

1st March, 1997 seeking to rescind certain notifications.

(12) G.S.R. No. 109(E), dated 1st March, 1997 seeking to make a technical amendment in the Customs Tariff (Determination of Origin of goods under the Agreement of SAARC Preferential Trading Arrangement) Rules, 1995.

(13) G.S.R. No. 138(E), dated 6th March, 1997 the amending Notification No. 104/95-Customs, dated the 30th May, 1995, to prescribe specific guidelines for valuation of inputs for the purpose of determining credit under Pass Book Scheme, together with an Explanatory Memorandum thereon.

[Placed in Library. For (1) to (13)  
See No. LT-1780/97]

#### REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION

SHRIMATI ILA PANDA (Orissa): Madam, I beg to present the Hundred and Thirteenth Report (in English and Hindi) of the Committee on Subordinate Legislation.

#### REPORT OF COMMITTEE ON PUBLIC UNDERTAKINGS

श्री एस.एस. अहलवालिया (बिहार): महोदया, मैं आपकी अनुमति से हिन्दुस्तान ऑर्गेनिक केमिकल्स लिमिटेड के संबंध में 46वें प्रतिवेदन (दसवीं लोक सभा) में अंतर्विष्ट सिफारिशों पर सरकार द्वारा की गई कार्यवाही संबंधी सरकारी उपक्रमों संबंधी समिति के चौथे प्रतिवेदन की एक प्रति (अंग्रेजी तथा हिन्दी में) सभा पटल पर रखता हूँ।

#### REPORTS OF THE DEPARTMENT- RELATED PARLIAMENTARY STANDING COMMITTEE ON PETROLEUM AND CHEMICALS

SHRI H. HANUMANTHAPPA (Karnataka): Madam, I lay on the Table a copy each (in English and Hindi) of

the following Reports of the Standing Committee on Petroleum and Chemicals:—

(i) Fourth Report on Action Taken by Government on the recommendations contained in Twenty-Sixth Report (Tenth Lok Sabha) on 'Institute of Pesticide Formulation Technology' (Ministry of Chemicals and Fertilisers, Department of Chemicals and Petrochemicals).

(ii) Fifth Report on Action Taken by Government on the recommendation contained in Twenty-Seventh Report (Tenth Lok Sabha) on 'Fertilizer Education Policy and Projects' (Ministry of Chemicals and Fertilizers, Department of Fertilizers).

#### STATUTORY RESOLUTION

Seeking Disapproval of the Telecom regulatory Authority of India Ordinance, 1997

and

The Telecom Regulatory Authority of India Bill, 1997

SHRI SATISH AGARWAL (Rajasthan): Thank you, Madam Deputy Chairman for permitting me to move the Statutory Resolution.

With your permission, I move:

"That this House disapproves of the Telecom Regulatory Authority of India Ordinance, 1997 (No. 11 of 1997) promulgated by the President on the 25th January, 1997."

Madam, while supporting the setting up of a Telecom Regulatory Authority, which will be a statutory one, I have moved this motion primarily for two or three reasons. I am deadly opposed, since beginning, to governance through ordinances. This Government is continuing with the practice of promulgating ordinances as was the case

in the earlier regime. In this Budget Session itself nearly 14 Ordinances have been issued. We are not finding enough time to discuss this Legislative Business and it is the primary function of Parliament to legislate. This is going to affect the lives of million of people in the country. If we legislate wrongly, then naturally people's life will be affected. So, I register my strong protest against this tendency of governance through ordinances. That is Ordinance Raj!

This House is well aware that since May, 1994, when the Telecom Policy was announced in the House, the previous Minister had brought before the House a non-statutory Telecom Regulatory Authority Bill to which the whole House opposed to, and the same was deferred or abolished. Now, the present Minister needs my compliments for introducing, at least, in the Lok Sabha this Bill on 23rd of July, 1996. I compliment him for his effort in such a short period.

उपसभापति: अजोब क्या कर रहे हैं आप?

**SHRI SATISH AGARWAL:** Issuing ordinances. I move my Statutory Resolution, but even then, if there is something good that the Minister is doing, I have to praise it.

**THE DEPUTY CHAIRMAN:** Sure.

**SHRI SATISH AGARWAL:** If he is not doing something or if something is lacking, as a friend I have to caution him. So, I have to caution him so that he doesn't pursue all those policies which were pursued by the former Minister during the period 1991—96.

आप उस राह पर नहीं जाइए इसलिए मैं आपको सावधान कर रहा हूँ। मानीय मंत्री महोदय आप सुखराम जी की राह पर मत जाइए इसलिए पहले से ही मैं सावधान कर रहा हूँ।

The Bill was introduced by the hon. Finance Minister in the Lok Sabha on 23rd of July, 1996. This Bill was referred to the Standing Committee on Telecommunications and the Report was tabled in the House in November, 1996. I would like to know from the hon.

Minister as to why he did not bring this Bill in the Winter Session of Parliament which ended on 20th of December, 1996. Why didn't you bring a Bill before this House as early as 1996? When was the decision taken by the Cabinet? Why did it take so long? You could have brought this piece of legislation before this House in the form of a Bill than in the form an Ordinance which you have brought now

Secondly, the recommendations of the Standing Committee on Telecommunications which comprises Members of both the House of Parliament contain certain modifications in the draft Bill. The Government has accepted some of the recommendations and has not accepted some of the recommendations. I would like to know the rationale behind the rejection of some of the recommendations of the Standing Committee. Why have those recommendations of the Standing Committee not been accepted by the Government? When the Committee comprises Members of Both the Houses belonging to various political parties and when there is a consensus and there is a report, what was the compulsion for the Government to reject those recommendations of the Standing Committee?

Madam, now a word of caution to the hon. Minister. So far as I am aware, you are trying to improve matters. Your sincerity is there. I am not doubting your sincerity. But the mess is so large, the bungling is so much, the scandals are so many that you will have to work hard. Now I will give you a few instances in this connection and that too on the basis of a Report of the Public Accounts Committee of Parliament which has been tabled in this House on 19th of March, that is, yesterday. On the basis of that I would like to draw your attention to certain glaring matters which you have to look in to. There had been savings. Now, before I dwell on the subject, there have been various complaints in this House regarding the telephone system working

in our country. In our families if anything is to be thrown away from the house, it is the telephone equipment. It is the telephone equipment which does not normally work and this is the position. The position is much worse in rural areas. We are receiving complaints from rural areas that the telephone system is not working. We have taken up the matter with GMPs of Jaipur. I have written letters to them. In a place in Sanganir tehsil, in a local village which is a panchayat headquarter—I have written a letter recently—the telephones are not functioning at all. The system is such, the equipment is such that the telephones are not functioning. There have been savings of Rs. 150 crores on the capital account. The long-distance transmission systems and the village public systems suffer on that account. There have been savings of Rs. 638 crores. As the Department was not concerned with regard to this capital expenditure on long-distance transmission systems and more particularly with regard to the village public telephone system, they have suffered on this account. The Department obtained a supplementary grant of Rs. 200 crores in March, 1995. But nothing was spent on UHF systems VHF systems, optical fibre systems, etc. No improvement was carried on. Our previous Telecommunications Minister—I am not charging you; I am only cautioning you—had purchased more equipment or more equipment was purchased by the Previous Minister than what was required. Please see the Report of the Public Accounts Committee.

