

**Title:** Disapproval of Electricity Regulatory Commissions Ordinance and Electricity Regulatory Commission's Bill, 1998 (Concluded). Statutory Resolution - Negatived Motion for Consideration - adopted

16.47 hrs

SHRI BASU DEB ACHARIA (BANKURA): I want to make one suggestion. This is a very important Bill. When this Bill was brought forward last time before this House, it was referred to the Standing Committee. The Standing Committee has also deliberated on the Bill. But because of the dissolution of the Lok Sabha, it could not be taken up.

THE MINISTER OF POWER (SHRI P.R. KUMARAMANGALAM): Sir, I think he knows the procedure.

SHRI BASU DEB ACHARIA : Sir, my suggestion is that this very important Bill may be referred to the Standing Committee on Energy. The Standing Committee has already been constituted under the Chairmanship of Shri Karunakaran. So, now also, this should be referred to the Standing Committee.

SHRI P R KUMARAMANGALAM: Should I react to that? The Speaker has already taken a decision in this regard on the Statutory Resolution. Sir, he may now move the Statutory Resolution.

SHRI BASU DEB ACHARIA : I will move that.

SHRI P R KUMARAMANGALAM: Sir, the Speaker has taken a decision; otherwise, it could not have come before the House.

SHRI BASU DEB ACHARIA : No. It can come and the House can decide whether it should be referred to the Standing Committee or not.

सभापति महोदय : पहले रिजोल्यूशन मूव किया जाए।

SHRI BASU DEB ACHARIA : I move the Statutory Resolution.

I beg to move:

"That this House disapproves of the Electricity Regulatory Commissions Ordinance, 1998 (No.14 of 1998) promulgated by the President on 25th April, 1998."

">SHRI P R KUMARAMANGALAM: I beg to move:

"That the Bill to provide for the establishment of a Central Electricity Regulatory Commission and State Electricity Regulatory Commissions, rationalization of electricity tariff, transparent policies regarding subsidies, promotion of efficient and environmentally benign policies and for matters connected therewith or incidental thereto, be taken into consideration."

I rise to move \*\* for consideration the Bill known as the Electricity Regulatory Commissions Bill, 1998 and also I wish to move some amendments to it today.

I am confident that this Bill will help improve the financial condition of the Indian power sector to enable it to invest in the much needed addition of generation, transmission and distribution facilities and set the tone for a new era of competition, efficiency and transparency in the Indian power sector. Before I elucidate on the salient features of the Bill, it is essential that I dwell upon the overall power situation in the country which has warranted these reforms.

Indian power sector is beset with problems that impede its capacity to respond to the rapidly growing demand for energy brought about by economic liberalisation. Despite the stated desire for reform and the initial measures

that have been implemented, serious problems persist. As the problems of the power sector deepen, reform becomes increasingly difficult underscoring the need to act decisively and without delay.

It is essential that the Government implement significant reforms by focussing on fundamental issues facing the power sector, namely, the existence of an irrational retail tariff structure, the high level of cross-subsidies, poor planning and operation, inadequate capacity, the neglect also of the consumer, the limited involvement of other sources including private sector resources and expertise and the absence of an independent mechanism for regulating monopolistic tendencies.

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\*\* Moved with the recommendation of the President.

The Indian power sector has been deteriorating very fast. There has been a heavy shortfall in the planned capacity in the power sector during the Eighth Five Year Plan. The Planning Commission had proposed a capacity addition of 30,538 MW for the Eighth Plan, after taking into account the anticipated demand, the feasible capacity additions from ongoing and new power projects and the possible improvements that could be brought about in the performance of the power sector within the time frame of the Eighth Plan. However, the total capacity addition that was realised in the Eighth Five Year Plan was only 16,423 MW vis-a-vis a plan of 30,538 MW, that is, just a little above 50 per cent of what was planned for the Eight Five Year Plan. There was very little investment in transmission and distribution sectors resulting in poor grid supply conditions. This has further resulted in increasing grid failures. Just now, a little while ago, we saw the impact even in Parliament of a power shortage situation when the generators came on. One of the reasons for these shortfalls was the poor financial health of State power utilities and its further deterioration during the Eighth Plan. The main cause for this is the irrational tariff structure of the State power utilities whose average cost of recovery through tariff remained around 75 per cent. That is, for every Rs.100 worth of power that they distribute, they are only able to recover Rs.75. This is the situation if full recovery is done on the basis of the existing tariff. In 1992-93, the total commercial losses of the State Electricity Boards were only around - if I may use the word 'only' - Rs.4560 crore without any subsidy. In 1996-97, the losses increased to Rs.9798 crore. The SEBs owe an amount of Rs.12,139 crore as on 31st January, 1998 to the various central public sector undertakings. The Delhi Vidyut Board alone owes Rs.6000 crore to Badarpur Thermal Power Station owned by the Government of India. The outstanding dues of the SEBs to Ministry of Railways as on 31.1.1998 were of the order of Rs.1083 crore. Even though the Electricity (Supply) Act, 1948 requires the SEBs to earn a minimum rate of return of three per cent on their fixed assets, the existing tariff structure does not permit them to comply with this requirement due to the various varieties of tariffs which are not subsidized. The existence of an independent regulator will not only ensure that the retail tariff structure is so adjusted as to meet this requirement but also ensure that the SEBs are made accountable for their operational efficiency and consumer service.

As per the available information, the total effective subsidy to agricultural and domestic sectors is over Rs.19,200 crore during 1996-97. Of this, the State Governments proposed to compensate only Rs.2634 crore through budgetary subventions. This is only 12.7 per cent of the effective subsidy that the SEBs had to bear at the given levels of tariffs for agricultural and domestic sectors. SEBs recovered around Rs.8035 crore through cross-subsidization. Thus, the total net loss to the SEBs on account of low agricultural and domestic tariffs has been of the order of Rs.8500 crore. This is around 20 per cent of the total revenue of SEBs for the sale of electricity. The adverse impact of this unsatisfactory financial condition of the State power utilities has been in the following areas:-

(i) Instead of generating positive internal resources that could be invested, the SEBs have been left with negative internal resources. The internal resources of SEBs needed to plan and undertake new investments have gone down from a negative level of Rs. (-) 161.6 crores in 1992-93 to Rs. (-) 4,482 crores in 1996-97. In other words, if our SEBs are financially looked at, today, they are at a value asset level of Rs. -4,482 crores. The SEBs' capacity to invest in critical activities, such as, renovation and maintenance, system improvement schemes, etc., has declined considerably, apart from their inability to invest in new generation capacity. This has directly affected the performance of the existing power plants in some States, led to high transmission and distribution

losses, affected the quality of power supplies to the consumers in almost all States and resulted in time and cost overruns of many ongoing power projects.

(ii) The high level of outstanding dues of SEBs to CPSUs has had an adverse impact on the capacity of CPSUs to invest in their own capacity addition programmes. This has also compelled the CPSUs to depend upon costly borrowings from the domestic and international markets.

(iii) The poor financial condition of the SEBs has also resulted in prospective private investors and developers seeking sovereign guarantees for the power projects which they have proposed to set up in different parts of the country. The total escrow capacity of the SEBs may not total up to 10,000 MW and this has to provide coverage for SEBs commitments to CPSUs and private developers. The limited escrow capacity of the States has acted as a severe constraint on new capacity addition in the States.

The unsatisfactory financial health of the SEBs has led to an unsustainable situation in the power sector. The high level of inter-sector cross-subsidisation has resulted in most SEBs charging their industrial consumers heavily. As a result, the industry has been leaning more and more on captive generation which, in many States, is proving to be cheaper for industry than grid electricity. This, in turn, has been eroding the finances of SEBs further because the customer who pays is moving out of the net. It is, therefore, important to maintain the industrial tariffs within reasonable levels to enable the SEBs to provide electricity at affordable rates to agricultural consumers and domestic consumers. As a result of the inability of the SEBs to invest in many critical activities, as already referred to by me, the scope for optimising the operational performance of the SEBs has been severely constrained and the transmission and distribution losses of the SEBs have been on the increase. In turn, this is making the operation of the SEBs cost intensive and adversely affecting the quality of power supplies to the consumers. Most SEBs are not in a position even to install adequate mechanisms for maintaining and operating the grid in a safe and reliable manner. This has also severely constrained the capacity of the system to be operated in an integrated manner so as to optimise the use of the available capacity at the national level. Any delay in correcting these imbalances would make the task of improving the sector that much more difficult.

These are the ground realities faced by the Indian power sector which need to be addressed decisively and without any delay if we are to make any kind of meaningful progress in the sector. Today, my Government has the onerous responsibility of coming to grips with these problems. To meet this challenge, we have decided to adopt a three-pronged strategy.

The first one is transition strategy. As an immediate transition strategy, we have accorded the highest priority to renovation and maintenance schemes, investments on critical transmission links, system improvement schemes and providing adequate funding for accelerating the implementation of ongoing power projects. The Power Finance Corporation has been providing concessional finance for this programme to be implemented by the SEBs.

17.00 hrs. In fact, around Rs. 250 crore worth of subsidy is given every year as interest subsidy alone so that the SEBs are able to manage the present position.

In regard to additions to generation and transmission capacities, the Central PSUs and the State utilities are planning to add 22,656 MW during the next four to five years. Another 17,569 MW of generating capacity is in the pipeline in the private sector. The petroleum refineries are also planning to set up another 2,000 MW of new capacity during the next five years. In addition, we are planning to set up a number of mega power projects.

The Power Grid Corporation of India Limited has taken up a number of transmission projects. In addition, we are planning setting up inter-regional transmission lines both with private and public investments in transmission. This will require certain legislative amendments. Towards restructuring transmission sector to enable more public and private investments, I will be separately introducing a Bill in this Session thereof.

Sir, the policy initiatives that we need to take to improve the health of the power sector are basically augmenting the hydro-electric generating capacity, the policy on the use of liquid petroleum fuels for power generation,

measures to reform the distribution sector so as to attract larger investments, introduction of availability tariff for better performance and greater grid discipline etc. The present Bill forms the basis of policy initiatives, being taken by my Government and also by earlier Governments, for setting up Regulatory Commissions. Within 37 days of my taking over as Minister, the President was pleased to promulgate the Electricity Regulatory Commissions Ordinance and within next 38 days, I have come to Parliament with a Bill to replace this Ordinance.

Many hon. Members, I think, have asked me about the reasons for this Ordinance. In fact, what worrying them is the rush with which it is being done. I must point out to them the situation. As I have already pointed out that we are today in a critical financial situation in the power sector. Some of the Members, in fact, asked me about the circumstances that justify the need to be fully appreciated. I have already explained about the poor and fast deteriorating financial health of the SEBs. With their finances fast getting eroded, the SEBs will find it difficult to realise any improvement in their operational performance and unless their financial condition improves, they may not be able to realise even the limited capacity addition programme that is now envisaged in the State sector during the next four to five years. It must not be forgotten that the gestation period for a power plant varies from three-and-a-half years to five years. So, if it takes that long then one really has to add to the capacity programme. I think, it is relevant to point out that with the increasing burden of cross-subsidization in industry, the latter will progressively become dependent on captive generation to the further detriment of the financial health of the SEBs in the coming years. In short, if the present scenario of the power sector is allowed to continue, the ability of the SEBs to provide adequate electricity in a reliable manner to the consumers will fast get eroded. You will have a situation where there will be no power except to certain specified areas.

In this, irrespective of the subsidy provided to the agricultural consumers, it is doubtful whether the SEBs will be in a position to meet the rapidly increasing demand for electricity in the agricultural sector. While the State Governments may have their own compulsions to subsidize the agricultural consumers, it is doubtful whether the agricultural consumers will stand to benefit in the long run as their pumpsets will be subject to the vagaries of the grid and many of them will have to invest additionally on standby diesel pumpsets as a contingent measure. In other words, the cost of subsidy to the agricultural consumer arising from unreliable and poor quality power would be much more than the subsidy he actually receives on limited and unreliable supply. Additionally, the poor health of the State Electricity Boards will have an adverse impact on their ability to take up expansion schemes like 'Kutir-Jyoti'.

I am sure that this august House is aware that despite 85 per cent of coverage of villages, electricity only reaches about 30 per cent of households. Electricity only reaches 30 per cent of our households! This position has to be changed by investment in rural distribution. There is a proposal, under consideration, by my Ministry to give interest subsidy on rural electrification but this can only be given when SEBs are financially able to absorb this subsidy.

At present their financial position inhibits them from borrowing even limited amounts from the Rural Electrification Corporation and their overdues are heavy. This must change in the interest of development of power sector and rural areas where distribution gaps are largest.

Any delay in tariff reforms will aggravate the already precarious financial health of the Central PSUs. As the hon. Members are aware, the Finance Minister's proposed securitisation measure by giving a guarantee for dues of Rs.10,000 crore in order to see that the CPSUs are at least able to go over this hump at the present moment.

The United Front Government did appreciate this situation and it was based on this that they organised two Conferences of Chief Ministers - not one but two - in October and December, 1996 to discuss the whole gamut of issues in the power sector. Shri Acharia is very strong about it but he should know the background for himself. The outcome of these Conferences was the adoption of a Common Minimum National Action Plan for Power, CMNPP. You have this love for the Common Minimum National Action Plan. They have love for these terms.

The CMNPP recognized that the gap between demand and supply of power is widening and acknowledged that the financial position of the State Electricity Boards is fast deteriorating. It was considered that the future

development of the power sector cannot be sustained without viable State Electricity Boards and improvement of their operational performance. In fact they identified creation of regulatory commissions as a step in this direction and specifically provided for the establishment of the Central Electricity Regulatory Commission and State Electricity Regulatory Commission.

The consensus among the States - I repeat - the consensus among the States was that the retail tariffs should be rationalised. However, it was unanimously decided that no sector shall pay less than 50 per cent of the average cost of supply. It was also decided that tariffs for agricultural sector would not be less than 50 paise per KWH to be brought up to 50 per cent of the average cost in not more than three years. It is not a decision of our Government. It is a decision of your Government in consensus with all the Chief Ministers and I am going on record in Parliament to say this. And when we brought this, we dropped 50 paise saying that it should be the jurisdiction of the State and we said let the subsidy be given by the State.

It was in line with the above consensus that the Electricity Regulatory Commission Bill of 1997 was introduced in Lok Sabha on 14th August, 1997. The Bill was referred to the Standing Committee on Energy. The same Bill you wanted again to be referred to the Committee. The intentions are that you do not have power in this country. The Committee advised the Government to circulate the Bill among all the State Governments to elicit their views. This was done. Their views were taken into account while reformulating the Bill but before the Standing Committee could meet again to accept the views of the Power Ministry, the House was dissolved. This has resulted in delay in establishing the Regulatory Commission leading to misgivings among various sections about the commitment of our Government to tariff reforms and restructuring of the power sector, irrespective of which Party is in power. Government of India is a continuing process. Needless to say, this has also slowed down the flow of public and private resources into power sector.

Introducing the Bill in the Parliament would have taken considerable time. As I have already explained to you, the fast deteriorating financial health of the State Power Utilities and the adverse implications of delaying reforms, the need of the hour is to act decisively and without delay. In the normal course, if I had moved a Bill, it would have taken me to the end of the year before I could come anywhere near bringing into existence the Regulatory Commission and it would have been next year before it could ever become operational, creating a situation which might not have been ever correctable.

Since it was considered necessary to ensure the speedy establishment of the Regulatory Commission and as the Parliament was not in Session, the Ordinance was promulgated. It is my firm belief in the ancient Indian saying, "Subhasya Sheegham". Whatever is good should start early unlike what Shri Acharia believes in. It is our firm belief that setting up of independent Regulatory Commissions is one such good step which could not have been delayed.

Because we promulgated the Ordinance, steps for setting up the CERC are nearing completion. I am confident that the CERC would be set up within the stipulated time i.e., before 25th of July, 1998. The very fact that many States are in favour of setting up Regulatory Commissions is evident from the steps being taken by a number of States like Rajasthan, Madhya Pradesh, Karnataka, Andhra Pradesh and Haryana. This is a heartening trend that at least they realise despite some people not wanting to realise.

Let me now briefly explain the salient features of the Bill. The main functions of the CERC are to regulate the tariff of generating companies owned or controlled by the Central Government; to regulate inter-State transmission including tariff of the transmission entities; to regulate inter-State bulk sale of power; to aid and advise the Central Government in formulation of tariff policy etc. The main functions of the SERC, to start with, would be to determine the tariff within the State for electricity, wholesale, bulk, grid and retail; to determine the tariff payable for use by the transmission facilities; to regulate power purchase and procurement process of the transmission utilities etc. Subsequently as and when each State Government notifies, other regulatory functions could also be assigned to SERCs. The State Regulatory Commissions will not only be able to fix tariff in an objective and rational manner but also regulate the working of licencees and SEBs, which they would not be able to do without being given the authority to do so under law. The consumers' interests will be protected by the Commission in such a way that there is emphasis on efficiency in the operation of the State power utilities. It will be ensured that the reasonably-priced electricity would be made available.

The idea is not to increase prices. The idea is to make transparent the cost and supply. Everybody should know at what price is power produced and at what price is it being distributed including the cost of distribution; where is cross-subsidisation; who is getting power at what cost; and what are the subsidies that the Government is giving. Let matters in the power sector be visible to all. Today we are going through a crisis. Nobody is able to understand as to why we have lack of power and shortage of power in almost every State. People are complaining about it. Today we have a situation where we have power cuts in almost every region except in eastern region. Today, if the eastern region does not have power cuts, very frankly, it is an unfortunate situation because they do not have industrial consumption to the extent they should have. If industrial growth in the eastern sector is matched to the growth of the additional capacity generation which was planned, they would have the same problem today. The truth of the matter is that we are in a critical situation. I believe that setting up of Electricity Regulatory Commissions will be the single-most important measure for making available reasonably-priced and adequate power to the consumers. If we are not able to provide adequate power, it is of no use. If we bring in reforms and improve the functioning of our State Electricity Boards, we can give power to all our agricultural consumers, if necessary, free of cost; give power honestly and truthfully to our domestic consumers; give power to our industrial houses so that they can produce, allow growth and employment.

What is the use of being negative all the time? We do not want to progress in this country. We want to set the clock back. It is time that some serious approach is taken. I am sure that all the Members would understand the critical situation that the power sector is in today. We are facing power cuts right across the country. In fact, we are now transferring power from the eastern sector right down to the South because of short supply of power in the South. Kerala is getting 100 MW of power. The North is also getting power from the eastern sector because there is surplus power there. Back up of generation is taking place there. There was no planning to ensure such a network wherein surplus power that was there could have been evacuated to other centres. Today you have a situation where you have short supply in the rest of the country and in the eastern sector, generators are being switched off because power cannot be pushed out. We are in a critical situation where we need investments. Today, 50,000 MW is what is considered to be the requirement by the Planning Commission for the year 2002 as additional capacity generation.

At today's average thumb rule rate of four crore mw, we are talking of Rs.200,000 crore of investment. Electricity is not given by God. It is manufactured. It is not wind. It is not water which nature has produced. It has to be manufactured. There is a cost of manufacture. You have to meet the cost of manufacture for it to be distributed.

Keeping the matters in mind, I have brought forward this Bill before this august House. I am sure, hon. Members will understand because I want to make one thing clear - this Bill is the first step - that if we are not able to tighten our belts, understand what efficiency is, what is the operational efficiency, reduce the transmission and distribution losses, bring in modern technology, ensure power reaches every citizen, I do not think we are doing our fundamental duty as a State. I do not think, each Member is contributing for the development of this nation.

Without power, without electricity, there can be no modern State and I think, we need to realise this. Today, we have only 30 per cent households, as I mentioned, who have power. Seventy per cent of the households of this country do not have electricity and we sit here talking about this and that without realising what is our fundamental problem.

