon. Speaker could have refused to circulate the amendment because it was submitted too late, but to reject the amendment is, I think, a little excessive and especially given that there are precedents. If the Government, the Treasury Benches would kindly agree, at least, during the course of the discussion, at an appropriate stage, he may move the amendment. To reject it altogether does not seem to be fair.

SHRI KHARABELA SWAIN (Balasore) : Madam, I am on a point of order.

MR. CHAIRMAN : What is your point of order.

SHRI VARKALA RADHAKRISHNAN (Chirayinkil) : Madam, I am on a point of order.

MR. CHAIRMAN : He has already raised a point of order. I will give you a chance later. . . .(Interruptions)

SHRI KHARABELA SWAIN : Madam, I am going through rule 79 clause (1). It says :

"If notice of an amendment to a clause or a schedule of Bill has not been given one day before that day on which the Bill is to be considered any Member may object to the moving of the amendment, . . . "

Madam, I am objecting to the bringing of that amendment.

SHRI MANI SHANKAR AIYAR : How can he object to what is not before the House? We are asking for an opportunity to move it.

MR. CHAIRMAN : You cannot object because it has not been allowed to be moved.

SHRI KHARABELA SWAIN : Madam, this is the rule. I am objecting to the amendment. . . .(Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN) : Madam, I will beg with the hon. Member, Shri Rupchand Pal that he has raised an issue that the Bill was introduced on 9th of March. As far as consideration of the Bill is concerned, I do not have to tell such a senior Member that there is no notice of consideration and it always comes suddenly. So, it cannot come on days together.

15.00 hrs.

SHRI S. BANGARAPPA (Shimoga) : It has come today for the first time.

SHRI PRAMOD MAHAJAN : Shri Bangarappa, it will always come for the first time. . . .(Interruptions) If you want to say something, then I will sit down. Frankly, this was the decision of the hon. Speaker, and I am not answering on his behalf. I am just begging all of you that we have already lost time. Hon. Speaker is not in the Chair; in his discretion, he has disallowed it. We may be happy or unhappy about it, but even if we have one hour debate on this, at this juncture, we will not solve the problem, and we will be taking away the time meant for the discussion. So, my request is, let us use this time for discussion. I am not

commenting on anything because it is the discretion of the hon. Speaker.

SHRI VARKALA RADHAKRISHNAN : There were instances wherein the Speaker concerned has allowed even oral amendments. So, even oral amendments are admissible. Here is a case wherein the agenda was circulated on a holiday, that is, on Saturday. Introduction of the Bill and consideration of the Bill are two different stages. There were Bills introduced in the last Session but were not taken up for consideration, and that is quite possible. So, consideration and introduction are entirely two different aspects. The simple fact that the Bill has been introduced will not deprive the rights of the Members to move amendments. A Member has a right to move amendments, and that opportunity should be given to him. Here, in the instant case, no such opportunity was given because the agenda was circulated only on Saturday. Then, how will we move amendments? Therefore, it is only just and proper that all those Members who want to move amendments should be allowed to move the same. Otherwise, it will be a negation of the fundamental right of a Member to move an amendment on a very important legislation. This may kindly be considered.

SHRI SOMNATH CHATTERJEE : May I make a submission? I agree with the hon. Minister for Parliamentary Affairs that this is a replacement of an Ordinance, and we are not against it. Since it was a weekend, amendments could not be given. I am requesting for proper accommodation of this matter.

SHRI PRAMOD MAHAJAN : Whatever is the Chair's decision, I have no objection to it.

SHRI SOMNATH CHATTERJEE : What I am submitting is that the hon. Minister on that side should make a request to the hon. Speaker to consider it. Let us not stand on formalities because there are instances. It is a question of knowing what the amendment is all about. We know, it is likely to be defeated, but we want to make our position clear on the record. Therefore, I am asking the hon. Ministers – I am sure, for the sake of opposition, they are not objecting – as to why do they not make a request to the hon. Speaker.

SHRI PRAMOD MAHAJAN : I have not objected to anything.

SHRI SOMNATH CHATTERJEE : I know that you are trying to expedite things. Therefore, I am saying that it can be expedited with satisfaction. Please do it that way.

SHRI PRAMOD MAHAJAN : It is the Speaker's discretion to allow or not. Let the Chair consider it. We have no role in this.

SHRI SOMNATH CHATTERJEE : Therefore, I am requesting the Chair. Madam, they have no objection. I understand your personal difficulty because the decision has been taken by the hon. Speaker. Therefore, I am saying that a communication be sent to him that this is the sense of the House so that these amendments could be considered. I am sure, there will be no difficulty, and the hon. Speaker will accede to this.

SHRI S. BANGARAPPA : The Government has no objection to it.

MR. CHAIRMAN : We will communicate that to the Speaker. But at the moment, I must make it very clear that the Bill was introduced on the 9th of March. Members were informed through a para published in the Bulletin that notices of amendments could be given after the introduction. Members had enough opportunity to give notices, which has not been availed of.

SHRI SOMNATH CHATTERJEE : It was a weekend, and hence cannot be considered as enough.

MR. CHAIRMAN : Hon. Speaker has already disallowed the notices. I, therefore, cannot accept the point of order.

SHRI SOMNATH CHATTERJEE : But it is my respectful request to the Chair. . .

MR. CHAIRMAN : Let me complete please. If the Speaker, in his discretion, would like to allow oral amendments to be moved, then it is up to the Speaker to allow them.

SHRI BASU DEB ACHARIA : They are not oral but written amendments.

MR. CHAIRMAN : Now, you can move them in the course of the debate because they have been disallowed in the morning. So, we will find out what is to be done, but in the meantime, let us start the discussion.

SHRI SOMNATH CHATTERJEE : My request is to bring it to his notice.

MR. CHAIRMAN : Shri Basu Deb Acharia to initiate the discussion.

SHRI SOMNATH CHATTERJEE : Otherwise, there would be non-cooperation. I am threatening that openly.

SHRI PRAMOD MAHAJAN : Whom are you threatening? I am already trembling before you!

MR. CHAIRMAN : Are you threatening him or the Chair?

Now, Shri Basudeb Acharia please.

SHRI BASU DEB ACHARIA : Madam, I beg to move

"That this House disapproves of the Telecom Regulatory Authority of India (Amendment) Ordinance, 2000 (No. 2 of 2000) promulgated by the President on 24 January, 2000."

Madam, Chairperson, this Ordinance was promulgated on 24th of January, 2000. The Budget Session of Parliament was conveyed just after one month of the Ordinance being promulgated. We cannot find any reason for the urgency of the Government for promulgating this Ordinance. What was the urgency of the Government to promulgate an Ordinance just on the eve of the Parliament Session?

Madam, Chairperson, a Committee was constituted, as was pointed out by the hon. President in his address to the Members of Parliament from both the Houses assembled together, to strengthen and give more powers to the Telecom Regulatory Authority. That Committee made certain recommendations. The main purpose behind promulgation of this Ordinance and consequent enactment of this Bill is to free the Telecom Regulatory Authority from the jurisdiction of the High Court and the C&AG.

Madam, Chairperson, through the promulgation of this Ordinance, Government has created two bodies instead of the existing one. Its purpose is to re-constitute the Authority in terms of numbers and remove the Telecom Regulatory Authority from the jurisdiction of the High Court and the CA&G. This is the only body that is being exempted from compulsory auditing by CA&G. The decision to remove the Telecom Regulatory Authority from the jurisdiction of the High Court is an equally sensitive matter.

Madam, Chairperson, what would happen by this is that a consumer, anywhere in the country affected by the Telecom Regulatory Authority cannot appeal to the High Court. He would have to come to Delhi and make an appeal to an Appellate Body. If the consumer is dissatisfied with the decision of the Appellate Body, then he can only appeal to the Supreme Court of India. This provision is being incorporated in this Bill.

Now, the question is, what was the hurry on the part of the Government to promulgate this Ordinance? This Act is already in existence for the last three years. If this Act was to be amended, then it could have been done by Parliament without promulgation of any Ordinance.

Why was this Ordinance promulgated? Why are we opposing the promulgation of this Ordinance as well as enactment or amendment to the Telecom Regulatory Authority of India Act? Private operators wanted first to

[Shri Basu Deb Acharia]

get rid of their commitment to pay licence fee to the Government. They had been arguing for a zero licence fee. Just before the elections, the Government agreed to waive the fixed licence fee and agreed to the revenue-sharing arrangement.

The Department of Telecommunications generate an annual surplus of Rs. 10,000 crore. It is this surplus that some private telecom operators are eyeing. TRAI are sympathetic to private operators. They had apportioned the revenue between private operators and the Department of Telecommunications in a way which is adverse to the Department. The 'calling party pay' regime in which the subscriber pays local call charges to DoT, as well as air time charges if he calls a cellular phone, was an attempt to pass on a part of DoT's revenue to the cellular operators.

Why did the Government want to remove TRAI from the jurisdiction of the High Court? It is because the High Court intervened in the cases of change in licence fee and striking down of CPP regime, which had set the alarm bells ringing. The private operators and the industry-friendly Government wanted the High Court's power of reviewing TRAI's decisions to be removed. The C&AG questioned the basis of tariff fixation by the TRAI and had directed that the process of tariff fixation be made known as it felt that TRAI unduly favoured private operators. Because of that, they demanded that the TRAI's decisions be made beyond the jurisdiction of the C&AG. This was a demand made by the private operators. In order to satisfy the private operators, in order to help and assist the private operators, Government had promulgated this Ordinance. There was no urgency whatsoever for promulgation of this Ordinance. The Government could have waited for the Session which was summoned just after one week.

But the Government could not wait for one week to bring the amending Bill to the Parliament in order to amend the existing Telecom Regulatory Authority of India Act. Thus by promulgation of Ordinance, the Government has favoured the private operators.

Madam, there is a standing instruction that whenever a new Bill is introduced, it should be referred to the Standing Committee. So, I demand that as this is a new Bill, this should be referred to the Standing Committee and got scrutinised by the Committee. Then only, this could be brought for consideration of the House. I demand that before scrutiny by the Standing Committee it should not be brought for the consideration of the House.

[Translation]

THE MINISTER OF COMMUNICATION (SHRI RAM VILAS PASWAN) Madam Chairperson, I submit to introduce a legislation seeking amendment in the telecom Regulatory Authority of India Bill, 1987 for consideration of the House. I would like to give some information to the House regarding the facts for the disapproval of the said legislation put forward by our colleague Shri Basu Deb Acharia. He has said a few things. Firstly, he has asked as to why the ordinance was promulgated in such a haste when the parliamentary session was about to start. Second thing has been said about licence fee and migration package. The third issue which has been raised is as to why such a provision to free the TRAI from the jurisdiction of High Court and consequently to take it directly under the jurisdiction of the Supreme Court has been made in this amendment Bill. Why was High Court bypassed? Fourthly he has accused the government of being sympathetic towards the private operators which is not right.

First of all, I would like to inform the hon. Member that this new ordinance Telecom Authority of India (Amendment) Ordinance, 2000 which we have tried to bring in the form of Bill is being brought in place of the Telecom Regulatory Authority of India (Amendment) Bill, 1997. Achariaji has rightly pointed out that the ordinance was promulgated on 24th January, 2000. As all of you are aware TRAI was constituted through passing a legislation in the House. At that time the powers given to TRAI were

[English]

to discharge recommendatory, regulatory, dispute settlement function and tariff.

[Translation]

Besides it was also vested with the power to issue directions to service providers under section 13. In some cases, it was also delegated some executive powers but these were very limited. There was some controversy over the issues of licencees-licencers and service providers TRAI always held that it has a right to settle this dispute while, on the other hand, it was kept on being challenged.

Consequently, this case was being dragged in the Courts for a long time and development of the Telecom sector came to a standstill. You have aptly remarked that no government could do without adopting the policy of privatisation. The House is aware that no one could remain unaffected with the wave of economic revolution which started in the country after framing up the policy of liberalisation in 1991. . . (Interruptions)

SHRI BASU DEB ACHARIA : At that time you had opposed it, now you are supporting it.

SHRI RAM VILAS PASWAN : When the gate is opened, how can you remain your windows closed. You tell me as to whether you are opposing it in Bengal ?

SHRI BASU DEB ACHARIA : We are not allowing anything to enter in Bengal which is not required.

SHRI RAM VILAS PASWAN : Similarly, we are also opposing which is not required while implementing that which is required. In some developed countries 67 persons out of every 100 persons are having telephone while the world average is 16 for per 100 persons. But the average is 2.5 persons for every 100 persons in our country. To provide telephone facility to the remaining persons will involve the expenditure of thousands of billions of dollars which is beyond the capacity of the government. Had it been in the reach of the government this plan would have been completed by now. Even today we claim to provide telephone facility to every village by the year 2002. This target was fixed even in 1994 but it could not be achieved as the government was lacking in resources and the people of private sector were not very much willing to enter into this field. The biggest reason behind it was that this sector was completely dominated by DOT, which is a government body. Due to this the investors whether foreigner or domestic, were not willing to believe that the government is going to shun its jurisdiction. Hence it was repeatedly demanded to form an independent and powerful regulator. It is a step in that direction only. In consistent with the policy of the government reflected through the President's Address of 25th October, we announced to make TRAI more powerful and strong.

A Committee was formed under the Chairmanship of hon. Minister of Finance after it, a sub committee under the Chairmanship of Shri Arun Jaitley was also constituted. Both these committees submitted their reports which was accepted by the Government and this new Bill which has been introduced now and earlier existed in form of the ordinance is containing most of the recommendations made in these reports. We want that this Bill should be enacted at the earliest, We do not want any kind of delay. Hence when the ordinance was promulgated, it was not done with the intention of saving private sector. As far as your accusations regarding licence fee and revenue sharing regime is concerned, it is a separate issue. It was discussed in Rajya Sabha and if the Members desire, we do not have any hesitation to hold a discussion over it in this House too. There is nothing to hide. We are prepared to discuss as to how much revenue was expected and how much was being received and also how much revenue was generated after introducing new revenue

sharing policy and the extent to which litigation was avoided. This is an entirely different chapter which is not related to this issue. I would like to draw the attention of the House towards the major amendment proposed in this bill as well as the earlier bill. Earlier TRAI had recommendatory and regulatory powers regarding tariff and dispute settlement under Section 11. Besides, TRAI had the power to issue directions to the service providers under section 13.

The role of TRAI has been clarified in the new bill introduced in the House. TRAI has been granted recommendatory power under 11 (1)(a), regulatory power under 11(1)(b) and powers regarding tariff under 11(2). The function of dispute settlement which was earlier one of the functions of TRAI has been segregated and provision has been made for establishment of a separate panel to handle this work. TRAI was empowered to issue directions to service providers under section 13 as a part of its regulatory functions. Earlier it was not mandatory for the Government to seek recommendation of TRAI in case of obtaining licences. Bansal ji has moved several amendments in this regard. We shall discuss them later on, however, for the time being, it has been made mandatory. TRAI will have to submit its recommendations within 60 days from the day recommendations are sought by the Government. If recommendations are not forwarded within 60 days or in case the Government and TRAI fail to arrive at a mutual decision, the Government is empowered to take a decision. If TRAI requires clarification regarding a certain point, it may ask the Government to clarify that point. The Government will have to forward clarification within seven days. After the receipt of the recommendations of TRAI, if the recommendations are not acceptable to the Government, it shall return the same to TRAI for reconsideration. TRAI will have to send its recommendation after re-consideration within 15 days. Thereafter, the Government will take a final decision in this regard. This procedure has been laid down in case of those two points on which the recommendations of the Government are mandatory and these pertain firstly to the timing and the number of service providers required and secondly the terms and conditions on which licence is to be granted to service providers. It is mandatory to seek recommendations on both these issues.