I don't have that much time to dwell in detail on the recommendations of the Committee or on the observations of the Committee or on the criticisms of the Committee. The report is with me. Now Parliament sanctions certain sums to the Department. Under the Capital Head they have a saving of Rs. 638 crores regarding long distance transmission system and village telephone system. They have an excess expenditure of Rs. 710 crores against the appropriations granted and the budget sanctioned by

Parliament. The whole budgetary control in the Ministry of Communications has gone haywire. (*Interruptions*). I don't have the details regarding excess expenditure. They have purchased more equipment than were required. There has been a loss of stores. There are so many audit objections. Madam, you will be surprised to know that from 1980 to 1996 there are 8,675 audit objections involving an amount of Rs. 60 crores. Madam, Rs. 60 crores is not a big amount if we look at the bungalings that have taken place in the Department. But the audit objections are pending for the last 16 years. There is no reply. There is no resolution. There is no settlement. This is contained in the report. The Committee has expressed its surprise and anguish over the attitude of the Department. In the budgetary appropriations or reappropriations requisite sanctions have not been obtained from the Ministry of Finance. According to the Cabinet decision and according to the Circular of the Ministry of Finance, Mr. Minister, you are required to obtain prior sanction from the Secretary, Expenditure. But without obtaining those sanctions, you are incurring expenditure. You are appropriating and reappropriating. I am not on the point of misappropriations. The man is facing the music. For God's sake, please improve the financial discipline within the Ministry. There is excess expenditure against the budget sanctioned. There is shortfall in capital expenditure despite having supplementary grants. How is it going to help the Department? This Department is one of the important infrastructural sectors of our country. Unless there is improvement in the Department, I think India will be only dreaming of entering into the 21st century and of competing with the world. We cannot do it. Please try to find out who are those officers who have been involved in the loss of stores, in embezzlement, in misappropriation. It is not that only Runu Ghosh has been

demand while moving this Resolution—who are those officers, at whatever level, who are involved in all these bunglings, in all the scandals involving the Ministry of Communications for the last five years. You hand over all those cases to the CBI. Kindly make available all the documents to the CBI and cooperate fully with the CBI. Mr. Minister, you take drastic disciplinary action against them, if they are lower level officers. If they are senior level officers, hand them over to the CBI. Don't show any mercy to the senior officers. You may show some mercy to *chaprasis* or LDCs or UDCs who may not be involved in big scandals. I do hope that the Telecommunications Policy which was announced in this House with great enthusiasm in May, 1994, which is yet to take off even after the expiry of three years, will take off now. This is my good wish. But then there are various other problems that you have to address one example is that of grant of licence for basic telephone services. I would like to know, out of the 21 circles for which bidding was done, for which tenders were invited, how many operators started their work. Out of these 21 circles, in how many circles has the work started? How many licences were granted? How many have actually started functioning? How many cases are pending in courts? What is the problem? We have been putting these questions. We have been raising these issues. We have given notices for Calling Attention. We have discussed it in this House. But for how long? We will be wasting time by discussing the issue through Calling Attention and Short Duration Discussion. Mr. Nilotpal Basu knows this very well. He knows much more about the telecom sector than what I know. I do hope that he will support my Resolution so far as the Ordinance is concerned. So far as the setting up of a Statutory Telecom Regulatory Authority is concerned, we have fought tooth and nail for this purpose. Three years have been wasted in the setting up of the Regulatory

Authority. This should have been acceded to by the earlier regime in 1994 itself. When it was not agreed to, it led to a very unpleasant situation in this House when all of us on this side put up a stiff fight for it. Madam, I am not against the spirit of the Bill for setting up a statutory Telecom Regulatory Authority. But there are many shortcomings in the department. So, I am moving this Resolution. I have availed of this opportunity to bring to the notice of the Minister more changes that are required in the Bill. I request him to be firm. Be strict. Take drastic action against all those who are found to be involved in scandals and in bungling in the last five years and handover these cases to the CBI without fearing the political fallout of the same. With this, I move the Statutory Resolution. ...*(Interruptions)*... I don't disapprove the Bill I disapprove the Ordinance.

THE DEPUTY CHAIRMAN: He is disapproving the Ordinance. Agarwalji, are you going to withdraw it now, or at the time of passing. ...*(Interruptions)*...

SHRI SATISH AGARWAL: Later on. I want to hear the reply of the Minister.

THE DEPUTY CHAIRMAN: Mr. Fernandes...*(Interruptions)*... Mr. Minister, you please move the Bill. I thought we had already started the discussion because Agarwalji spoke so extensively on it. Mr. Minister, you please move it and then speak on it.

संचार मंत्री (श्री बेनी प्रसाद वर्मा): मैडम, मैं आपकी आज्ञा से प्रस्ताव करता हूँ कि:

“भारतीय दूरसंचार विनियामक प्राधिकरण, 1977 पर चर्चा की जाए।”

उपसभापति: आप बोल भी दीजिये, भाषण भी कर दीजिये जो आपको बोलना है।

श्री बेनी प्रसाद वर्मा: चर्चा शुरू हो गई है।

उपसभापति: नहीं-नहीं चर्चा शुरू नहीं हुई है। अगर कोई आर्डिनेंस आता है और आर्डिनेंस का कोई अपोज करता है तो अपोजर पहले बोलता है कि हम ये अपोज कर रहे हैं और उसके बाद आप मूव करेंगे तो आप

अपना भाषण कर दीजिये। Then I will call somebody else to speak

श्री बेनी प्रसाद वर्मा: मैडम, माननीय सतीश जी बहुत ही सम्मानित सदस्य हैं और मैं उनका बहुत आदर करता हूँ। उन्होंने जो विचार यहां पर रखे हैं उनसे हमको कार्य करने में काफी सहयोग मिल रहा है। अध्यादेश जारी करने का उन्होंने विरोध किया है। संसदीयपद्धति में अध्यादेश बहुत ही आवश्यक हो तभी जारी करना चाहिये, इस पर बहुत लम्बी बहस संसद में हो चुकी है। यहां हम तो जूनियर मोस्ट मेम्बर हैं। हमें ज्यादा काम करने का अवसर विधान सभा में मिला है और ज्यादा अपोजिशन में, सरकार में सिर्फ तीन बार। हम भी अध्यादेश के विरोधी हैं। अध्यादेशों के जरिये काम-काज चले, यह हमारे कॉस्टीट्यूशनल स्प्रिट के खिलाफ है, हम इसको मानते हैं। लेकिन अध्यादेश का प्रोविजन जो रखा गया है इसलिए रखा गया है कि सरकार के सामने जब बहुत ही आवश्यक स्थिति हो तो उसका इस्तेमाल करे।

कदाचित् माननीय अग्रवाल जी मुझसे सहमत होंगे कि सबसे पहले नान स्टेयूटरी बिल लोक सभा में जनवरी 1995 को लाया गया था। लोक सभा ने इसको पारित भी कर दिया था लेकिन माननीय राज्य सभा ने इस पर ऐतराज किया और यह स्टेडिंग कमेटी को चला गया। स्टेडिंग कमेटी ने स्टेयूटरी बिल की रेकमंडेशन की 1 जनवरी, 1996 में फिर आर्डिनेंस हुआ। मार्च 1996 में फिर दुबारा आर्डिनेंस हुआ और जून 1996 को जब हमको सेवा करने का अवसर मिला तो हमने इस आर्डिनेंस को लैस हो जाने दिया और जुलाई में हमने बिल सदन में इंट्रोड्यूज कर दिया। हमारी भावना बहुत स्पष्ट थी कि अध्यादेश नहीं, इस बारे में एक कम्प्रोमिसिव बिल ही सदन के सामने आना चाहिए और उस पर विचार होना चाहिए। उसके बाद यह बिल स्टेडिंग कमेटी के सुपुर्द हो गया। स्टेडिंग कमेटी की सिफारिशों हमें नवम्बर में प्राप्त हुईं। 20 नवम्बर से 20 दिसम्बर तक शीतकालीन सत्र चला इसलिए स्टेडिंग कमेटी की रिपोर्ट और रेकमंडेशंस पर विचार करने के लिए सरकार के पास सदन के चलते पर्याप्त समय नहीं था। इसमें थोड़ा विलम्ब हुआ। माननीय सदस्यों को शायद भ्रम वह बयान मालूम हो, जब हमसे प्रेस वालों ने पूछा कि क्या आप इस पर आर्डिनेंस जारी करेंगे या बिल पेश करेंगे। हमने यही उत्तर दिया कि हम आर्डिनेंस के पक्ष में नहीं हैं, कम्प्रोमिसिव बिल ही हम सदन के सामने लायेंगे। लेकिन इस बीच में कुछ व्यावहारिक कठिनाइयां विभाग में उत्पन्न हो गईं। मुझे यह कहने में कोई हिचक नहीं है कि