Sir, I have also proposed to move two amendments which I have mentioned. The first one pertains to Section 17(1) which reads as:

"The State Government shall, within three months from the commencement of this Act, by notification in the Official Gazette, establish, for the purposes of this Act, a \_\_\_\_\_

(name of the State) Electricity Regulatory Commission."

When the Ordinance was circulated, some of the State Governments..... (Interruptions)

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Are you moving an Amendment?

SHRI P.R. KUMARAMANGALAM: Along with consideration. I am allowed to. You consider both. ... (Interruptions) I am moving for consideration at the moment. ... (Interruptions)

SHRI VARKALA RADHAKRISHNAN : Another hon. Member has moved an amendment. ... (Interruptions)

SHRI P.R. KUMARAMANGALAM: That is a normal courtesy we have in this House. ... (Interruptions)

SHRI VARKALA RADHAKRISHNAN : But, no decision has been taken by the House with regard to that amendment. (Interruptions) Is his amendment complete or not? (Interruptions) Then only you can move your amendment. (Interruptions)

SHRI P.R. KUMARAMANGALAM: I agree that my learned senior colleague, Shri Varkala Radhakrishnan, from Kerala knows the procedure. I think, he was the Speaker earlier. ... (Interruptions)

SHRI VARKALA RADHAKRISHNAN :Under the Constitutional provision, he has moved an amendment. That is before the House. A decision will have to be taken. Then, you can move your amendment and we can move ours. ... (Interruptions)

SHRI P.R. KUMARAMANGALAM: Would you excuse me for a moment? I have been permitted to move a Bill for consideration. Along with that, I am moving an amendment. It is a standard procedure.

Now, we have heard that many of the State Governments are explaining that they have difficulties in establishing SERC's within the time-frame of three months. They wanted to have more time to work out the details. There were others like some North-Eastern States, perhaps, it is more economical to have one common Regulatory Commission for the entire North-East because some of the States are so small that they cannot afford a Regulatory Commission. Considering all this, it is proposed to amend Section 17(1) of the Bill as follows:

"The State Government may, if it deems fit, by notification in the Official Gazette, establish, for the purposes of this Act, a \_\_\_\_\_ (name of the State) Electricity Regulatory Commission."

This amendment would ensure that the establishment of the SERC is optional and mandatory. However, I would appeal to all States to set up SERC's as early as possible. I am sure, they will appreciate the advantage of having an independent Regulatory Commission. The present Bill provides a ready structure for such a Commission. Since we are having an integrated grid it is essential that all the regions work in tandem and this will be possible only when all the States follow the uniform pattern.

The second amendment relates to the provision for agricultural tariff. I am not reading Section 29(3) of the Bill.

This provision was included in the Bill in consonance with the consensus reached - I repeat, in consonance with the consensus reached - in the Chief Ministers' Conference held when the United Front Government was in power.

We are aware that no specific benchmarks are provided, of the type that was provided in 29(3) in the Orissa and Haryana Reforms Acts which had the concurrence of the Government of India. Nor is there such a provision in the AP Bill which has been passed by the AP State Legislature. However, we specifically provided for a period of three years for the SERC's to limit the cross-subsidisation below fifty per cent as the CMNAPP provided for the same. But since some apprehensions were raised by certain States about the interpretative and interpretation of this subclause, I held a meeting with several hon. Members including the leaders of the political parties on May 20, 1998. The participants included Shri S.S. Barnala, Shri Ram Jethmalani, Dr. Manmohan Singh, Shri M. Muthaiah, Shri Omak Apang, Shri Saifuddin Soz and Shri J. Chittaranjan. As per the suggestions made at this meeting, we now propose to delete this Section to dispel all doubts and bring in more clarity. It will now be left to the regulator and the State Government to determine the tariff for agricultural consumers or, for that matter, for any group of consumers.

SHRI VARKALA RADHAKRISHNAN : What is the result?

SHRI P.R. KUMARAMANGALAM: Let me finish my speech.

The basic idea is that ultimately, electricity is a matter which is a Concurrent Subject. It is true that the Union Government can impose, there is no problem about it. But ultimately, power or electricity is such fundamental issue that it is no use bringing politics into it. I think, it is time that we all understand that this is one fundamental infrastructure, which must rise above politics. This is the need of the hour today. I think across political party lines, I plead that here is an Act which is an enabling Act, which is no longer an Act which can be interpreted on the farthest thought or being a mandatory enforcing Act. This is to enable the State Governments. If a State Government does not find it suitable, they have the legislative authority to come out of their own Bill. But if they find it suitable, at least, to save the time of those State Governments who want to, I repeat who want to, have reforms, who want to solve their problems of power, who want to have growth and do not want to play with the most fundamental requirement of this nation, give them the option to choose. Do not close even their doors. Do not send this country from a little amount of light to complete darkness.

The establishment of Regulatory Commissions would help in rationalising tariff and also provide for cross-subsidies, wherever required, so that the State power utilities may function on financial viable lines. The setting up of Regulatory Commissions does not preclude, I repeat does not preclude, the State Governments from extending subsidies to agriculture which is an important and crucial sector of the economy. I come from a place, which is Salem, where it is ultimately the pumps that bring us irrigation. There is no canal, there is no river. So, I understand this problem. The State Governments can exercise the option of providing subsidies over and above those recommended by Regulatory Commissions. Such subsidies could even be extended to cover free power to agriculture, to weaker sections, etc. on condition that the State Governments compensate the SEB's by providing adequate budgetary support. When tariffs are rationalised and budgetary support is provided, the SEB's will improve their financial health and their capacity to invest on many crucial activities. This, in turn, will help in the flow of resources, both public and private, into the power sector, on a much larger scale than now, thereby improving the power situation considerably.

Sir, enabling the SEB's in investing on crucial and critical works such as renovation and modernisation of existing generation facilities, improvement of transmission and distribution systems, etc., will go a long way.

In the long run this will have the effect of optimising operational performance, reducing the T&D losses, promoting integrated grid operation, improving the quality of power supplies and also reducing the tariffs for the consumers.

Before I end, I would like to point out to my hon. friends, who seem to think that I am trying to impose or push down their throats, through a back-door method, something which will work against their interests. On the contrary, I have said more than once that as the Minister for Power, I look upon the SEBs as my sister organisations to the Central public sector utilities, which we have got and it is as much my responsibility as much as the responsibility of my friends in the State Governments to see that we solve these problems. We have a national grid. We are one nation. We do not have separate grids. We are inter-connected. If the frequency or the voltage in Bihar drops, immediately U.P. gets affected; if the frequency or the voltage in U.P. drops, Delhi gets affected. We are inter-connected. The four national regional grid patterns that we have got are all inter-connected. We are inter-dependent. Let us understand the crucial situation that we are in.

I plead with the Opposition Members, please realise that we are at the edge of a precipice. The more we delay the greater is the danger of the fall from which we may not be able to rise.

With these words, I request that the Bill be taken into consideration. and 29(5)? ... (Interruptions)

SHRI P.R. KUMARAMANGALAM: Clause 29(5) remains.

SHRI P.R. KUMARAMANGALAM: Please read my amendments, which have been circulated. Nothing is infructuous. I have explained it. If you want, I can explain it later on after you speak. Please read my amendments first.



MR. CHAIRMAN : Motions moved:

"That this House disapproves of the Electricity Regulatory Commissions Ordinance, 1998 (No. 14 of 1998) promulgated by the President on 25 April, 1998."

"That the Bill to provide for the establishment of a Central Electricity Regulatory Commission and State Electricity Regulatory Commissions, rationalization of electricity tariff, transparent policies regarding subsidies, promotion of efficient and environmentally benign policies and for matters connected therewith or incidental thereto, be taken into consideration."

">SHRI VARKALA RADHAKRISHNAN : I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th September, 1998." (4)

SHRI BASU DEB ACHARIA : Sir, I will have to speak first.

सभापति महोदय: आपको रिप्लाय देने का पूरा अधिकार है, उस समय आप बोलना। अभी माननीय सदस्य बोलेंगे। मैं श्री के.एस. राव को बुला रहा हूँ। आपका अंत में जवाब होगा।

SHRI BASU DEB ACHARIA : Sir, I will have to speak first. The Statutory Resolution is in my name. I have just moved it but I have not spoken while moving it.

मैंने एक शब्द भी नहीं बोला है। मुझे बोलना है।

सभापति महोदय: अभी नहीं। आपको मौका दिया गया था। अब जवाब के समय बोलें। अभी आप और माननीय सदस्यों की बात सुनें कि वे क्या कहना चाहते हैं।

श्री बसुदेव आचार्य : आपने हमें बोलने नहीं दिया।

सभापति महोदय: अब अंत में बोलना।

श्री बसुदेव आचार्य : अंत में कैसे बोला जाता है। हमारा स्टैचुटरी रिजोलुशन है।

सभापति महोदय: आपने मूव किया, उसी समय बहस की गुंजाइश थी।

श्री बसुदेव आचार्य : आपने हमें मौका ही नहीं दिया।

सभापति महोदय: आपको पर्याप्त समय मिलेगा।

श्री पी.आर. कुमारमंगलम : हम लोगों का जो तौर तरीका रहा है, जनरली स्टैचुटरी रिजोलुशन में वे मूव करते हैं।

श्लेकिन जो बिल मूव करते हैं उनको आमतौर पर कंसीडरेशन ऑफ बिल पर बोलने के लिए मौका दिया जाता है और अंत में भी बोलने के लिए मौका दिया जाता है।

सभापति महोदय : ठीक है, मौका देंगे।

श्री वी. धनंजय कुमार (मंगलौर) : अभी तो जब उनकी टर्न आयेगी तभी बोलेंगे।

PROF. P.J. KURIEN (MAVELIKARA): He wanted to speak now.

SHRI V. DHANANJAYA KUMAR : He cannot speak now. Both on the Resolution and on the Bill, that is the procedure in the House.

सभापति महोदय : ठीक है, सभी माननीय सदस्यों की राय ली जाएगी।

">SHRI K.S. RAO (MACHILIPATNAM): Mr. Chairman, Sir, power generation is proved to be playing a very important role in deciding the economy of any nation. There are some amendments which have to be brought to the existing Act in a wholehearted manner and not half-hearted manner. After going through the Bill that has been presented by the hon. Minister, I am of the opinion that this Bill has been brought here because of his anxiety and hurry to bring some changes immediately in the power sector of our country. My only apprehension is that maybe, in his hurry to prove that he is an efficient Minister, he is bringing this legislation without taking into account several other aspects involved in the life of the common man. However, if all these amendments were brought to regulate the cost of generation, then I would have understood, but it is not like that. He has also provided for curtailing a lot of subsidies that are being given to the agricultural community and to the underprivileged sections of the society. At the same time, when the hon. Minister is bringing this power regulation Bill, if the Agriculture Minister were also to bring in an amendment to the provision of fixation of prices for the agricultural products, then I would have understood this. We are thinking of the agricultural community. Everyone of us knows that the farmers are not being paid any remunerative price.

If any State Government were to give any subsidy on electricity to the farming community after the underprivileged, as has been given to the Harijans and to the poorer sections of society, it is only after taking into account the various aspects of their life. But our hon. Minister does not think of all these things. He is only concentrating on power and getting remuneration on commercial principle not only for power generation but also supply the same to those unfortunate sections of the society.

Shri Radhakrishnan had raised a hue and cry on the very first day itself that this is not within the purview of or confidence of the Government of India and that it is coming under concurrent subject etc. After that, the Minister had agreed to bring in an amendment which he has brought here.

SHRI P.R. KUMARAMANGALAM: That is wrong. I would like to intervene. I never said that.

PROF. P.J. KURIEN : His reply is at the end.

SHRI P.R. KUMARAMANGALAM: A wrong statement has to be corrected.

PROF. P.J. KURIEN : You correct it at the end. Why do you want to correct it now?

SHRI P.R. KUMARAMANGALAM: The point is, a statement which is not correct was made by my friend. He objected saying that we have no jurisdiction at all. There is concurrent jurisdiction. The amendment is not because of this. (Interruptions) It is unfair.

SHRI K.S. RAO : I am of the opinion that while fixing also, he could have concentrated more on the method of reducing the cost of generation than on distribution or giving it to the underprivileged sections on subsidy. For example, when the power sector was permitted to enter into the arena of privatisation, there was no clear-cut thought on the part of any officer or on the Government to decide on how to get the privatisation done in a proper manner. If anyone of us were to think of that, it was a pathetic state. In the initial stages of privatisation, several companies have taken advantage of establishing power projects with high cost per megawatt.

Those days, it was as they liked it. If some industrialist were to think that he would establish a power project at Rs.5 crore per megawatt, it was permitted by the Government. If some other industrialist were to say Rs.4 and a half crore, it was also permitted; if another said Rs.4 crore, it was also permitted. After two or three years now the same industrialists have come down to a stage where they are ready to establish projects with Rs.3 crore per megawatt.

The Minister never mentioned even one word about the exploitation that it has been done earlier taking advantage of the lacuna in the Act or in the system of the Government. So, if he were to say that he would concentrate more on reducing his anomalies and exploitation by the generating companies of the individual or multinationals, we would have been very happy and garlanded him. He did not mention that. His entire concentration is only on that there should not be any subsidy. There should not be any subsidy to anybody, any section.

There cannot be uniformity in the price of power everywhere in the country. The cost of power generation varies from place to place. In a particular area like Bihar, coal is available amply. At the pithead, the power can be generated at a lower cost. The Bihar Government is underdeveloped in various other aspects. They wanted to supply power in their State to the farming community at a very low price. Nothing wrong in it. In another State where coal is not available if they want to produce power it will cost more. If the power is supplied at a higher cost the cost of the transport and for other reasons should have to be more. So, there cannot be any uniformity in price throughout the country. It depends on various factors. Maharashtra and Gujarat are very economically developed and forward States. It is easy for them, There may be competition from the people who can invest and then generate power at a lesser rate. We cannot compare a developed State and an underdeveloped State. So, the regional imbalances have to be checked.

The prices of various commodities which are produced in the country should also have to be fixed on the same principle as what the Minister of Power fixed. In one of the earlier Sessions when Shri Devi Lal was the Deputy Prime Minister I asked him whether he was going to fix the prices of agricultural products in the same way as he fixed up the industrial goods. He asked me, "how"? If a capitalist were to invest money in an industry for producing tyres or even power, he will take into account, while fixing up the price of the particular product, the power, the investment, the interest that he will pay on the investment. They will pay depreciation also. If the owner of the power generation or the partners of the power generation were to employ their personal services and paid services which may be a big amount, all these things are added. Then their inputs, the profits, all those things are added to it. Then I asked the Deputy Prime Minister. "If a farmer has got one acre of land its worth is one lakh of rupees. Will you add the interest on the cost of the land in deciding the price? The farmer is working from morning to evening; not only himself, his wife and children are also working from morning six o'clock to night ten o'clock. Are you going to incorporate the cost of their services rendered as inputs? Do not take the profit angle. Only the inputs and the capital. Capital is land."

Then he said, "Yes". But nothing has been done. Even today, if all these things are taken into account the farmer is still not paid properly.

Now if the hon. Minister of Power were to suddenly say that the cost of power generation is very high, it cannot be given to a farmer for a lesser price, and that he wants to charge fully, then what is the fate of the farmer? Can he afford to raise a crop at all? Particularly in dryland areas where the water has to be brought out from about 300 or 500 feet he has to pay a high price depending upon the power generation. And then he has to pay interest on the motor or the equipment that he fits in and then he must get his share of power. But the Minister of Agriculture does not do anything.

None of us decide the agricultural prices on this basis. The hon. Minister wants to fix up the prices. Is there any rationality in deciding the prices on the basis of power? Should the hon. Minister not take into account the various aspects of life of various sections of people in this country?

Now, today, when we visit the villages, in our Constituencies, the dalits are asking who will pay for the street lights in our habitats. So, some underprivileged sections have got to be given power at highly subsidised rates. The hon. Minister says that the State Government has to commit a budgetary support for all those things. If the same things were to be enforced during the last 50 years, there could not have been the need for the hon. Minister to bring this amendment at all. He himself has said that under the Act of 1948, all the Electricity Boards have to fix up a price giving three per cent return to the investment. Nobody has observed this. The Government of India never acted and a lot of bad things went on in the Government of India and also in the States. Now, the hon. Minister comes with the proposal, not in a comprehensive way, having power only in his mind and nothing else. So, I would request the hon. Minister not to be in a hurry, just by thinking only of power, cost of power

generation, distribution and nothing else. A comprehensive Bill can come only when he is not in a hurry. Please give some time; take the advice of several Members, not the Chief Ministers' alone including the Members on the Committee on Energy. Let him say that he is bringing such a Bill. Let him discuss in detail. What is it? What are the effects of this Bill? The hon. Minister should not think that he must pass this Bill today, as he suggested earlier. Let it be sent to the Standing Committee on Energy. Let it be discussed in depth with knowledgeable people who can take all these aspects into account. (Interruptions).

SHRI MOHAN SINGH : How many times?

SHRI K.S. RAO : Any number of times in the public interest. We cannot forget the interests of the people who are underprivileged. Why did we discuss a few days back about so many deaths of farmers? Why did they commit suicides? (Interruptions). How will a farmer commit suicide? He will commit suicide only in a desperate state. Now, the hon. Minister wants to pass this Bill and charge Rs. 3/- per unit tomorrow. He says that even this rebate can be given only for three years. It is all right. The country's situation is going to change totally and every farmer would be rich after three years. He specifically mentions that of this rebate not more than 50 per cent can be reduced, that too only for three years and not beyond. (Interruptions).

SHRI P.R. KUMARAMANGALAM: That is removed. (Interruptions).

SHRI K.S. RAO : So, I am convinced beyond doubt that the hon. Minister is in a hurry to pass this Bill. (Interruptions). The multinationals are not coming forward to invest big amounts in power generation. We are not clear about the intentions of the Government of India and also not clear about the provisions in this Act whether there will be red-tapism, whether the Government will support, as it is speaking in the public. Is it going to bring a Bill in this context to prove that their intentions are clear and they can earn profits? The hon. Minister is bringing this Bill keeping that in mind. It is all right, but not in keeping with the interests of the farmers and other underprivileged sections of the society.

Sir, I have gone through the various sections of the Bill. The Clause 6(1) says that the term of the Chairman and the Members are for five years. Now, he has brought the Bill. He appoints the Chairman of his choice. Tomorrow, there will be a change in the Government. The Chairman will remain. Then, what happens tomorrow? What should the Government do? So, I would request that the term of five years is too long for any Chairman. It is not a policy. The policy is decided by the Government here. His job is only to implement it. Though there are some ways to select that man, yet still knowing full well how things are being done in the society or in the Government, I wish that there must be a change.

He has brought an amendment today and the very first word he changed is that the State Governments 'may' and not 'shall'. That means once again he does not want the State Governments to form a commission. The powers of the State are being totally taken away by the Government. What is the federalism then? The Objects of the Bill which he mentioned also say that it is to regulate the tariff of the generating companies 'owned or controlled'. That means everything comes under the Government of India. It is not only owned, it is also controlled. In some manner or the other, any State Government which wants to start a project, has to necessarily take the permission of the Government of India. That means, it is controlled by the Government of India in some way or the other. It has to come under the purview of the Government of India. No State Government can act on its own. That means once again there is concentration of power. The State Governments will become subsidiary to the Government of India. Similarly, in the same clause he says "to regulate the tariff also, generating companies other than owned and controlled by the Government of India". That means he wants to keep every power in the hands of the Power Minister of the Government of India. We all discuss every time Bihar, Bengal and all that. Everybody is fighting that we must have federalism and the State Governments should not be encroached upon. But here is total encroachment. I wish the hon. Minister should think of some more amendments on these aspects and not to be in a hurry. After the amendments are brought, we can pass the Bill.