Besides additional functions have been assigned to TRAI under Section 11(1)(a) and 11(1)(b) which include handling the issue of interconnectivity between the service providers;

[English]

to lay down the extent of the quality of service and to ensure the quality of service

[Shri Ram Vilas Paswan]

[Translation]

which means that the criteria of quality has also been included, Thirdly, its function is

[English]

to make recommendations on the technical improvement in the services and to make recommendations on the efficient management.

[Translation]

So far as qualification is concerned, there are no two opinions about it. You are right that earlier there was only one body which was in charge. This body discharged the function of making recommendation as well as that of passing judgement. It has been bifurcated. It does not seem appropriate if judgement is given by the same person who argues the case. Hence it has been split into two separate bodies, namely TRAI and Appellate Dispute Tribunal. The qualifications regarding TRAI have been fixed. Earlier the Chairperson used to be a sitting or retired judge. Now this stipulation has been dispensed with. The same stipulation has been made applicable in the case of adjudication now. The stipulation would apply in the case of Chairperson of the tribunal. So far as TRAI is concerned, this stipulation has been withdrawn and its Chairman and Member can be appointed from amongst the persons who have special knowledge of telecommunication, industry, finance, accountancy, law, management or consumer affairs. The term of office of the Chairman was five years earlier and the Member could also hold office for a term of five years or until he attained the age of 65 years. Thus the Chairperson could be 80 years old or even older but now the term of office is upto three years which means that one can hold office upto three years or until he attains the age of 65 years. The term of office has been fixed at three years and word 'upto' has been added.

There is a sensitive issue pertaining to C.A.G. or audit. As per Section 23(1)

[English]

The authorities shall maintain proper accounts and other relevant records.

[Translation]

Under 23(2), it has been stated that

[English]

accounts shall be audited by the C&AG,

[Translation]

Now an explanation has been added to it. Apprehensions have been put to rest by adding that explanation. It is declared thereunder that whatever discussions are taken by TRAI in the course of discharging its functions under Section 11, pertaining to the issue of regulatory functions and tariff and section 13 pertaining to the issue of directing the service providers and under the clauses of section 1 and major section 2, are subject to appeal in Tribunal. There will be no intervention of C.A.G. Infact there will be no interference of any kind in respect of functions related to regulation, fixing tariff and issuing directions. The main reason behind making such a provision in respect of three above mentioned areas of functioning is that those who have been given assurance are satisfied. As the Government intends to attract private sector to take up the work of providing services, the private parties should not get such an impression that the Government intends to keep an upper hand and does not wish to give a free hand to private parties. Hence there will be no interference in the administrative work and accounting. In the case of difference of opinion, they will reserve the right to approach the Tribunal, however, this provision has been made with a view to create such a feeling amongst people that this step has been taken to keep TRAI independent,

I believe that as regards the telecommunication Disputes Tribunal, the adjudicative powers have been given to TRAI under Section 14 and these provisions are covered under Section 14 to Section 20. The Tribunal has been fully empowered under these sections. As regards the issue of its composition, there will be a Chairman and two Members. The qualifications are the same as had been specified in the case of Chairman of TRAI earlier i.e. the Chairman has to be a sitting or former Supreme Court Judge or Chief Justice or retired Chief Justice of a High Court. The Members must have held the post of Secretary to Government of India or should have served the State Government for a period of two years and they should be well versed in the field of industry, telecommunication, commerce or administration. These are the major qualifications.

I am pleased to note that all the sections have welcomed it. C.I.I., F.I.C.C.I., Cellular Operators of India, Association of Basic Telecom have welcomed this bill and I feel that all the Members from the Congress Party and the Left Front Members, who have been our associate would support it and I am aware of their sentiments but I feel that the way. . . (Interruptions)

SHRI BASU DEB ACHARIA : We have struggled collectively.

SHRI RAM VILAS PASWAN : Yes, we have indeed struggled together. Times are changing at a fast pace and we are witnessing a big revolution in the field of communication all over the world. The entire world is thrilled by the magic of internet today. We can have an access to information from anywhere. Earlier information used to be out of reach during night but now all the news are accessible in foreign countries at 12 in the night through internet. We can't keep our country oblivious of these developments. I have no hesitation in saying that Government does not have the kind of resources to approach telecom or global universal access. Talking about the universal services, we may get services but the objective of complete access may not be achieved.

Hence the Government has formulated this policy after due consideration that at least TRAI should be made independent and powerful. I feel that no one should oppose the development of a particular industry. Just as all sections of the people have welcomed this bill, the House should also welcome it. I hope that all the Members will pass it unanimously.

I beg to move* :

"That the bill to amend the Telecom Regulatory Authority of India Act, 1997 be taken into consideration."

[English]

SHRI MANI SHANKAR AIYAR (Mayiladuturai) : Madam, Chairman, I rise to support this Resolution moved by my friend Shri Basu Deb Acharia and to record my strong objections to the attempt being made by the Treasury Benches to convert their unwarranted Ordinance into a legitimate Act of the Government of India.

Madam, my basic objection is that I simply do not trust this Government with regard to the telecom sector. That is the most fundamental objection. Although I distrust this Government in every sector, my distrust of them is the greatest in the telecom sector because in this sector, we have seen them assuming one set of colours when they were sitting here, another set of colours when they were supporting those in power themselves. When one sees such lack of conviction and such a relentless pursuit of convenience on their part, I think, it is very important that before we get to the specifics of this Bill, we look into the intentions that had made the Government in passing this Ordinance.

Madam, you would recall, on the question of licensing in basic services, in December of 1995, this Parliament

was brought to a standstill for virtually two weeks. In fact, a very distinguished Minister of Parliamentary Affairs who, I regret, is not here made his name in the other House on the basis of what he claimed is a major scandal with regard to licensing as a system of promoting private sector entry into the basic services sector. The charge fundamentally was that the then Congress Minister of Communication had started a licensing system in terms of which the Indian party which was in collaboration with two Third World parties—a Thai company and an Israeli company—was being illegitimately given the licence despite having the biggest bid because it would not be able to pay its fee. The basic charge was that there was a small company called Himachal Futuristic Limited, the Communications Minister also came from Himachal, therefore, there must be some *ghapla* inside and that this company would not be able to pay its licence fee and yet Shri Sukh Ram was giving them this licence. That means there is something shoddy going on.

Now we enter the year 1999. There is a major war going on in the Kargil sector and thousands of crores of rupees are unanticipatedly being spent by the Government of India for which we had to pass the Supplementary Grants. While the country is suffering this invasion and thousands of crores of rupees of the poor are being spent on defending the country. . . .(Interruptions) In a sense it is wasted because if we had taken the appropriate steps at the start to stop this incursion, maybe that war would not have been necessary. But let Shri Ram Naik not distract me from the main issue. It is because all I am saying is what he said. I used to sit on those Benches. I listened with added interest to what Shri Ram Naik had to say. I am only reminding him of what he himself said. He said that the licensing fee should only be taken from those who are capable of paying and Himachal Futuristic cannot pay. Now in the middle of a war where our soldiers are shedding their blood in Kargil, this Government – which has ignored all kinds of things which are of interest to the poor – rushes to convert the licensing system into a revenue sharing system thereby causing a loss of thousands upon thousands of crores of rupees of the Government of India. I can understand that there may be problems and we need to discuss in Parliament and we come to some kind of conclusion. But a Government which had lost the mandate to rule this country, a Government which is simply holding the fort while waiting for a General Election to take place, accords such a high priority to saving the interest of the richest multinationals in the world in partnership with the richest business houses in India that they converted the complete system and changed over from a licence system to a revenue sharing system.

Till today, as the Minister of Communications just reminded us, Parliament has not even discussed it. That

*Moved with the recommendation of the President.

[Shri Mani Shankar Aiyar]

is why, I do not trust them. They say one thing here, they say another thing when they are sitting in the middle and they say the third thing, when they come on to the Treasury Benches. Either the licensing system was wrong during Shri Sukh Ram's time and therefore, they should not have adopted the licensing system subsequently for the cellular operators or having adopted this system for the cellular operators, they should not, at a time when the country is bleeding both in blood and money, forgive the richest multinational corporations of the world—they are the richest business partners in India—from following a system which they entered into by way of a free contract and the same Mr. Sukh Ram whom they excoriated, is today adopted by them as one of their own. Why should I trust anything what this Government says with regard to the telecom sector? I trust them in nothing and I trust them least of all when it comes to the telecom sector and therefore, I think it is extremely important that we look into this matter now in very great detail but before I do so, I would draw the attention of the hon. Minister of Communications in his present capacity as well as previous capacity as a Leader of the Opposition who used to sit at exactly the point where I am just now standing. In recent weeks, the shares of telecom company whose prices have risen fastest in the Mumbai Stock Exchange is the same Himachal Futuristic whom you so abused four years ago. Four years ago, you said that they were incapable of paying and today, the most successful telecom company in the country, according to the Mumbai Stock Exchange, is exactly that same company. I, therefore, want to know why we should not examine this Amendment Bill, line by line and word by word to discover what really is in their minds when they have brought this Bill before us. I used to greatly admire Shri Ram Vilas Paswan when he was a socialist, when he was a messiah of the poor, when he was the prophet of the depressed classes. But when I now see him as an advocate for the multinationals, I feel very very sorry that a good man has lost his ethics just in order to continue to sit in some Ministerial Chair. The fundamental problem with this Bill indeed of the approach of the telecom sector is that they are so enamoured of *videshi* examples that they have completely forgotten the *swadeshi* reality. He wants us to reach the advanced stage where everyone is wandering around with a telephone in his hand. But we are in a country where people in millions do not even have access to drinking water. It is in terms of the social and economic realities of this land and not of those countries that Shri Paswan has now started visiting that we ought to determine what our telecom policy should be.

There is a National Telecom Policy of 1999 before us. I had my differences or nuances with it. But overall, it is

a policy that contains a large number of excellent objectives for the nation. Shri Paswan mentioned some of them in passing, although he does not seem to realise that he has in no way related those objectives with the Bill that he has brought before us. In the NTP, 1999, there is a promise that we will work towards universal access and he mentioned it. Where is it in the Bill? It is nowhere in the Bill. We want to work towards universal access as a Governmental commitment.

SHRI RAM VILAS PASWAN : This is only for TRAI. This is not revenue sharing package or any other thing. This is only an amendment for TRAI.

SHRI MANI SHANKAR AIYAR : I think the remark that has just been made by the Minister of Communications shows how far he has removed from his own policy for he thinks that TRAI has nothing to do with the National Telecom Policy. It is his Policy. And I want to see the link between that Policy and this Bill.

I am just pointing out to him one thing if he has an open mind on it. After all I am only urging his own objectives. I am just drawing his attention to the fact that between the objectives set out in the National Telecom Policy, 1999 and the TRAI (Amendment) Bill, there does not seem to be the nexus, which I regard is essential for us to have a Bill of which we can be proud of. This Bill must be put into the context of the National Telecom Policy, 1999, which has not been so put. The proof of this lies in two areas. Firstly, I refer to Section 2 of this Bill and secondly, I refer to the Statement of Objects and Reasons that has been annexed to the end of the Bill.

With regard to Section 2 which is the Long Title, the old Act of 1997 said : "This Telecom Regulatory Authority of India is to regulate telecom services" and ended there. Now, they have expanded their own Long Title from being a single line into being a verse of poetry. Now, I know that Shri Paswan needs to get that poet Prime Minister to bless him, but I see no reason why when he is moving from a single Long Title of one line to a Long Title of five lines—five lines are there in the Long Title—and in writing these five lines, they forgot their own National Telecom Policy. There is no reference in the new Long Title of the Bill to universal access; there is no reference to universal services; and there is no reference to the Universal Service Fund. What are they up to? Do you want to know what they are up to, as I do?

I would request you, Madam, to turn your attention to the Statement of Objects and Reasons. In the Statement of Objects and Reasons, in paragraph (1), they quote the President, whose piece, they themselves wrote, as having said that :—

"the purpose of the Telecom Regulatory Authority of India now will be to increase investor confidence."

That is my first consideration. Their first consideration is not universal access; their first consideration is not universal services; their first concern is not the Universal Service Fund; their first concern is not the rural areas of India; their first concern is not those areas which are regarded as uneconomical in telecom areas; their first concern is not even to strengthen the public sector company in the telecom area but their first concern is investor confidence. They will bend at their knees before any investor so that he can bring in the money which they do not bring in. I think this is a shame because the public sector in India under great socialist leaders like Shrimati Indira Gandhi, Shri Rajiv Gandhi and Shri Narasimha Rao has given as much as five-sevenths of the total investment in the telecom sector from their own internal resources. Instead of recognising that self-reliance lies in our being able to stand on our own feet, and accept the cooperation of others only on the basis of self-respect, this Government is willing to do anything including amending the very same Act which Shri Ram Vilas Paswan's Government brought when he was in another shape in order to beg and plead with the multinationals to come in by saying anything you want. We will do for you, all we want is, since we do not have the money to make phone calls from Patna to the Raj Bhavan. Therefore, please come in and enable us to access this. I think, this is a disgrace that their first consideration is increasing investor policy. What confidence?

These investors from abroad have already submitted their proposals with regard to basic services as well as cellular services. What trust can we have in them when one investor says that it will cost him in metropolitan areas Rs. 15,000 per line as the investment, and another says that it will cost him Rs. 1,00,000? That is the difference. These companies operating in India today—some of them are claiming—claim that it cost them only Rs. 15,000 in a city like Delhi to lay a line and somebody else says, no, it costs them Rs. 1,00,000.

The picture is even more absurd when it comes to the rural circles. I find there that some operators say that it would cost them Rs. 2.30 lakh to lay a line and other operators are saying that it would cost them Rs. 12 lakh for laying a line. How can one trust those people whose sums are so wrong and who make contracts with us with the intention of breaking them and who then find complaint Ministers like Shri Ram Vilas Paswan and Shri Pramod Mahajan who will bend down on their knees to give them whatever they want, instead of demanding as a country with self-respect, that contracts freely entered into must be

obeyed and if they do not, they will have to pay a heavy penalty for breaking that contract.

Madam, I see no reason why the primary objective of any Bill before this Government should be to increase investor confidence. The primary objective of any Bill before us in the telecom sector must be universal access, must be universal services, must be the universal service fund, must be the rural areas and must be the uneconomic areas. Shri Ram Vilas Paswan forgets all these things, but he wants to bend down on his knees before these multinationals.