खासकर बेसिक सेलुलर टैरिफ, बेसिक सर्विसेज के जो लाइसेंस इश्यू करने थे, उनके एग्रीमेंट साइन करने थे, दुनिया के जितने भी प्रिजन्टेड साइन करने थे, वे सभी पूछते थे कि टी०आर०ए० बिल आपके यहां कब आएगा और इस बिल के बारे में सन्देश बना हुआ था, सिर्फ हमारे देश में नहीं बल्कि पूरे विश्व में कि रेगुलेटरी आथॉरिटी बनेगी या नहीं बनेगी। बगैर रेगुलेटरी आथॉरिटी के लोगों का विश्वास प्राइवटाइजेशन और लिबलाइजेशन में बन नहीं पा रहा था। इसलिए हमने मजबूरी में अध्यादेश में जारी किया और उसका हमें लाभ भी हुआ। सेलुलर आपरेटर्स हाई कोर्ट गए वहां उनको स्टे नहीं मिला। हमको यह कहने में कोई हिचक नहीं है कि उनसे उन्होंने कोई सम्पर्क नहीं किया। अगर उनको व्यावहारिक कठिनाई होती तो हम भी विचार कर सकते थे, उसको शार्ट-आउट कर सकते थे। लेकिन कारपोरेट सेक्टर की एक टेडेंसी हो गई है कि कोर्ट में चले जाओ वहां हमें फौन स्टे मिल जाएगा। लेकिन माननीय कोर्ट ने उनको स्टे नहीं दिया। फिर भी उन्होंने हम से सम्पर्क नहीं किया और वे डिवाजन बेंच में चले गए। डिवाजन बेंच में भी यही आर्डर हुआ कि टी०आर०ए०आई० कंस्ट्रिक्ट हो गई है, उसके मेंबर नामिनेट हो गए हैं, उसका चेयरमैन नामिनेट हो गया है, वह इस मैटर को शार्ट आउट करेगा। इसलिए हमने इस अध्यादेश को जारी करके अपने कामकाज को सुचारू बनाया है और जो इसमें व्यवधान पैदा करने का प्रयास किया गया उस व्यवधान को समाप्त करने के लिए मजबूरी में अध्यादेश जारी किया है। किसी अध्यादेश या अध्यादेशों के जरिए सरकारी कामकाज चले, इससे हम सिद्धान्ततः सहमत नहीं हैं।

श्रीमन्, मैं समझता हूँ कि इसके बारे में मेरा इतना स्पष्टीकरण पर्याप्त है और बाकी हमारी माननीय सदस्य जब इस आथॉरिटी के बारे में अपने विचार व्यक्त करेंगे, हम अपने उत्तर-भाषण में प्रयास करेंगे कि अपने अल्प ज्ञान से उनको संतुष्ट करें, यही हमको इस संकल्प पर कहना था। धन्यवाद।

*The questions were proposed*

SHRI JOHN F. FERNANDES (Goa): Madam, I rise to support this Bill to form the Telecom Regulatory Authority of India Bill, 1997. In fact, this Bill is long over-due because we have privatised this telecom service sector two years back. I would have been most appropriate if this authority was established first and then

we proceeded in privatising because we have called a lot of private investment in 21 circles.

As this Bill has already gone through the Standing Committee, I don't think we will have much objection against it. All the same, the Government should not have brought this Bill through an Ordinance, as has rightly been mentioned by my hon. colleague. He has already mentioned that all the recommendations of the Standing Committee are not incorporated in this Bill. I don't know what the objection of the Government is and I hope the hon. Minister will explain what the objections of the Government are because of which some of the recommendations could not be incorporated in the Bill.

Sir, this Authority is going to be a super-authority, superseding the obsolete Indian Telegraph Act, 1885. This is as old as the Congress party itself. This new Authority will be a super-authority. Again, there is going to be a Licencing Authority. This Authority, according to clause 14, I think, is going to sit in appeals also. The Government has mentioned that appeals against the orders passed by this Authority shall lie before the High Courts. But, Sir, this is a Central Authority. I think it would have been appropriate to avoid long litigation, that appeals against the orders of Authority should have been allowed to be preferred before the Supreme Court instead of High Courts because this Authority will sit in Delhi. If you say that appeals against its order should lie before the High Courts, then you are giving scope for litigation. The more the scope for litigation, the more is the delay.

I appreciate the efforts of the Government to constitute this Authority because there is now going to be a level-playing field simply because until now telecom was under the public sector. The Government was the monopoly so much so the service to the consumers, the public at large, was so bad that they

were held to ransom by the Government Departments.

Now the hon. Minister has mentioned that only disputes relating to licences will come before this Bench. The Minister has mentioned that there will be a Bench comprising the Chairman and two other Members which will hear the appeals. But he did not tell us who these two Members would be. I would like to know whether these two Members are from the Authority which the Minister said is going to comprise a Chairman and two-to-six other Members or whether they would be taken from outside. This aspect has not been clarified. The hon. Minister should clarify this point.

Sir, I welcome this Bill inasmuch as it has already created a lot of controversy. The Government has given licences to cellular telephone operators, radial telephone operators. The agreement was that when you telephone from a fixed telephone of MTNL to a cellular phone or a radial phone, the billing would be done as if it was a local call. But now the Government is saying that it will be commuted as a trunk call. Then there will be disputes and there is nobody to decide. And the consumer is just held to ransom. The consumers have to pay whatever the Government would say. I think it will be very appropriate if this Authority sits in judgement and decides such matters expeditiously. I would also like to request the hon. Minister to see that this Authority makes arrangements to hear disputes relating to excess billing also. Many complaints of exorbitant telephone bills are pending in the country. The consumer is forced to pay the exorbitant bill. Otherwise, his telephone connection would be disconnected. I would like to know whether such complaints will also come up before this Bench. If they do not come, then I think the Government can make a provision to stop litigation in the courts which will take years together and sometimes the Government is forced to

pay compensation because of the awards of consumer courts to which consumers can go. I think the Government can make a provision in the Bill saying that nothing will lie before any court, including the consumer forums and that any such disputes shall be preferred before this Authority. I would request the hon. Minister to promise us that there will be State-level Authorities also because this is going to be a Central Authority. If the Government proposes that there will be a local Authority, perhaps at the Circle-level, we will have such appellate authorities or smaller Benches who can sit and decide this type of cases. If this provision is made, I think it will be a boon to the consumers in this country. Yesterday we have mentioned this because this Bill is drafted on the pattern of any other existing statute relating to appellate authorities. Yesterday there was a unique authority, the Environment Appellate Authority. The maximum age limit for the Chairman was fixed at 70 years and here the Minister has fixed it at 65 years. I don't know why there is this discrepancy. Again, the members that you appoint cannot be in Government service. A person has to retire from the Government service. In a way, this is an in-built provision for rehabilitation of retiring bureaucrats. You have mentioned this in the Bill, hon. Minister. This means if a person has to join here, he has first to retire from the Government service. Why should you not take a serving officer, a young serving officer who can offer his services while retaining his lien on the post in his department and later he can go back? This provision should be incorporated in the Bill so that you can have better expertise available with you. It should not be for the rehabilitation of old retiring officers. They will take retirement just before their retirement is due and join here.

I think telecom under the Telegraph Act only will be covered by this Authority. We have telecom in the Railways also. They are also likely to use

cellular phones or the radial phones because they do not want to invest in optical fibre cables as these are very expensive whereas the telecom facility via satellite is very cheap. I would like to know whether the telecom services of the Railways or any other organisation will also be brought under this Regulatory Authority or not. Otherwise, there will be chaos in this field. Has the Government made any provision in this regard?

Then I want to mention about the 21 Circles. The Government had advertised and offered these services to the private sector, and big sharks have cornered all these licences. Some of the licences in certain Circles are not being operated, neither have those Circles being offered to other people. I would like to know whether the Government will refer this matter also to the authority to see to it that these Circles become operative and the services are extended to the consumers.

Again an issue was raised yesterday and that is very pertinent and relevant here. The hon. Minister replied yesterday that some telephone connections were sanctioned on priority basis to terrorists. I would like to know whether any provision for any clearance in this regard has been made here. If you want to have a cellular phone, you go across the counter and have it just for Rs. 15,000. I would like to know whether you will make some provision here for taking the clearance from the Police, especially in respect of applicants from terrorist-infected areas and border areas. The antecedents of an applicant should be verified by the Police before granting him a cellular phone. Otherwise, this facility can be misused.

THE DEPUTY CHAIRMAN: And the telephone cannot be tapped. A cellular phone doesn't....

SHRI JOHN F. FERNANDES: That is a very relevant point. Yesterday I received a parcel from my friend in

America. It was open. And today I read in the newspapers that the Government is tapping the phones and opening the mail. Madam, even my mail was opened. I got a parcel from Los Angeles yesterday. It was opened and they had put an Indian scratch-tape on it. The parcel came from America.

THE DEPUTY CHAIRMAN: What was the parcel?