The hon. Minister has brought an amendment on a very important and vital aspect, that is, clause 29, where the very impact is once again to satisfy the Members. He is withdrawing several things by which the very principle and the purpose for which he has brought this legislation and is in a hurry to get it passed, is lost.

Sir, there are several more things to be discussed but since you are saying that there is a constraint of time, my humble request to the hon. Minister is not to be in a hurry to get the Bill passed today itself and give chance for a detailed discussion, not to encroach upon the powers of the State Governments and not to deprive the common of the facility that was available to him earlier.

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">SHRI S. MALLIKARJUNAIAH (TUMKUR)\* : Mr. Chairman Sir, I am speaking in Kannada. This is an important language in South India. Electricity plays a vital role in the progress of any nation particularly in the field of industry and agriculture. Wonderful results have been achieved in agriculture with help of electricity. As we are all aware, there is a great need to increase the production of electricity. Distribution of electricity to the farmers should also be done systematically. Unfortunately there is shortage of electricity and the farmer is not getting sufficient electricity. Karnataka State is incurring huge losses every month and every year due to shortage of electricity. Sufficient voltage is not there and this has adversely affected the distribution of electricity particularly to the farmers. Sometimes, electricity poles are given but the farmers have to wait for the arrival of wires. Sometimes they have to wait two to three years. They have to wait for getting other equipments. There is huge loss in the field of agriculture as the distribution system of electricity is erratic.

In Karnataka, electricity was supplied to the farmers freely when late Shri R. Gundu Rao was the Chief Minister. Former Chief Minister Shri S. Bangarappa also helped the farmers to a greater extent by providing them electricity free of cost. Despite these efforts of the former Chief Ministers the farmer in Karnataka could not gain much benefit as the supply of electricity was not continuous. The supply of electricity was stopped from two to three hours each day. Hence the farmers could not get their crops and the losses were mounting year after year. Such circumstances force the farmers to commit suicide and in fact the number of farmers committing suicide has gone up these days.

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\* Original in Kannada

On one hand he is not getting support price and on the other he is not able to pay the loan instalments. Banks and cooperative societies also create problems to farmer to recover his loans. He cannot lead a respectable life and ultimately decides to commit suicide. I feel that the number of such deaths would increase in future.

The rainfall in Karnataka is very low particularly in Tumku, Chitradurga, Kolar, Bangalore Rural, Gulbarga, Bidar and Raichur Districts. Farmer in my State is always depending upon the rain. Added to this there is no proper supply of electricity. Sufficient voltage is not available. The supply of electricity will be stopped for two to three hours in a day. Sometimes the motor is burnt. The farmer has to pay about 300 to 400 rupees for the repair of motor. This is the miserable condition of a farmer in our country particularly in Karnataka.

The State Electricity Boards are trying very hard to supply more electricity to industries and agriculture. They are not able to provide sufficient electricity as there is paucity of funds. If I question the sincerity of the administrators and other related officials of the State Boards, it may pain them. The State Electricity Boards want to open new power stations. They want to provide power to Harijan colonies. Where are the funds for these works? Only two to three inches of water supply is available to farmers. He has to wait for years to get water 5 to 6 acres of land. How can a farmer progress under such pressing circumstances?

Now, we want to fix tariff. The bill also seeks to set up Commissions at the State and Centre level. These days a number of private sectors are coming forward to produce electricity. They have to be provided with proper land and other facilities. Care has to be taken to protect the ecology and environment of the area. Above all, the processing of such projects has to be done quickly and without any delay. In fact, all of us expect that such plans have to be cleared in a rocket speed. I am in the opposition party for the last 25 years. Of course, now I am in the ruling party. I can compare the performance of both the governments. My assessment of the performance leads to the conclusion that there is a great need to improve our performance.

Government are changing periodically. But what we have to see is that whether there is any change in the attitude of the administrators and other related Officers who are at the helm of affairs.

Now, Shri Kumaramangalam has taken over as the Minister of Power. I have met on several occasions. I have requested him for power to Karnataka as it is facing acute shortage. He has visited our State several times. In fact he is very close to us as he hails from Hosur and he is fully aware of the power shortage problem in our State. The Hon'ble Minister has brought this Electricity regulatory Commissions Bill, 1998. The Bill seeks to establish a Central Electricity Regulatory Commission and State Electricity Regulatory Commissions. It also intends to promote efficient and environmentally benign politics. It seeks to rationalise the tariff. I welcome this Bill and hope that it would help the farmers. In my opinion electricity must be provided to farmers free of cost. According to the Bill the tariff will be fixed by the Central Government and the farmers have to pay 50% compulsorily. This will be very difficult for the farmers. The cost of inputs has increased enormously. The farmer sweats in the field throughout the day and produces foodgrains. He supplies vegetables, fruits, milk, etc. You are utilising the services of farmer at all stages. But what is the response of the Government to the farmer? He is being totally exploited. We think that we are born as agriculturists because of our previous births' sins.

The financial position of a farmer is very bad. The agriculturist can buy a car or build a house only when he is having some agency or other business. Otherwise, he cannot dream of a car or a well built house. There may be some exceptional cases. The farmer will be a debtor till his last breath and this is 100% true. Agriculture is the back bone of our economy. If agriculture has to flourish in this country the farmers must be supported by all sections of our society. Support price for agricultural produce is a must. Electricity should be provided to the farmer freely. Irrigation facilities should be given to the farmer and then only we can think of any progress in our country.

I am a legislator for the last 25 years. I have worked as a labourer and I continue to work in my fields. I am least bothered about formalities. Moreover, these days it has become very difficult to get labourers. These are the conditions prevailing in our agriculture fields. We have to look at the farmer sympathetically and on humanitarian grounds. He works hard and always believes that work is worship. He does not know how to calculate. He is concentrating only on work.

A paan-beeda shop owner or a person who sells cigarettes, match box, etc., will be in a better position than a farmer financially. Unfortunately, the financial condition of a farmer is pitiable. I request the Hon'ble Minister to help our farmers who are feeding the entire nation and also enabling us to export foodgrains and other items like cotton, silk, etc. He is born as a farmer. A class IV Government employee will be more happy than a farmer possessing 100 acres of land in our country. An attender or a second division clerk in a Government office would get around 5,000 rupees per month as salary. He gets many other facilities like housing, medical, etc. Government employees lead a happy life but no farmer can get more than 2,000 rupees in a month. There are so many political leaders here in this august House who are well aware of the problems of farmers. These politicians have come up in their lives and it is good. I was a member of the 10th Lok Sabha and many of my colleagues were real agriculturists. They were explaining the basic difficulties of a farmer in this country.

Today nobody would come forward to marry off his daughter to a farmer. Even a Post & Telegraph employee or any other Government employee can easily find a bride for his marriage. He would get dowry also. There is a great need to change the attitude of our society towards farmer. He deserves all encouragement. The subsidy which was given to him all these years should continue in future also. Otherwise what are you going to do if the farmer does not produce wheat, paddy, vegetables, fruits, milk, etc.? Hence the farmer should never be exploited. Our country's progress is depending upon the farmers. Therefore, the main concern of our Government should be the welfare of our farmers. I trust that this Bill would go a long way in helping the cause of the farmers.

Once again I support the Bill and thank the Chair for allowing me to express my views on the subject.

18.00 hrs.

SHRI P. SHIV SHANKER (TENALI): Mr. Chairman, Sir, I do not propose to speak on the merits of the Bill because a large number of friends are to speak on the Bill.

I have known the father of the hon. Minister. He was one of the greatest advocates and a brilliant lawyer of this country. I have known my friend as a Parliamentarian. But I have not known him as a lawyer. I want to bring to his notice certain provisions which are unfortunate and the drafting seems to be either flippant or without taking into consideration certain aspects which ought to have been addressed.

On page 3 Clause 4(2) says:

"Notwithstanding anything contained in sub-section (1), the Central Government may appoint any person as the Chairperson from amongst persons who is or has been a Judge of the Supreme Court or the Chief Justice of a High Court."

Therefore, a person who had been a judge of the Supreme Court and who retired could also have been appointed under Clause 4(2). But if you look at Clause 6 Proviso (1), it says:

"Provided that no Chairperson or other Member shall hold office as such after he has attained,-

(a) in the case of the Chairperson, the age of sixty-five years."

I thought my friend had been a good lawyer. I know his wife is a better lawyer than him. A judge of the Supreme Court always retires at the age of 65 years and if you want to appoint under Clause 4(2), a person who had been a judge, that means he has to be appointed after 65 years. But in Proviso 6(1) it is said that a person who is beyond 65 years cannot be appointed. It is something which you will have to look into. In any case you will have to amend it.

18.03 hrs (Shri K. Yerranna in the Chair)

SHRI S. MALLIKARJUNIAH : If a person is dismissed before the age of 65 years, he can be appointed.

SHRI P. SHIV SHANKER : But here the wording is: "who is or has been". So, a man who retires at the age of 65 years, how could he be appointed?

SHRI P.R. KUMARAMANGALAM: Sir, it is true that this point came to my notice at the time of drafting itself. Originally, we had the limits of 67 and 65. Then, it was felt collectively that this habit of going on increasing the age limit or the age being unlimited as is the case in many commissions, it is far better to put a ceiling. Generally, it was thought of 65 years and 62 years. I feel this has been an issue because I am naturally aware that at the age of 65 years a judge normally retires. But there are cases where you could voluntarily retire. Therefore, there is very little I can say about that.

SHRI P. SHIV SHANKER : But a Judge, in the normal course, retires at 65 years.

SHRI P.R. KUMARAMANGALAM : That is in respect of normal courts. But in non-normal courts, it is not so.

SHRI P. SHIV SHANKER : How?

SHRI P.R. KUMARAMANGALAM: You know about one instance.

SHRI P. SHIV SHANKER : It is only an instance of resigning and that is all.

SHRI P.R. KUMARAMANGALAM: I think, you know what I am talking about.

SHRI P. SHIV SHANKER : Please look into this. It is a bad draftsmanship.

SHRI P.R. KUMARAMANGALAM: I looked up. According to what you are saying, it is not a bad draftsmanship but a bad oversight.

SHRI VAIKO (SIVAKASI): Whatever it is, it has to be rectified.

SHRI K. BAPIRAJU (NARSAPUR): You want to welcome a person who could not serve as a Judge for 65 years. Where is the necessity to welcome that man who could not serve for 65 years?

SHRI P. SHIV SHANKER : Mr. Chairman, I regret to say that the Minister seems to be standing on a false prestige. It is very unfortunate. If good sense prevails, I think, he will think over it. I am sure, if his father was there, then he would have immediately amended it. I knew him so closely. I had the opportunity to assist him in a large number of cases. That is why, I know what he was.

SHRI P.R. KUMARAMANGALAM: I also know that my father said 'no' to you.

SHRI P. SHIV SHANKER : You have never assisted me. I am proud of the fact that you have never assisted me because if you commit these types of mistakes, I am sure, I would have also committed the same mistakes.

SHRI P.R. KUMARAMANGALAM: These are not fair aspersions. I am sorry, Shri Shiv Shanker, these are not fair aspersions. You do not hear another person, but you pass judgments on him. I do know what you did on the Bench.

SHRI P. SHIV SHANKER : Anyway, it is very unfortunate. I leave it there.

The second aspect is with regard to clause 17 (1). There, 'shall' is sought to be transformed into 'may'. I would just like to bring to his notice that the courts had been often interpreting 'may' as 'shall' and 'shall' as 'may' having regard to the context in which the word appears. I would not like to go into the details of the interpretation of the Statutes and all that. But the courts had been interpreting that way. Once you say that "The State Government shall, within three months from the commencement of this Act, establish a Commission ...", it is possible. I have not gone into the details.

SHRI P.R. KUMARAMANGALAM: The amendment is different.

SHRI P. SHIV SHANKER : It is possible that having regard to the time factor, they might interpret 'may' as 'shall'. I thought that you have left the option, but there is no option to the State.

SHRI P.R. KUMARAMANGALAM: In fact, the amendment is different. Please see the amendments.

SHRI P. SHIV SHANKER : Then the other aspect which I thought I should bring to his notice is that in the Statement of Objects and Reasons, what has been said will be against the amendments that have been brought in. The amendments that have been brought in will necessarily have the effect on the Objects and Reasons, and appropriate amendments will have to be made in that regard.

These are the aspects which I thought that I should bring to his notice. Otherwise, on the merits, my other friends will be speaking and I would not like to say anything on that.

">brought before the House a Bill which is atrocious in nature and which has got overriding powers over the rights of the State Government. Clause 22 (3) says :

"The State Commission shall exercise its functions in conformity with the national power plan."

It is just like threatening the State Government as if the Central Government is a master and the State Governments are its servants.

This attitude of the hon. Minister is very much atrocious. The Central Government has got no over-riding powers over the State Government.

At the same time, the hon. Minister has said in the course of his speech: "That it is not wind to supply it free of cost. It is not water to supply free of cost." If this is the attitude of the Minister, Sir, the agriculturists are producing the paddy. What is the production cost? What is the cost of seed, fertiliser and labour? That way, paddy is also produced by the farmers, by the agriculturists. The agriculturists have been given the benefit of



100 per cent subsidy by our Government. From 1971 onwards, more than 7 lakh pump sets were energised and agriculturists have been given free power. One hundred per cent subsidy is there. Taking all these things into account, if the energy is charged to the agriculturists, what will happen? In the common pool, Central Government is procuring the paddy. While procuring the paddy, invariably the agriculturist has to charge the power cost also if they remove subsidy of power. Is it not? Industrial produce costs labour, power and everything and, at the same time, the agricultural produce also has to cover the power charges. If the subsidy is not there, the agriculturist naturally would expect the cost which he has to pay for electricity, for labour, for seeds and everything. Just like that, in a way, the Central Government has to pay somehow or the other. The present Power Minister has come forward quickly to amend the Bill or bringing the Bill before the House. What is happening in NTPC? What is the power load factor? You know the power factor under which the NTPC is functioning.

SHRI P. R. KUMARAMANGALAM: It is better than in your State.

ready? ... (Interruptions)

SHRI P. R. KUMARAMANGALAM: It is better than in other States.... (Interruptions) If you may permit me, the hon. Member is challenging me.

Sir, in Clause 29 (3), as presented by the hon. Minister, it is stated that no consumer will be allowed to be charged below 50 per cent of production cost; any subsidy should be compensated to the State Electricity Board and it is not extended beyond three years.

Secondly, it has now been replaced by an amendment. The hon. Minister has stated that the State Commission, while determining the tariff under this Act shall not show undue preference to any consumer of electricity, but may differentiate according to the consumer's load factor, power factor, total consumption of energy during any specified period.

Here I agree. You have allowed cross subsidy. May I repeat, Mr. Minister, that you have allowed cross subsidy? In that case, I would like to know whether the Commission will fix or the producer will fix the power generation and the total cross subsidy.

There are a lot of private generators who have come into the field. It is not only the Government, it is not only the Electricity Boards which are there but a lot of independent power projects have come up. They will definitely ask more than what the Electricity Board now charges. In that case, what will the Government do? I want to know about this.

There is another thing. In clause 29, sub-clause (4), a new clause, he says:

"The holder of each licence and other persons including the Board or its successor body authorised to transmit, sell, distribute or supply electricity wholesale, bulk or retail, in the State shall observe the methodologies and procedures specified by the State Commission from time to time in calculating the expected revenue from charges which he is permitted to recover and in determining tariffs to collect those revenues."

Sub-clause (5) says:

"If the State Government requires the grant of any subsidy to any consumer or class of consumers in the tariff determined by the State Commission under this section, the State Government shall pay the amount to compensate the person affected by the grant of subsidy in the manner the State Commission may direct, as a condition for the licensee or any other person concerned to implement the subsidy provided for by the State Government."

In that case, the State Commission has to direct as per the direction given by the Commission of the Central Government. Is it a fact or not? Kindly go through clause 22, sub-clause (3) in which the Government has directed the State Commission to act according to the directions and whims and fancies of the proposed Central

Electricity Commission. Is it not a fact? Mr. Minister, do you agree or disagree with me? I would request you to just stand up and tell me if you agree with me or not. I will yield the floor to you...(Interruptions)

SHRI P.R. KUMARAMANGALAM: Since he requested me to clarify the position, I would like to intervene.

MR. CHAIRMAN : On each and every point, you need not reply now itself. This is not the way. You may cover it in your speech.

anti-poor and it is very much anti-democratic. It is very much interferes with the State autonomy. Therefore, I would request the hon. Minister, who is hailing from Salem district where a lot of pumpsets have been energised by our Government of Tamil Nadu to the agriculturists, to have some patience. I would request him to go through the Bill once again himself, not by his officials. As has been pointed out just now by Mr. Shiv Shanker, there are a lot of corrections in this Bill. My request to him is to just pass it on to the Standing Committee or a Select Committee. The Committee can go through the Bill clause by clause and then he can come to the House. Otherwise, the farmers and the agrarian community are definitely going to agitate as they are going to be the sufferers. That is all I can say at this stage. I would, therefore, request the Minister to kindly withdraw this Bill or send it to Standing Committee.

With these words, I oppose the Bill. Thank you.

MR. CHAIRMAN: Shri V. Radhakrishnan.

... (Interruptions)

MR. CHAIRMAN: So many names are there. I am calling one by one. There is no problem.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I am constrained to oppose the Bill. It is not because that I am against the objectives of the Bill but because the manner in which it has been piloted... (Interruptions)

MR. CHAIRMAN: Shri Radhakrishnan, the time allotted to this Bill is one hour. Please be brief. You may cover some more new points.

... (Interruptions)

SHRI BASU DEB ACHARIA : It is such an important Bill. At least four hours are needed...(Interruptions)

MR. CHAIRMAN: This decision was taken in the All-Party meeting. It was not taken by me. Your party representative was also there.

... (Interruptions)

SHRI VARKALA RADHAKRISHNAN : I have to oppose the Bill because of the manner in which it has been piloted. First, it curtails the powers of the State Governments in respect of power generation. Secondly, the Bill is a hasty piece of legislation. Thirdly, I would like to submit that the Bill will have to be sent to a Committee for further evidence.

As we all know, legislation is a process by which the social requirement obtaining in a particular situation is met.

In that sense, no legislation is there. We find that 1948 Act is the basic Act. This Bill deals with tariffs, tariff policy, imposition of tariff and so on. All those matters are contained in 1948 Act. Now the main purpose of your Act at this stage is to create a Central Regulatory Commission and State Regulatory Commissions. These bodies are created to determine the tariff policy with a view to increasing the power generation.

Now the objectives are good. You know it better than me. As you know, this is a State as well as Central Subject as it is in the Concurrent List. Before we go into a comprehensive legislation, I would request the hon. Minister

to have a consultation with all the States. I do not say that you have not consulted. The Committee have consulted and they have obtained the opinion and recommendations of the Standing Committee. Now the present Standing Committee can do the remaining work which can be done within a short time. Why do you not allow the Committee to finish the work? After all, the legislation will have to go through the normal process. But you do not allow this legislation to go through the normal process. You want the legislation to be a hasty one. You do not want to take into consideration all the issues involved in this legislation.

Now you are telling me that you are in a haste. You are saying that because of requirement of power generation, no delay can be tolerated. Now due to the changing conditions, you say that the Bill has to be passed without delay. Now you have made it obligatory or optional.