Madam, I will take lot more time. So, please keep raising your eyebrows. I have plenty to say on this Bill.

MR. CHAIPMAN : Shri Mani Shankar Aiyar, there is a time limit and so, please try to conclude as fast as possible, because there are many more speakers.

SHRI MANI SHANKAR AIYAR : Madam, I will try to conclude as fast as I can, but this is really an important subject.

The second objective that Shri Ram Vilas Paswan has placed before us, in his own Statement of Objects and Reasons, is that he wants to create a level playing field between public and private operators. I want to know why he wants a level playing field between public and private operators. After all, it is our public operators who go to a constituency like mine. I have the public operator who is providing telephones by the tens of thousands in my constituency, Mayiladuturai, where even private Indian cellular operators are not willing to go because people are too poor. Why do we have to become such slaves of these foreigners who say that until you give us a level playing field we are not going to come in at all? I can understand that, as a subsidiary to increasing investor confidence, your saying that we would operate on a level playing field in those areas where you are operating. But to make this level playing field a higher objective than the provision of telecommunication services to the poor of India, to the poor regions of India, to the rural areas of India, is, I think, a grave policy mistake.

[Translation]

PROF. RASA SINGH RAWAT (Ajmer) : Madam, he is commenting upon the role of the foreigners. If so, the role of foreigners should be condemned in every field. He would agree to that.

[English]

SHRI MANI SHANKAR AIYAR : Madam, I do not wish to respond to such a childish, native remark.

[Shri Mani Shankar Aiyar]

Madam, it is further stated in the Statement of Objects and Reasons that the Government proposes to strengthen the authority through suitable amendments. But what they are doing is weakening the authority through suitable amendments. These amendments would not have been required if the TRAI has not shown itself to be a very strong body. Why is he misleading us? The purpose of this Bill is not to strengthen the TRAI, but to strengthen the Government's control over it. If these people have said honestly that the TRAI has been acting in an irresponsible manner and, therefore, we need to increase our control over the TRAI and then through us, the control of Parliament over the TRAI, I would have understood that. But instead of saying any of these things, what the Communications Minister has said and I regard this as misleading this House—is that this Bill is strengthening the TRAI, when its whole purpose is to weaken the TRAI. It is against this background that it becomes absolutely necessary for me to go into clause-by-clause examination of this Bill.

MR. CHAIRMAN : Shri Mani Shankar Aiyar, the total time allotted for this Bill by the Business Advisory Committee is two hours. I cannot give the entire time to one party. The others have also to speak. So, how much more time do you want?

SHRI MANI SHANKAR AIYAR : Madam, I am quite willing to sit down at this point, provided you will allow me to go into a clause-by-clause examination when we come to the clause-by-clause consideration of the Bill.

MR. CHAIRMAN : No; please try to conclude in another five minutes.

SHRI MANI SHANKAR AIYAR (Mayiladuturai) : Madam, I will try to go as fast as I can.

MR. CHAIRMAN : Nobody challenges your capacity to speak unlimited. But there is a time limit.

SHRI MANI SHANKAR AIYAR : Madam, in section 2, I request that we make the following amendments. I am not drafting the amendments. I am suggesting what amendments could be made. We need to bring into this section 2 not only the concept of orderly growth in the telecom sector but we also need to bring in there, the concepts of universal access, universal service and universal service fund as stated in the National Telecom Policy of 1990 Act.

Furthermore, we need to bring in the concept of improving the quality of telecom services which is referred to in the Statement of Objects and Reason but has not been included in this expanded Long Title. I also think that

it is very important that we bring into this long, long, long Title now the concept of affordable services. After all, you take telephone rental. Since Shri Paswan is now becoming an expert in developed countries after having spent his life in Hajipur, I now wish to draw his attention to the fact that the rental of a telephone today in India is 15 per cent of our per capita income whereas in the United States of America, whose friend he is now aspiring to become, the rental costs only 0.5 per cent of their per capita income. So, an affordable service is a key requirement. He has forgotten to put it into his lengthened Long Title of what he is up to.

I, then, move to section 4 of the Bill. In section 4 of the Bill, they had changed the system of one Chairperson and two Members which can be expanded up to six Members into a system of a Chairperson with no more than two Members. Now, I think, a Chairperson with six Members, that is, the total Regulatory Authority of seven persons, is perhaps too large. But I ask : "Is a Chairperson with just two Members not too small?" Are we moving from one end of the pendulum to the other? I think, this requires reflection in the Standing Committee as Shri Basu Deb Acharia has already proposed.

Then, I turn to section 5 of the Bill before us. They have one proviso. I suggest that we have a second. We must have a proviso that the Members of this Telecom Regulatory Authority will observe a code of conduct. I have no idea whether this is true or not. But we have heard that Members of the Telecom Regulatory Authority, including its Chairman, have been visited repeatedly by service-providers and their representatives. There is no record kept of who has come to call on them. There is no record kept of what they discussed. There is a continuous effort being made by the service-providers to influence the Members of the Telecom Regulatory Authority of India. Therefore, I believe that we must put in a proviso relating to a code of conduct for these Members which would deal with questions of whom do they visit, who are those who visit them, whose hospitality do they accept, what is the record of all those visits that take place and record of all the conversations that take place with these people. Only then, can we be sure that the multinationals are not using illegitimate means of influencing the opinion of the TRAI.

Then, I come to a matter of very small detail but significant detail. This is section 9. I have got only two sections to go through. In section 9 of the Bill, I draw your attention to the very last line on page 3 where it says :

"type of equipment to be used by the service-providers after inspection of equipment used in the network;"

This is an exact reversal of what was there as in 1997. In 1997, it was said that the TRAI would inspect the equipment and make recommendations regarding the new equipment to be brought. Here, why has Shri Paswan reversed the order? Why is it that the type of equipment is to be decided and then only comes the clause of 'afterwards the inspection having been done'? I am asking this because there was the word 'monitoring' in the Act of 1997 which they have dropped in the Act of 2000. Why? What is the logic of not referring to 'monitoring'? What is the logic of reversing the order of inspection and the type of equipment in the new language that has been brought before us?

16.00 hrs.

I go further now to page 4, to sub-clause B; after that to sub-clause B1, really. There it is a small matter of English, but since this is a law, I think, our English needs to be accurate. It says, "compliance of terms and conditions". As far as I know, the language should be "compliance with terms and conditions" and where the word 'compliance' appeared in the 1997 Act, it is followed by the word 'with'. It is not followed by the word 'of'. I would request the hon. Minister to kindly make this correction because our Hindi version needs to be exactly as accurate as the English version and we should not have a problem arising later because of wrong English.

Then, I come to sub-clause 5 under the same B. There is a reference in the third line to 'periodical survey'. The point in English is, it should be periodical surveys—in plural. Otherwise, there is a danger that when you go before a court, they will say, one survey has taken place, you are not entitled to a second survey. Since, we are talking about periodical surveys, the word 'survey' should be made in plural into 'surveys'. It is here in the same number 5 that we need to bring in the concept of universal access, rural areas and uneconomic areas, for we require to lay down standards of quality, not only in respect of big businessmen calling each other from Mumbai to Delhi but also for my poor farmers in Mayiladuturai also getting quality service. So, please bring in the rural areas universal access.

Then, with regard to sub-clause 9, there once again the word 'compliance' is used before the word 'of'. If the hon. Minister puts in 'with', it will correct it.

Then, I feel that the proviso saying, 'recommendations of the Authority shall not be binding upon the Central Government. . .' It is completely superfluous. No recommendation, by definition, can be binding. This clause has been brought in or rather this proviso has been brought in only to keep the multinationals satisfied. How can a

recommendation be binding on a Government? Why does he need to stretch it over here? He needs to stretch it over here only because the multinationals have told the hon. Minister to make it very very clear that recommendations are not binding on him. I think, this is superfluous and a superfluous proviso is introduced into a clause. It brings the whole of that clause into disrepute.

MR. CHAIRMAN : Please complete now.

SHRI MANI SHANKAR AIYAR : Can you literally give me two minutes, Madam?

I think, the next proviso, '60 days', is simply not enough. '60 days' has been brought in in order to prevent the Authority from considering the issues in detail, from calling opinions from general public, from consulting experts, etc. This '60 days' proviso is there only in order for the Government to pressurise an independent regulatory authority. I do not think, we should accept such a short period, especially, as you subsequently say in the two provisos later that 'or within such period as may be mutually agreed upon'. What happens if there is no agreement between the Government and the Authority as to how many days may be agreed upon? I think, this amounts to pressure and I think, it is important that we must not also bring in Section 10 of this Bill because it is redundant.

Section 10 of this Bill says that 'no deduction except matters specified in clause B can be issued by the Authority. . .' But in small clause B of the previous Section, that is Section 9, it is stated that 'they can perform any other function as are necessary to carry out the provisions of this Act.' So, he has to give a direction to carry out some other provisions of this Act. He will be prevented by the new section 10 from doing so.

Finally, I see that we are under considerable pressure, I have some other recommendations to make regarding amendment. I will not make them now. All I will say is that we need conciliation and arbitration in addition to adjudication, as far as the Tribunal is concerned. Therefore, since the whole Bill is filled with infirmities, since there are so many more amendments that need to be brought into this amendment Bill, since the objectives of this Bill itself are not consistent with the National Telecom Policy 1999 adopted by this Parliament, it is very important that instead of rushing to convert Shri Paswan's ordinance into an Act, this Parliament be afforded the opportunity in the Standing Committee on Telecommunications to examine line by line, word for word, comma by comma, the extremely nefarious intentions of the Government in bringing this Bill before this House.

[Translation]

SHRI RAJIV PRATAP RUDY (Chhapra) : Madam, Hon'ble Mani Shankar ji has made an impressive speech but the way he started analysing the bill denoted his intention to mislead the House at some point. He has gone through each point in great detail and has tried to reverse the sentence. However, Shri Ram Vilas Paswan who has introduced the bill in the House has a good hold over the subject. We are grateful to Hon'ble Minister, his Ministry and entire Cabinet for introducing such good amendments after due consideration.

We talk about globalisation and opening of economy, but there is no need to hold special discussion over how it all began.

16.06 hrs.

[SHRI P.H. PANDIYAN in the Chair]

The participation of Private Sector in the field of telecom is limited to mere four percent in our country whereas 96% is under the control of public sector. On one hand, it is said that more and more telecom services should be provided to the common man and under such circumstances, if the Government itself issues licences, looks after the interests of its public sector companies after issuing licences and at the same time directs the private operators to operate in the market and any dispute in this regard is also settled by the Government, it goes against the basic fundamental issues. The fundamentals on which the provisions of TRAI rested were slightly defective and that is why several cases were filled in High Court regarding various provisions of TRAI during the last three years since 1997 which have been considered seriously by the Government. You might recollect that during this period, the case of calling party was heard in Delhi High Court and the position regarding regulations specified by telecom had led to expression of strong resentment at that time and it was noticed that the provision leaned in favour of private operators. When a call was made from land line to cellular phone, major share would go to cellular phone operators and lesser share would go to MTNL. High Court struck it down after this controversy. The Government is trying to analyse all such provisions of TRAI. A Committee was constituted under the chairmanship of Finance Minister in this regard. The conversions Team considered all these issues and came out with these amendments.

Mr. Chairman, Sir, Shri Mani Shankar ji laid emphasis on this point he has an objection to the provision of fair play field. The system of issuing licences has been continued by the Government during the last fifty years till now and irregularities were committed in the country

through licence regime and when our Government and especially the N.D.A. Government wishes to do away with the licence regime and widen the scope of services, the Members from the other side are raising objection to abolition of licence regime. I think that when Shri Mani Shankar ji was speaking, he did not have that phase in mind when Sam Pitroda had made drastic changes in the field of telecom. If his present speeches were to be read in that context, his point about interconnectivity goes totally against the earlier policy of his party. His points and his analysis is politically motivated otherwise he is in agreement with the step taken by the Government and if one reads in between the lines, he is appreciating the step taken by the Government. As Hon'ble Minister has stated in respect of field of telecom that as regards the issue of interconnectivity in context of advisory rules and regulatory functions, a great difficulty was faced in determining the mode of sharing revenue in case the matter regarding interconnectivity was referred to TRAI.

As this issue was controversial, hence a separate Appellate body has been set up to put an end to the controversy surrounding it and also to bring transparency in the revenue sharing exercise. Hence an effort has been made to make this act more effective in normal usage by making slight amendments in its provision.

Sir, when there is a boost in the confidence of private investors, we definitely hope that we shall be able to provide facility of communication in remote areas which are inaccessible from the point of view of power and water supply. We can communicate with anyone in any part of the country through telecommunication. Hence its need is being felt acutely and we want to extend the facility of telecommunication in rural areas after generating resources. Thus we can implement the policy of the Government effectively in remote areas.

There is a need to widen the ambit of IT field and VSNL network throughout the country and provide the facility of communication in remote areas. Hence we should consider this issue seriously and pass the amendment proposed in the provisions of TRAI unanimously after due consideration. Mani Shankar Aiyar ji has made certain points and his style of speech reflects the voice of opposition, however his points should also be taken into consideration and this bill should be passed unanimously after making required amendments. This is my request to the House.

[English]

SHRI RUPCHAND PAL (Hoogly) : Mr. Chairman, Sir, I rise to oppose the Bill. . . (Interruptions) Yes, everybody knows it and the people of the country know it.

My first objection is what is the hurry to come out with an Ordinance towards the end of January? The hon. Minister owes an explanation to this House because as far as we know, the Chairman and not the Members has taken up the charges of the reconstituted body. But this was done in a hurry in January. Why is this haste? Is it to get rid of some old Members or is it to avoid the recommendations of the Standing Committee? I think, the hon. Minister, when he replies, will cover all these points.

Sir, what goes by the name of reform process, liberalisation and deregulation? There is a thinking that there must be someone to regulate. It cannot be *laissez faire*.

In the Indian situation, since 1991, both the Congress and subsequently the present ruling alliance have been opening up the Indian market in several areas. They have suggested to set up some regulatory bodies. How much effective these regulatory bodies can be and what may be the shortcomings? I have mentioned about the authority of some such regulatory body like SEBI and others on different occasions.

Now, we find that an Authority is proposed to be set up by bringing about changes in the existing Authority. Why?

I am starting from the most major change that is being proposed in this piece of legislation. The TRAI is sought to be taken out of the purview of the audit of the Comptroller and Auditor General. Why? Has not the Comptroller and Auditor General been functioning as an instrument of Parliamentary control over Government expenses from the Consolidated Fund of India or, for that matter, any Government expense? I am just making a small reference and I think the Minister will reply to this. He has been saying so many things that this is being done in the United States or that is being done in the United Kingdom. Can he say that a single Federal dollar can be spent without reference to their audit authority? The Minister, I believe, will reply as to whether a single Federal dollar can be spent by any authority of this type without the scrutiny of their Comptroller and Auditor General. Why TRAI is being sought to be taken out of the purview of the C & AG, I am coming to that. The C & AG had made some very drastic observations on the functioning of TRAI. I am taking only two. One is about the foreign travel of the Members of TRAI. They have observed that TRAI in its meeting held on 17th June 1997 fixed the entitlement of *per diem* halting allowance for foreign tours in respect of the Chairperson, the Members and other officers and staff as under: In the United States, the *per diem* halting allowance has been raised to US \$ 500! Not even the United Nations' highest officials are given such allowance.