SHRI JOHN F. FERNANDES: Just plain documents, Madam. So, that is a very relevant point raised by you. I don't know why the mail of even the Members of Parliament is being tampered with. You can make it out because the foreign tape has been removed and the Indian tape has been used. I don't know what the Government wants to do with our mail. Anyway, thank you for giving me this opportunity and I hope the Minister will clarify these points.

श्री बेनी प्रसाद वर्मा: महोदय, आज ही हमने इंडियन एक्सप्रेस में यह खबर पढ़ी है — उसके फ्रंट पेज पर। लेकिन हमारा क्वेश्चन आकर था लोक सभा में और उसके बाद टी०आर०ए० बिल पर डिबेट होनी थी। हमने भी इसको गंभीरता से लिया है और हम अधिकारियों से बात करेंगे जो इस तरह की शिकायतें आई हैं। अपने अधिकार क्षेत्र से बाहर हम किसी भी खुफिया एजेंसी को नहीं जाने देना चाहते हैं और अधिकारियों से बात करके इस संबंध में निर्देश जारी करेंगे।

SHRI JOHN F. FERNANDES: Madam, It is not a question of one parcel only. In States, every political party has dissident activities and the ruling party issues directions to the CID. They go and tap their telephones in connivance with officials inside, illegally. I have been told that the State Governments make some arrangement with the CID to collect some information. They pay to the driver the Minister's driver and all these people. This money is dished out to telephone officials to tap telephones because you get free information. Telephones of even Members of Parliament are being tapped. I would like to know whether the Minister will see that this rule is strictly

followed because they follow it illegally as there is nothing in black and white. Madam, this is happening. Madam, you rightly made that mention. I hope this precaution will be taken by the hon. Minister because liberalisation does not mean that we have to go against the interest and national security of the country. With this submission, I support this Bill.

THE DEPUTY CHAIRMAN: It is easy to tap normal telephones, but for tapping and keeping cellular phones under check, you need a special equipment which is quite expensive.

Well, we all are against tapping telephones—as you said rightly and there was a mention in the House about terrorist areas where nobody would know as to what is being talked on a cellular phone which can be carried anywhere by an individual.

श्री बेनी प्रसाद वर्मा: मैडम, सेलुलर के बारे में भी सरकार को सुरक्षा की दृष्टि से अगर मॉनिटरिंग की आवश्यकता हो तो यह फैसिलिटी होनी चाहिए। यह टैंडर कंडीशन में भी है। सेलुलर आपरेटर्स ने अभी उस टैंडर कंडीशन को फुलफिल नहीं किया है। हमने उनको 30 अप्रैल की फाइनल डेट दी है कि तब तक वे मॉनिटरिंग इक्विपमेंट अपने यहां लगा दें अदरवाइज़ हम कोई फरदर लीगल एक्शन में भी कर सकते हैं। और इसमें प्रावधान है कि अगर कोई आई०बी०, सी०बी०आई० कभी किसी का भी टेलीफोन टेप करना चाहती है तो उसको हमारे डिपार्टमेंट को नंबर लिख कर देना पड़ता है और हम उसको टेक्निकल फैसिलिटी उपलब्ध कराते हैं। अगर कहीं कोई उस का मिसयूज़ कर रहा है तो उसके लिए अभी हमने सी०बी०आई० से जांच कराया था कांग्रेस के माननीय संसद् सदस्यों का और सी०बी०आई० की रिपोर्ट उसमें आ गई थी इस तरह की टैपिंग को देखने के लिए अगर कोई राजनीतिक लोगों की तरह की बात हो या कोई भी हो तो उसके बारे में हमारा बड़ा खुला दिमाग है कि वह नहीं होना चाहिए। उसमें अगर कोई इस तरह की बात होती है तो कोई अधिकारी कोई भी गलती करता है, हमारे विभाग के कोई अधिकारी गलत तरीके से करता है तो हम उसके लिए कार्यवाही करने के लिए हमेशा तैयार हैं।

DR. GOPALRAO VITHALRAO PATIL (Maharashtra): Madam Deputy



Chairperson, thank you very much. First of all, I also join my leader in opposing this Ordinance (No. 11 of 1997) promulgated by the President on 25th January, 1997. This practice of governing through Ordinances in the largest democracy of the world should be despised and it should always be protested against. Madam, 19 Ordinances have been brought forward in this session only for approval by Parliament. This is not democratic; therefore, I oppose this Ordinance.

As far as the Bill is concerned, its purpose is quite sound. There should be Telecom Regulatory Authority in our country, and this is a must. Therefore, I support this Bill.

The second thing is telecommunications is the most modern technology in the world. People are already talking in terms of information, super high waves. Madam, Internet, E-Mail and many other methods of communications on short-waves and long-waves are causing many complications. Just now, we discussed about information being transferred to terrorists and smugglers without it being known to us. This is a very complex situation. Not only this aspect, but the other aspect is also very important. Madam, telecommunications in the world is a golden goose and it is a multi-billion industry. In India also it is developing very fast. Madam, we want to provide about 10 million telephones over and above the existing 12 million telephones. For this we have to make a huge investment of about Rs. 60,000 crores. That is why we have invited private and foreign capital investment and players in this field. Therefore, as I said, there are problems of inter-connectivity which is a very important aspect of this telecommunication business. It requires a lot of control. So, the TRAI is a welcome effort. I feel that before instituting TRAI more and more administrative work should been undertaken because the Authority is not so very perfect. For example, how will we be able to

determine the inter-connectivity charges because they are a very complex mechanism? The other example is that when you send E-Mail, people indulge in Internet practices. There are also different costing mechanisms in various foreign countries. We have yet to learn more from them. Therefore, when we want to form such an agency as TRAI, such persons who have the knowhow of these practices should be thereon it. This body should consist of those people who will be able to protect the interests of the consumers first in our country because we are going in for very high technology which is a very costly thing. Madam, our people need basic and working telephones first. Telephones are there, but they are not working. The cost of those telephones which are already in existing will also go high. This aspect will also have to be seen. Madam, my first suggestion is that in this Authority people should be from the consumers side, private sector and other people who are experienced and experts. At present the Chairman and other Members are from the Government. If this body has to work effectively this body should have those people who are experts and who can protect the interests of the consumers. This is my first submission. The second thing is about the age of the persons who will be there on this body. It should be 65 years. I feel they should retire at the age of 65. Madam, the problem is regarding the Chairman. There is a condition that he should be a Judge or he should be a retired Chief Justice of any High Court. Madam, the retirement age of Judges of the Supreme Court and the High Courts itself is 65 years and 62 years. How can these people become Chairman and Members of TRAI? This is my first apprehension due to the very fact that we want the retired people and the 'retired people' retire only after the age of 65 years. This is a contradictory thing which I would like to bring to the notice of the hon. Minister because here the retirement age of the Member is 65 years. This is one thing. The second

things is that all the members of this Committee will be from the Government side. It seems there will be six Members. I suggest that people who will be members of this Authority should be experienced and they should be in the knowhow of the various aspects even though they are younger. Younger people have the knowhow of modern technology whether it is video or audio or any other method of communication. How can old people understand the Internet? This is my first submission.

**THE DEPUTY CHAIRMAN:** You want that some technical people should be there on the Authority. ...*(Interruptions)*...

**DR. GOPALRAO VITHALRAO PATIL:** They should be experts in technical matters ...*(Interruptions)*... They should also be able to protect the interests of the consumers. The Government people should also be there. ...*(Interruptions)*...

**SHRI JOHN F. FERNANDES:** Madam, IAS Officers who are young, can keep their lien with the Government and can become members of this Authority. Why should they retire? ...*(Interruptions)*...

**SHRI S.S. AHLUWALIA (Bihar):** Madam, why should he doubt the integrity of the middle-aged persons? ...*(Interruptions)*... Young is young, it is all right. He should not suspect the integrity of others. ...*(Interruptions)*...

**THE DEPUTY CHAIRMAN:** My worry is about the knowledge and competence of the persons who will be there on this Authority. ...*(Interruptions)*... My worry is not about young or old. ...*(Interruptions)*... The persons who are going to be on this Authority should know something about telephones. Apart from a legal matters coming before it, there are other technical matters, as Mr. Patil says, with internet, with modern information echnology. Somebody should know what s happening. So, some member should

be specifically from the technical field. This is my suggestion to the Minister. If he cannot have the Chairman, at least, one of the Members has to be a technical person who knows these things. Then it will keep a check on the new system ...*(Interruptions)*...