Last time when I objected to the introduction of the Bill, the hon. Minister had promised to bring in an amendment. Now the hon. Minister has brought an amendment. The objectives of the amendment are two-fold. In the first place, it has become an optional matter. Secondly, the Minister has given some direction with regard to the tariff policy. These are the two objectives of the amendment which the hon. Minister has brought. I oppose this legislation because it is tainted in the sense that it has been brought to meet a particular situation. It is a deal between the ruling party and the Leader of the AIADMK. Can you deny that fact? You cannot deny that fact. You have brought a Bill with this amendment. This is a tainted legislation...(Interruptions)

SHRI VAIKO : Mr. Chairman, Sir, our hon. Member Shri Varkala Radhakrishnan, for whom I have got the greatest respect, has made a reference that there is a deal between the Leader of the AIADMK and the Government. That sentence need not be there as it is not at all true. First of all, there is no such deal. Whosoever is affected -- whether it is the AIADMK or the allied parties -- because of this provision, has opposed it. It was because of this opposition even among many sections of the ruling party, that this amendment has been brought by the Government. There is no such deal. I think, our hon. Member would change his idea that there is no such deal...(Interruptions)

SHRI VARKALA RADHAKRISHNAN : I do not dispute it...(Interruptions)

SHRI R. MUTHIAH (PERIYAKULAM): Sir, the hon. Member should withdraw that word. What do you mean by the word 'deal'?...(Interruptions)

MR. CHAIRMAN : Shri Muthiah, I think, Shri Vaiko has replied to it.

... (Interruptions)

SHRI VARKALA RADHAKRISHNAN : I can explain the position. The circumstantial evidence is such that it will irresistably lead to that conclusion because it was duly reported in the newspapers that this Bill was brought in by the hon. Minister without consulting the Leader of the AIADMK. It seems, you have not read it... (Interruptions)

SHRI R. MUTHIAH (PERIYAKULAM): Sir, my point is whether you are allowing the word 'deal' to go in the proceedings... (Interruptions)

SHRI P.R. KUMARAMANGALAM: Mr. Chairman, Sir, I am on a point of order.

MR. CHAIRMAN : Shri Muthiah, let the hon. Minister have his say.

SHRI P.R. KUMARAMANGALAM: Sir, not taking names of the people who are not present in the House is a normal etiquette and part of the rules of this House. My senior colleague who has been the Speaker of Kerala Assembly may not know it but we are very strict about not taking name of any person who is not present in the House to defend himself... (Interruptions)... He has mentioned the name ...(Interruptions)

SEVERAL HON. MEMBERS: No, he has not.

SHRI R. MUTHIAH : Sir, the hon. Member has referred to my leader saying that this amendment was introduced here because of the deal with AIADMK... (Interruptions)... Are you allowing it?

SHRI BASU DEB ACHARIA : It is not unparliamentary.

SHRI R. MUTHIAH : It is not correct. Sir, we want your ruling. ... (Interruptions)

MR. CHAIRMAN: Shri Muthiah, Vaikoji has already denied this on behalf of all of you. So, please sit down.

SHRI VARKALA RADHAKRISHNAN : What I am submitting is based on the paper reports, which has not been, till date, denied. In Tamil Naidu, farmers are given subsidy and that subsidy is made by the State Government with the Central aid also. That is my information.

Now, the hon. friend has brought in the Amendment dealing with the same subject. The second and third paragraphs deal with subsidy. Their main contention was that the subsidy to farmers should not be standardized. If you go through the amendments moved by my learned friend, it is abundantly clear there that these subsidies will be continued without interruption. Why such an Amendment is being brought at this stage? That is why, I hold that this is a change of legislation with political convenience. That is why, I submit that a legislation should originate to meet the social requirements in a given situation. But what is the situation? Now, they have a situation to meet the demands of..\* that the subsidies to farmers should not be done away with. That is the situation there... (Interruptions)

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\* Expunged as ordered by the Chair

MR. CHAIRMAN: Shri Radhakrishnan, you should not take her name in this House. She is not a Member of the House.

... (Interruptions)

MR. CHAIRMAN: I am removing this name from the records. There is no problem.

... (Interruptions)

SHRI VAIKO : You are dwelling on the subject on merits. Why should you talk like this?... (Interruptions)

SHRI VARKALA RADHAKRISHNAN : I never wanted to offend anybody. But what I have submitted is the situation there. An amendment was brought. If the Minister had not brought the Amendment, I would not have made such comments.

MR. CHAIRMAN: Shri Radhakrishnan, please come to the subject.

SHRI VAIKO : His point is that she took up the case in the right earnest. That is conceded. It is his point... (Interruptions)

SHRI VARKALA RADHAKRISHNAN : That is only one of the points. Now, I have to deal with another major and important points. This was only a secondary point. Because the circumstances are such that my friend has to continue with his habit... (Interruptions)... I can understand his political consciousness and political necessity. But what is the necessity of India? He is encroaching upon the rights of the State. It is an encroachment which we cannot tolerate. My Amendments are brought in with a view to eliminate those processes by which encroachments on the State should be obviated. That is my contention. For that purpose, the amendments have been moved.

Now, in the Bill, that is placed before the House, two things are there. One, 'The primary object is to first create a Central Commission'. I fully agree with it. Second, 'The Central Commission Chairman will be the sitting

judge of the Supreme Court.' About it also, nobody has any objection.

You are mistaken, my dear friend. A sitting judge of the Supreme Court shall be the Chairperson of the Central Commission. A sitting judge of the High Court shall be the Chairperson of the State Commission and these two Commissions will have to determine the tariff policy. This is the gist of his Bill.

But I do not understand as to what was the urgency to bring such a Bill. All other things could be done easily by the existing Act, 1948. Even after hearing with rapt attention I could not understand the reason for the haste with which he is piloting the legislation. Why should you do away with the mechanism of referring it to a Standing Committee or for eliciting public opinion, so that we can get the opinion of all those who are concerned, the consumers? Their opinion will have to be recorded. You eliminated all this process and you are showing undue haste. Why do you show undue haste? That leads me to think in terms of political necessity. Otherwise I would not have made such a contention. It is a case where the political necessity is the predominant factor for piloting this Bill with undue haste. We cannot be a party to that.

Even after going through his argument that for power generation this was a necessity and that they had to take immediate steps for power generation, we are not convinced. If that be the case, then why should my friend say that States will have the option? They need not even act under the provisions of the proposed legislation. He has agreed that any State can take any decision. I commend that proposal. Then what is the necessity? What prompted him to bring this hasty legislation? He has not given a convincing reply. Why should the Central Government show so much haste? All other things could be achieved by the existing legislation. The State Electricity Board should be called in, they should be summoned so that a discussions can be had and a consensus evolved. Without doing all this he has taken such a hasty move of bringing this legislation denying all the democratic processes, denying the right of the House to discuss the Bill and denying the right of the States to discuss the Bill. I have my own reservations.

MR. CHAIRMAN : At the time of the introduction of this Bill also you had taken a lot of time. You have already argued everything and everything has been recorded here. You need not dwell on the same points again. We were all here at that time also. Many hon. Members are waiting to participate in the debate. That is why it is my request to you to conclude your speech.

SHRI VARKALA RADHAKRISHNAN : The way in which amendments have been dealt with can be seen from one portion to which I will invite the Chairman's attention. Please see Page 13, Sub-clause 3. It says:

"The State Commission while determining the tariff under this Act shall not show undue preference..."

Why should it be stated like this? Does it mean that a State Commission will show undue preference? The State Commission is headed by the judge of a High Court. How could he presume that the State Commission will show undue preference? That matter is to be clarified. Would a man with self-respect, especially the judge of a High Court, come to serve as the Chairman of the State Commission?

SHRI BASU DEB ACHARIA : Delete that word.

SHRI VARKALA RADHAKRISHNAN : I have moved an amendment for that purpose.

This is the way they are dealing with the State subject. They are dealing with it in the most undemocratic way without taking into consideration all the mechanisms that are available. You should change your approach. You should show better magnanimity towards all the States. You should also understand that whenever you deal with a legislation you must be patient and you must be tolerant towards the States.

With these words, I conclude.

">SHRI R. MUTHIAH : Sir, at the outset, I appreciate the hon. Minister for moving an amendment for deleting clause 29 (3) from this Bill. Otherwise, I would have been put to the task of opposing the entire Bill in its

original form. That is why, when the Ordinance was promulgated and the news appeared in the Press, our leader, Dr. Puratchi Thalaivi Jayalalitha had opposed it and objected to this Bill being brought in here.

We opposed it in its original form because in our opinion this Bill, in its original form, was a blow on the head of the poor farmers of this country. That is why we had opposed this Bill in its original form. But after that the hon. Minister had introduced some amendments to the Bill and we appreciate him for that act. Even though we are a part of this Government, we shall not hesitate to oppose anything which is against the interest of the poor agriculturists of this country. This is why we had opposed the increase in the urea prices also and the Government is having a rethinking of its decision. We oppose something which in our opinion is against the interests of the poor. When we express our desire to oppose such aspects, the Government accepts our requests and demands. Then, they act on it. How can any hon. Member here say that it was a deal? When we demand something for the benefit of the country, for the benefit of the poor, is it a deal?

The hon. Minister, in his opening speech, had observed that we should have some progressive thinking. I accept this observation of his. We should have some progressive thinking. What is the plight of the farmers in his constituency? The farmers in his constituency are getting water from the wells with the aid of three or four pump-sets from great depths. In my constituency, we are getting too little water from three or four wells, put it all in one well and then getting water using compressors. For a single irrigation, we are using three or four pump-sets. What is the aid that the Government is going to give to these farmers? This is why we are insisting that supply of free electricity to farmers should continue and our leader had opposed this Bill in its original form.

Anyway, now an amendment has been introduced and we are appreciating it. Otherwise, we would have opposed this Bill. It is because of this amendment that we are not opposing this Bill. Our earnest appeal to the hon. Minister is this. Please do not equate agriculture with other sectors like industry. In his opening address, he has equated both agriculture and industry. While some of the industrialists are going away from the grid system, the agriculturists are getting power only from our grids.

Please do not equate them. This is my earnest appeal to you. Had these amendments not been made, we would have opposed this Bill. Since these amendments have been moved, we are not opposing the Bill.

With these few words I conclude. Thank you.

(ends)

SHRI VARKALA RADHAKRISHNAN : The hon. Minister in his statement has stated that it is for safeguarding the interests of the customers and not for safeguarding the interests of the agriculturists. ... (Interruptions)

MR. CHAIRMAN : The hon. Minister will give the clarification later. Please ">do not argue.

श्री मोहन सिंह (देवरिया): सभापति महोदय, माननीय मंत्री जी पिछली सरकार द्वारा तैयार किया हुआ एक विधेयक, जो अध्यादेश की शक्त में यहां लाए हैं, मेरी मंशा उसका विरोध करने की नहीं है। मैं उन लोगों में नहीं हूँ जो पिछली सरकार में मंत्री थे, उन्होंने इस विधेयक को बनाया, उसको इस सदन के सामने पेश किया और जब आप इधर बैठ गए तो खड़े होकर उसका विरोध कर रहे हैं। मैं इसे कोई राजनैतिक नैतिकता नहीं मानता।

दूसरी बात मैं कहना चाहता हूँ कि माननीय मंत्री जी ने जो विधेयक पेश किया है और उसके समर्थन में जो भाषण किया है, मुझे ऐसा लगा कि उनको इस बात की गलतफहमी हो गई है कि यदि इस तरह का रैगुलेटरी कमीशन राज्यों और देश में बन जाएगा, तो बिजली की सारी समस्या का समाधान हो जाएगा। यदि आप इस तरह की किसी गलतफहमी के शिकार हैं तो मेहरबानी करके उसको अपने दिमाग से निकाल दें। मैं इस बात के बहुत ही खिलाफ हूँ कि हर चीज की दवा हाई कोर्ट और सुप्रीम कोर्ट का जज है और हर इन्क्वायरी सी.बी.आई. और पुलिस सही ढंग से करती है। इस देश को एक बहुत बड़ा रोग लग गया है कि कोई भी कमीशन बनाया जाए, तो उसका कोई हाई कोर्ट और सुप्रीम कोर्ट का जज अध्यक्ष बना दिया जाए। यह रैगुलेटरी कमीशन है जो ट्रांसमिशन से संबंधित, जो बिजली के टैरिफ से संबंधित, जो बिजली के प्रबंधन से संबंधित सारी चीजों का इंतजाम करने के लिए है, हाई कोर्ट और सुप्रीम कोर्ट के जज की कौन सी विशेषज्ञता है जो उसे हल कर लेगा, यह मेरी समझ से बाहर है।

एक बात और कहना चाहता हूँ कि केवल टैरिफ का ही रैगुलेशन क्यों? क्योंकि यह बात बार-बार पूरे देश में वातावरण बनाकर कही जाती है कि चूँकि विद्युत बोर्ड को गरीब और दलित को मुफ्त में बिजली देनी होती है, सुदूर गांव में विद्युत का इंताजाम करना होता है, किसान को आसान किरतों पर बिजली दी जाती है, इसलिए विद्युत बोर्ड पर दुनियाभर का कर्ज और दुनियाभर की देनदारी बढ़ती जा रही है। यह एक भ्रान्तिपूर्ण उदाहरण है, इसे खत्म करना चाहिए। मेरी निश्चित मान्यता है कि यह रैगुलेटरी कमीशन केवल टैरिफ को रैगुलेट करने के लिए नहीं, बल्कि मैं निजी अनुभव से कह सकता हूँ कि जो विद्युत बोर्ड के इंजीनियर्स हैं, उनका वेतन दूसरे विभाग में काम करने वाले इंजीनियर से ढाई गुना ज्यादा है। मैं निश्चित तौर पर अपनी जानकारी के आधार पर कह सकता हूँ कि विद्युत बोर्डों में काम करने वाले जितने कर्मचारी हैं, वे जितना चाहें, उनको विद्युत की आपूर्ति बिना किसी शुल्क के और बिना किसी टैरिफ दिए हुए होती है, इसके ऊपर भी सोचना होगा। क्या यह सही नहीं है कि जब हम सभी विद्युत बोर्ड के ट्रांसमिशन लॉस पर चर्चा करते हैं, तो उस ट्रांसमिशन लॉस में दस फीसदी बिजली ऐसी है जो उस चोरी की है और वह चोरी विद्युत विभाग के कर्मचारियों के बिना संभव नहीं है? यदि आप रैगुलेटरी कमीशन बना रहे हैं, तो इस बात का भी रैगुलेशन होना चाहिए कि विद्युत बोर्डों की जो कमी है, विद्युत बोर्डों का जो घाटा है, वह घाटा केवल मुफ्त में बिजली देने के कारण है या उसकी चोरी के कारण है। विद्युत बोर्डों के ऊपर वेतन का, उनकी सुविधा का, उनके पैसे का, उनकी मिली हुई साजिश चोरी का, जो ब्यूरोक्रैटिक दबाव है, उसको रैगुलेट करने की भी व्यवस्था इस रैगुलेटरी बोर्ड के जरिए आनी चाहिए, मैं आग्रह के तौर पर यह कहना चाहता हूँ।

जहां तक निजी क्षेत्र को बिजली देने की बात है, दुनिया के लोग हमारे देश के इन्फ्रास्ट्रक्चर को देखकर आए। औद्योगिक विकास के लिए, भारत की तरक्की के लिए जो बुनियादी सुविधाएं हैं, उस क्षेत्र में हमने बहुत कोशिश की कि निजी क्षेत्र अपना निवेश करे, विदेशी पूंजी हमारे देश में आए। लेकिन मैं अपने अनुभव के आधार पर कह सकता हूँ, हमारे सूबे के एक इलाके में निजी क्षेत्र को बिजली का उत्पादन और उसका वितरण दिया गया। आज पूरे नोएडा के लोग रो रहे हैं कि उत्तर प्रदेश का विद्युत परिषद जिस कीमत पर उनको विद्युत सप्लाई करता था, उसके ठीक चार गुनी कीमत पर निजी क्षेत्र का वह व्यक्ति, जिसके जिम्मे बिजली का इंताजाम दिया गया, आपूर्ति करने के लिए तैयार है लेकिन लोग उससे बिजली लेने के लिए तैयार नहीं हैं। हमें इस बात पर गंभीरतापूर्वक विचार करके पूरे विद्युत के नियोजन पर सोचने की आवश्यकता है। पन बिजली का उत्पादन, मैं निजी अनुभव से कह सकता हूँ, पिछले बाइस वर्षों से टेहरी परियोजना किन्हीं न किन्हीं कारणों से, किन्हीं न किन्हीं अवरोधों के चलते, रुकी हुई है, नहीं होती। हमारे देश में पन बिजली का सबसे बड़ा स्रोत हिमालय है और उसका कितना हिस्सा हम दोहन कर पा रहे हैं, मंत्री जी इस बारे में आपको सोचने की जरूरत है। इसलिए ऐटॉमिक पावर और पानी की बिजली से अधिकतम उत्पादन पर जोर दिया जाना चाहिए और हमारी थर्मल पावर की जो पारम्परिक व्यवस्था है, जो हमें निश्चित तौर पर घाटे की बिजली देती है, उसके बारे में आप विचार करें और एक समग्र नियोजन बनाकर, क्योंकि केवल इस विधेयक के जरिए आपका भाषण सुनकर मेरे अंदर गलतफहमी पैदा हुई कि शायद सरकार इस गलतफहमी की शिकार है कि इस रैगुलेटरी बोर्ड से ही बिजली की सारी समस्याओं का समाधान हो जाएगा। यह विधेयक आप सीमित बात के लिए लाए हैं, मैं इसका समर्थन करता हूँ। आप इसे पास करिए लेकिन उसके साथ ही पूरे देश में टैरिफ की जो व्यवस्था है, कुछ ऐसे सूबे हैं जहां किसानों को मुफ्त में बिजली की आपूर्ति होती है, कुछ ऐसे सूबे हैं जहां के किसानों को अपनी बिजली बकाया के लिए आंदोलन करके शहादत देनी पड़ती है, गोलियां चलती हैं, मारे जाते हैं। पूरे देश में एक जैसी व्यवस्था नहीं है। इसमें आप एक तरह की व्यवस्था बनाएं।

इन्हीं सुझावों के साथ मैं आपको नमस्कार करता हूँ, धन्यवाद करता हूँ। मैंने दसवीं लोक सभा में भी उन्हीं कुर्सियों पर माननीय मंत्री जी को बैठे देखा और बारह वीं लोक सभा में भी माननीय मंत्री जी को उन्हीं कुर्सियों पर बैठे देखकर मुझे बड़ी खुशी होती है। आपकी उधर की कुर्सी स्थायी बने और आप देश की सेवा के लिए कुछ अच्छे काम करें, इन शुभकामनाओं के साथ मैं आपको धन्यवाद देता हूँ।

">SHRI V. DHANANJAYA KUMAR (MANGALORE): Mr. Chairman, Sir, I stand in support of the Electricity Regulatory Commissions Bill which is under consideration in this House which was introduced by the hon. Minister of Power.

Sir, at the outset, I would like to know the mindset of the hon. Members sitting on the Opposition benches. They have been vehemently arguing about the capability of the State Electricity Boards. I would like to remind them about one thing. We have the experience of many private entrepreneurs who have come forward to make investment for generation of power. No single investor ever relied upon or ever trusted the State Electricity Boards; and everyone of them wanted a counter-guarantee from the Government of India. Why is it so? If the State Electricity Boards are capable enough to satisfy those investors that the money invested is safe, it would not happen.

SHRI V. DHANANJAYA KUMAR : It is a counter-guarantee. You may please verify it. Every single investor wanted a counter-guarantee from the Government of India. That shows the health of the State Electricity Boards.