TRAI cannot self-regulate itself and it is being given the authority to regulate others! It is \$ 500 per day.

SHRI M.V.V.S. MURTHI (Visakhapatnam) : Business Executives get \$ 500 per day.

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI TAPAN SIKDAR) : That is why amendment is needed.

SHRI RUPCHAND PAL : No. I shall come to your amendment, Mr. Minister. Sir, I am asking from the Minister whether they are entitled to this or not, whether they have been asked to repay or not, and if asked to repay, how much they have repaid.

The other drastic comment that the C & AG has made is on the revenue sharing. Who decided this revenue sharing, the Group of Ministers or the Cabinet? If the Cabinet decided this, then on whose recommendation they decided this? It was on the basis of the recommendation made on the advice of the Attorney-General. In a country like India, we do have the best professionals in so many areas of Telecom. In this age of information technology revolution digital revolution, internet, etc., our own people are dominating the world, be it in the Silicon Valley or, for that matter, any important city of the developed countries of the world. Our own people, the richest people, the Indian people, because of their knowledge of software, knowledge of Telecom, knowledge of C-Dot, are dominating the best institutions of the world, not only the capital market. But that has been gradually weakened and dismantled.

Our own people have been taken away to serve the multinationals only. This Government and their Government also have been silent onlookers. They have facilitated it. This Government also did it. They have rightly said that when immediately after the reforms process had started, Shri L.K. Advani had gone to United States and said: 'This reforms process, liberation is our agenda. Congress had hijacked the reforms agenda of the B.J.P.' Now they are following recklessly and desperately that liberalisation process. I am now coming to that.

You have not discussed about the revenue sharing process. The hon. Minister was saying that it has nothing to do with universal access. Then, why do you mention it in the beginning? You see Section 2 and the Long Title. It says: 'To protect the interest of the service providers first'. The first task is to protect the interests of the service providers. Who are they? It is the DoT. Our DoT has been chattered to remove DoT, to weaken DoT and to deprive of their own revenues to the tune of Rs. 2,000 crore. The second one is about consumers. Will they strive to protect the consumers' interest? I am coming to that. The third one is to ensure orderly growth of the telecom sector. On

[Shri Rupchand Pal]

the basis of what? On whose recommendation? Will it be on the Attorney General's advice? On the basis of which Committee and which Study? Is it ICICI? The Government must explain this.

We did not have any opportunity to discuss the migration formula or the migration policy or revenue sharing. Now this TRAI Bill is not isolated from the migration process. Till now they have not paid. On the basis of wrong, false, inadequate half-truths as inputs, studies have been prepared to say that those companies had suddenly become very weak and they do not have enough business and so poor that they are unable to pay even their licence fees which are their dues. The Government is waiting till now, till the 15th of March. I do not know what they will do about even those who have not paid. They said that, they will be waiting till 15th of March. Let us see what will happen.

I had serious objections to this Bill. It is said that there should be some transparency. There is a mention about transparency. Will it be transparency without the scrutiny of C. & A.G.? Transparency itself calls for examination by an independent authority. Excluding the jurisdiction of C. & A.G. which constitutionally is so empowered to examine records, is highly questionable.

Mr. Minister, something is rotten in the state of Indian telecom. The Sukh Ram syndrome has infected not only your Ministry but the P.M.O. – very important areas of the P.M.O. I can substantiate that. It is not that all of a sudden, from the heaven, this TRAI Bill has come. You look at the composition of the reconstituted body. The Chairman is the former Chairman of the State Bank of India. He knows telecom! He knows digital technology! He knows Internet! He knows how to augment, how to spread the telecom services to the people of India!

Telecommunication in today's world is an essential infrastructure for building up any economy, any development worth the name and that will be done by regular orderly growth. By whom it is to be done? Is it by the one who has come out with his famous or infamous report on banking?

Who is the person? I am sorry to mention the name. It is the Chairman of the Central Board of Direct Taxes. . . .(Interruptions) Why? Is he a technologist? I would have been happy if the scientist who has come out of Madras IIT with wireless and local loop technology could have been there. I would have been happy. . .

SHRI MANI SHANKAR AIYAR : Shri Sam Pitroda.

SHRI RUPCHAND PAL : Of course, Sam Pitroda.

MR. CHAIRMAN : You have taken 15 minutes. You have to conclude now.

SHRI RUPCHAND PAL : I have tried to start. I have made very valid and relevant points. Then, there are Shri Prasad and Shri Seshagiri. There was no one in the country whose services are requisitioned by the foreign country also. The financial importance of the TRAI is more important than the technological importance. . . .(Interruptions) I am coming to the chief of the *Bharatiya Mazdoor Sangh*. The TRAI is related to technology. Is it not? . . .(Interruptions)

SHRI MANI SHANKAR AIYAR : You have messed it up. . . .(Interruptions)

SHRI RUPCHAND PAL : I have to say so many things. Now, I am coming to RSS. . . .(Interruptions)

MR. CHAIRMAN : You were allotted seven minutes. I have given 10 minutes more to you.

(Interruptions)

SHRI RUPCHAND PAL : RSS gears up because orderly growth. . . .(interruptions)

SHRI TAPAN SIKDAR : We are discussing about TRAI. We are not discussing the Telecom Policy entirely. . . .(Interruptions)

SHRI RUPCHAND PAL : I think, I have hit the right corner. . . .(Interruptions)

SHRI TAPAN SIKDAR : We know what you have done in West Bengal. . . .(Interruptions) You do not hit the right corner with political words. You do not instigate us. . . .(Interruptions) We can also pay back in the same way. . . .(Interruptions)

MR. CHAIRMAN : There cannot be a direct exchange between this side and that side.

(Interruptions)

SHRI RUPCHAND PAL (Hoogly) : I have something more to share. . . .(Interruptions) RSS gears up to oppose *Sankhavahini* venture and they have come out with a booklet. The Chief of the *Bharatiya Mazdoor Sangh* has said here that this Government has come out to sell *swadeshi* interest. Not only that. . . .(Interruptions)

SHRI TAPAN SIKDAR : *Sankhavahini* venture has been invented by an Indian scientist, Shri Raja Reddy. That is the most upgraded technology. So, we are trying to change it. . . .(interruptions)

MR. CHAIRMAN : Whatever you want to say, you tell your Minister. He will reply from your side.

(Interruptions)

SHRI RUPCHAND PAL : I do not know why they are so agitated. . . .*(interruptions)*

SHRI MANI SHANKAR AIYAR : May I ask one question to the Minister? What is the business of a socio-cultural organisation to tell us about telecom policy? . . .*(Interruptions)*

THE MINISTER OF COMMUNICATIONS (SHRI RAM VILAS PASWAN) : Then, why are you quoting RSS? Do you support them? . . .*(Interruptions)*

[Translation]

Why are you quoting R.S.S. . . .*(interruptions)*

SHRI MANI SHANKAR AIYAR : We know that R.S.S. is totally political. . . .*(Interruptions)*

[English]

MR. CHAIRMAN : THE Members and the Minister cannot have direct dialogue in the House.

(Interruptions)

MR. CHAIRMAN : Members should address the Chair alone.

(Interruptions)

[Translation]

SHRIMATI BHAVNABEN DEVRAJBHAI CHIKHALIA (Junagarh) : This means that Shri Rupchand Pal ji is supporting it.

SHRI MANI SHANKAR AIYAR : He will also support it but first tell us as to why this socio-cultural organisation is issuing statements on such topics.

[English]

MR. CHAIRMAN : Shri Rupchand Pal, please conclude.

(Interruptions)

SHRI TAPAN SIKDAR : It is their matter. You ask them. . . .*(Interruptions)*

SHRI RUPCHAND PAL : RSS says that what is the guarantee that the three IUNET nominees in the Board of Directors will not be CIA agents and that the facility for *Sankhvahini* in the DoT complexes will not be used for interception of India's trade and strategic secrets.

This is not the only one. It involves the security of this country in a larger and greater way. The Pentagon recently admitted that "Under the top secret project called "Acylon", the U.S. National Security Agency have been tapping telephones, fax, e-mail communications all over the world. The vast spy network has been jointly operated by the USA, the UK and Canada". And you are allowing some of them in the name of. . . .*(interruptions)*

SHRI RAM VILAS PASWAN : Where from are you reading?

SHRI RUPCHAND PAL (Hoogly) : This is *The Tribune*.

SHRI TAPAN SIKDAR : Sir, if you allow him to speak so much on RSS, then why is it that the RSS is being harassed in Gujarat?

SHRI RUPCHAND PAL : It has come out in a U.K. newspaper.

MR. CHAIRMAN : Shri Pal, please conclude. You have taken more than 20 minutes.

SHRI RUPCHAND PAL : I am concluding. I will make only relevant and valid points.

MR. CHAIRMAN : Only seven minutes' time has been allotted for you, but I have given you thirteen minutes more.

SHRI RUPCHAND PAL : Sir, the Ministers have taken my time.

MR. CHAIRMAN : I appeal to the Ministers that they should allow him to complete his speech and then they can answer his queries.

SHRI RUPCHAND PAL : I am concluding. This Government, through these amendments, is giving our national interests on a platter to the foreign multinational companies, who are out to loot the Indian market. The Government, through the revenue-sharing process, will lose not less than Rs. 2,000 crore, which could have contributed towards the development of telecom infrastructure.

TRAI has proved that they cannot regulate themselves. So, they want to keep themselves out of the purview of the C & AG. This will lead to more scandals and scams. By the constitution of new TRAI, this Government is determined to serve, it seems, certain particular interests—the interests that are working overtime for this Ordinance, and I charge that it is being done by a section in PMO. The reconstituted TRAI will serve the interests of the foreign and Indian monopolies and not our national interests.

[Shri Rupchand Pal]

Though I have a lot of material, I have no time. This Bill should be referred to the Standing Committee where it can be scrutinised properly, and the nation's interest can be protected. Thank you.

[Translation]

DR. RAGHUVANSH PRASAD SINGH (Vaishali) : Hon'ble Chairman, Sir, I rise to support the statutory resolution moved by the hon'ble Member Shri Basu Deb Acharia and I strongly oppose the Bill moved in the House.

It is true that it is the age of telecommunications and this field should be developed. The hon'ble Minister used to say that telephone facility will be made available in all the villages of the country but the telephones already installed are not working properly and the employees at the telephone exchanges are not available in the exchange during night hour due to which we cannot contact any one on phone during night hours. Credibility of any service is lost when tall claims are made about it and the service remains poor. Shri Sukh Ram was once holding the post of the Minister of Communications which the hon. Minister is now holding and bungling on large scale took place in the Ministry during Shri Sukh Ram's tenure which was committed by the multinational companies. The Government intends to enact law in this regard but there is a need to analyse it.

It has been stated that this authority will consist of one Chairman, not more than two full time Members and not more than two part time Members. They say that not more than two Members will be there. Zero is also not more than two and one is also not more than two. Such a situation can arise under this rule that only the Chairman will remain there in the authority and two full time and two part time members will not be there in the authority, despite all this there will be no obligations for the Government under this rule. What sort of TRAI you are going to constitute. The claim of the Government that they are going to make the TRAI an independent and capable body is not correct. What do you mean by two Members. Not more than two means zero as that is also not more than two. You will not appoint one Member and say that it is not more than two or in case there is only one Member you will say that it is not more than two. Similarly same word has been used in respect of part time Members that there will not be more than two part time Members which is also not more than two. They will not appoint one Member and then say that sub rule 3 of the rule 4 is being followed. Therefore, the intention of the Government is doubtful. Through this amendment the Government is saying that it wants to make TRAI capable and powerful body and we do not want to interfere in its working but only the Chairman will

remain in the TRAI. Not more than two also means that there will not be a single Member in it because zero is also not exceeding two and one is also not exceeding two and as such neither the full time Members nor the part Members will be there in TRAI and, therefore, they will say that the rule in this regard is being followed. I proceed further.

Hon'ble Chairman, Sir, the Government says that the Chairman and other Member of the Authority will be selected by the Union Government from amongst the people who are having specialised knowledge and experience in the field of Telecommunications Industry, Finance, Accounts Law, Management or Consumer Affairs. Thereafter it has been stated that the persons who is in Government service or who has been in Government service will not be appointed as Member until he has served as Secretary or Additional Secretary to the government of India for not less than three years or on equivalent post in the State Government for the same period. However the condition so prescribed in the present Bill is applicable in the case of Member only. For the post of the Chairman the Government have prescribed that the person should have experience in the field of Telecommunications, Law, Accounts Management and Consumer Affairs. They will appoint any person as Chairman whether or not he had worked for three years as Secretary or Additional Secretary. From the clause four of the rule five it appears that qualification for the post of the Chairman is only experience whether or not such person had worked as secretary or Additional Secretary to the Government of India for three years. This is not compulsory for the post of the Chairman. But for the post of Member the Government have prescribed that the persons should have experience of three years as Secretary or Additional Secretary or equivalent post. Hon'ble Chairman, Sir, there cannot be any rule more ambiguous than this. Only experience has been prescribed as qualification for the post of the Chairman and this has been done to appoint the person of their choice on the post of Chairman whether or not such person have three years experience as Secretary or Additional Secretary to the Government of India but for the appointment to the post of Member the condition of three years service and Secretary or Addition Secretary to the Government of India has been prescribed. The Government should make it clear. Why this ambiguous provision has been made. The Government are claiming that due importance has been given to authority and it will enjoy full independence and autonomy. But practically only the Chairperson will be appointed and the person will be of the linking of the Government. No binding provision has been made in this regard. As regard the appointment of Members either they will not be there or if at all, they will be there, certain restrictions will be there. Rule four

and five may be referred to. How can we support such ambiguous law. There is wide gulf between the action and intention of the Government. Hon'ble Members Shri Aiyar and Shri Rup Chand Pal have raised some questions regarding auditing by the Comptroller and Auditor General which is a constitutional provision. The constitutional provision is that the institution receiving grant from the Government will be under the purview of the Comptroller and Auditor General of India.

Hon'ble Chairman, Sir, provision has been made to keep this authority out of the purview of the Comptroller and Auditor General of India. What sort of law the Government wants to enact and as such who will audit the accounts of this authority? The Comptroller and Auditor General would have audited its accounts and would have submitted report to the President and would have brought irregularities, if any, to the notice of the President and there after the said report would have been placed in the House. But instead of that, this authority has been left unbridled in financial matters and it has been kept out of the purview of the comptroller and the Auditor General. How will it be effective?

Hon'ble Chairman, Sir, it has been stated in clause 11(1), 11(2) and 11(3) of this Bill that auditing of accounts of this authority will be out of the purview of the Comptroller and Auditor General of India. 'TRAI' is being constituted under the department which was once held by a person like Shri Sukh Ram and that has been kept out of the purview of the Comptroller and Auditor General of India. As such there is ample scope for much bigger scam than the one that took place during the tenure of Shri Sukh Ram.