**SHRI GOPALSINH. G. SOLANKI:** Madam, so far as the case of the Chairman is concerned, the age is prescribed as 65 eyars, whereas, High Courts Chief Justice and Judges of the Supreme Court are also retiring at the age of 65.

**DR. GOPALRAO VITHALRAO PATIL:** I am also saying the same thing.

**SHRI VAYALAR RAVI (Kerala):** Madam, the Bill says, 'A member shall be a person who has special knowledge of, and professional experience in telecommunication, industry, finance, accountancy, law, management and consumer affairs'. It can be more than one member. The young people with modern techniques of management may be recruited. Even campus recruitment could be done. Instead of going always for retired people, why not the Government think in terms of modern management technique or campus recruitment?

**THE DEPUTY CHAIRMAN:** Yes ...*(Interruptions)*...

**SHRI SATISH AGARWAL:** Modern management techniques are much different and advanced than the earlier ones.

**THE DEPUTY CHAIRMAN:** There is so much of unemployment for the youth. We should try to give them some employment somewhere ...*(Interruptions)*... we have to solve the problem of employemtn ...*(Interruptions)*... If we are going only for retired people then what is the youth going to do? ...*(Interruptions)*...

**SHRI S.S. AHLUWALIA:** Madam, we are creating so many refugee centres.

**DR. GOPALRAO VITHALRAO PATIL:** Madam, my next submission is,

TRAI should be an independent and its function should be transparent. Here, in this Bill, it is pointed out that TRAI should consult the Government and get some instructions even from the Government. That is not so very fair. It should be an independent body with transparent functioning.

The third point is, as I have already told you, there are so many problems and the most important is "inter-connectivity." This is a very costly business. As you might have heard, if a programme has to be televised then there are so many bids and so many big people come in the field. Therefore, I suggest that some preliminary work should be undertaken by the administration before TRAI comes into existence and all formalities of the cost structure should be taken into consideration.

The next thing is, Clause 35 requires prior approval of the Central Government. As I told you, prior approval of the Central Government should not be there because it is an independent body. Regarding the other provisions of the bill take, for example the functioning of the Telecommunications Department. The Telecommunications Department might be functioning independently. And TRAI is also there. So, the Telecommunications Department should be completely under the TRAI. That is my another suggestion. It should not interfere, in any way, with the TRAI. It should have the same norms as are there for the other private operators, that is, there should be a level playing field for the Department of Telecommunications as well as other parties who will be there. With these suggestions, I thank you so much for giving me this opportunity.

**THE DEPUTY CHAIRMAN:** Now, we have Mr. Nilotpal Basu. But, we have only five minutes for lunch. If you agree, I will adjourn the House five minutes early and we can meet five minutes early so that your speech is not disrupted. I know, you have done a lot of work on it,

so I feel that we can resume the discussion at five minutes to two. So, the House is adjourned for lunch.

The House then adjourned for lunch at fifty-five minutes past twelve of the clock.

**2.P.M.**

The House reassembled after lunch at three minutes past two of the clock.

[THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) in the Chair.]

The VICE-CHAIRMAN (SHRI V. NARAYANASAMY): We will continue the discussion on the Telecom Regulatory Authority of India Bill, 1997.

Mr. Nilotpal Basu.

SHRI NILOTPAL BASU (West Bengal): Thank you, Mr. Vice-Chairman. At the very outset, actually I want to derive a sense of pleasure because this Bill is definitely the product of the prolonged struggle that the then opposition conducted in this House. I think, in the statement which has prefaced the introduction of the Bill, the Minister himself has also admitted this fact in so many words when he referred to the case of cellular operators.

In fact, the Telecom Regulatory Authority is absolutely a *sine qua non* for the process of liberalisation in a sector like telecom. Unfortunately, Mr. Vice-Chairman, Sir, it does not speak well of this House. New, emerging areas are coming up the world over, more so in the developed countries. There is a very big debate going on, and the common idea that liberalisation essentially implies less of regulation, is actually being opposed. Liberalisation in the service sector should pre-suppose and pre-empt very strong regulation in order to defend and secure the interests of the consumers. Therefore, the process was prolonged almost to a couple of years. When the Bill was first introduced, a regulatory body was to be provided for without any

statutory rights. We raised this point and wanted the introduction of the private sector in the basic services before the formation of the regulatory authority. It is good that the Standing Committee of Parliament on the Ministry of Communications has made a threadbare study of the original Bill and has come up with very good recommendations. So, I would urge upon the hon. Minister that while replying, at the very outset, he should clarify why the five recommendations made by the Standing Committee have not been accepted by the Government. I would also urge upon the Government to apply its mind on certain suggestions which I am going to offer on the Bill. Though it is an improved Bill, yet there are certain inadequacies. These inadequacies arise out of the nature of the telecom services. The Minister will definitely agree that the telecom is basically a network service. It is a seamless service. It is again a network wherein we envisage several players. Smooth functioning of such a network can only be ensured, if the smaller piece of the network, the broad service providers, integrate to form really a seamless network.

Sir, in providing the universal access to the consumers of the telecom services the world over, there is an inbuilt element of cross-subsidy, because the initial commission is less than the actual cost. The gap between the two is made up through the tariff imposed on the services. While imposing the tariff, it has also been noticed historically all over the world that the subscribers with greater number of calls subsidise for the subscribers with smaller number of calls. But, in a monopoly situation there is an inbuilt element of cross-subsidisation. When multi-players come in a seamless network, it is very necessary that through the tariff measures the Authority ensures that the level of rent and the level of tariff paid by small users is maintained at a lower level. There have been studies which establish that the lower the rate of proportion of the per capital income to

GDP, the greater is the penetration of telephones. Since this is being discussed in the framework of the National Telecom Policy, it is very important to see that this authority, while working, ensures some continuity in terms of providing this cross-subsidy. Otherwise, it will adversely affect the penetration of the telephone density in this country, to which the entire policy is geared. Therefore, I think the element of universal access and the goal of achieving it within the shortest possible time should have been provided in the preamble of the Bill itself. I do not know how it can be moved at this stage. However, I would request the Minister to consider this specifically and bring forth an amendment. I think these are all inter-linked. Unless there is a universal access, this consideration of cross-subsidy cannot come in. Ultimately, it would affect the penetration. Therefore, universal access is a must. Then, there should be some consideration for protecting the interests of small consumers. I think that should also come as a part of the preamble. So far as the title of the Bill is concerned, this is again one issue which is being debated in the West especially opening up of the service sector and how to protect the consumer interests. So, this can be done either in the title of the Bill itself or the Government can come up with a subordinate legislation whereby some institutionalised mechanism for providing an office of the "Telecom consumers Public Council" can be there. Some people were talking about the industry. Some other people were talking about finance. Where is the specific safeguard for the interest of the consumers? I think under the office of the Telecom Consumers Public Council, there can be its branch at the State level, at the district level and at the Telephone Exchange level. So, from the grass-root level, there can be some kind of an institutional safeguard for protecting the interests of the consumers. In a sector like this where we are envisaging big private investment and that too foreign

investment, it is very essential to have some kind of an institutional safeguard to protect the interest of consumers. (Time-bell). I crave your indulgence. I have a few more points.

So far as qualifications for appointment to the posts of Chairperson and members and criteria for selection are concerned, these have been provided in Chapter 2. I think the words of the clause is such that it would give an impression that we are trying to facilitate the appointment of a serving Government servant or a retired Government servant as members of the Authority. Since, this is an Authority, people can come from all walks of life. What is important is, as Madam Deputy Chairman was remarking earlier, the issue is not actually the office occupied but in terms of the actual experience and the actual level of competence. So, I think it would be better if we specify particularly the operational experience in the telecom sector with certain years of experience in the operation of the telecom services. Secondly, people having financial background not in general terms, but in telecom finance should apply. These seats are becoming so specialised that persons having financial background in the power sector cannot make out anything in the telecom sector. one should possess financial background in the telecom sector only. So, I think it is necessary to have this specified that people having financial and operational experience in the telecom sector only need apply to the post of member. It should take care of the legal aspect also. The composition of the authority should be so comprehensive that it can cope with the emerging challenges. So, I would urge upon the Minister that some kind of specification is necessary.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Basu, you can give your suggestions to the hon. Minister because your time was eight minutes and you have exhausted that. kindly be brief.