Sir, today the whole country is having a shortage of an estimated 15,000 MW of power and the estimated increase in the demand every year is at the rate of 7000 megawatt.

SHRI D.C. SRIKANTAPPA (CHICKMANGALORE): It is not 15,000 MW. That is wrong. The connected load in Karnataka is 12,500 MW. The available power is to the extent of 3500 megawatt.

MR. CHAIRMAN : Let the Minister clarify that point.

SHRI V. DHANANJAYA KUMAR : As per the information which I have, as of now, the shortage in the country is of the order of 15,000 megawatt. The increase in yearly demand is of the order of 7000 megawatt. At this rate, we would require 6000 MW more every year to the national grid. Today, when the Minister was speaking, he has of course escalated the cost saying that the cost per megawatt would work out to be Rs.4 crore but it is estimated at Rs.3.5 crore approximately. At the rate of Rs.3.5 crore for generating a megawatt of power, we would require Rs.1,75,000 crore by the end of 2002 to meet the estimated demand of an additional 50,000 megawatt of power. From where will this money come? Now, my friend, Shri Mohan Singh had been arguing just a while ago that the Minister or the Government need not be under the impression that by just constituting the Central Electricity Regulatory Authority or Commission, the position of power generation or power supply would improve.

श्री मोहन सिंह (देवरिया): भाषण ऐसा ही दिया।..(interruptions)

SHRI V. DHANANJAYA KUMAR : There is no doubt about it. Nobody is under that belief but this is only to enable us to generate more resources. Unless you rationalise power tariff in the whole of the country, when we have the national grid system, you cannot generate more resources to meet our demand.

Sir, the transmission position is very bad. Very old lines and other equipments installed require restructuring. The whole supply network will have to be restructured. The improvement of the system must be attended to. Renovation, maintenance, etc. would require a lot of money. Over and above that, every consumer would like to have quality power supply. Unless you have quality power supply, you cannot have proper use of it.

am only supporting what you are saying.

SHRI V. DHANANJAYA KUMAR : My friend, Shri Baalu has been arguing. ...(interruptions)...I will not take much time.

SHRI P.R. KUMARAMANGALAM: Are you speaking on behalf of the Government? It would be a breach of privilege!..(interruptions)

MR. CHAIRMAN: Shri Baalu, do not interrupt. Please sit down. Shri Dhananjaya Kumar, please wind up.

SHRI V. DHANANJAYA KUMAR : All of us will have to sit back for a while and think seriously about the power crisis being faced by the country. Why is there a crisis today? It is because of the failure of the successive Governments both at the Centre as well as the States. We must admit it. No Government had a perspective long-term plan. I know that even today, power is being generated at the oldest hydel power project at Shimsa in my State, Karnataka, at a meagre cost of 16 paise per megawatt. It is the oldest project installed in the early 19th century.

The hydel project was set up at Shimsa. We have enough hydel resources. We have all other kinds of resources from where power can be generated. Since the successive Governments have failed to have a long-term perspective plan, we are facing the crisis. Today, we have to pay through our nose. We have to spend nothing less than Rs. 3.5 crore per MW. Keeping this in view, the Regulatory Commission, which is going to be set up, will definitely venture to rationalise the power tariff in the entire country. It allows powers to the States. The State Governments also can have the Regulatory Commissions. With the able assistance of the Advisory Committees, they can very well fix the tariff.

Now, I will conclude with one observation. A wrong impression is being carried that since power is being supplied at a much cheaper rate or free-of-cost to the agriculture sector, the State Electricity Boards are sustaining loss. It is not so. On an average, the power that is being supplied to the agriculture sector is not more



than 15 to 16 per cent. If that itself is the single factor, which would contribute to sustenance of loss by the Electricity Boards, only God can save us.

With the setting up of these Regulatory Commissions, the power will vest with the State Governments and with the State Electricity Boards. If they so desire, they can supply power to the agriculturists at a cheaper rate or even free-of-cost. That power is not being taken away. So, we should not have any false notion about that.

I do not know why my hon. friends, especially from the Communist benches, have been vehemently opposing the consideration of this Bill.

MR. CHAIRMAN : No, no; the Minister will reply about all these things.

SHRI V. DHANANJAYA KUMAR : Do they still want the country to be kept in darkness? I do not know the mental status of our friends. So, I would request them to kindly lend full support to this Bill. This is really a welcome measure. All sections of this House must support it so that the growing demand for the industrial sector, agriculture sector, and for domestic use as well as for commercial use is met. By the end of 2002, the country will be able to generate more power. Then, we can utilise the generated power properly and the power will be supplied at a reasonable rate to every consumer.

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श्री वीरेन्द्र सिंह (मिर्जापुर): सभापति महोदय, सरकार के द्वारा, चाहे किसी पार्टी की सरकार हो, अगर लोक हित में कोई कानून बनाने का बिल पेश किया जाये तो मैं समझता हूँ कि सदन को उसपर एकमत रहना चाहिए।

लोकहित का सवाल जो मैंने उठाया, वह सवाल हिन्दुस्तान के किसानों से था। लोक शब्द का सम्बन्ध हिन्दुस्तान में रहने वाले लोग, जो गांवों में किसानी करते हैं, उनसे मैं आम तौर से समझता हूँ। यह जो बिल लाया गया है, किसानों को मुफ्त बिजली देने के सवाल पर या बिजली का उत्पादन बढ़ाने के लिए या बिजली से सम्बन्धित सवालों को हल करने के लिए, मैं इसमें विद्युत मंत्री जी को कुछ सुझाव देना चाहता हूँ।

यह बिल तो पहली सरकार का ही था, लेकिन आपने इसमें संशोधन करके इसे सदन में पेश किया है। मैं समझता हूँ कि संशोधन करके आपने जो यह बिल इस सदन में पेश किया है, निश्चित रूप से आपने सोचा होगा कि इस बिल के द्वारा हिन्दुस्तान के गांवों में रहने वाले किसानों का क्या हित हो सकता है। मैं कुछ सुझाव, जो आपको देने के लिए कह रहा था, वे सुझाव ये हैं।

19.00 hrs.

जहां विद्युत पैदा होती है और जहां से वितरण होता है, विसंगति वहीं है। आज भी उत्तर भारत में और दक्षिण भारत में विद्युत के वितरण की व्यवस्था सही नहीं है। मैं उत्तर भारत और दक्षिण भारत को बांटने की दृष्टि से नहीं कह रहा हूँ, लेकिन मैं कहना चाहता हूँ कि अगर उत्तर भारत में बिजली पैदा होती है, यहां जितने भी विद्युत उत्पादन के केन्द्र हैं चाहे एन.टी.पी.सी. हो, चाहे बिहार के केन्द्र हों या उत्तर प्रदेश के केन्द्र हों, ट्रांसमिशन लाइन इतनी नहीं बनाई गई हैं जिससे विद्युत का सही तरीके से ट्रांसपोर्टेशन हो सके। जहां २० हजार मेगावाट बिजली पैदा करने की व्यवस्था है वहां ट्रांसमिशन लाइनें इतनी नहीं हैं कि इतनी बिजली का ट्रांसमिशन कर सकें, लिहाजा वह उत्पादित बिजली दक्षिण भारत में देनी पड़ती है। यह अक्सर देखने में आता है। इसी कारण किसानों को बिजली देने में आमतौर पर परेशानी होती है।

हम लोग गांव के रहने वाले हैं। इस सदन में ज्यादातर खेती के जानने वाले और खेती करने वाले लोग हैं। बिजली पैदा करने के लिए कई माननीय सदस्यों ने सुझाव दिए हैं, इनमें से एक प्राकृतिक साधन जल के माध्यम से बिजली पैदा करने का भी है। हमारे देश में तमाम नदियां हैं जिनके माध्यम से बिजली पैदा की जा सकती है और गांव के किसानों को देकर उन्हें सिंचाई मुहैया कराई जा सकती है। लेकिन जल विद्युत पैदा करने की व्यवस्था को महंगी बताकर योजना को ठप कर दिया जाता है और ताप बिजली बनाने की योजना बनाई जाती है। अगर इस तरफ ध्यान दिया जाता और पूरे हिन्दुस्तान में जल विद्युत बनाने की व्यवस्था सही की जाती तो देश के किसानों को बिजली की सुविधा मिल जाती, जिससे वे सिंचाई कर पाते।

जब किसानों को मुफ्त बिजली देने की बात आती है तो तमाम तरह के सवाल यहां खड़े किए जाते हैं। यह कहा जाता है कि उन्हें मुफ्त दाम पर या कम दाम पर बिजली नहीं देनी चाहिए, अगर दी जाती है तो उस पर प्रतिबन्ध लगाना चाहिए। लेकिन यह कोई नहीं कहता कि कारखानों के सरमाएदारों को मुफ्त या सस्ती दर पर बिजली नहीं देनी चाहिए। मेरा यह मानना है कि उन पर कर लगाना चाहिए। एक बड़ा कारखानेदार अपने कारखाने को चलाने के लिए अपना विद्युतघर लगाता है। आज से ५० साल पहले के एग्रीमेंट के अनुसार उसको उसी दाम पर ताप बिजलीघर चलाने के लिए कोयला मिलता है। लेकिन जब गांव के किसान को कम दर पर बिजली देने की बात आती है तो तमाम तरह के सवाल यहां खड़े किए जाते हैं। हिन्दुस्तान के गांव का किसान अगर मुफ्त में बिजली नहीं पाएगा तो मैं कहना चाहता हूँ कि आज भी मरने के बाद हमारे दिलों में सरदार वल्लभ भाई पटेल जिंदा हैं। उन्होंने हिन्दुस्तान के इतिहास में बरदोली में इसी बात को लेकर किसानों के साथ आंदोलन किया था और अंग्रेज हुकूमत को हिलाकर रख दिया था। कोई भी पार्टी की सरकार हो, लेकिन हमारे देश में किसानों को मुफ्त बिजली देने के अधिकार से उसने वंचित रखा है। ४५ साल से ज्यादा समय तक इधर बैठने वाले लोगों ने इस देश पर शासन किया, लेकिन इन्होंने कभी किसानों की सुविधाओं की तरफ ध्यान नहीं दिया। अब हमारी अपनी सरकार है इसलिए देश को स्वावलम्बी बनाने के लिए किसानों को मुफ्त बिजली देने की व्यवस्था होनी चाहिए। जब देश का किसान धनवान बन जाएगा तो भारत को स्वावलम्बी बनने से कोई नहीं रोक सकता। फिर चाहे अमेरिका, जर्मनी या पाकिस्तान कितने ही परमाणु विस्फोट कर लें, हमारा कुछ नहीं बिगाड़ सकते। इसलिए मैं सरकार से कहना चाहता हूँ कि वह किसान की शक्ति को जगाए, क्योंकि वही असली शक्ति है।

यही कहते हुए मैं इस बिल का समर्थन करता हूँ और चाहता हूँ कि हिन्दुस्तान के किसानों को मुफ्त बिजली देने की व्यवस्था सरकार करे।

">DR. S. VENUGOPALACHARY (ADILABAD): Sir, I rise to support the Bill as it is very much necessary for any country's development. Many hon. Members have expressed their anguish over the scarcity of power. Without power, there will be no industry and without any industry, there will be no employment generation. Several Members have raised this point in different forums. When we take up reforms, we may face many hardships from all sides. If you see the developed countries, they have a well-developed infrastructural facility which India does not have. Keeping this in view, the United Front Government had convened two Conferences with all the Chief Ministers in a year. After conducting these two Conferences, the then Government prepared a Common Minimum National Action Plan for Power. In these two Conferences, leaders from almost all the States were there and only after arriving at a consensus the Government prepared this Common Minimum National Action Plan for Power. The views of all the Chief Ministers were incorporated in this Action Plan.

This Bill was introduced in the Lok Sabha in the month of August, 1997. Now, the Bill is being introduced to replace the Ordinance. The points on which we are having a discussion are not at all necessary as the scope of the Bill is very limited. It only seeks to replace the Ordinance. The present Government has also, based on some of the amendments, modified it. I cannot comment on the drafting of the Bill the way Shri Shiv Shankar has, because I am not capable. I would say, for a developing country like India, reforms are not at all necessary, especially in power sector. Privatisation started simultaneously both in India and Pakistan but we are lacking in every field. As against the normal electricity standard, the gap between demand and supply is 20 per cent. But, Pakistan has a surplus of about 3000 MW. This is how a neighbouring country has developed by introducing the reforms. When it comes to India, there are obstacles from every side. We have to seriously think about it. Without power, there will be no industrial development and without industry there will be no employment. Reforms are very necessary But the lack of rational retail tariff and high level cross-subsidy ... (Interruptions) I will finish it within two minutes. The hon. Minister has rightly said, in the Ninth Plan one year has already gone. The Bill was also introduced one year back but because of the dissolution of Lok Sabha it could not be taken up. I humbly request all the hon. Members to support it because already T&D losses are there and CEBs dues are increasing day-by-day. For the sake of better reforms and speedy development in the power sector, I support this Bill. It need not be sent to the Standing Committee.

">SHRI BIKRAM DEO KESHARI (KALAHANDI): Mr. Chairman, Sir, I wholeheartedly support the Electricity Regulatory Commission's Bill introduced by the hon. Minister of Power. This Bill will definitely get to the root cause of the electricity problem in the country and will help improve the availability of power and implement power reforms by the end of the Ninth Plan.

It was contemplated that during the Eighth Plan period the country would be in a position to generate 30,000 plus megawatts of electricity. But it was seen that there was a shortfall of nearly 15,000 megawatts which retarded the process of development in this sector.

The Bill which has been introduced today is expected to check corruption in the various Electricity Boards. It has been seen that all the Electricity Boards have been in red. Therefore, to improve the state of transmission,

generation and distribution and to ensure transparency, this Bill has been brought by the hon. Minister. We hope that within a period of five years from now, the power supply in the country will become stable.

It can be seen that in 1947, power generation in the country was only 13,062 megawatts; in 1992, it came to 69,082 megawatts; and in 1997 it reached 99,620 megawatts. In 1995-96, the addition made to power generation was 2124 megawatts. It was hardly 1000 megawatts in 1996. This gives a very bleak picture of growth in generation of power in the country which has become a necessity in today's world.

The previous Governments had planned to bring the Bill forward. The United Front had prepared the Bill but they did not have the guts to introduce it. Today, by coming forward to introduce the Bill, the hon. Minister has taken a strong step towards development of the power sector. I congratulate him for that.

You will see that a major portion of power in the country is generated in the thermal power sector. Here, I would like to mention the State of Orissa as a test case. One will be surprised to know that before the Regulatory Commission was formed in Orissa, all thermal power plants in that State were running in losses. The Plant Load Factor of Talcher thermal power plant was only 26 per cent before. But after the Regulatory Commission was formed, there has been a marked improvement in its PLF. ... (Interruptions) It was Congress Government which introduced it. Orissa has shown the path. Setting up such a Regulatory Commission at the Centre will definitely improve the power situation in the country.

I would like to say that the state of hydroelectric power generation in the country has been bad. The NTPC has no dearth of funds, they can put up more power plants. But in the case of hydroelectric power generation, it should be said that most of the big projects like Upper Indravati, Sardar Sarovar are languishing because of dearth of funds and because of environmental problems. A proper perspective, a thorough check has to be made into all the delayed hydroelectric projects because that is the cheapest way of generating power today.

MR. CHAIRMAN : Shri Deo, please conclude.

SHRI BIKRAM DEO KESHARI (KALAHANDI): Sir, I request the hon. Minister to lay emphasis on hydroelectric power to improve the power situation in the country. With these words, I once again support the Bill introduced by the hon. Minister of Power.

Thank you for giving me time.

MR. CHAIRMAN : Five more Members to speak.

... (Interruptions)

MR. CHAIRMAN: Every hon. Member wants to speak.

... (Interruptions)

MR. CHAIRMAN: If you compare this Bill with other Bills, it is only a small Bill. It is a new Bill but all the hon. Members are interested to speak.

... (Interruptions)

">DR. ULHAS VASUDEO PATIL (JALGAON): Mr. Speaker, Sir, I rise to speak on the Electricity Regulatory Commissions Bill which is engulfed by controversies. I oppose this Bill. A number of controversial points had been discussed in the Chief Ministers Conference and it was decided to bring forward this Bill. While forming such an important Bill, the confidence of experts in the field, experts in farming community and others should have been taken. They should have been consulted before this Bill is brought before the House.

There are a number of differences. It does not contain operational performances in the Bill. The State autonomy would be hampered because of this Bill. There is no mention of the consumers welfare. A detailed explanation is required in this regard.

Regarding agriculture, I would like to say that in my constituency, 90 per cent of the farmers are dependant on electricity supply. They have electricity only for two or three days in a week. For the remaining four or five days, there is no electricity supply. Jalgaon is a banana growing region where the need for continuous supply of electricity is required.

In Maharashtra, we have come across some cases of suicidal attempts and some cases of deaths because of the inability to pay electricity bills. In this Bill, farmers and agriculturists have not been given good opportunity. There is no subsidy. Safety measures have also not been included.

The most important point is that of corruption. If we take steps to remove corruption, the chances of collection of more tariff or revenue will be more. There is no mention about this point in the Bill. Tribals living in the tribal areas should be 100 per cent exempted from paying the electricity bills. This should also be included in the Bill.

Provision for vigilance squad should have been included in this Bill.

While constituting this Bill, it is mentioned that the Supreme Court of the High Court Judge will be chairperson of the Central Electricity Regulatory Commission and his tenure has been mentioned as five years. I think, the tenure should not be more than two years or should be only one year. One respected Member has mentioned that the age of retirement of the Judge is 65 years.

Secondly, the number of the members of the Central Advisory Committee is 31. It is mentioned that it should not be more than 31. But I feel that the number of members on the Central Advisory Committee should be more than 31.

Considering all these points, an anti-agriculturist, anti-tribal Bill, and not mentioning about the NGOs, I oppose this Bill.

Thank you Sir.

">SHRI VAIKO : Mr. Chairman Sir, 'let us get electricity and the prosperity will bestow its dawn.' These were the famous words of the great man, Lenin, who changed the course of history.

I will be failing in my duty if I do not express my points of view and register in the records of the proceedings of this House that any attempt to trample upon the rights of States should be resisted. We are for State autonomy and the concept of federalism should be accepted in letter and spirit for the future integrity of this country.

This Bill was contemplated by the previous Government and introduced in the Eleventh Lok Sabha but it lost.

SHRI AJIT JOGI (RAIGARH): Sir, there is no quorum in the House.

MR. CHAIRMAN : Here, there is a custom that once there is quorum at the time of the start of the proceedings, it goes on.

SHRI AJIT JOGI : No Sir, I have raised the question of Quorum ... (Interruptions) The members of the Treasury Benches are not there... (Interruptions)

SHRI VAIKO : I would request Shri Jogi to bring the members of his party in the House... (Interruptions)

SHRI AJIT JOGI : Sir, you give a ruling that if the House can function without a quorum then I have no objection... (Interruptions)

श्री राजवीर सिंह (आंवला): सभापति जी, अजीत जोगी जी को गिनती करनी नहीं आती है, हाउस में कोरम पूरा है।

डा. लक्ष्मीनारायण पाण्डेय (मंदसौर) : सभापति जी, हम सभी जानते हैं कि छः बजे के बाद जब भी सदन बैठता है तो कोरम का प्रश्न नहीं उठाया जाता है। वैसे इस वक्त कोरम पूरा है।...

Interruptions)

SHRI AJIT JOGI : I want a ruling from the Chair and not from the hon. Members... (Interruptions)

MR. CHAIRMAN: Please sit down, I will give my ruling.

... (Interruptions)

MR. CHAIRMAN: Please sit down. Why are you coming to this side? The Marshal is counting.