Hon'ble Chairman, Sir, I have apprehensions in my mind that unbridled powers are being given to 'TRAI' and auditing of its accounts has been kept out of the purview of the Comptroller and Auditor General of India. This provision goes against the provision of the Constitution of the country. According to our constitutional provision, it is mandatory to get the accounts of an institution which is getting funds from the Government audited by the Comptroller and Auditor General of India. But the most important provision of auditing by the Comptroller and Auditor General of India has been kept out of its purview. As such I have my doubts that the Government is playing in the hands of the multinational companies and our country is going to be a play ground for the multinational companies.

Hon'ble Chairman, Sir, all the hon'ble Members of this August House are aware that the multinational companies have committed irregularities wherever they went and they have indulged in big scams. Due to enactment of this law

there will be no check on their entry into our country and they will indulge in similar irregularities and scams in our country also and we will have no control over them. The hopes and aspirations of our people that telephones will be installed in their villages at comparatively less cost will be dashed to the ground because the Government are going to make telephones costly by constituting this authority.

Hon'ble Chairman, Sir, you also know that villages are ignored in the matter of telephone facility even today. We cannot make a phone call from villages even after waiting for hours together thus the purpose of a telephone itself is defeated. I have been told by the people of Sahebganj and Deoria that we cannot make phone call even after waiting for as long as two hours. We cannot hope that improvement will come in telephone service even after constitution of this authority. The proposed deceptive law cannot be in the interest of the country.

Hon'ble Chairman, Sir, I strongly oppose the Telecommunications Regulatory Authority of India (Amendment) Bill 2000 and demand that it should not be passed in the House rather it should be referred to the Parliamentary Standing Committee so that technical loopholes in the Bill could be removed. With these words I thank you for giving me an opportunity to speak.

[English]

SHRI M.V.V.S. MURTHI (Visakhapatnam) : Mr. Chairman, Sir, there is unanimity on the view that infrastructure is essential to build up our economy. There are no two opinions about it. At the same time, the right path has to be followed in presenting the Bill and also making it into an Act.

This Bill of TRAI is very essential in today's conditions because our country is lagging behind already when compared to many of the developed countries. Once we have agreed to liberalise our policy, it is essential to extend telecommunication services to the nook and corner of the country. We have already delayed things in several processes. This Ordinance that the Government had issued on the 24th of January, 2000 was perhaps to cut short the delays. On the point of bypassing the High Courts, it is not that the decisions of TRAI are not to be contested in any court of law.

Still it could be tested in the court of law, the Supreme Court.

As far as the obligations are concerned, that have been considered. It is only to hasten the process that this Bill is being introduced. It is also a fact that the telecommunication facilities are very much needed today

[Shri M.V.V.S. Murthi]

in the country to develop our Information Technology facilities. With the Information Technology facilities, our country is boosting up further improving our exports and other things to other developed countries.

The main link for the development of Information Technology is to develop telecommunication facilities. Telecommunication facilities are not available within the Government controls. It is limited to only a few people. At one time it was thought that 'to own a telephone itself is a luxury'. At one time there was a rule that those who are owing a telephone must also pay the income tax. If such is the case, how conservative policies we have adopted in the past.

SHRI A.C. JOS (Trichur) : Today also they are paying the income tax. . . .(Interruptions)

SHRI M.V.V.S. MURTHI (Visakhapatnam) : Today, we want everybody to pay income tax because we want everybody to develop and improve his economy and pay income tax. This is a different rule today. But the telephone facility has to be extended to every nook and corner. At one stage, we are telling that telephone facilities should not cost more but on the other hand my friends say that 'we are sacrificing revenues to the Government. I would say that it is not the revenue to the Government but it is a facility. So, it should be treated as facilities. Telecommunication facility is a facility which should be extended to each and every nook and corner and every village. By having very high tariff, can we extend this facility to everybody? So, we should look into that angle instead of telling that 'the Government is sacrificing so much of revenue or the Government would have got so much of revenue.'

If you want to tax the people, you can have revenue. If you want to extend this facility, this has to be done. I am very sure that the surplus revenue sharing is not a bad proposition. I think, it should be acceptable to each and everybody. Then only, the common man will be benefited. But you build up the transparency level, and see after expenses, how to share the surplus revenue in the process. Instead of doing that if we are not together in this process of hastening the telecommunication facilities improvement and attracting the private investment, nothing could be achieved. The Government cannot invest there because it has no money for the social sector itself. So, how can you extend the facility only by doing the Government sector alone in this process of telecommunication? That is why, we must attract the capital from outside, from private parties. We should not distinguish today whether the public sector is investing the money or the private sector is investing the money. But we should

think in the policy of creating this facility at a cheaper cost to the common man. We should have that angle while doing that.

Sir, perhaps, these amendments are aimed at reaching the telecommunication facilities to the common man of the country. If such is the case we should not dilly-dally in passing such a Bill.

So, I feel that we should pass this Bill without processing any amendment because this is towards the development of the country's telecommunication facilities which, in turn, will improve the Information Technology facilities which will bring a lot of money to this country. With these few words, I support this Bill.

[Translation]

SHRI C.N. SINGH (Muchhlishahar) : Mr. Chairman, Sir, I rise to speak in support of the statutory Resolution Telecom Regulatory Authority of India, 2000 moved by Shri Basu Deb Acharia. I am of the view and I have myself observed that this Bill is a fraud and a bundle of untruth. In view of the prevalent corruption in Telecom Department, it can be said that the Department of telecommunication is the most corrupt department in the country where the officers from the lowest level to the highest level are engaged in corruption.

An attempt is being made to cover up this corruption. Attention is being drawn towards otherside in order to conceal it. If this Bill is not amended and reconsidered thoroughly and in its entirety, it will amount to deceiving the country.

Cellular phones are in use on a large scale. The Government is being deprived of a lot of revenue. The consumers are using the cellular phones out of compulsion. Only 10 percent calls are properly metered and rest 90 percent calls are being siphoned off. Under this system, licences which Shri Sukh Ram has provided. . . .*(Interruptions) The present Bharatiya Janata Party Government is following his footsteps. . . .*(Interruptions)

[English]

SHRI RAM VILAS PASWAN : With due respect to you, I take objection to this. . . .(Interruptions)

SHRI TAPAN SIKDAR : Sir, is this Parliamentary? . . .(Interruptions)

MR. CHAIRMAN : Hon. Member, please confine yourself to the Bill.

(Interruptions)

*Expunged as ordered by the Chair.

[Translation]

SHRI RAM VILAS PASWAN : I have been in public life since 1969. I become an M.L.A. in 1969 and since 1977 I have been elected as an M.P. Corruption may take place in that clan only to which he belongs. The moment you raise an accusing finger towards Ram Vilas Paswan, I will retire from politics. You must be joking. . . .
(Interruptions)

SHRI C.N. SINGH : I have said for development. Through you I want to move an amendment in it. . . .(Interruptions)

[English]

MR. CHAIRMAN : Please confine yourself to the Bill. Do not travel beyond the Bill.

(Interruptions)

SHRI ALI MOHD. NAIK (Anantnag) : Sir, I am on a point of order. . . .(Interruptions) The hon. Member who is speaking may please resume his seat. The hon. Member has made an allegation against an hon. Minister.

SHRI A.C. JOS (Trichur) : There has been no allegation.

SHRI ALI MOHD. NAIK (Anantnag) : Sir, he has made an allegation.

MR. CHAIRMAN : There is no point of order.

SHRI ALI MOHD. NAIK (Anantnag) : Sir, please listen to my submission.

MR. CHAIRMAN : There is no point of order in this.

SHRI ALI MOHD. NAIK (Anantnag) : Sir, if anything goes against the rules of the House, a point of order is to be raised. He has made an allegation against a Minister. Before making an allegation, he must submit the allegation to the hon. Speaker.

MR. CHAIRMAN : I will expunge that portion. I am expunging that portion.

SHRI PRIYA RANJAN DASMUNSI (Raiganj) : Is 'Sukh Ram' unparliamentary ?

MR. CHAIRMAN : It is not unparliamentary. But the accusation against the Minister is unparliamentary.

SHRI A.C. JOS : There has been no accusation. He said that Shri Sukh Ram had started the development and the present Minister is expanding on the development, surpassing the development. It is not that he has made any allegation.

MR. CHAIRMAN : If that is the case, if there is any allegation, I will look into it.

SHRI PAWAN KUMAR BANSAL (Chandigarh) : Sir, you may please look into it.

MR. CHAIRMAN : I will examine it. If there is any allegation against the Minister, I will look into it.

(Interruptions)

MR. CHAIRMAN : If the 'development' is in good taste, I will not expunge it, if it is in a bad taste, I will expunge it.

SHRI TAPAN SIKDAR : Sir, this is not correct. He alleged Shri Sukh Ram of corruption. Then, he has mentioned the same thing about Shri Paswan.

MR. CHAIRMAN : That is why I tell you that I will examine it. If there is any accusation against the Minister, I will expunge it.

[Translation]

SHRI C N. SINGH : I did not level any allegation against the hon. Minister. I had just asked for the comparison. Those sitting on treasury benches, always take 'comparison' in wrong sense. It should be understood in its proper perspective. Definitely I have accused the Department telecommunication of being corrupt and I can say with challenge that today even an officer of J.E. level is earning crores of rupees. No provision has been made in this Bill to put a check corruption, instead it seeks to enhance it. It has been stated in the Bill as to who will appoint the Chairman. If the Ministry does so then it will not remain as a judicial body. If it is to be turned into a judicial body it should be brought under the jurisdiction of the Supreme Court, the right of appointing the Chairperson should be vested in the Supreme Court. The right to appoint the Chairman will not rest with the executive, hence it should be maintained as an independent body. If it is not made an independent body then the Department of Telecommunication will appoint a capitalist of their choice as the chairperson who will serve their interests. Hence appointing such a person as chairperson is a big conspiracy to cover up corruption. I would like. . . .(Interruptions) I am concluding in a minute.

If this Bill is passed in its present form, millions and billions of rupees of the country will continue to be wasted through the use of mobile and cellular phones. Today the telephones are not being made available to those who actually need them. The people are using cellular phones out of compulsion. If the expenditure on a conventional telephone is Rs. 200 than if it Rs. 1000 for cellular phone, automatically an inflated bill is received. The DoT do not

[Shri C.N. Singh]

exercise any control over it. A common man like me who is using cellular phone, is suffering so much loss and the Government is also suffering the same. I do believe that his intention is good and he is good Minister though he has crossed over to that side for becoming a Minister but he is a good Minister. Though he has joined the ruling party but he has also been our leader and we have a feeling of respect towards him. I am not accusing him but if this Bill is passed in its present form then it will tantamount to the repetition of the same step which Sukh Ramji had taken. This Bill should be consigned to the waste paper basket. This Bill is of no use and there is no plea in defence of this Bill. This Bill is being brought to give advantage to the multinational companies and the capitalist class. This Bill should be referred to the Standing Committee and should be considered from all its aspects otherwise it should be thrown into the dustbin. I would like to suggest to the hon. Minister to withdraw this Bill and bring another Bill which could put a check on the prevailing corruption.

The level of corruption in this department is so high that only a feet deep digging takes place for laying the cable. I have myself seen it, half baked bricks are being used for construction. There is no other department in India which is as corrupt as this. Hence such a bill is not being introduced which may put a check on this corruption, instead the one which will cover up corruption is being brought here. Through you, I would like to submit to the hon. Minister that this Bill should not be passed until a proper discussion takes place on it and the necessary amendments are made in it. If you also think good of the country then let this Bill be thrown into dustbin, or else you would be dubbed as the supporter of Sukh Ramji.

PROF. RASA SINGH RAWAT (Ajmer) : Hon. Mr. Chairman, Sir, I strongly support the Telecommunication Regulatory Authority (Amendment) Bill, 2000 introduced by the hon. Minister of Communication and through you would like to submit before the entire House that they should hold the national interest as supreme. If they want that the basic telephone facilities reach every village, we should possess abundant resources, the target of 'telephone on demand' should be realised and also if the telephones from the M.P's quota could be installed the intended places, they should support this Bill for achieving these targets, the Government needs resources. This bill has been brought for meeting all these demands, strengthening TRAI, increasing the investment and removing the hurdles which were coming in the way of TRAI. This Bill should be passed unanimously and without any delay and without any debate over it, as it is so useful a bill and is in the national interest.

I am very sorry to say and I feel pity over those people who are opposing this Bill in the name of corruption, the idiom 'sinning all the days of the week and going to church on Sunday' is most apt in their case. Those who are talking in terms of opposing corruption, can they reply as with whom Sukh Ramji was allied initially and with whose 'Sanskaraas' he was motivated.

SHRI MANI SHANKAR AIYAR : With whom is he allied now a days ?

PROF. RASA SINGH RAWAT : The hon. Members are saying about the multinational companies and foreign money.

17.00 hrs.

I would like to say that the policy of liberalisation was introduced during the reign of Narasimha Rao's Government. The Congress had repeatedly talked about globalisation and liberalisation and drafted the National telecommunication policy but the real job of implementing and justifying this policy fell on our shoulders. Our Government is fully committed to the cause of implementing it by taking the entire country in confidence. As the hon. President had also said in his Address that we would try to build the infrastructure for the basic facility of telecommunication and remove whatever hurdles which might come in its way in order to strengthen TRAI so that private sector investment could also be attracted. Though it has been provided that the private companies could also make investment but TRAI has been constituted for keeping a vigil on this process so that any kind of misconduct and irregularity may not take place. Also the provision for setting up a tribunal for disposing the controversial matters has been made under this Bill. Therefore, while earnestly supporting this Bill, I would like to submit to the Government that till now, it has been our experience that whatever private companies have entered this field after liberalization, all of them want to reap the maximum benefits only and intend to leave the non-profitable operations for the Department of Telecommunication. Due to this only, the target of giving 10 percent of the telephone connections to the village panchayats and other village bodies has not been fulfilled so far and the expansion of telephone services has remained confined to the cities and towns only. I would like to make a special submission to the hon. Minister that whenever further provisions of TRAI are made in future, while framing the policy he should direct the private parties to provide necessary telephone connections to the villages and it should be made mandatory to do so., otherwise the rural areas would remain bereft of these facilities, because earlier too, during congress regime, telephone poles were erected but the machinery (batteries) went out of order and

now the job of installing new batteries is being handled by the Government. One more thing that I would like to suggest in this regard is that the latest technology should be used in rural areas so that the telecommunication service may become effective.