SHRI SATISH AGARWAL: Mr. Nilotpal Basu has developed an expertise in telecommunications. So, eight minutes or 18 minutes is immaterial

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): If you give your party's time, it will be fine.

SHRI SATISH AGARWAL: I won't mind that.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Okay.

SHRI SATISH AGARWAL: But I will take more time for my party. You are so liberal. I know that

SHRI NILOTPAL BASU: That way, Mr. Narayanasamy will also be prepared to lend some of his time.

SHRI ASHOK MITRA (West Bengal): You mean the Vice-Chairman.

SHRI NILOTPAL BASU: I am not talking about the Vice-Chairman. I am talking about Mr. Narayanasamy in the Congress benches.

There is another point. Why am I bringing in these issues? We think that the authority must be very independent, very autonomous. But, at the same time, whether it is a question of national authority, whether it is a question of protection of the consumer rights, whether it is a question of other national interests, the point is that autonomy must be within a set of very strictly laid down parameters. Unless that is there, there may be a tendency of this authority also acting in an arbitrary manner. Therefore, I think it is very important that the composition of members must be very specified.

As you have directed me to be brief, Mr. Vice-Chairman, I will not take a long time. In clause 11(2) of the Bill, powers to notify rates have been referred to. I think it is necessary to mention that the authority may fix

differential rates for different persons or classes of persons to protect the interests of purely residential and small business consumers and of consumers in rural and other backward areas. In public interest and in furtherance of the objective of universal service, where different rates are so specified, the authority shall record its reasons for the same in writing. I am saying this again to protect the element of cross-subsidy which is there in the telecom services all over the world, but for which the growth of telecom services in the country will be adversely affected.

Then, I think we can provide for it in the rules, that the Government can bring it in as a subordinate legislation. Clause 11(4) is on transparency. How do we operationalise the concept of transparency that has been there? It is a very good addition in the Bill; I mean the concept. But it has to be elaborated.

Finally, there is another think. If not through an amendment, it can also be brought in by means of a subordinate legislation. That is with regard to an office of Telecom Consumers Public Interest Council. I think this is a very important concept emerging in all the other countries. So, in our country' context also, this has to be brought in. We are chartering an unknown path so far as our country is concerned. There are not only basic services, but there are other value-added services also like cellular operations, paging, radio-transtelephoning, E-Mail and Internet. I would like to respond to the issue which the Minister also mentioned about the cellular operators.

Now, Sir, this is not a one time business. A comprehensive thinking has to come in because these are very complicated concepts of accounting, of financing, and unless those comprehensive ideas do not come in so far as tariff is concerned, we will actually be paving the way for a very prolonged level battle in the courts. We have already seen that because of the unthinking way in which the whole telecom sector was opened up, the never-

ending battles in the courts have started between the private companies and the DOT. We have seen that also. I can say that with a sense of certainty that the whole project has failed. People have been putting various questions in that regard. The total number of circles is twenty. In respect of how many circles, have you been able to issue licences? The LOIs have been issued in respect of eight circles. But to my knowledge, only two LOI-holders have paid the licence fee, or maybe, one LOI-holder has paid the licence fee. The second LOI-holder may be on the threshold. But the point is, the National Telecom Policy already stands defeated because of the way in which the whole tender process had gone on, and because of the way in which the licence fee had gone up, the whole project has become unviable. While Parliament is empowering the Government with the Statutory Telecom Regulatory Authority, it is high time to ensure that we did not stand on ego that we will go ahead with the National Telecom Policy. There are amendments of a very serious nature, there are modifications of a very serious nature which have to be brought about in the whole framework of the National Telecom Policy because the essential pillar of that policy was the participation of the private sector. But the instruments that were chosen to ensure the participation of the private sector are not forthcoming. Sir, the telecom sector and the requirements of the telecom sector in this country are too serious an affair to be left alone, to the whims and fancies of the private sector. Therefore, within the framework of the National Telecom Policy, there should be ideals, there should be a vision that if that participation is not forthcoming within the resources and within the possibilities available to the Government, to the people of the country, what can we do in furthering the cause of the telecom sector in this country? With these submissions, I broadly support the Bill. But I will commend some of the ideas that are there, either through an amendment or

through a subsequent subordinate legislation. The Government can incorporate these concepts in the Bill.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The time left with the Congress party is twenty minutes. There are two speakers. Therefore, Mr. Mool Chand Meena, you confine yourself to the subject. Don't go to Rajasthan (*Interruptions*) When he speaks, he goes to Rajasthan. I told him not to go to Rajasthan.

श्री मूलचन्द मीणा (राजस्थान): उपसभाध्यक्ष महोदय, भारतीय दूरसंचार विनियामक प्राधिकरण विधेयक, 1997 पर चर्चा हो रही है। दूरसंचार के लिए यह विधेयक देरी से ही सही, पर मंत्री जी जो लाए हैं, इसके पीछे एक ही भावना है कि उपभोक्ताओं के हितों की रक्षा हो सके। मंत्री जी ने अपने भाषण में कहा था कि टेलीकाम का कामकाज सुचारू रूप से नहीं चल पा रहा है, इसमें कई व्यवधान पैदा हुए हैं, इसलिए उन सारी बुगइयों को दूर करने के लिए हम इस बिल को लाए हैं। आज जब हम देश को उदारीकरण और गैर-सरकारीकरण की ओर ले जा रहे हैं तो यह जरूरी हो जाता है कि टेलीकाम के क्षेत्र में भी हम उपभोक्ताओं के हितों की रक्षा के लिए कुछ कठोर कानून बनायें, जिससे उपभोक्ताओं की रक्षा हो सके।

तो यह बहुत जरूरी है। आपने इसको डिले किया, थोड़ी देरी की, इसका खामियाजा अब तक लोगों को उठाना पड़ रहा है। फिर भी आप इसको लाए, मुझे नहीं लगता कि सदन में कोई इसका विरोध करेगा। इस बिल को सभी सपोर्ट करते हैं लेकिन अब इस प्राधिकरण के गठन में यहां कुछ प्रश्न उठते हैं। प्राधिकरण के गठन के लिए इस चेयरमैन सुप्रीम कोर्ट का सेवारत या रिटायर्ड न्यायाधीश होगा और दो से छः मैनबर इसके सदस्य होंगे। इसमें आपको यह कर देना चाहिए कि इन सदस्यों में एक सदस्य टेलीकॉम डिपार्टमेंट का प्रतिनिधि अवश्य होगा। इसमें आपने यह निश्चित नहीं किया है। आप इसको सुनिश्चित करें क्योंकि टेलीकॉम से संबंधित जो उपभोक्ता की शिकायतें होंगी, जो शिकायतें प्रदाता, जो सेवा देता है उसके बीच की शिकायतें होंगी उसके बारे में जानकारी रखने वाला टेलीकॉम डिपार्टमेंट का अधिकारी होता है, वह जानता है, इसलिए वह टेक्नीकल आदमी होना चाहिये। यह आपको सुनिश्चित कर देना चाहिये कि इस डिपार्टमेंट का एक आदमी उसमें मैनबर होगा जो हाइड्रेट टेक्नीकल अधिकारी होगा, उसको ज्ञान होगा।

उसको आप डेफिनिट कर दें। यह आपने नहीं किया है। दूसरा जनता के हितों के लिए जो शिकायतों को जानता है, उसका प्रतिनिधि भी इसमें हो। एक जनप्रतिनिधि होना चाहिये जो जनता के हितों की रक्षा के लिए अधिकृत है। ऐसा कोई जन प्रतिनिधि इसमें सदस्य अवश्य रखा जाता तो जनता को अच्छा विश्वास होता इस बात का कि हमारे हितों की रक्षा हो सकेगी, अपने हितों की सपोर्ट उसको मिल सकेगी उस प्रतिनिधि के माध्यम से। इसके अन्दर आपने आई० ए० एस० अधिकारियों और न्यायाधीश को रखा है। आप जानते हैं कि यह किस तरह का न्याय करते हैं, किस तरह से आई० ए० एस० अधिकारी काम करते हैं। इस देश के अन्दर लोकतंत्र है, हमने लोकतंत्र की स्थापना की है, इसलिए इसके अंदर एक या दो जनप्रतिनिधि अवश्य लिये जाने चाहिये। इसके गठन के बाद मैं नहीं समझता कि यह एक स्वतंत्र अथॉरिटी बनेगी, आपका इस पर क्या अधिकार रहेगा, क्या संसद का अधिकार रहेगा, यह इससे स्पष्ट नहीं है, संसद किस प्रकार से अपना नियंत्रण कर पाएगी, यह आप स्पष्ट करें।