... (Interruptions)

SHRI AJIT JOGI : Sir, you please give your ruling... (Interruptions)

MR. CHAIRMAN: There is quorum in the House. Please proceed.

SHRI VAIKO : I am sorry, Shri Ajit Jogi is trying to mislead the House.

SHRI AJIT JOGI : Sir, according to me, there is no quorum.

SHRI VAIKO : The Chair has given the ruling.

SHRI AJIT JOGI : Sir, I am requesting for recount.

SHRI VAIKO : There is no need for recount.

MR. CHAIRMAN: Shri Vaiko, please proceed.

SHRI VAIKO : Mr. Chairman Sir, when I heard the news that there was a move to take away the rights of the States to fix the tariff, I made a Press Statement against that move. Immediately, the hon. Minister, Shri Kumaramanglam, was kind enough to send a fax message alongwith the proposed Bill to me.

Sir, it was brought to the notice of the hon. Prime Minister, other hon. Ministers and also to Shri P.R. Kumaramanglam that Clause 29(3) is transgressing the domain of the States. I am happy that the hon. Minister has brought an amendment but still this problem is there. In the Statement of Objects and Reasons, you will notice that the thrust is very much on the high level of cross subsidies. The last paragraph of the Statement of Objects and Reasons says:

"Hence, it is made mandatory for State Commissions to fix tariff in a manner that none of the consumers or class of consumers shall be charged less than fifty per cent of the average cost of supply"

Then, Sir, before it was amended, it was mentioned, "... it may allow the consumers in the agricultural sector to be charged less than fifty per cent for a maximum period of three years from the date of commencement of the Ordinance." Now, they could say that they have brought an amendment. We have to look into the whole Bill, particularly the Statement of Objects and Reasons.

Again, the proposed amendment, which has been brought by the hon. Minister, says:

"(3) The State Commission, while determining the tariff under this Act, shall not show undue preference to any consumer of electricity ..."

Sir, still there is a mischief. That is my point. It enables anyone to move to the court of law. The Statement of Objects and Reasons of the Bill would be cited and the above mentioned portion would also be cited as if some undue preference is being given to the farmers or some other section.

When we accept that the farmers should not be equated with others, when we accept that the State Governments have got the right, that right to fix the tariff, to give the benefit to the farmers should continue. Why should you use the words, 'undue preference'?

We should not fail to understand one point. The farmers sweat of their brow through their hard labour and are bringing the foodgrains to feed the millions and millions of population. When they use pumpsets, due to fluctuations in electricity, their pumpsets get damaged.

SHRI VARKALA RADHAKRISHNAN : I have moved an amendment. Will you support it? ... (Interruptions)

SHRI VAIKO : I am coming to that point. I will not miss any point.

When their pumpsets get damaged, they have to spend Rs.4,000 to Rs.5,000 towards repair. Who is there to compensate them? Therefore, the right of the State Governments to give the concession to the farmers should be there. There should not be any attempt of encroachment. There should not be any attempt of trampling upon the right of the State Governments. Therefore, I would request the hon. Minister to accept the amendment moved by Shri Varkala Radhakrishnan on this. The words, "undue preference" should be deleted.

When the hon. Minister has been kind enough in bringing an amendment and when he accepts our demand, what is wrong in accepting his amendment? This is my point. I am compelled to say this because I am taking up the cause of the farmers. There is no political point. It is the cause of the farmers. Therefore, Sir, I express my resentment and I conclude my speech.

MR. CHAIRMAN : Now I call upon Shri Ramdas Athawale to speak. Kindly conclude within three minutes. Normally you get more time. Please cooperate.

">SHRI RAMDAS ATHAWALE (MUMBAI NORTH-CENTRAL): Sir, my party has got four Members. Please allow me to speak for ten minutes.

सभापति महोदय, मंत्री महोदय द्वारा जो यह बिल लाया गया है, यह राज्य सरकारों के अधिकारों पर अतिक्रमण करने वाला बिल है। यह बिल जो इतनी जल्दबाजी में लाया गया है, क्या राजनैतिक दबाव से लाया गया है?

इलेक्ट्रिसिटी से ही किसी देश के मानव की प्रगति होती है।

इस बिल में इलेक्ट्रिसिटी के निर्माण के सम्बन्ध में कुछ भी नहीं कहा गया है। इसके लिए कोई योजना बनाने की जरूरत है। कमीशन बनाने से काम नहीं चलने वाला है। कमीशन बहुत से बनते हैं लेकिन इससे प्रगति होने वाली नहीं है। आपने कहा है कि कमीशन का चेयरमैन ६५ वर्ष का सुप्रीम कोर्ट का रिटायर्ड जज होगा, मैं इसका विरोध करता हूँ। अगर उसमें इतनी ज्यादा उम्र का चेयरमैन रहेगा तो काम ठीक से नहीं होगा। ६० साल से ऊपर की उम्र का अध्यक्ष नहीं होना चाहिए। चेयरमैन का कार्यकाल पांच साल का होगा, मेरे हिसाब से यह तीन साल का होना चाहिए।

आजादी के पचास साल बाद भी बहुत से लोग अंधेरे में रहते हैं। मुम्बई में स्लम्स में काफी लोग अंधेरे में रहते हैं। उनको बिजली देने के सम्बन्ध में विचार करने की जरूरत है। इसके साथ-साथ ग्रामीण इलाकों के किसान बिजली के लिए एप्लीकेशन देते हैं तो उनको बिजली नहीं मिलती। उनको जल्दी से जल्दी बिजली देने के सम्बन्ध में विचार करना जरूरी है। जब बिजली का करेंट लग जाने से किसी की मृत्यु हो जाती है तो उसे मुआवजा देने के सम्बन्ध में माननीय मंत्री जी को विचार करना चाहिए। हमारे मंत्री जी को बहुत अच्छा अनुभव है। उन्हें यहां का भी अनुभव है। उन्हें वहां का भी अनुभव हो जाएगा। वह एक ऐक्टिव मिनिस्टर हैं। इस बिल के सम्बन्ध में जल्दबाजी करने की जरूरत नहीं है। ऑल इंडिया लैबल पर इसकी चर्चा करने की जरूरत है। आप सभी राज्यों के मुख्यमंत्रियों से इस सम्बन्ध में चर्चा करें। आज आपको इस बिल पर अपनी सहयोगी पार्टियों का और कई प्रदेशों के मुख्यमंत्रियों का भी समर्थन प्राप्त नहीं है।

आज हर स्टेट में स्टेट इलेक्ट्रिसिटी बोर्ड हैं, उसके चेयरमैन और मैम्बर्स हैं। आज ऐसे कमीशन को बनाने की जरूरत नहीं है। मैं अपनी पार्टी की तरफ से इस बिल का विरोध करता हूँ। मैं कुमारमंगलम जी से प्रार्थना करता हूँ कि आप इस बिल को वापस लेने का प्रयत्न करें और इसमें संशोधन करके अगले सेशन में यह बिल लाने का प्रयत्न करें। आप इसके लिए संसदीय समिति नियुक्त करने की घोषणा करें। उसमें दोनों साइड्स के मैम्बर्स हों। इसके बाद इस पर विस्तार से बहस होनी चाहिए। इन शब्दों के साथ मैं इस बिल का विरोध करता हूँ। मेरे और भी बहुत से प्वाइंटस थे।

... (व्यवधान)

आज शेडयूलड कास्टस और शेडयूलड ट्राइब्स के लोगों को बिजली नहीं मिलती।

... (व्यवधान)

मुझे अभी और बोलने का समय दिया जाए।

MR. CHAIRMAN : Shri Athawale, please cooperate with the Chair. The time allotted for discussion on the Bill is only one hour but we have already taken a lot of time. Please cooperate with the Chair.

SHRI RAMDAS ATHAWALE (MUMBAI NORTH-CENTRAL): Sir, I am cooperating.

सभापति महोदय, मैं इस बिल का विरोध करता हूँ। जब तक मंत्री जी इस बिल को वापस नहीं लेते, तब तक मैं कैसे बैठ जाऊँ ?

MR. CHAIRMAN: Nothing will go on record.

(Interruptions)\*

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">SHRI N.K. PREMCHANDRAN (QUILON): Respected Chairman, Sir, this Electricity Regulatory Commission Bill has come up before this House when our country is facing an acute shortage of power.

I oppose the consideration of this Bill because this Bill is lacking national consensus. The implications and consequences of this Bill are far-reaching. So, if the Bill is passed in such a hurry without considering the objections raised by the Opposition, it would be against the principles followed by the country in the 73rd and 74th Constitutional Amendments.

We are living in the era of decentralisation. This is a Bill which is aiming at centralisation of power. I would like to suggest and appeal to the hon. Minister not to be in a hurry in considering and passing this Bill except in having a national consensus and it should go for further discussion and evidence either to the Select Committee or the Standing Committee on Energy.

This is absolutely abrogating and infringing the powers which are conferred upon the States. There is no doubt about it which has already been mentioned here.

I would like to enlighten this House that clause 13(b) is meant to regulate the tariff of the generating companies other than owned or controlled by the Central Government specified in the clause if such generating companies enter into or specialise in a composite scheme for generating electricity in more than one State.

I would like to cite an example. If power is generated in a particular State and that particular State is having an electricity tariff, where the autonomous right or the right of the State to sell the power to the neighbouring State is there, then if certain restrictions are being imposed, it is curtailing the autonomous rights of the States. That is why I would like to repeat that this is a Bill which is abrogating or infringing the rights which are conferred upon the State as a State subject.

Also, I would like to mention clauses 29 (3) and (5) and I am fully supporting and endorsing the views which have already been expressed by Shri V. Radhakrishnan and Shri Vaiko. That is about undue preference. What is meant by undue preference? The subsidy on power or any subsidy or benefit is being given to the downtrodden people and the poor people of this country.

Is it an undue preference? It is also a restriction imposed upon the people, a restriction upon the State that they should do this and that. What is the interest? The country is facing power shortage, I do agree. This Bill is only regulating the tariff and all these things. If the Bill is intended to or purported to generate more power, that is not

the intention. The intention is to curb the subsidy. According to this Bill, the subsidy given to the farmers is an undue preference. It is enlightened from this Bill.

So, I would like to say that these subsidies should be continued and the autonomous rights and rights which are being conferred upon the State should not be taken away. Also, regarding generation, transmission and distribution, there are heavy transmission losses. Even though we are generating more power, we are not able to utilise it. All these things have to be taken into consideration. They should be rectified without taking away the powers of the States.

I would like to say regarding the Central pool distribution also. The State of Kerala is having acute power shortage. We requested the hon. Minister to allocate power from the Central pool. So far, it has not been allocated and also I appreciate the Minister for having enhanced the capacity of the Kayamkulam Thermal Project to 2,500 megawatt. I appreciate that also and once again I request and appeal to the hon. Minister to send this Bill to the Standing Committee on Energy or Select Committee for further discussion and evidence.

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श्री शैलेन्द्र कुमार (चैल) : माननीय सभापति महोदय, आपने मुझे विद्युत विनियामक आयोग बिल पर बोलने का मौका दिया, इसके लिए बहुत-बहुत धन्यवाद। मेरे दल की तरफ से माननीय मोहन सिंह जी आदि सम्मानित सदस्य बोले। उन्होंने इस बिल का विरोध किया। माननीय मंत्री जी ने विद्युत विनियामक आयोग बनाने की बात कही है। मुझे यह बात सही नहीं लगती।

जहां तक राज्य सरकारों पर बोझ डालने की बात है, मैं सुझाव के तौर एक बात यह कहना चाहूंगा कि आयोग में यदि सलाहकारों की नियुक्ति हो तो ज्यादा अच्छा था। इसमें संसद सदस्यों और विधान सभा परिषद के सदस्यों को रखा जाए। मंत्री जी ने जिस प्रकार से आयोग बनाने की बात कही है, मैं माननीय मंत्री महोदय को याद दिलाना चाहता हूँ कि अनपरा विद्युत परियोजना, फिरोज गांधी ताप विद्युत परियोजना, शक्ति नगर, सिंगरौली जो कि मध्य प्रदेश के बॉर्डर पर है, वहां की उत्पादन क्षमता पर विशेष रूप से ध्यान दिया जाए।

मैं किसानों से जुड़ी बिजली की बात के सम्बन्ध में भी कुछ कहना चाहूंगा।

आज किसानों को बिजली की दरों में छूट नहीं दी जा रही है और उन्हें बहुत तंग किया जा रहा है। सही मायनों में प्रदेश की सरकारें जो १८ घंटे बिजली देने की बात कहती हैं, वह उन्हें नहीं मिल पाती है और उन्हें बहुत दिक्कतों का सामना करना पड़ता है। सब-स्टेशनों की हालत बहुत खराब है। आप जहां भी देखें वहां स्टाफ की बहुत कमी है, सब-स्टेशन सही रूप से काम नहीं कर रहे हैं। विद्युत वितरण प्रणाली में भी आमूलचूल परिवर्तन लाने की आवश्यकता है।

19.41 hrs (Shri V. Sathiamoorthy in the Chair)

सभापति महोदय, मैं एक बात कहना चाहता हूँ कि जो विद्युत की कटौती है वह शहरों में की जाए, देहात के एरियाज में ज्यादा बिजली देने की जरूरत है। चूंकि देश के ७६ प्रतिशत किसान गांव में निवास करते हैं। चाहे उनकी सिंचाई से संबंधित समस्या है या कटाई, मढ़ाई से संबंधित समस्या है, उनकी रोजमर्रा की जिंदगी बिजली से जुड़ी हुई है। मैं जल विद्युत पर जोर देकर कहना चाहूंगा कि हमारे यहां बहुत सी नदियां हैं, जिनसे बिजली का उत्पादन करके हम जल विद्युत की उत्पादन क्षमता को ज्यादा कर सकते हैं। इसी तरह से थर्मल पावर पर भी विशेष ध्यान देने की आवश्यकता है जिससे कि उनकी उत्पादन क्षमता को बढ़ाया जा सके। कभी-कभी विद्युत का निजीकरण करने की बात कही जाती है, जो कि बहुत गलत है। जो व्यवस्थाएं हमारे सामने हैं, चाहे जो भी इस विभाग की दिक्कतें या सहूलियतें हैं, लेकिन इसका निजीकरण नहीं करना चाहिए। प्रतिवर्ष हर पंचवर्षीय योजना में बजट बढ़ाया जाता है। इनको नियंत्रित करते हुए जितने भी थर्मल पावर स्टेशन या विद्युत की व्यवस्थाएं हैं वह विद्युत विभाग ही करे। अतः इसका निजीकरण न किया जाए। इन्ही शब्दों के साथ अंत में मैं यह कहना चाहता हूँ कि माननीय मंत्री जी द्वारा प्रस्तुत इस बिल का मैं विरोध करता हूँ।

">1942 hours

DR. T. SUBBARAMI REDDY (VISAKHAPATNAM): Mr. Chairman Sir, now the biggest football match is going on. Some Members are opposing it and some Members are for passing it. (Interruptions). I find that there is a lack of communication. The philosophy of the Bill is to regulate the electricity generation, transmission and distribution. We all appreciate it, but, at the same time, there are a number of loopholes and defects. A number of hon. Members are very much afraid and concerned that this Bill might come in the way of giving subsidy to the farmers because everybody is interested in the farmers' and poor men's welfare activities.



Now, the Ruling Party is going to pass the Bill because they are in a majority. All our friends have gone for tea and coffee and they are not present here. (Interruptions). Our hon. Minister of Parliamentary Affairs, Shri Madan Lal Khurana is a very clever man. (Interruptions).

I would like to say that 17,000 mws of power was the only increase in the Eighth Plan. As far as the Ninth Plan is concerned, already one year is over and the Government is proposing 40,000 mws of power generation. Perhaps, it may be very difficult. The entire country is reeling under the shortage of power. The prosperity and progress of the country depends on the power generation. So, I would like to say that all the 545 Members must stand for power production.

MR. CHAIRMAN : Dr. Reddy, you are having extraordinary powers. You can contribute.

... (Interruptions)

DR. T. SUBBARAMI REDDY : I sleep only for four hours because I am having extra powers. I am active for 20 hours with different social, political, spiritual and cultural activities. (Interruptions).

I quote the hon. Member, Shri Varkala Radhakrishnan's amendment which says: "shall not show undue preference". It is poor English. Our hon. Minister, Shri P.R. Kumaramangalam is having a vibrant personality in any language and jurisprudence. Why does he put little different English. Everybody wants it in simple words. The farmers and poor people's subsidy should not be wiped away by this Bill. The hon. Minister is bringing this Bill to help the nation. That is his philosophy. However, our people are thinking that it is going to harm them. So, it should be made simple. (Interruptions). Anyway, the Government is going to pass this Bill because they are in a majority.

My submission is that 40,000 mws should be produced in the Ninth Plan. This is a challenge to the hon. Minister. Our hon. Minister is a very dynamic man. (Interruptions). No new project is coming in India in spite of our dream. There are some red-tapisms and there are some problems. Some State Governments agree but the Central Government does not agree.

Otherwise the Finance Minister does not agree. If all the three agree, there will be foreign collaboration problems. So, something or the other is coming in the way and nothing is moving. We want that God, Ishwar, Allah must help us to give power to the entire nation without effort.

In this Regulatory Bill, they must add one more thing. As on today, in India, only 30 per cent efficiency is being achieved in generation, distribution and transmission whereas in advanced countries, eighty per cent efficiency is being achieved. So, with Shri Kumaramangalam's dynamism, it must increase to at least sixty per cent. This he must take as a challenge. Shri Baalu, do you agree with me or not?

DR. T. SUBBARAMI REDDY : Of course, he can. Why not? Nothing is impossible for him. He will prove it. Do not under estimate Shri Kumaramangalam. What do you think of him? He will definitely do it. When Shri Jogi mentioned about quorum, immediately quorum was there. So, what is impossible for him?

Passing the Bill or not passing the Bill is not the question. The Bill will get passed though I have to oppose it because we have taken a policy decision to oppose it. But that is not the point. The point is that it is a good and noble cause. Electricity is not a film making, electricity is the most important thing for human life and for modern society. Without generation and transmission of electricity, no modern energy will come from human life. Therefore, let us be united and fight this problem out. It is a big task before the Government. My request is that the hon. Minister should take into consideration various suggestions given by all the Opposition Members, who are also intelligent people and who are also Members of Parliament. Even Shri Radhakrishnan will have a sound sleep if you give consideration to his modification also. He is not asking anything for himself. His only worry is what you call...(Interruptions)

AN HON. MEMBER: Undue preference.

DR. T. SUBBARAMI REDDY : Undue preference is a very vague word. What is the meaning of 'undue preference'? Shri Kumaramangalam once said that State Governments have got full liberty to give subsidy. If Electricity Boards give subsidy, they should not become sick. The State Governments should reimburse and make the State Electricity Boards as strong as the ruling party now is. That is what he wants. We want a more stronger ruling party, like the Opposition party, the Congress party, by allowing more modifications because the Congress party has been the strongest all these years. Therefore, even though the Minister is proposing and various friends are supporting it consciously and judiciously, I also feel that the basic principle and philosophy of the Regulating Bill is to build up a more efficient system of transmission, distribution and generation of electricity and to solve the problem, for which I congratulate, appreciate and admire him. But, at the same time I request him to make everybody feel happy by accepting all their

amendments, modifications, this and that and make it a complete, beautiful panchshakti in such a way that this Bill should help in nation's prosperity. Therefore, I support the Bill with modifications and I oppose the Bill without modifications.

">SHRI TATHAGATA SATPATHY (DHENKANAL): Mr. Chairman, Sir, thank you for giving me this opportunity to speak on an important subject which is not only foremost in the minds of the Members of Parliament but is also being discussed by the common man.