One of my colleague from Bihar was saying Jaaki Raho Bhavna Jaisi, So Prabhu Murat Dekhi Taisi'. For him the idiom everything looks pale to a jaundiced eye is apt as so many scandals and rampant corruption is order of the day in Bihar I would like to submit before the opposition that they should not oppose just for the sake of opposition but should try to earnestly support and co-operate for a good cause. There is no need to refer this Bill to the Standing Committee. It is an amendment only in the laws of telecom Authority which was set up in 1997. The provision for promoting proper investment in the light of two or three loopholes which had come to our notice in the last 2-3 years, improving the quality, fixing inter connection between telecommunication service providers and improving their quality have been made in this Bill. Provision for TRAI to recommend in terms of management and also to vest in it recommendatory, advisory and regulatory powers have also been made under this new Amendment Bill. I am of the view that after these provisions and after setting up the tribunal and doing away with the restrictions by C.A.G., private investment for the expansion of telecommunication services will increase a lot as the cellular and pagers are the need of the modern society. This is a fact which no one can deny. Those friends of mine who are opposing it, try to contact through cellular phones during election days. The entire world has witnessed the revolution in the field of telecommunication, hence India too cannot lag behind in this sphere. India has to progress with rest of the world and if India is to progress in tune with the present era, she has to, as per the need of the modern times, keep her doors open for investment by the foreign companies so that the resources could be mobilised. We can provide maximum facilities to the people by expanding our services and resolving their problems.

With these words, I support this Bill.

[English]

SHRI AJAY CHAKRABORTY (Basirhat) : I rise to oppose this Amendment Bill and to support the Statutory Resolution moved by hon. Member, Shri Basu Deb Acharya.

My first accusation is against the Government. Why was the Government in such a hurry to promulgate the Ordinance by-passing and disobeying the Parliament? This Ordinance was promulgated on 24th January, 2000. Within a month's time, the Parliament Session was to be

convened. What was the hurry for the Government to promulgate the Ordinance by-passing and defying the Parliament? In fact, I would say that this Government is in the habit of setting bad precedents one-after-another by promulgating Ordinances by-passing or defying the Parliament. Both, Shri Mani Shanker Aiyar and Shri Rup Chand Pal have elaborately discussed and thrashed out a number of points with regard to the demerits of this Bill. So, my duty is cut short. I will conclude my speech within a few minutes.

This Bill is nothing but one step forward for the privatisation of the Telecom Sector of our country. This Bill invites the foreign multinational companies, foreign investors and operators, to operate in the field of telecommunication of our country. The hon. Members now sitting on the Treasury Benches, including Prof. Rasa Singh Rawat, when they used to sit on the Opposition Benches they used to plead for *swadeshi* in insurance and other sectors. I think, their *Swadeshi Jagran Manch* has now been converted into *Videshi Jagran Manch*.

This Bill proposes to remove the power of the C&AG. As referred to by Shri Rup Chand Pal in this speech, if any expenditure is made, there is no scope of interference or examination by the C&AG. The powers of the hon. High Court have been curtailed. The recent judgement passed by the High Court of Delhi shows that. This Bill proposes the curtailment of the power of the High Court.

An Appellate Tribunal was set up to settle the disputes of the consumers and the providers. Suppose a group of consumers or a consumers living in the remote corner of Kerala or Andaman and Nicobar Islands or Lakshadweep is aggrieved, is it possible on his part to rush to the hon. Supreme Court at Delhi?

So, this condition should be removed. The curtailment of the power of the High Court cannot be justified and cannot be accepted. The object of the Bill is to promote and develop telecommunication services of our country. The hon. Minister of Communication and the hon. Minister of State for Communication every day appear in the television or their photographs appear in the newspaper. Every day, they are inaugurating something and saying that they are setting up telecom system in the farthest and the remotest corner of our country and that they have set up telecommunication system in the village area. What is the condition of the telecommunication system in the villages? The telephone instrument is only an article lying in the drawing room. It is nothing more than that. This is the condition in the urban areas also. It is deaf and dumb now. Telephones are not operating. They are not functioning. But those ghost bills are coming. Our telecommunication system is totally corrupt. You can say

[Shri Ajoy Chakraborty]

anything and everything before the media. I think, we should accept that our telecommunication system has totally collapsed and destroyed. So, I urge upon this House that we are not opposing this Bill for the sake of opposition. We are opposing this Bill for the greater interest of the country and for better telecommunication system of our country. The clause 2 of the Bill says :

"Telecom Regulatory Authority of India and the Telecom Disputes Settlement and Appellate Tribunal to regulate the telecommunication services, adjudicate disputes, dispose of appeals and to protect the interests of service providers and consumers of the telecom sector, to promote and ensure orderly growth of the telecom sector."

How would you promote the telecom system ? How do you provide better services to the consumer ? This Bill will not serve the purpose. So, I strongly oppose this Bill. This Bill should be referred to the Standing Committee so that this Bill can be examined properly. After examination by the Standing Committee, a comprehensive, pro-people, and a better Bill may be introduced in Parliament for the betterment and development of telecommunication system which can be enjoyed by our countrymen.

SHRI PAWAN KUMAR BANSAL (Chandigarh) : Mr. Chairman, Sir, the state of telecommunication is a veritable barometer of nation's progress and the action taken to develop this sector is the right indicator of the Government's desire or commitment to take the country on the path of progress. Sir, it was this commitment that motivated late Shri Rajiv Gandhi to take up with determination, the development of information and communication technology in the country.

He was then scoffed at by leaders who today occupy important positions in the Union Cabinet. I say this not to express any grievance over the matter, but to salute that visionary whose foresight, though and work equipped us to march confidently on the path of progress and achieve substantial progress in different fields of nation's activity, including telecommunications. It was the result of his commitment that led us to the policy of 1994 and the subsequent enactment of law relating to the Telecom Regulatory Authority.

Today we have before us this Ordinance to amend that Act. Such a thing is quite normal because no law can be static if we really want to progress. But what really makes me to oppose this Bill today is the way this Ordinance was promulgated. I would very briefly refer to the Statement of Aims and Objects where I would try not

to repeat whatever was very eloquently and brilliantly put forward by Shri Mani Shanker Aiyar, but only try to make my points. It is mentioned there that it was on 25th October 1999 that in his first Address to the Thirteenth Lok Sabha along with Rajya Sabha, the President of India had expressed the Government's resolve to strengthen the Telecom Regulatory Authority of India. The Winter Session came to an end on 23rd of December 1999. The current Session was to begin on 23rd of February 2000 and the summons were issued twenty days before that. Just a week before the issuance of the summons, we had this Ordinance.

If I am not mistaken in reiterating a widely and universally accepted norm regarding promulgation of Ordinances, an Ordinance is promulgated when something of an emergent nature arises for which the Government is called upon to legislate immediately and the Parliament or the Legislative Assembly is not in Session to bring about that legislation. In those circumstances, an Ordinance is issued. Here, it was in October 1999 that the Government made known its desire to bring about an amendment to the Act. They were certainly working on it then. Finally, just before the House was to be summoned, we have this Ordinance before us with no cogent reason to substantiate or to support their case for bringing about the Ordinance.

It is my charge against the Government that it was done primarily to dispense with the services of the incumbents of the Telecom Regulatory Authority who were not convenient to the Government. This is the approach of the Government. I do accept that it is the prerogative of the Government to choose the tool with which it has to work. But if a statutory body is there that you do not approve of or you do not like the working of a particular incumbent, is this the way of doing away with his services or doing away with the Regulatory Authority itself ?

I further have a grievance here. The Parliament is being taken for granted. One could understand if some immediate steps were taken to ward off a particular situation which could have otherwise landed us in some problem. But, here it was to appoint some new officers, some new members of the Telecom Regulatory Authority of India. For what purpose are you bringing the Bill before the Parliament ? Could you just not wait for two months ?

The hon. Minister has lamented the piling up of cases in the courts. Is he not aware about thousands and lakhs of cases which are pending in the courts only because of the attitude of the Government about litigation ? If that is the position, what really was the basic reason for bringing about his Ordinance excepting the ones which have been referred to by the hon. Speakers before me ?

Sir, it is for this reason that I join the other hon. Members in supporting the Statutory Resolution moved by Shri Basudeb Acharia and express my disgust and opposition to the way the Government is working.

Sir, having said that, I would only refer very briefly to some of the provisions of the Bill. Though it may be a little repetitive, yet only for the sake of emphasis, I shall be referring to them. The Government talks of the new Telecom Policy of 1999 with all the pride as if it is a great achievement made by it. Rightly, there is emphasis on universal service and in fact, that is the primary objective, but as it was pointed out, there is no mention of it in the Statement of Objects and Reasons. Our friends on the other side today take every word that comes from the US as *mool mantra*. But I would like to remind the hon. Minister here that the Communications Act of 1934 was passed by the US which set up a Federation Communications Commission, and the Telecommunications Act of 1984 of the UK had set up the Office of Telecommunications. In those Acts there is a specific mention about the mission before a regulatory authority, that is, to provide universal service. Sir the National Telecom Policy of 1999 stipulates a universal access levy to raise resources for subsidising capital expenditure, for handing over the same of the service providers in case of each telephone to cover the rural areas which have not been covered so far. And I think this was one function which should have been assigned to the Telecom Regulatory of India and has not been done.

Sir, there is another important matter which calls of consideration. It is the revenue aspect which presently works against the universal service objective and it could be called as the cream skimming or discriminatory provision of services which favours only high user customers and neglects the residential users and the rural customers. That ought to be without discrimination. There ought to be some realisation or levy according to the norms to be laid or prescribed by the Telecom Regulatory Authority to cross-subsidise this important sector. This aspect is totally missing from the present Bill. We were appalled when we saw the hon. Minister rising to interrupt the hon. Member, Shri Mani Shankar Aiyar who initiated the discussion on the subject when he talked about the need to have a sort of a levy for attaining universal access.

Sir, I know that you have warned me about the time but I only want to submit certain points about my amendments since I have formally moved certain amendments and I have got those amendments circulated. Instead of taking the time of the House again, I would just refer to those and conclude my speech.

Sir, one of the major objectives of the Government in enacting legislation like this has to be in a way to strike a proper balance between the interests of the consumers, the operators and the interests of the State, which acts as a catalyst and a facilitator for balanced and speedy growth of telecom sector.

Sir, here in the name of providing a level playing field, it is the Department of Telecommunication Services and the MTNL which are sought to be burdened as they have been burdened in the recent past. Sir, if a development like this is permitted to be perpetuated, it would mean a major loss to the development of telecom services in our country. Sir the present Bill seeks to bifurcate the functions of regulatory authorities from those of the judicial ones. I have no problem with that. But what I find, Sir, is that in case of the Appellate Tribunal, there is a provision, for, besides the Chairman, two regular Members and two part-time Members. Sir, if you really mean business, an authority of this nature, of this importance should not have any part-time Member. The provision relating to part-time Members, I feel is again incorporated only to subserve the interests of those people who are pressuring the Government to pass such legislation. I would not dwell on that point further but only come to my amendment that I have moved.

The Bill as it stands now provides for not more than two whole-time Members and at the same time it talks of Benches of the Appellate Tribunal which could be set up at many places besides Delhi and a Bench has necessarily got to be composed of one or two Members because in case of difference of opinion between the Members in deciding a particular case, there is a provision that the Chairman could withdraw the case and submit the same to somebody else. I suppose there is some contradiction in these provision. If you want to have Benches, you have certainly got to have more than two members and precisely for that reason I have submitted an amendment saying that this word "two" should be substituted by word "six". It is not necessary that once you have an enabling provision like this that you have necessarily got to have six Members. You do not have to. But when you think or experience that there is a heavy load of work which the Appellate Tribunal cannot cope up with that, then there is need to set up Benches and you have got to have more number. With the present provision, you cannot have more than two Members.

MR. CHAIRMAN (SHRI P.H. PANDIYAN) : Please conclude.

SHRI PAWAN KUMAR BANSAL (Chandigarh) : Do I talk of my amendment subsequently ? I have no objection in doing so.

MR. CHAIRMAN : We have already exceeded two hours.

SHRI PAWAN KUMAR BANSAL (Chandigarh) : I know, Sir. I have cut down my speech and I will straightaway come to the amendments.

MR. CHAIRMAN : Your party has taken more than the time allotted.

SHRI PAWAN KUMAR BANSAL (Chandigarh) : If you say so, I will talk of my amendments when we come to the amendments. I will sit down now.

MR. CHAIRMAN : Certain Members are allotted only two minutes but I gave them ten minutes.

SHRI PAWAN KUMAR BANSAL (Chandigarh) : You may kindly give me time to speak when I take up those amendments.

[Translation]

SHRI RAMDAS ATHAWALE (Pandharpur) : Mr. Chairman, Sir, I thank you for giving me opportunity to speak on this bill. Shri Ram Vilas ji, you have to remove the corruption prevailing in the Department of Telecommunication. If you want to run the department efficiently, you have to accept our demands.

The bill you have presented reflects your good intention. The setting up of such an authority through this bill will help in improving the tele-communication services. But I think that such type of experiments have been done earlier also. The age fixed for the Chairman of the authority is 70 years. But I do not find it appropriate. We need a much younger person to chair this authority. If we want to bring improvement in telephone service, the Chairman should be of 65 years of age and Members should be of 50-60 years of age. Earlier, Shri Sukhram had tried to accomplish a good task but the officers did not work to the desired level. Officers tried to malign his reputation. However, honest the Minister may be, officers go to the Minister and obtain his signature on the file and then create problems for him. Hon'ble Shri Ram Vilas Paswan has been one of my good friends. Today he belongs to the other party but he is a generous person. He is a good Minister also. He has been in the Ministry for many years. He has done a good job as an M.P. As a Minister also he is doing good work. However, this bill needs some more amendments. I, on behalf of my party oppose this bill. To improve this bill, it should be referred to the Standing Committee for amendments.

[English]

MR. CHAIRMAN : Hon. Members, Shri Rupchand Pal gave notice of amendments to the Telecom Regulatory

Authority of India (Amendment) Bill, 2000 today at 1000 hours.

As per provision of Rule 79, notice of amendment to a Bill has to be given one day before the day on which the Bill is to be considered by the House.

Copies of the Bill were circulated to Members on 24th February, 2000. The Bill was introduced in the House on 9th March, 2000. Members were informed *vide* a paragraph in Bulletin Part-II dated 21st February, 2000 that Members may give notices of amendments to a Bill after its introduction in the House.

As may be seen in this case, Shri Rupchand Pal had ample opportunity to study the provisions of the Bill and give notice of amendments thereto.

However, in view of the Member's request to allow him to move his amendments and the fact that, by and large, the House has no objection to allow him to move his amendments, I have decided to permit him, as a special case, to move the amendments.

This may, however, not be treated as a precedent.

I may emphasise that it is in the interest of Members to give notices of amendments after introduction of the Bill without waiting for its being listed on the List of Business.

[Translation]

SHRI RAM VILAS PASWAN : Mr. Chairman, Sir, I would like to congratulate and I am thankful also to the Members who participated in this important debate. Shri Basu Deb Acharia invited the attention of the House by opposing this ordinance with a view to keep a check on the Government so that it may not deviate from its path. Your judgement is based on your past-experience. However, I would like to assure you that it is Parliamentary democracy.