इस विधेयक को लाने के पीछे टेलीफोन से संबंधित जो उपभोक्ताओं की शिकायतें हैं, उनको दूर करने का प्रयोजन आपका है। अब तक स्थिति यह रही है कि इसको सरकारी क्षेत्र में रखा गया है। सरकारी क्षेत्र में टेलीफोन उपभोक्ताओं के लिए आप टेलीफोन देते हैं लेकिन उपभोक्ताओं को उसका उपयोग करने के बारे में आपने नहीं सोचा। आज गांवों के अन्दर आपने टेलीफोन लगा दिये हैं, गांव-गांव में टेलीफोन लगाए हैं लेकिन टेलीफोन लगाने के बाद उनकी कोई सुध नहीं ली गई। आपने उपभोक्ता और सेवा प्रदाता के बीच निपटारे के लिए इस प्राधिकरण में एक न्यायी बनाने की बात की है। न्यायी जल्दी फैसला करे, इसके लिए आपने न्यायीपीठ में दो सदस्य रखे हैं। मुझे लगता है कि आज के इस युग में अभी आपने पिछले दिनों यू०पी० विधान सभा के संबंध में देखा कि दोनों न्यायाधीशों ने अलग अलग फैसला दिया (व्यवधान) ठीक है, तीसरा रखेंगे। इससे न्याय करने में देरी न हो, इसमें आप तीन सदस्य रखें जिससे उपभोक्ताओं को न्याय मिलने में सरलता हो, शीघ्र न्याय मिले और सुलभ न्याय मिले। यह मैं आपसे निवेदन करना चाह रहा था। साथ ही इस प्राधिकरण के जो फैसले होंगे उच्च न्यायालय के द्वारा सुने जा सकेंगे। लेकिन मंत्री जी आप यह सेंटर में प्राधिकरण बनाना चाहते हैं। आप स्टेटों में बनाइये, डिस्ट्रिक्ट लेवल पर बनाइये क्योंकि जो उपभोक्ता

डिस्ट्रिक्ट लेवल पर रहता है, वह सुप्रीम कोर्ट या हाई कोर्ट में जो कैसेले होंगे उनके विरुद्ध अपील करने के लिए नहीं आ सकता है। इसलिए उनको सरल सुलभ न्याय देने के लिए यदि स्टेट या डिस्ट्रिक्ट लेवल पर कुछ होगा जिससे उनकी शिकायतें सुनी जा सकेगी तो वास्तविक रूप से उनको न्याय मिल सकेगा और उनको न्याय के लिए इतना पैसा नहीं खर्च करना पड़ेगा। उच्चतम न्यायालय में आज जाते हैं तो वकील की जरूरत पड़ती है। वकील भी 10-10, 15-15 हजार रूपए लेते हैं। उपभोक्तों के बिलों का जितना झगड़ा नहीं होता उससे ज्यादा तो वकील मांग लेते हैं तो फिर न्याय कैसे मिलेगा। इसकी ओर आपको देखना पड़ेगा कि कैसे नीचे के उपभोक्ता के स्तर पर उसको लाभ मिल सके।

स्टैंडिंग कमेटी की रिपोर्ट के बारे में कई वक्ताओं ने चर्चा की है। स्टैंडिंग कमेटी ने अपनी रिपोर्ट दी है। लेकिन उन्होंने जो सिफारिश की है उन पूरी सिफारिशों को लागू न करने और इस प्राधिकरण में नहीं लाने के क्या क्या कारण रहे हैं यह आप स्पष्ट करें कि इसलिए हमने इन सिफारिशों को पूरी तरह से नहीं लिया है और कुछ सिफारिशों को लिया है। उसके मूल कारणों को बताएं जिससे हमें जानकारी मिल सके कि किस तरीके से आपने उपभोक्ता के हित से संबंधित जो सिफारिशें थीं उनको छोड़ दिया। किस प्रकार से सारी सिफारिशों को लागू कर पाएंगे, यह भी यहां स्पष्ट करें जिससे सारी सिफारिशें लागू हो जाएं, जो कमेटी ने दी है। दूसरा आपने इस प्राधिकरण को बनाने के पहले या पार्लियामेंट की कमेटी की जो सिफारिशें हैं उससे पहले विभिन्न बुद्धिजीवियों, उपभोक्ताओं के जो संघ हैं, जो ऐसे विचारों की संस्थाएं हैं क्या उनसे भी आपने राय ली है या उनकी भी कोई सिफारिशें आई हैं जिससे कि उपभोक्ताओं को लाभ मिल सके। ऐसी कोई सिफारिशें उनसे ली है तो वे भी बताएं कि विभिन्न संस्थाओं से ऐसी सिफारिशें आई हैं जिनको इसके माध्यम से इसमें रखा गया है।

(समय की घंटी)

माननीय सदन के सदस्य श्री जार्ज फर्नांडीज सेल्यूलर टेलीफोन के बारे में कह रहे थे। सामान्य उपभोक्ता का तो सेल्यूलर टेलीफोन से काम नहीं पड़ता है। लेकिन इस पर कंट्रोल करने की बहुत आवश्यकता है। इस देश में आतंकवाद है। इस देश के अंदर असामाजिक लोग हैं। सेल्यूलर टेलीफोन से अपनी कार्य करने की जो उनकी प्रणाली है वह सरल हो गयी है चाहे वो चॉटिंग

करते हों चाहे डकैती करते हों, चाहे चोरी करते हों चाहे अपराध करते हो चाहे बम रखते हो। यह सब सुलभ हो गया है सेल्यूलर टेलीफोन से। एक दूसरे से कम्युनिकेशन की जो संचार की व्यवस्था है वह बहुत सरल हो गयी है। एक दूसरे को इतिला कर सकते हैं। कोई भी बम रखने की बात है तो दूसरे को इतिला कर सकते हैं कि आप यहां से दूर हो जाएं यहां पर बम रख दिया है। इस प्रकार की उनको सरलता हो गयी है। इस पर कंट्रोल करें। आप कह भी रहे थे कि इसको कंट्रोल करेंगे। आप प्राधिकरण के अंदर ही दे देते इसको अधिकार कि इस प्रकार की गतिविधियों में यदि विभिन्न प्रकार की कंपनियां जो सेल्यूलर टेलीफोन में काम कर रही हैं उनके टेलीफोन काम में आते रहे तो यह प्राधिकरण उन पर प्रतिबंध लगा सकता है, उनको रोक सकता है या टेप कर सकता है। इसलिए इस विधेयक के लाने से उपभोक्ता को लाभ हो होगा ही। उपसभाध्यक्ष जी आपने मुझे समय दिया इसके लिए मैं आपका बहुत बहुत धन्यवाद करता हूं।

THE VICE-CHAIRMAN (SHRI V. NARYANASAMY): Shri T.M. Venkatachalam. The time allocated to your party is eight minutes. Are you speaking in Tamil?

\*SHRI T.M. VENKATACHALAM (Tamil Nadu): Yes, Mr. Vice-Chairman, Sir, I thank you for giving me this opportunity. I rise to speak on the Telecom Regulatory Authority of India Bill on behalf of AIADMK.

Though Telecommunications network has been expanded widely, still it is inadequate to meet the requirements of the day. In some foreign countries, the telecommunication network has been taken to the nook and corner of the country using modern equipments. In the United States there are 54 telephones for 100 people on an average. In Japan there are 44 telephones for 100 people. But in India we have a poor ratio of 8 telephones per 100 people. This situation must change. Today, we are in an age where telephone has become necessary in every day life. In industries, hospitals and in every walk of life, telephone has become inevitable. So, I appeal to the Hon'ble Communications Minister to see that telephone network is expanded to meet the demand.



When we demand telephone connection, the department people say that required equipments are not available. Even with the entry of private sector and changes in telecom policy, no perceptible change has taken place as regards telephone connections. I hope this Bill will help solve the problems faced by people to some extent. The policy of the Government is to connect all the villages of the country through telephone network. But the fact is that, even in villages where telephones are provided, they do not work. They are out of order most of the time.

Sir, when we visit the villages, people come and complain that for the last 10 days, 15 days the telephones have not been working. In some places telephones have not been working for months. For example, there is a telephone in my own village in Dharmapuri district of Tamil Nadu. But it doesn't work for months together. I had complained to the officials and asked them to make the telephone work at the earliest. Three months have passed still it is out of order.