Sir, I support the Bill in all its totality, but I have certain doubts about the intention of this Bill because it has been in vogue now and at least in India, we know it since long - and one of the strongest proponents of this idea was Mahatma Gandhi - that small is beautiful. Therefore, decentralisation is an idea which is in focus right now all over the world. We are also trying it out in India in every sphere.

But somehow it seems as if this Bill--maybe that is not the intention --is going against the spirit of decentralisation. If we talk about a Central Regulatory Authority and State Regulatory Authorities, the very word 'regulatory' seems a bit scary because what are we regulating? We are not regulating generation, we are not regulating distribution, we are not regulating efficiency and we are not regulating losses that are incurred in all the SEBs all over India due to bad transmission. We have to incur tremendous losses due to transmission and that is solely because of very poor efficiency at the level of State Electricity Boards. We all know that all over the world, if there is no power, there is no life today.

It is not only the farmer who is interested in getting subsidised power. But in a country like India where we are desperately trying for industrialisation and especially in the backward States where there are no industries except in certain clusters in the Western part of the nation, we are very much interested that power be supplied at a steady pace and at a rate that is affordable not only by the farmer but by the industrialist also. But if you go through this Bill, you will find that there is a move to bring about a parity in tariff. I welcome this move to bring about a parity. But the question is : parity with what? Suppose the hon. Minister decides that he will bring about a parity with the rate of Enron, the rate at which it is selling power in Maharashtra, then I do not think that farmers or small scale industrialists in Orissa or other backward States like Bihar, West Bengal or even Uttar Pradesh would be able to pay that rate. So, parity with what? He can bring about parity with the United States of America or he can bring about parity with Sri Lanka or Pakistan. So, that is the moot point which I hope the hon. Minister, if he is listening to me, will elucidate on and tell us what he thinks is the meaning of 'parity'.

Sir, as you know, in Orissa, the late Biju Patnaik was an innovative man and he was the first to bring about privatisation in the power sector. The Orissa State Electricity Board which is called GRIDCO now has ....

MR. CHAIRMAN : It is enough Sir.

SHRI TATHAGATA SATPATHY : Sir, I am just finishing.

It has taken a lot of steps in privatisation. But we find that although there is privatisation, yet there is no transparency as far as ensuring efficiency in the organisations is concerned. So, unless there is efficiency in the organisation, unless there is increase in the production of power and unless there is a thought given to the farmer

and the small industrialist, this Power Regulatory Commission, which is an attempt to centralise power at Delhi-level, could prove counterproductive.

Thank you, Sir.

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श्री के.डी.सुल्तानपुरी (शिमला): सभापति महोदय, मैं मंत्री महोदय द्वारा इस सदन में प्रस्तुत किए गए केन्द्रीय विद्युत विनियामक आयोग और राज्य विद्युत विनियामक आयोगों की स्थापना, विद्युत टैरिफ, सहायिकियों के संबंध में पारदर्शी नीतियों, दक्षतापूर्ण और पर्यावरणीय हितकर नीतियों के संवर्धन के सुव्यवस्थीकरण और उससे संसक्त या उसके आनुषंगिक विषयों का उपबन्ध करने वाले विधेयक का विरोध करने के लिए खड़ा हुआ हूँ।

सभापति महोदय, जैसा यहां सदन में ज्यादातर माननीय सदस्यों द्वारा कहा गया है और विशेषरूप से विपक्ष ने सुझाव दिया है कि इस बिल को संसद की स्थायी समिति को विचार के लिए भेज दिया जाए, मैं भी उसी विचार का हूँ। यदि इसे संसद की स्टैंडिंग कमेटी में भेज दिया जाएगा, तो वह इस पर अच्छी प्रकार से विचार करके अपने सुझाव दे सकती है।

सभापति महोदय, मैं यहां हिमाचल प्रदेश के बारे में कुछ तथ्य प्रस्तुत करना चाहता हूँ। हिमाचल प्रदेश में बिजली उत्पादन की बहुत बड़ी क्षमता है, लेकिन सरकार ने उस तरफ ध्यान नहीं दिया है। हिमाचल में पानी से पन बिजली २० हजार मैगावाट तक बनाई जा सकती है जिससे न केवल हिमाचल की आवश्यकता की पूर्ति होगी अपितु संपूर्ण उत्तर भारत को बिजली भेजी जा सकेगी। इसमें सरकार का कोई विशेष खर्च भी नहीं होना है।

सभापति महोदय, रीआर्गेनाइजेशन के बाद, हिमाचल प्रदेश, पंजाब और हरियाणा बने, लेकिन केन्द्र सरकार ने हमेशा हिमाचल प्रदेश के साथ अन्याय किया और उसके ७.१९ प्रतिशत बिजली का जो हिस्सा देना तय हुआ था, वह अभी तक नहीं दिया गया है। आज तो आपकी ही सरकार वहां है और आपकी ही सरकार यहां है। मेरा आपसे आग्रह है कि आप विशेषरूप से हिमाचल प्रदेश के हिस्से की बकाया बिजली की धनराशि को दिलाएं ताकि उस पैसे से प्रदेश के विकास का काम किया जा सके।

सभापति महोदय, यहां खुराना साहब नहीं बैठे हैं। मैं बताना चाहता हूँ कि राजस्थान, पंजाब, दिल्ली और हरियाणा के मुख्य मंत्रियों का पिछले दिनों एक सम्मेलन हुआ था उसमें यह बात आई थी कि हिमाचल प्रदेश हमें बिजली दे। हमारा जिन राज्यों पर बकाया है, वे हमारा पैसा नहीं दे रहे हैं। न पंजाब हमारा बकाया दे रहा

है और हरियाणा दे रहा है। जो एक्ट के अंदर प्रावीजन किया गया, जो एग्रीमेंट के समय तय हुआ, वह हिस्सा ही हमें अभी तक नहीं मिला।

श्री शंकर प्रसाद जायसवाल (वाराणसी): बिजली हमें नहीं देंगे, तो इतनी बिजली का क्या करेंगे?

... (व्यवधान)

श्री के.डी.सुल्तानपुरी : जहां तक जज की बात है, आप उसको भी नहीं मान रहे हैं। आप महिलाओं को भी रिजर्वेशन नहीं दे रहे हैं। आपने वहां पुरुषों का ही हवाला दिया है। मेरा कहना है कि महिलाएं भी उसमें शामिल करनी चाहिए। मैं आपसे हाथ जोड़कर प्रार्थना करता हूँ कि जिस प्रकार से आप काम करना चाहते हैं, वह बिलकुल चलने वाला नहीं है। यह सरकार ठीक प्रकार से काम नहीं कर रही है। मेरा आपसे पुनः आग्रह है कि हिमाचल प्रदेश की ७.१९ प्रतिशत के हिसाब से बकाया राशि को आप दिलाएं। हमारी ४००० मैगावाट बिजली पैदा करने की जो क्षमता है उसका दोहन करने के लिए केन्द्र सरकार को हिमाचल प्रदेश सरकार को मदद करनी चाहिए। इन्हीं शब्दों के साथ मैं इस बिल को वापस लिए जाने की प्रार्थना करता हूँ।

MR. CHAIRMAN : Shri Bwiswmuthiary. He is the last speaker in this debate and after him, the hon. Minister will reply to the debate.

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">SHRI SANSUMA KHUNGGUR BWISWMUTHIARY (KOKRAJHAR): Honourable Chairman, Sir, the hon. Minister of Power and the learned Members of this House, I would like to draw your attention to the untold sufferings and troubles which are being faced by the Bodoland populace because of the negligence of the Government of Assam as well as its State Electricity Board authorities. There is no well established infrastructure for electricity in the remote areas. For example, in my own native village which is called Goybari village in Bongaigaon district, there is no electrification and because of the dearth of this facility millions of downtrodden, indigenous tribal people have been facing a lot of problems in respect of their socioeconomic life, in respect of their cultivation irrigation and also in respect of their industrial activities.

20.00 hrs. Within the proposed Bodoland Territory, we have got one Thermal Power Station which is called Bongaigaon Thermal Power Station located at Salakati. This project was set up during 1980. Before setting up of this station, the Assam Government convinced the indigenous tribal people to lend their landed property for setting up the said project. With a high hope and expectation of getting facilities, the local tribal people had given their landed properties. A large number of foresteries have been destroyed in the name of setting up of that very project. Now, what is happening? Due to certain conspiracies of the concerning authorities themselves that project is forced to the jaws of death. This project is located within the Bodoland area. The Assam Government having got the defeatist mentality that Bodoland is going to be created and if this difficult project is not either leased out or sold out to any other foreign company Assam Government will be put to heavy loss it is planning to lease out that biggest Thermal Power Station located in the Bodoland area to one American company. But the provisions to avoid such a thing have not been made in this Electricity Regulatory Commission, Bill, 1998

So, I would like to appeal to the hon. Minister to direct the State Government of Assam to set aside that sort of a detrimental idea. We all the indigenous tribal people, various trade unions, labour unions, employees' organisations and associations have been strongly opposing that move. So, I would like to appeal to the Central Government to direct the Assam Government to give up that very idea which is very detrimental. I also appeal the Government to take very concrete steps at the national level to provide electricity at subsidised rates to the tribal farmers. It should provide a well defined rural electricity system in the entire areas of Scheduled Caste schedule Tribes and backward and the backward people of the whole country. SHRI P.R.

KUMARAMANGALAM: Sir, firstly I am very grateful for the participation of the hon. Members...  
(Interruptions)

MR. CHAIRMAN : Mr. Minister, you have already spoken for an hour while introducing the Bill itself. So, a very limited explanation is expected by the hon. Members.

... (Interruptions)

श्री दत्ता मेघे (वर्धा) : सभापति महोदय, मुझे भी इस बिल पर बोलना है। आप मुझे दो मिनट बोलने दीजिए।

... (व्यवधान)

मैं नागपुर की फ्लाईट से सीधा यहीं आ रहा हूँ।

... (व्यवधान)

आप मुझे बोलने नहीं दे रहे।

... (व्यवधान)

यह क्या बात है? ... (व्यवधान)

MR. CHAIRMAN: Please cooperate with the House. The Minister has already started his reply. You were not at all present in the House. Before your arrival, I called Mr. Minister.

... (Interruptions)

MR. CHAIRMAN: The time allotted was one hour. You came after three hours.

... (Interruptions)

SHRI P.R. KUMARAMANGALAM: It is not proper. Sir, I move that the Bill be taken into consideration.

श्री दत्ता मेघे (वर्धा) : मेरे हाथ में कुछ नहीं है।

... (व्यवधान)

मैं नागपुर से सीधा यहीं पर आ रहा हूँ।

... (व्यवधान)

MR. CHAIRMAN ;

If such a system is allowed, then the House cannot be properly conducted. The Minister has already been called by the Chair to begin his reply.

... (Interruptions)

SHRI P.R. KUMARAMANGALAM: I moved that the Bill be taken into consideration.

... (Interruptions)

MR. CHAIRMAN: Mr. Minister, you can continue.

श्री दत्ता मेघे : सभापति जी, आप मुझे केवल दो मिनट बोलने का समय दीजिए। ... (व्यवधान)

PROF. P.J. KURIEN : Mr. Chairman, Sir, please allow him to speak for at least two minutes. ... (Interruptions)

MR. CHAIRMAN: The hon. Member was not available.

... (Interruptions)

PROF. P.J. KURIEN : I request you, Sir, to please allow him to speak for two minutes.

MR. CHAIRMAN: You are requesting, but it will not be proper. You know very well that I have declared Shri Bwismuthiary as the last speaker. When I said that he was the last speaker, at that time, he was not present. When the hon. Member finished his speech, at that time, he was not available here. So, I asked the Minister to speak.

SHRI P.R. KUMARAMANGALAM: I do not want to take much time, Mr. Chairman, Sir. Only a simple point was raised that why only tariffs, why is there no regulation dealing with generators, cost of generation of power etc. I would draw the attention of the hon. Member to Clause 22 (c) and (d) of the Bill. It is very specific. ... (Interruptions)

SHRI DATTA MEGHE : Sir, in protest, I want to walk-out.

MR. CHAIRMAN: It is your right.

20.08 hrs

(At this stage, Shri Datta Meghe left the House.)

SHRI P.R. KUMARAMANGALAM: Sir, Clause 22 (c) says :

"to regulate power purchase and procurement process of the transmission utilities and distribution utilities including the price at which the power shall be procured from the generating companies ..."

Some others had an issue of whether the State Commission ... (Interruptions)

PROF. P.J. KURIEN : The hon. Home Minister is here. I would like to submit one thing.

SHRI P.R. KUMARAMANGALAM: You do not even request me to yield.

MR. CHAIRMAN: You are not permitted because the Minister is not yielding. Mr. Minister, you can continue with your reply.

PROF. P.J. KURIEN : Do you not want our cooperation? It is very bad.

SHRI P.R. KUMARAMANGALAM: You do not deem it fit even to request me to yield.

MR. CHAIRMAN: The Minister need not reply to anybody else. The Minister is expected to reply to the discussion on the Bill alone.

PROF. P.J. KURIEN : Sir, the Minister is yielding. I am only submitting this much that the Government needs the cooperation of the Opposition also. In a democracy, cooperation is important between the Treasury Benches and the Opposition. We have assured you that we will cooperate in passing all the Bills. One of our hon. Members, whose plane was late, came straightaway from the airport to the House. He only pleaded for two minutes' time. I am sorry to say that the Treasury Benches are not accommodating even such a request from the Opposition. This is not the way the Government should function. I am telling you that this is not the way.

MR. CHAIRMAN: The Opposition leader should not speak in this way. At the time of concluding the discussion, the concerned Member was not available in the House.

PROF. P.J. KURIEN : That is why, we made a request to you.

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): There will be a second reading. At that time, he can say a few words. He is replying only to the first reading.

SHRI P. R. KUMARAMANGALAM: I think, through you, I should clarify that very carefully I was on my feet. (Interruptions) You can call him right now.

If I may point out, the situation that many people have thought that this Bill does not deal with anything other than tariff, is a misapprehension. In fact, Clause 22 (c) and (d), both clearly indicate that they deal with not only the cost of generation issue, not only the cost of transmission, but also losses of transmission and also efficiency of SEBs. The idea is that this matter can be considered comprehensively and consumer interests are specifically provided for in Clause 26. Today you do not have a forum where a consumer can go and appeal and be heard in the matter of cost.

With regard to the other issues whether it is interfering in the State jurisdiction, I would like to point out that, in fact, this is the first Bill which has come in the arena of electricity which has been a concurrent subject, where the State has been given an option. I think the hon. senior Member on the other side, who is not there, mentioned 'may' being interpreted as 'shall'. It is because being a lawyer, being aware that such interpretation is possible, I added the words "if it deems fit" so that the State Governments may remain genuine 'may' and the option remains the genuine option. Today under this Bill, as it stands now with my amendments, the State Government has the option to implement or not to implement it. This is an enabling provision for the State Governments. If they wish, there are other State Governments like the Orissa Government, the Government of Andhra Pradesh and the Government of Haryana to come out with their own legislations. We have accorded our total assent to those Bills to show that we are not trying to intervene in what is considered to be part of the concurrent jurisdiction which they hold. Here, with regard to the provision providing for undue preference, I think my friend should point out, if I may submit, to Shri Vaiko -- he has also left -- very clearly that the amendment which I have brought forward reads as follows: -

"The State Commission while determining the tariff under this Act shall not show undue preference to any particular consumer of electricity, but may differentiate'

It is very clear.

"but may differentiate, according to the consumers either load factor"

That is, if you are a very high consumer or a very low consumer of power.

"Total consumption of energy during any specified period or the time at which the supply is required or the geographical position of any area,"

That is, tribal, for example.

"the nature of supply"

The type of supply, whether it is high tension, low tension.

"and the purpose for which the supply is required."

For example, if it is for farming, if it is for poor single hut dwellers for which we have a system of subsidies, the differentiation can be given.

These words "under preference", are in fact not words which are formed for the first time for the Electricity Act. It is very clearly enshrined in Section 49 (4) of the Electricity Supply Act, 1948. It is lifted verbatim from there. What has been added is in fact "but may differentiate". Those first two lines are lifted verbatim from Section 49 (4). It is not a new enactment which I have brought in.. (Interruptions) In the original Section 49 (4), it says that in fixing the tariff and terms and conditions of supply of electricity, it shall not show undue preference to any person.

SHRI VARKALA RADHAKRISHNAN : That is used in another context. That is why, I moved the amendment.

SHRI P. R. KUMARAMANGALAM: It is used in the context of tariff. Section 49 says : -

"Provision for sale of electricity by Board to persons other than licencees."

That is, consumers. It is in Section 49 (4), these words are used. I am specific about it. These are not the words which I have invented. These are not words which have been borne out of my mind. These are the words which are there in sub-section (4) of Section 49 of the Electricity Supply Act of 1948.

I do believe that sub-clause (3), which has been introduced by me, is very clear in allowing differentiation in so far as the purpose for which the supply is to be required - agriculture.

I want to make it clear that the purpose of this Act is not at all in any way to say that agriculture should not be given subsidised tariff or free power should not be given even to the single-hut dwellers or the poor people or the tribal people. But the only thing it says is that when you do that, after the cross-subsidisation that you have done between electric power on the one hand and maybe total free power on agriculture, if there is a balance left and it is required that a subsidy must be given by the State Government to ensure that the Electricity Board does not go into financial ruin so that there is generation, then there is a future. If there is no power in the State, what free power are you going to supply? What is the use of trying to fool ourselves? You are not going to achieve anything. So, all I request is that keeping this in mind, you should cooperate.

Our objectives are clear. We are very clear that where subsidy has to be given, that subsidy, after cross-subsidisation, must be made available by the State Governments. That is there in the original Act. But the unimplementability of the original Act was due to the fact that enforceability was not there. When a State Government did not make good the loss of the SEB, three per cent return on investment, there was no way in which it was implementable. Today, it is implementable under this Act by a regulator. It is only to ensure that there is some stability in the power arena so that there is a future for this nation. We are very conscious.

As I said openly, only 30 per cent of the households in India have power. Seventy per cent of the houses in India do not have power. Do you not think it is our responsibility to ensure that every citizen gets at least one bulb in his house? We have a Kutir Jyoti. We subsidise from the Central Government at the rate of Rs.1000/- per connection in respect of a hut. Why do we do that? It is because we believe that the poor need to be supported.

We believe the people in the tribal areas, the farmers, if I may say so, those who are not the haves, they need the support. We are not against it. But you can only support within what you have got. If you go beyond what you have got, ultimately, in the long run, you create a situation which has happened today. Today, we have got about 15 per cent straight shortage in power. In terms of peaking power, they say, it is 12 per cent. We are in such a situation.

2018 hrs. (Mr. Speaker in the Chair)

My friend Shri Baalu was talking of 45 cycles being the frequency on the grid in Ramagundam Thermal Station. Let me tell one small technical detail. Add 48 cycles to the Southern Grid...(Interruptions)

think you agree with me.

SHRI P.R. KUMARAMANGALAM: You are correct. That is all. Of course, it is not 50. When you are minus 500 in Tamil Nadu, minus 800 in Andhra Pradesh, minus 600 in Karnataka, minus 250 in Kerala, you are, on an average, minus in the whole Southern region. There is no way in which you are going to get 50 cycles until you have enough generation of power. You know it and I know it. That is the reality. But how long are we going to allow this reality to kill us? My pleading is this. It is not a question of voting. It is for you to understand that this Bill is an enabling Bill. This Bill is brought forward only from the point of view of enabling those States which want to reform their sectors to ensure that they have greater generation capacity, those States which are honest enough to say that they will provide subsidy to those people. We believe that is their first priority. Whether they be the farmers or the single-hutments, it is something which is a policy decision. Any subsidy is a policy decision of the Government of the day - whether it is the Government of the State or the Government at the Centre.