Mr. Chairman, Sir, in a Parliamentary Democracy, people cast their vote in favour of a party, Members elect the Prime Minister and the Prime Minister forms his cabinet. If the Prime Minister is an honest person, the cabinet will also be honest, and if cabinet is honest, officials will be honest. If Prime Minister's integrity is doubtful, honest persons can not remain in the Cabinet for long. Shri Manishankar Aiyar perhaps has not had such an opportunity. The way you have discussed this bill in depth is appreciable. I am not appreciating it just because I am speaking from Treasury Benches but I also appreciated you when I was in opposition. It is a different thing whether I agree with you or not on this issue but

the way you go in depth of every aspect is appreciable and I appreciate that.

Mr. Chairman, Sir, first of all, I would like to ask Shri Manishankar Aiyar that it is not right for the Members of Congress Party to criticise the telecommunication policy and to level charges that we are intending to sell this country to foreigners or private companies. I can expect this comment from left parties as it has been their policy to always criticise, but this policy was formulated during Congress regime and now when it has started showing its results, why are they criticising it. It is not our creation, it is your baby.

Mr. Chairman, Sir, neither the United Front Government nor the Government of National Democratic Alliance was in power during 1984. At that time Congress was in power and the then Minister of Telecommunications had announced that a policy will be formulated. Under that policy manufacturing work in telephone sector was opened to private sector. MTNL was set up in 1986 and in the same year VSNL came into existence. The department of posts and Telegraph was bifurcated into two separate departments in 1985. Initially National policy on telecommunications was being placed under Ministry of Information and Broadcasting but later on the Ministry was reconstituted and in 1989 Telecom Commission was set up. In 1991, the new Government at the Centre, brought a new economic policy (N.E.P.) with the aim to promote liberalisation, private investment and foreign investment. I am saying all this because the policy was formulated in 1991 with three objectives – (i) Liberalisation (ii) Private investment (iii) Foreign investment. Then cellular and pager services were introduced in telephone sector. In 1994 National Telecom policy was announced. Basic telephone services were opened to private parties. Therefore, I would like to tell Shri Manishankar Aiyar ji that by levelling such charges that we are promoting foreign or private companies, you are not doing injustice to late Prime Minister Shri Rajiv Gandhi.

Mr. Chairman, Sir, I would like to tell Shri Mani Shankar Aiyar that if there is any mistake or corruption Charges, you have the every right to criticise it and in such a case I shall welcome criticism from you. There are no two opinion that there should be transparency in Parliament. But when a policy is criticised and charges are levelled that it is a policy to lure the foreigners and to mortgage the country, it is not proper as it all began with the Congress Government. As I have stated in the beginning that we are not of conservative minds, we have a liberal attitude.

Mr. Chairman, Sir, we should work according to our needs. I would like to thank Shri Murti ji for this. Chief

Minister of Andhra Pradesh, Shri Chandra Babu Naidu has set an example by using new information technology, new infrastructure, new communication network in an effective manner which would help in the progress of the State. It is a good use of new information technology network. I think that every State Government and Chief Minister of every State and other Departments of Union Government should use it. I am talking about Karnataka also. I want to say that Southern States are doing better than the northern States. Therefore, I have set a target to provide telephone facility to each and every village of all the States except Southern States by the year 2002.

We have fixed 2001 as the target for the South. Shri Raghuvansh Prasad has just mentioned that telephone is out of order. Is there anything in Bihar which is in a proper shape? When everything is out of order then telephone cannot be an exception to it. You have rightly pointed out that nobody remain there to attend phonecall after 6'0 clock. Who will stay there? Somebody takes away the telephone Battery and if it is diesel set it is also taken away. Even a person can be kidnapped?

DR. RAGHUVANSH PRASAD SINGH (Vaishali) : Do not blame the State Government for your lapses. . . . (Interruptions) What is the role of State Government in regard to telephone? . . . (Interruptions) All irregularities are being committed in your State? . . . (Interruptions)

SHRI RAM VILAS PASWAN : Raghuvanshji, I have not mentioned the name of State Government. . . . (Interruptions)

DR. RAGHUVANSH PRASAD SINGH : You have said that there is disorder in Bihar, I cannot tolerate this. . . . (Interruptions) How can you declare it a disturbed State. . . . (Interruptions) You belong to Bihar so it is not proper to blame your own State.

SHRI RAM VILAS PASWAN : I have said so because all these things exist there. Firstly, he has said this and secondly he has said that all the things have not been included in the long title. The most notable thing is universal services and universal accesses. Shri Mani Shankar Aiyarji, you know that the seven chapters of Ramayana are not included in the long title. The title of the epic will be Ramayana. Sunderkand, Lankakand, Uttarkand, Balkand, Ayodhakand, Kishkandakand etc. will not be mentioned in the title. If you have gone through it then you will find in the amendment made by the Government at Page No.4 in sub-para 9 it is mentioned that :-

[English]

'Ensure effective compliance of universal service obligations'

[Shri Ram Vilas Paswan]

[Translation]

So long as universal service obligation is not ensured and taxes are not imposed on rich people telephone facilities cannot be provided in villages. Why telephone facility and railway services are not provided in villages because these are not profitable. However, when we will ask for revenue sharing, we do not want to call it universal obligation. We will call it Rural Area Development Fund. If anyone provides these facilities as service provider or private sector, tax should be imposed on both of them and the losses caused in villages will be met through these tax. Hence the Government have said that it will set up 'communication stall' in every village. At present cellular telephone is an universal access because it is an individual property. Common people are not being benefited from that. Common people can be benefited only when the facility of telephone, internet, computer etc. is made available in every Panchayat. That is why I have said that it is the question of long title and it is not included in the long title. But if you see the amendment which is mentioned at page 4, you will find that everything is included in that. It is there in Sub-para 5 :

[English]

'(v) lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunication service; . . . '

[Translation]

These provisions are there. After assuming my charge as Minister, I have constituted three committees and I have written letters to all Members of Parliament. I have said that monitoring of rural area is never done. A monitoring Committee has been set up for rural areas under the chairmanship of a Senior D.G. The function of this Committee would be to achieve the target. Earlier, when I was Minister of Railways we used to invite every hon'ble Member of Parliament. We will invite them here also and we will try to solve their difficulties. We will also visit State headquarters. The target we have fixed is a matter of national interest and it is not a matter of any party or Government. So, I would like to mention three things. First thing is the development of our rural areas and I have got figures to back up my Statement.

SHRI PRIYA RANJAN DASMUNSI (Raiganj) : You are not aware that when someone writes a letter to rural sector and T.D.M.O. he does not get its reply for two months. But he gets your reply within a month.

SHRI RAM VILAS PASWAN : You give me the name of such officer and I will definitely take action against him.

SHRI PRIYA RANJAN DASMUNSI : They do not give reply. They get your reply and Tapanji's too but they do not receive any reply from District Officer.

[English]

MR. CHAIRMAN : You do not ask questions directly. You should only address the Chair.

[Translation]

SHRI RAM VILAS PASWAN : I would like to say that Hon'ble Members of Parliament, Whether they belong to ruling bench or opposition bench, Parliament is Supreme. Any officer whether he is holding a lower or higher post or any Minister has no right to disregard and neglect any hon'ble Member. If any officer behave like this then you give us in writing and we will take stringent action against him.

[English]

You please do not go into the details.

SHRI KODIKUNNIL SURESH (Adoor) : I can give so many examples.

SHRI VAIKO : Let him speak.

[Translation]

SHRI RAM VILAS PASWAN : Whereas on the one hand we have said that we will place it in private sector and on the other hand we have also said that we will bring the best technology that is available in the world in the cities. You have said that telephone line is out of order. I accept that most of the lines are out of order. Though the Department claims that only a small number of telephone lines is out-of-order but my personal experience is that the tower which has been erected is 30% defective. The number is less in the South but over all 30-40% lines are out-of-order. We have evolved a separate mechanism for that. Testing of the wireless on loop lines is being conducted and it is likely to be over by the next month. It is the latest equipment. Once the testing is done and it is installed at a site, there will be no need to lay cables under or above the ground in a radius of 25 kms. The equipment can be installed anywhere, be it desert area, flood area or hilly area. We have used that technology. We have fixed the target of work to be achieved by each officer and we have also fixed the criteria of target achievement for transfer of the officers. We would not listen to any plea of the officer who does not achieve his target. We will also appreciate those officers who do their job honestly keeping the target

in mind. There is no two opinion that telephone lines remain out of order. There was time when the issue of telephone was raised in Parliament then almost every Member used to make hue and cry in the House about the non-working of telephones. I often receive complaints about billing. But as far as the working of telephone is concerned, I can say that there has been quite an improvement in the services of telephones. Recently, I have written letters to hon'ble Members. We have appointed Dr. Lal Singh as incharge of Grievances Cell of our Ministry. We have given you special number. You can make a call at that number. As far as case of excess billing is concerned there we face some difficulty. In that situation we always try to hold an inquiry again. As a Minister we have no power to waive the bill. Our top priority is not only to provide world class services but also to bring latest technology. By the year 2002 every rural area will be provided not only with a telephone but also with internet. No district headquarters will remain uncovered by June, 2000. We will connect district headquarters with internet. We have made an announcement in this regard and we are monitoring it. We will meet in July and if any Member inform us that it has not been installed in his district then we will take action against the concerned officer.

One more point was mentioned that an attempt is being made to weaken TRAI. I would like to mention this point in a different manner. We have set up two bodies, one is the TRAI and the other is tribunal.

The power of dispute settlement of TRAI have been given to the Tribunal but one thing is certain that the TRAI do not become weaker by that. You have asked that who will appoint the Judge or Chairman of the Tribunal. The Chairman of the Tribunal will be a sitting or former Judge of the Supreme Court or a sitting Chief Justice of or former Chief Justice of a High Court. His appointment will be made in consultation with the Chief Justice of the Supreme Court. It is a powerful body and the Government have no right to cover it. Secondly, the TRAI about which I have said that it possesses regulatory power, recommendatory power and tariff power. Whenever there is a controversy in the TRAI, the Tribunal will be approached and to avoid wastage of time in the process, the case can go to supreme court directly without passing through High Court.

Shri Raghuvanshji has said that you have written that TRAI should consist of two Members. Just now, hon'ble Member Shri Bansalji has made an amendment in this that there should not be any part time Members. TRAI will look after two kind of functions. The TRAI comprise five Members, two part-time, two regular and one Chairman. Only selected cases will come to Appellate

Tribunal and the number of such cases will be very few and far between. It is a small body which consists of three Members only.

[English]

SHRI PRIYA RANJAN DASMUNSI : When he has so much respect for MPs, then why can he not refer it to the Standing Committee? The Members of the Standing Committee can go through it. . . (Interruptions)

[Translation]

SHRI RAM VILAS PASWAN : Do you want to delay this.

SHRI BASU DEB ACHARIA : No, I don't want to delay, all Members have suggested that it should be referred to Standing Committee.

SHRI RAM VILAS PASWAN : I would like to thank Shri Rajiv Pratap Rudy because he has stated the factual position by raising above the party line. Shri Rupchand Pal has raised the question of C & AG and I have also stated in my speech as to what is the role of C&AG. Everything is not kept out of the purview of C&AG. As regards regulatory function, if there is threat how a person can function properly. In case of Tariff you will find that always charges are levelled against department that it increases rent and the charges of call whenever it likes. This charge is always there. Hence regulatory has been set up. The regulator will take care of public interest, the interests of the consumers.

SHRI RUPCHAND PAL : If a case regarding Income Tax is referred to Tribunal, will it not be forwarded to C&AG for scrutiny?

SHRI RAM VILAS PASWAN : According to Somnathji, I am not an economic expert, but if you see Section 23, you will find that it is regarding Audit.

[English]

Section 23 reads as follows :

"The Authority shall maintain proper accounts and other relevant papers and prepare an annual statement of account in such a form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India."

[Translation]

You read section 23 as everything has been mentioned there. I have mentioned only those points which are not included there. Everyone has the right to have an access on administrative matters. But what would happen if an independent body is constituted. . . (interruptions)

[English]

SHRI SOMNATH CHATTERJEE : The hon. Minister has no time even to read my letters. I have been writing to him on very important issues. He is now free from Bihar. Please read them . . . (interruptions)

[Translation]

SHRI RAM VILAS PASWAN : I would like to say this because there is no question of insulting or ignoring the institution of the C & AG. We will not do justice if on the one hand we continue to say that we will strengthen TRAI and make it an independent body and on the other hand we make several provision to curtail its independence. I can certainly say that after the setting up of TRAI, there has been a great deal of improvement, though not much, in the rentals of telephones and we will keep up this trend. . . . (interruptions)

SHRI RUPCHAND PAL : You have mentioned transparency but if it is sent to C & AG then there will be no transparency.

SHRI RAM VILAS PASWAN : All matters will be sent to C&AG.

[English]

SHRI RAJIV PRATAP RUDY (Chhapra) : Sir, are you permitting this type of cross-talk ?

MR. CHAIRMAN : I have not permitted them. It will not go on record.

(Interruptions)*

[Translation]

SHRI RAM VILAS PASWAN : I would again like to say that as far as the question of expenditure is concerned, the C & AG has full right to audit the expenditure. The regulatory power, tariff right and the right of settlement are not diluted hence anybody could go to Appellate Court in order to protect his rights in this regard.

And I feel that the whole House will support us in this matter and transparency will be maintained. C & AG has stated that all the employees are corrupt. I do not accept that all the employees are corrupt.

[English]

Black sheeps are everywhere.

[Translation]

Good and bad people are found in every walk of life and it is not proper to rule all the men with the same rod.

*Not recorded.

It is not proper to say that all officials and employees are corrupt, politicians are honest and persons working in Government as well as private sector are corrupt. It is not an appropriate criteria. I have also been incharge of a Ministry and it all depends on political will of the Government. I, therefore, repeatedly say that policy, leadership and intentions are the important factors. Officials have to work according to the direction of the Government. Our friends are making a mention of Standing Committee. I do not find it appropriate as Parliament is in session and if you want to make any haste. . . . (interruptions)

[English]

SHRI PRIYA RANJAN DASMUNSI : Sir, the whole concept of the formation of the Standing Committee is to examine and scrutinise the critical policy mattress of the Government also. Therefore, the Standing Committee is quite competent to go through it. Why is the Minister saying Standing Committee, Standing Committee ?

[Translation]

SHRI RAM VILAS PASWAN : As we were in haste we brought this ordinance. In the context of the Standing Committee, I would like to say that we are ready to improve the system if there is any shortcoming in maintaining transparency. We cannot delay it in the name of Standing Committee as TRAI has been reorganised and at present no such body is functioning. Several important decisions are yet to be taken and the new committee is in formation stage. . . . (interruptions) then for last 1 or 1½ month. . . . (interruptions)

[English]

SHRI PRIYA RANJAN DASMUNSI (Raiganj) : Mr. Chairman, Sir, there are two or three much less important Bills than this Telecom Regulatory Authority Bill, which have been referred to the Standing Committee. Why is the Minister saying Standing Committee, Standing Committee ?

MR. CHAIRMAN : Shri Dasmunsi, you have already made your submission.

[Translation]

SHRI RAM VILAS PASWAN : My submission is that development should take place in the country and in this context hon'ble Prime Minister has stated that all other Ministries deal with our today but Communication Ministry deals with our future. The revolution in telecommunication sector cannot be handled by Government alone. Mani Shankarji you should be thankful to your leaders for initiating this policy due to which out of 2 crore 50 lakh

connections given during the last three years, under the policy of economic liberalisation 1 crore 30 lakh connections were given in rural areas.

18.00 hrs.

AN HON'BLE MEMBER : In cities.

SHRI RAM VILAS PASWAN : It was spent in cities but throughout the country. What I have stated earlier that it was 0.6 per cent is wrong. It is 0.6 per cent for rural areas and 4.5 per cent for the whole country.

[English]

I should be corrected otherwise.

[Translation]

I have no other intention about it. I would like to again request you that it is our effort and when it will be considered. . . .(interruptions)

[English]

SHRI PRIYA RANJAN DASMUNSI : Sir, he has supported late Shri Rajiv Gandhi's policy. I should thank him for it. . . .(interruptions) I only want to congratulate.

MR. CHAIRMAN : Shri Dasmunsi, everybody is taking advantage.

[Translation]

SHRI RAM VILAS PASWAN : The issues of licensing policy and revenue sharing will be discussed in detail and all the facts will be brought before the House. The objectives of TRAI and NTP, 99 have been presented here. I request Munshiji, Manishankar Aiyarji Palji and Govindacharyaji that. . . .(interruptions) Earlier also I used to call Shri Basu Deb Achariaji by this name. Not only today but earlier also I used to address him.

[English]

SHRI SOMNATH CHATTERJEE : Sir, may I ask one question ? . . .(interruptions)

MR. CHAIRMAN : Now, the time is 6 p.m. With the leave of the House can I take up the other Bill ? One more Bill is here. I seek the approval of the House for the extension of time.

SEVERAL HON. MEMBERS : Yes.

MR. CHAIRMAN : Yes, We can take it up.

SHRI SOMNATH CHATTERJEE : Sir, I do not want to give the impression throughout the country, as the

Chairman of the Standing Committee on Communications. I feel that we must go through it. I would have expected the hon. Minister to say that the Ordinance will lapse and hence he is seeking the passing of the Bill. . . .(Interruptions) Do not try to say that the Standing Committee should not go into this. You say that the Ordinance will lapse and, therefore, in this case you are requesting the Standing Committee to allow it. You give that explanation. Do not give a lecture on the Standing Committee and their functioning, the whole House etc. In that case the Standing Committee system will have to be abolished. Therefore, you say that because the Ordinance is lapsing, you are requesting. Actually, a request should have gone to the hon. Speaker because all the Bills are sent to the Committees.

There are so many Chairman of the Committees here. Shri Vaiko will not appreciate it. Dr. Laxminarayan Pandeya is here. Therefore, I am suggesting a way out for them to say it.

I give notice that in the Standing Committee we will go through this TRAI law. . . .(interruptions)

[Translation]

SHRI RAM VILAS PASWAN : I am grateful to my esteemed colleague and thank him. If I had not any respect for him, I would not have sent my colleague Minister to him. There are so many points. You are my elder. You have rightly said that several consequences would have arisen after lapsing of this ordinance. I fully agree with you. This bill should be passed unanimously in this house after recommendations.

[English]

SHRI MADAN LAL KHURANA (Delhi Sadar) : 'Basu Dev' and 'Govindacharya' are the same. . . .(Interruptions)

SHRI BASU DEB ACHARIA : Sir, I have asked the hon'ble Minister as to what was the urgency of promulgating this ordinance TRAI and tribunals have yet to start functioning. There are several shortcomings in this ordinance. Therefore, there is no need to make haste. Session of the Parliament was to be convened after one month.

Hon'ble Speaker has also given his opinion against such ordinance in this House. It is not appropriate to promulgate such ordinance before the start of the session of Parliament.

The Hon'ble Minister has not given any reason for urgency of promulgating of this Bill. Thus we are not withdrawing it.

[Shri Basu Deb Acharia]

I would again request the hon'ble Minister to withdraw this Bill. It is not in the interest of the country. It is the opinion of opposition that it should be discussed comprehensively in Standing Committee before bringing it in this House. Therefore, we are not withdrawing it.

[English]

MR. CHAIRMAN : The question is :

"That this House disapproves of the Telecom Regulatory Authority of India (Amendment) Ordinance, 2000 (No. 2 of 2000) promulgated by the President on 24 January, 2000."

The motion was negatived.

MR. CHAIRMAN : The question is :

"That the Bill to amend the Telecom Regulatory Authority of India Act, 1997, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : The House will now take up clause-by-clause consideration of the Bill.

The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 – (Amendment of Section 2)

MR. CHAIRMAN : There is an amendment to clause 3 to be moved by Shri Pawan Kumar Bansal. Shri Bansal, are you moving your amendment ?

SHRI PAWAN KUMAR BANSAL (Chandigarh) : Yes.

Sir, I beg to move :

"Page 2,-

omit lines 10 to 12" (1)

MR. CHAIRMAN : Now, I shall put amendment no. 1 to the vote of the House.

"Page 2,-

omit lines 10 to 12" (1)

The amendment No.1 was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 3 stand part of the Bill"

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—(Amendment of section 3)

MR. CHAIRMAN : Shri Bansal, are you moving amendment No. 2 ?

SHRI PAWAN KUMAR BANSAL : Sir, I beg to move :

Page 2, line 16—

omit "and not more than two part-time Members," (2)

MR. CHAIRMAN : I shall now put amendment No.2, moved by Shri Pawan Kumar Bansal, to the vote of the House.

Page 2, line 16—

omit "and not more than two Part-time Members" (2)

The amendment No.2 was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Clause 6 (Amendment of Section 5)

[Translation]

AMENDMENT MADE : Clause 6 (Amendment of Section 5) Page 2 after line 40 the following shall be inserted :

(a) "(a) subsection (4)

(i) For the words "his selection as a Member" the words 'his selection as Chairman or full time Member' shall be substituted.

(ii) For the words 'assuming office as a Member' the words "assuming office as Chairman or full time Member as the case may be" shall be substituted" (13)

(SHRI RAM VILAS PASWAN)

[English]

MR. CHAIRMAN : Shri Bansal, are you moving your amendment Nos. 3 and 4 ?

SHRI PAWAN KUMAR BANSAL : Sir, I beg to move :

Page 2,—

omit lines 43 and 44. (3)

Page 3,—

omit lines 1 to 3. (4)

MR. CHAIRMAN : I shall now put amendment Nos. 3 and 4, moved by Shri Pawan Kumar Bansal, to the vote of the House.

Page 2,—

omit lines 43 and 44 (3)

Page 3,—

omit lines 1 to 3 (4)

The amendments No. 3 and 4 were put and negatived.

AMENDMENT MADE : Page 3 for the lines 9 and 10 following be substituted :-

- (i) For the words 'Other Member' in initial part the words 'full time Member' shall be substituted;
- (ii) In clause (b), for the words 'Two years' the words 'One year' shall be substituted (14)

(SHRI RAM VILAS PASWAN)

[English]

MR. CHAIRMAN : The question is :

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 and 8 were added to the Bill.

Clause 9-(Amendment of Section 11)

MR. CHAIRMAN : Shri Bansal, are moving amendment No. 5 ?

SHRI PAWAN KUMAR BANSAL : Sir, I beg to move :

Page 3, line 40,—

for "so as"

substitute "and" (5)

MR. CHAIRMAN : Shri Rupchand Pal, are you moving your amendment No. 15 ?

SHRI RUPCHAND PAL : Sir, I beg to move :

Page 4. after line 32. insert—

- (e) all the functions including tariff fixation and accounts will be subject to the scrutiny of the Comptroller and Auditor General of India :
- (f) the decisions of the Appellate Tribunal in respect of financing matters will be subject to audit by the Comptroller and Auditor General of India." (15)

MR. CHAIRMAN : Shri Bansal, are you moving your amendment Nos. 6, 7 and 8 ?

SHRI PAWAN KUMAR BANSAL : Sir, I beg to move:

Page 4, line 39,—

for "sixty"

substitute "ninety" (6)

Page 4,—

omit lines 41 to 45. (7)

Page 5,—

for lines 9 to 11,—

substitute

"(b) for sub-section (3), the following shall be substituted :-

'(3) while discharging its functions under sub-section (1) or sub-section (2), the Authority shall ensure that the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality are not compromised or endangered.' (8)

(Interruptions)

SHRI PAWAN KUMAR BANSAL : Sir, please give a minute.

MR. CHAIRMAN : You have already spoken about these amendments.

SHRI PAWAN KUMAR BANSAL : Sir, when I spoke, I sat down cutting short my speech only with a request that you would permit me to speak on these amendments subsequently.

MR. CHAIRMAN : If you want, I can cite the ruling. You have already spoken. Once a Member has spoken, he will not get a second chance on the same Bill.

SHRI PAWAN KUMAR BANSAL : While I was speaking, the moment you asked me to sit down, I sat down cutting short my speech. I make this specific request because of that.

MR. CHAIRMAN : You cannot reopen that again.

SHRI PAWAN KUMAR BANSAL : I will not touch any other point.

MR. CHAIRMAN : You know the ruling, please cooperate.

SHRI PAWAN KUMAR BANSAL : I know that, but we should not bound by any technicalities. I cooperated with you, Sir.

MR. CHAIRMAN : It will be a bad precedent.

SHRI PAWAN KUMAR BANSAL : Please give me a minute.

MR. CHAIRMAN : There is no precedent at all till date. Why should we establish a new precedent? There is no precedent.

(Interruptions)

MR. CHAIRMAN : A Member who has already participated in a debate cannot open the debate again. There is no precedent till date.

SHRI PAWAN KUMAR BANSAL : We should not be bound by technicalities.

SHRI RUPCHAND PAL : There are precedents, Sir.

MR. CHAIRMAN : I was also a former Speaker.

SHRI RUPCHAND PAL : Sir, I seek your protection. . . .*(Interruptions)* The examination of the records regarding tariff is very important. . . .*(Interruptions)*

MR. CHAIRMAN : I shall now put the Amendments nos. 5, 6, 7 and 8 moved by Shri Pawan Kumar Bansal and Amendment No. 15 moved by Shri Rupchand Pal to clause 9 to vote.

The amendments Nos 5, 6, 7, 8 and 15 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

SHRI RUP CHAND PAL : Sir, we are walking out against, not your decision, the decision of the Government

because they are doing the greatest harm to the country by depriving the C&AG. . . .*(Interruptions)*

DR. RAGHUVANSH PRASAD SINGH (Vaishali) : Mr. Chairman, Sir, TRAI has been excluded on jurisdiction of CAG, so we are staging a walk out.

18.16 hrs.

(At this stage, Shri Rupchand Pal, Dr. Raghuvans Prasad Singh and some other hon. Members left the House.)

Clause 10 – (Amendment of section 13)

SHRI PAWAN KUMAR BANSAL (Chandigarh) : Sir, I am moving my amendment. I have only tried to correct some mistakes in the law. It is because the way it has been drafted and this has been done because of some pressure from the Government on the drafting group to work in haste I beg to move :

Page 5,—

For lines 12 to 15,—

Substitute "10. For section 13 of the Principal Act, the following shall be substituted :—

"The Authority may, for the proper functioning by service providers or for the discharge of its functions, issue from time to time such directions to the service providers on matters specified in clause (b) of sub-section (1) of section 11, as it may consider necessary." (9)

MR. CHAIRMAN : I shall now put amendment no. 9 moved by Shri Pawan Kumar Bansal to Clause 10 to vote.

The amendment No. 9 was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 10 stand part of the Bill".

The motion was adopted

Clause 10 was added to the Bill.

Clause 11-(Composition of Appellate Tribunal)

SHRI PAWAN KUMAR BANSAL (Chandigarh) : Sir, I beg to move :

Page 6, line 27,—

for "two" substitute "six" (10)

Page 7, line 5,—

after "who" insert—

"is or has been or is eligible to be a Judge of the High Court or" (11)

MR. CHAIRMAN : Now, I shall put amendments nos. 10 and 11 moved by Shri Pawan Kumar Bansal to Clause 11 to vote.

The amendments No. 10 and 11 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12 was added to the Bill.

SHRI PRIYA RANJAN DASMUNSI (Raiganj) : Sir, all the lawyers have been excluded. . . .(Interruptions)

MR. CHAIRMAN : We are at the voting stage now.

SHRI MANI SHANKAR AIYAR (Mayiladuturai) : They are all anti lawyers. . . .(Interruptions)

MR. CHAIRMAN : You have been given a chance. This is not the way.

SHRI PAWAN KUMAR BANSAL (Chandigarh) : There is a tendency to exclude lawyers. . . .(Interruptions)

Clause 13 (Amendment of section 35)

SHRI PAWAN KUMAR BANSAL (Chandigarh) : Sir, I beg to move :

Page 10,—

omit lines 24 to 26. (12)

MR. CHAIRMAN : I shall now put amendment no. 12 moved by Shri Pawan Kumar Bansal to Clause 13 to vote.

The amendment No. 12 was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14 and 15 were added to the Bill.

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

SHRI PAWAN KUMAR BANSAL (Chandigarh) : Sir, I would like to say a few words.

MR. CHAIRMAN (SHRI P.H. PANDIYAN) : The Minister may now move that the Bill, as amended, be passed.

SHRI PAWAN KUMAR BANSAL (Chandigarh) : What are you doing, Sir? At the third reading stage, permission is granted. It is unfortunate that you are not allowing a Member to speak at the third reading stage.

SHRI RAM VILAS PASWAN : Sir, I beg to move :

"That the Bill, as amended, be passed."

MR. CHAIRMAN : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

SHRI PAWAN KUMAR BANSAL : You have been talking of precedents and you are doing like this. . . ."

It is never happened that a Member is not permitted to speak at the third reading stage. Without even knowing what I wanted to say, you have not permitted me to speak. This has never happened.

MR. CHAIRMAN (SHRI P.H. PANDIYAN) : The House shall now take up Items No. 24 and 25 together. Shri Vilas Muttemwar — not present.

SHRI PRIYA RANJAN DASMUNSI : Mr. Chairman, I was given to understand that on the Railway Budget and the General Budget, we shall sit till late evening to discuss this most important Government business. I do not know whether this business will go on today.

MR. CHAIRMAN : This is a Bill. I think it was agreed to in the Business Advisory Committee.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN) : The hon. Member may please recall what was agreed to. It is agreed to that we are left with only four days and that today these are the two Ordinances have to be passed and sent to the other House. Tomorrow we will be spending the entire day and night on the Railway Budget. Day after tomorrow we will spend the entire day for the General Budget and on the last day we will start the Motion of Thanks on President's Address.

SHRI PRIYA RANJAN DASMUNSI : How long will we sit tonight?

MR. CHAIRMAN : We will sit till this Bill is passed.

SHRI PRAMOD MAHAJAN : If we have more time we can go in for 184 also.

MR. CHAIRMAN : Shri Varkala Radhakrishnan.