I can tell you one thing. From our side, we are moving to give subsidised loan to the SEBs, through the Rural Electrification Corporation (REC). It is meant to every single rural area. Today, there is a situation where many SEBs are not able to take the loan.

They have not even got the ability to receive a loan. I do not have to mention the names of the States. The situation is quite bad. I think, I have taken enough time. Therefore, without going too much into it, I would only reply to one point raised by Shri Shiv Shankar. I think, he needed to realise that I had raised the same point which he had raised. But then there was one argument which was important. There is a possibility of a judge voluntarily resigning and being less than 65 years of age. They said, "why are you closing out that option?" I said, "all right, it is not fair for me to close out any option. But a judge is not compulsory. The judge is optional both at the State level and at the Central level. It is an option provided in consultation with the Chief Justice at that particular level."

With this, I would request that the hon. Members do take my Bill into consideration and permit me to move this Bill for being passed. I would request my hon. friend Shri Basu Deb Acharia who is going to reply on the Statutory Resolution to realise that I am not trying to force anything. That is an option. If there is any State Government which thinks that this law is not fit enough for them, it can come up with its own law in the manner in which we have given the total consent for assent. I think, he can be convinced that we are not interested in curtailing the rights of the States. We are enabling the States.

With your permission, I would request the House to pass this Bill.

(ends)

SHRI VAIKO : Can you kindly consider the amendment moved by Shri V. Radhakrishnan?

SHRI P.R. KUMARAMANGALAM: I think, you were not there when I replied to this point. I can say that there are undue words and under preferences...(Interruptions)

MR. SPEAKER: Shri Vaiko, he has already replied to this point when you were not present in the House.



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SHRI BASU DEB ACHARIA (BANKURA): Mr. Speaker, Sir, I think, he has made a good suggestion. All the Members from the Opposition have also suggested that this Bill should not be passed hurriedly. The Government, the Cabinet decided to convene the Parliament on the 25th of April. The Ordinance was promulgated the next day, that is, on the 26th April, the day after the Cabinet decided to summon the Parliament.

This Bill was introduced on the 14th of August, 1997 and at that stage also we were supporting the Government from outside. We had expressed our apprehension at that time also and because of our opposition, the Bill was referred to the Standing Committee at that time. The BJP was in the Opposition. They also wanted that the Bill be referred to the Standing Committee for an indepth study and scrutiny. The Standing Committee deliberated on the Bill and took two decisions. One was to take the views of the State Government and the second was to circulate the Bill for eliciting public opinion as it concerned millions and millions of poor people of our country.

We need electricity. It is indeed a fact that electricity now reaches 30 per cent of our population. What had been our experience during this panchayat elections?

All the villages are well connected with roads. People want only electricity now. Each village has now been provided with a school. But there are still villages where there is no electricity. The only demand from the rural people is 'Give us electricity. Give us life'.

Because of all this, we want that this Bill be referred to the Standing Committee. Even when the Bill was introduced, there was a difference of opinion. Even some of the ally parties were against some of the provisions of the Bill. Even Sardar Surjeet Singh Barnala also expressed his reservations against some of the provisions of the Bill. The AIADMK and some other parties had also expressed difference of opinion. Shri Vaiko had expressed his views on one of the provisions of the Bill. The amendment has been moved by the hon. Minister today when there is an opposition even from the ally parties. Heavens will not fall if they can wait for another 15 days. The Standing Committee on Energy has already been constituted and they can take up this Bill. There is no hurry. They can deliberate, discuss and take the opinion of the State Governments also.

There have been two Conferences of the Chief Ministers before this Bill was drafted. May I know from the hon. Minister whether this was the only recommendation of the Chief Ministers' Conference on Minimum Programme for Poor. The problem is that most of the SEBs are in a bad shape. Is it because that power is being supplied to the farmers at a cheaper rate? If that be so, why is there power crisis in Delhi where power is not being supplied to the farmers at a subsidised rate? So, this is not the only reason.

Mr. Speaker, Sir, while moving the Bill, he had referred to the power situation in my State. It is not a fact that the demand is not there and because of that, there is surplus power in the State of West Bengal. This was not the situation a decade ago. Ten years ago, there was power crisis in West Bengal also. There is one thermal power station in my town known as Santhal Power Station whose plant load factor is 22 per cent.

In that particular power plant what is the plant load factor today? It is now 56 per cent, even more. The same is the case with Bandel and Kilaghat and other power stations. Now the plant load factor of all the plants of SEBs is even more than the national average. All this could be done without any reform in SEBs.

MR. SPEAKER: Shri Acharia, please conclude.

SHRI BASU DEB ACHARIA : While moving the Resolution I was not allowed to speak. So, I should be given at least double the time. The Minister spoke for 45 minutes. He read out 15 pages in order to convince us. Even after speaking for 45 minutes he could not convince us.

Shri V. Radhakrishnan has moved a very simple amendment that undue preference should not be given to anybody. Shri Vaiko has supported that amendment. Dr. T. Subbarami Reddy has also supported it. What is the intention, what is the motive stated in the Statement of Objects and Reasons? It is stated:

" It is made mandatory for State Commissions to fix tariff in a manner that none of the consumers or class of consumers shall be charged less than fifty per cent of the average cost of supply. It enables the State Governments to exercise the option of providing subsidies to weaker sections on condition that the State Governments through a subsidy compensate the SEBs."

I would like to know whether any provision can be made mandatory for the State Government? He has, however, moved an amendment. But he has not changed the State of Objects and Reasons. It is written there that it will be mandatory for the State Government. It infringes upon the rights of the State. Many people have raised objections to it. So I am raising the objection. I have this apprehension. I have to express my apprehension. He has not removed our apprehension.

SHRI V. DHANANJAYA KUMAR : Under what rule is he allowed to speak so long?

MR. SPEAKER: He is the mover of the Statutory Resolution. He should not be obstructed. Let him complete his speech.

SHRI BASU DEB ACHARIA : If West Bengal State Electricity Board can improve its performance, if it can improve all its power plants without any regulatory commission, then what is the need and what is the urgency for these measures?

I request the hon. Minister at least to listen to our suggestion to refer the Bill to the Standing Committee. The Report of the Standing Committee will be with us by the first week of the next phase of this Session. At least this suggestion should be accepted. Otherwise, what is the use of setting up of the Standing Committees? The earlier Standing Committee could not finalise its Report. So, at this stage, I request the hon. Minister to refer this Bill to the Standing Committee. Thank you.

(ends)

MR. SPEAKER: Shri Basu Deb Acharia, are you withdrawing your Statutory Resolution?

SHRI BASU DEB ACHARIA: How can I withdraw it unless the hon. Minister accepts the simple amendment of Shri Radhakrishnan and my suggestion to refer the Bill to the Standing Committee? I am not withdrawing my Statutory Resolution.

MR. SPEAKER: The question is:

"That this House disapproves of the Electricity Regulatory Commissions Ordinance, 1998 (No.14 of 1998) promulgated by the President on 25 April, 1998."

The motion was negatived.

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MR. SPEAKER: Shri Varkala Radhakrishnan, are you withdrawing your amendment No.4 to the Motion for consideration?

... (Interruptions)

SHRI BASU DEB ACHARIA : He has not spoken on his amendment.

SHRI P.R. KUMARAMANGALAM: I am sorry, there is no procedure which says that he has to speak on his amendment.

SHRI BASU DEB ACHARIA : But he has not spoken on it.

SHRI P.R. KUMARAMANGALAM: He has already spoken.

MR. SPEAKER : Are you withdrawing your amendment No.4?

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): No. I am pressing my amendment.

MR. SPEAKER: Now, I shall put amendment No.4 moved by Shri Varkala Radhakrishnan to the vote of the House.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th September, 1998." (4)

The motion was negatived.

MR. SPEAKER: The question is:

"That the Bill to provide for the establishment of a Central Electricity Regulatory Commission and State Electricity Regulatory Commissions, rationalization of electricity tariff, transparent policies regarding subsidies, promotion of efficient and environmentally benign policies and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

MR. SPEAKER: The House shall 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

MR. SPEAKER: Shri Radhakrishnan, do you move your amendment No.5?

SHRI VARKALA RADHAKRISHNAN : Sir, I may be allowed to speak a few words.

MR. SPEAKER : At this stage, you cannot speak. Do you want to move your amendment or withdraw it?

SHRI VARKALA RADHAKRISHNAN : I move my amendment No.5.

I beg to move:

Page 3,-

after line 11, insert-

"(c) the Chairperson of the State Electricity Commission shall be the Member, ex-officio." (5)

MR. SPEAKER: I shall put amendment No.5 moved by Shri Varkala Radhakrishnan to the vote of the House.

The amendment was put and negatived.

SHRI VARKALA RADHAKRISHNAN : Sir, I wanted to speak something on this amendment.

MR. SPEAKER: This is not allowed in the procedure. How can you speak at this stage? The amendment has already been negatived.

... (Interruptions)

SHRI P.R. KUMARAMANGALAM: You have no right to speak on it now.

MR. SPEAKER : Please be seated.

... (Interruptions)

MR. SPEAKER: No, this is not the procedure. It has already been negatived.

... (Interruptions)

MR. SPEAKER: The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 12 were added to the Bill.

Clause 13

MR. SPEAKER: There is an amendment to Clause 13. Shri Varkala Radhakrishnan, are you moving your amendment?

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): I beg to move:

Page 7, line 2,-

after "clause (a),"

insert "with the concurrence of the concerned States," (6)

MR. SPEAKER: Now, I put amendment No.6 moved by Shri Varkala Radhakrishnan to vote.

The amendment was put and negatived.

MR. SPEAKER: The question is:

"That clause 13 stand part of the Bill".

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14 to 16 were added to the Bill.

Clause 17

Amendment made:

Page 8,-

for lines 3 to 6

substitute--

"17. (1) The State Government may, if it deems fit, by notification in the Official Gazette, establish, for the purposes of this Act, a Commission for the State to be known as the

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(name of the state) Electricity Regulatory Commission.". (1)

(Shri P.R. Kumaramangalam)

MR. SPEAKER: The question is:

"That clause 17, as amended, stand part of the Bill".

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clauses 18 to 28 were added to the Bill.

Clause 29

Amendment made:

Page 13,--

for lines 26 to 47

substitute--

"(3) The State Commission, while determining the tariff under this Act, shall not show undue preference to any consumer of electricity, but may differentiate according to the consumer's load factor, power factor, total consumption of energy during any specified period or the time at which the supply is required or the geographical position of any area, the nature of supply and the purpose for which the supply is required.

(4) The holder of each licence and other persons including the Board or its successor body authorised to transmit, sell, distribute or supply electricity wholesale, bulk or retail, in the State shall observe the methodologies and procedures specified by the State Commission from time to time in calculating the expected revenue from charges which he is permitted to recover and in determining tariffs to collect those revenues.

(5) If the State Government requires the grant of any subsidy to any consumer or class of consumers in the tariff determined by the State Commission under this section, the State Government shall pay the amount to compensate the person affected by the grant of subsidy in the manner the State Commission may direct, as a condition for the licensee or any other person concerned to implement the subsidy provided for by the State Government". (2)

(Shri P.R. Kumaramangalam)

MR. SPEAKER: The question is:

"That clause 29, as amended, stand part of the Bill".

The motion was adopted.

Clause 29, as amended, was added to the Bill.

Clauses 30 to 36 were added to the Bill.

Clause 37

MR. SPEAKER: There is an amendment to Clause 37. Shri Varkala Radhakrishnan, are you moving your amendment?

SHRI VARKALA RADHAKRISHNAN : I beg to move:

Page 15, line 17,-

add at the end-

"and there shall be adequate provision for information regarding action taken under this Act". (7)

MR. SPEAKER: Now, I put amendment no. 7 moved by Shri Varkala Radhakrishnan to vote.

The amendment was put and negatived.

MR. SPEAKER: The question is:

"That clause 37 stand part of the Bill"

The motion was adopted.

Clause 37 was added to the Bill.

Clauses 38 to 50 were added to the Bill.

Clause 51

Amendment made:

Page 17,--

after line 16, insert--

"Provided that different dates may be appointed for different States." (3)

(Shri P R Kumaramangalam)

MR. SPEAKER: The question is:

"That clause 51, as amended, stand part of the Bill."

The motion was adopted.

Clause 51, as amended, was added to the Bill.

Clause 52 to 61 were added to the Bill

The motion was adopted.

Mr. Speaker: The question is :

" That clause 1, Enacting Formula and Long  
tittle stand part of the Bill"

The motion was adopted.

Clause 1, Enacting Formula and Tittle weres added to the Bill"

SHRI P.R. KUMARAMANGALAM : Sir, I beg to move :

" That the Bill, as amended be passed"

MR. SPEAKER : The question is :

" That the Bill, as amended, be passed"

The motion was adopted

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MR. SPEAKER: Now, the House shall take up item nos. 26 and 27.

... (Interruptions)

SHRI BASU DEB ACHARIA : Sir, please adjourn the House now. We shall take it up tomorrow. ...  
(Interruptions)

SHRI K. BAPIRAJU (NARSAPUR): Kindly do not impose it now, Sir. ... (Interruptions)

SHRI P.R. KUMARAMANGALAM: Sir, it was decided that those Bills would be passed without discussion.  
They are PF and Gratuity Bills. ... (Interruptions)

MR. SPEAKER: Shri Basu Deb Acharia, please understand it. These are all small and non-controversial Bills.  
We can pass them without discussion.

... (Interruptions)

SHRI K. BAPIRAJU : Please do not say whether it is small or big. Everything is important. ... (Interruptions)

MR. SPEAKER: Shri Basu Deb Acharia, you can move the Statutory Resolution.

... (Interruptions)

SHRI BASU DEB ACHARIA : Sir, we can take it up tomorrow and not today. ... (Interruptions)

MR. SPEAKER: It is a small Resolution. ... (Interruptions)

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): Sir, in the morning, it was pointed out that these  
are Ordinances that had been issued by the earlier Government. The only new Ordinance was the one that we

have just now passed. Otherwise, the other Bills are all to replace the earlier Ordinances. Therefore, it was agreed, by and large, that we would pass them without discussion. ... (Interruptions)

SHRI BASU DEB ACHARIA : No. It cannot be done without discussion because we have a number of amendments. ... (Interruptions)

SHRI L.K. ADVANI: In that case, we will have less time for the General Budget discussion. ... (Interruptions)

SHRI BASU DEB ACHARIA : We can take it up tomorrow. ... (Interruptions)

MR. SPEAKER: Shri Basu Deb Acharia, you must understand one thing. Tomorrow, we have to take up the discussion on the General Budget which is an important business. Please understand the position.

... (Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS, MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION (SHRI RAM NAIK): If we do not do it now, we would not have sufficient time for discussing the General Budget. ... (Interruptions)

MR. SPEAKER : There are only two days are left to discuss this.

... (Interruptions)

SHRI N.K. PREMCHANDRAN : So far, you were asking us to pass some Bills without discussion. Now you have started asking us to do the same for the Ordinances also. ... (Interruptions)

MR. SPEAKER : They are all old Ordinances and not new Ordinances.

... (Interruptions)

SHRI RAM NAIK: I would again appeal to all the hon. Members. These are Ordinances which had been issued against the Ordinances issued by the previous Government. ... (Interruptions)

SHRI BASU DEB ACHARIA : We know that. ... (Interruptions)

SHRI RAM NAIK: My point is this. we can pass them tomorrow also, if you are agreeing for passing them without discussion. ... (Interruptions)

SHRI N.K. PREMCHANDRAN : No. Please do not say so. ... (Interruptions)

SHRI RAM NAIK: Then there would be less time for discussing the General Budget. ... (Interruptions)

SHRI BASU DEB ACHARIA : Kindly do not insist on that today because the House is to adjourn at 9 o'clock. ... (Interruptions)

SHRI RAM NAIK: We have another ten minutes within which we can pass them. ... (Interruptions)

SHRI BASU DEB ACHARIA : It cannot be done in ten minutes. ... (Interruptions)

SHRI RAM NAIK: We thought that you would cooperate. ... (Interruptions)

SHRI BASU DEB ACHARIA : Please take the Opposition into confidence at least for a while. ... (Interruptions)

... (Interruptions)

SHRI AJOY MUKHOPADHYAY (KRISHNAGAR): This is not fair...(interruptions)



डा. शकील अहमद (मधुबनी) : जब इधर थे तो कहते थे कि डिस्कशन होना चाहिए, आज वहां बैठे हैं तो कहते हैं कि डिस्कशन नहीं होना चाहिए। बगैर डिस्कशन के बिल पास नहीं होना चाहिए, कभी भी बिना डिस्कशन के बिल पास नहीं होना चाहिए। (interruptions)

SHRI VARKALA RADHAKRISHNAN : When an important legislation is there, we have got the right to speak on it...(interruptions)

MR. SPEAKER: We have to begin the discussion on the General Budget tomorrow.

SHRI BASU DEB ACHARIA : These items can be completed by lunch break.

PROF. P.J. KURIEN (MAVELIKARA): In the BAC, it had been decided that the House will sit upto 9 p.m. and the decision was also that we will pass these Bills. Now, the Electricity Regulatory Commission Bill has taken more time. As the hon. Home Minister and also the Minister of Parliamentary Affairs have said, my suggestion is that these Bills may be passed. It is because ordinances had been promulgated. Instead of insisting to pass them without discussion, we may have a short discussion and pass one more Bill today. It is important to pass the Payment of Gratuity Bill because it is to increase the ceiling of gratuity from Rs.1 lakh to Rs.4 lakhs. I would suggest that we should take up this Bill and pass this Bill today and tomorrow, we may take about one hour or so and pass the other two Bills also. This is a via media because they also want to make some points on them.

SHRI BASU DEB ACHARIA : It has been decided in the BAC that the House should adjourn at 9 p.m. Now, only six to seven minutes are left. I would take ten minutes to speak and then Shri Mukhopadhyay will speak for another ten minutes.

MR. SPEAKER: Shri Acharia, please cooperate.

MAJOR GENERAL BHUVAN CHANDRA KHANDURI, AVSM (GARHWAL): It was accepted that we should pass these two Bills.

SHRI BASU DEB ACHARIA : Shri Khanduri, the decision was taken in the BAC that the House may sit upto 9 p.m....(interruptions)

MR. SPEAKER: Shri Acharia, you are always seeing the clock and not the Chair.

SHRI BASU DEB ACHARIA : If the House is to adjourn by 9 o'clock, I will not be able to finish my speech within five minutes. I have many points with me.

MR. SPEAKER: You may first move the Statutory Resolution.

SHRI BASU DEB ACHARIA : I will move and I will speak. But the House should adjour at 9 o'clock as per the decision of the BAC. You may not worry because we also want that these two Bills concerning the working class should be passed...(interruptions)

SHRI RAM NAIK: We had a gentleman's agreement. If you do not want to observe it, then it is okay. We do not mind it.

MR. SPEAKER: Shri Acharia, please cooperate.

SHRI BASU DEB ACHARIA : But the House should sit upto 9 p.m.

SHRI RAM NAIK: Why upto 9 p.m.? You may take it up tomorrow...(interruptions)

MR. SPEAKER: He is moving Statutory Resolution listed at item No.26.

... (Interruptions)

SHRI BASU DEB ACHARIA : Do you want to change the order?

MR. SPEAKER: No, we have to go according to the serial number given in the Order Paper.

SHRI RAM NAIK: We are not agreeing to change the order of items....(interruptions)