There is no use giving telephone connection to villages. You have to see that telephone work all through. They should not be installed like show-piece.

THE VICE-CHAIRMAN (SHRI V. NARAYANSAMY): You should ask the Minister whether the Government will provide working telephones to the rural areas through this Bill.

THE T.M. VENKATACHALAM: That is what I am exactly asking. Sir, as you said ...*(Interruption)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr Vayalar Ravi, please do not interrupt when a Hon'ble Member is speaking.

SHRI VAYALAR RAVI: I am not able to follow. What can I do?  
*(Interruption)*

SHRI T. M. VENKATACHALAM: Mr. Vice-Chairman, Sir, when the

Government announces schemes and projects, they look very attractive. But when it comes to execution what happens? In my own case, I have been sanctioned a telephone connection. But telephone has not been installed. The telephone cable is wound up and tied to the window. The telephone department people say they are short of equipments for installation. I don't know what happened? Whether the officials have misappropriated the funds provided for that? I don't know what is happening. But in the telephone bill all the charges are reflected without fail.

Sir, for monitoring the function of the telephone departments, the Hon'ble Minister appoints advisory committees at the state and district levels. These committees can play a vital role in redressing the grievances of the people. But in Tamil Nadu, I learnt that in many district advisory committees are yet to be set up. So, people in Tamil Nadu, the telephone users in Tamil Nadu, are not able to take up their complaints. I appeal to Hon'ble Minister to constitute these committees and appoint people recommended by us as members of those Committees.

Sir, it is said that this Bill will improve the telephone network like that in foreign countries. This is what we want and the people want. People expect a lot from this Government. I am hopeful this Bill will provide them better telecommunication facilities. With these words, I support the Bill.

श्री ईश दत्त यादव (उत्तर प्रदेश): मान्यवर उपसभाध्यक्ष जी, संचार मंत्री ने जिस कानून को बनाने के लिए यह प्रस्ताव किया है, मैं इस का हृदय से समर्थन करता हूँ।

मान्यवर, टेलीकॉम रेगुलेटरी अथॉरिटी ऑफ इंडिया बन जाने के बाद दूरसंचार सेवा में काफी सुधार होगा, ऐसा मेरा विश्वास है। लेकिन सब कुछ इच्छा शक्ति पर निर्भर करता है। अगर सरकार में इच्छा शक्ति नहीं है तो किसी सुधार की अपेक्षा में नहीं कर सकता और बिना इस अथॉरिटी के बने हुए भी दूरसंचार सेवाओं में सुधार किया जा सकता है। मान्यवर, हमारे संचार मंत्री जी यद्यपि यहां नए संचार मंत्री हैं, लेकिन उत्तर प्रदेश में कई विभागों में

वे मंत्री रह चुके हैं और अनुभवी हैं। मैं उन्हें धन्यवाद दूंगा और प्रशंसा करूंगा कि यहां आने के बाद उन्होंने देश की संचार सेवाओं में काफी सुधार किया है, हालांकि जितना सुधार संचार सेवाओं में, टेलीफोन सेवाओं में होना चाहिए वह नहीं हुआ है और आज भी इस तरह की शिकायतें प्रायः मिल रही हैं कि टेलीफोन खराब है। मान्यवर, गांवों में जो टेलीफोन लगाए गए हैं, वह खराब रहते हैं। एम०ए०आर०आर० योजना के अंतर्गत जो टेलीफोन लगे हैं, वह तो मैं समझता हूं कि देश में 90 प्रतिशत खराब चल रहे हैं। उन के बारे में मालूम करने पर पता चलता है कि इन का कोई मैकेनिक नहीं मिलता है या इन के पार्ट्स नहीं मिलते हैं, इसलिए इन को सही नहीं किया जा सकता है। यद्यपि संचार मंत्री ने प्रयास किया है, सुधार बहुत हुआ है और हमारे प्रदेश में तो बहुत हो गया है। मैं पक्षपात का आरोप नहीं लगाऊंगा। यह जब लखनऊ पहुंच जाते हैं तो सुधार हो जाता है। मैं चाहूंगा कि ये पूरे देश का दौरा करें ताकि पूरे देश की संचार व्यवस्था सुधर जाए।

**श्री नीलोत्पल बसु:** सिर्फ लखनऊ में सुधार हुआ है।

**श्री ईश दत्त यादव:** लखनऊ में ही नहीं, जहां ये चले जाएंगे, वहां सुधार हो जाएगा।

**THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY):** The Minister should not concentrate on UP alone.

**श्री ईश दत्त यादव:** मान्यवर, मैं ने तो शुरू में ही निवेदन किया कि जैसे लखनऊ जाने के बाद सुधार हो गया वैसे ये देश के अन्य भागों में जाएं.... (व्यवधान)...

**श्री नीलोत्पल बसु:** हम उन को कलकत्ता ले जाना चाहते हैं, लेकिन आप इंकार कर रहे हैं।

**श्री ईश दत्त यादव:** वहां भी सुधार हो जाएगा।

मान्यवर, मैं एक समस्या की ओर मंत्री जी का ध्यान दिलाना चाहता हूं कि एक तो टैकीकल फाल्ट हो जाता है, जैसे केबल खराब है या कोई पार्ट खराब है, लेकिन इस में मुझे आदमी भी खराब नजर आते हैं। टेलीफोन विभाग में जो लोग काम करते हैं, वह लोग खराब नहीं हो तो लापरवाह जरूर हैं। निप्रलजेंट जरूर हैं। अब मैं अपना एक दिन का उदाहरण दूं, पिछले हफ्ते मैं दिल्ली से अपने घर आजमगढ़ फोन कर रहा था। वहां का टेलीफोन सही और यहां का भी टेलीफोन सही, लेकिन बार बार टेप का आता था कि प्लीज चेक द नंबर यू हैव डायल्ड। मुझे थोड़ी देर तक भ्रम रहा कि कहीं मैं अपने घर का नंबर तो नहीं भूल गया। परेशान रहा। फिर नंबर

डायल किया और फिर वही आया कि प्लीज चेक द नंबर यू हैव डायल्ड। फिर हमने विभाग को टेलीफोन किया तो पता चला कि वह गलत टेप लग गया था वहां पर, जो जवाब देता था टेप वह टेप गलत लग गया था, जो नहीं लगना चाहिए था। जब उसको हटाया तो विद्वान ने सैकेण्ड हमारा टेलीफोन मिल गया।

**श्री बेनी प्रसाद वर्मा:** क्षमा मांगा आपसे?

**श्री ईश दत्त यादव:** क्षमा तो जरूर मांगा, लेकिन मैं यह चाहूंगा माननीय मंत्री जी, कि संचार सेवाओं में टैकीकल का, पार्ट्स का या न्यू टैकनोलॉजी का जो आप काम करते हैं वह तो करिए, थोड़ा अपने विभाग को भी आपको सख्त करना पड़ेगा। मान्यवर, आपके माध्यम से मैं यह कहूंगा कि थोड़ा इस विभाग को गरम करना पड़ेगा। आप देखिए, पहले दिल्ली में, कलकत्ता में, मुंबई में 197 नंबर पर कोई भी नंबर पूछिए तो विद्वान ने सैकेण्ड जवाब आ जाता था और अब दिल्ली में ही यह प्रोब्लम हो रही है कि 197 आप प्रयास करते रहिए, नो रेफ्लाइ मिलता है, अगर रेफ्लाइ मिला भी तो गलत नंबर बता दिया और हम जहां के रहने वाले हैं, हमारे छोटे जिलों में वहां इन्क्वायरी है, टेलीफोन है, लेकिन वहां आदमी ही नहीं मिलता जो इन्क्वायरी पर बैठता है। हम रिग करते रहेंगे, कोई जवाब देने वाला नहीं होता, जो हमको नंबर बता सके। इसलिए मैं कह रहा हूं कि थोड़ा सा आप अपने विभाग को गरम करिए तभी इसमें आपको कामयाबी होगी।

मान्यवर, यह जो कानून बन रहा है, इसका मैं समर्थन करता हूं। कानून तो बहुत अच्छा है, लेकिन मुझे कल भी थोड़ी आपत्ति हुई थी जब पर्यावरण कानून पर बोल रहा था और आज भी वह आपत्ति है कि इसमें जो अथोरिटी बन रही है उसमें फिर वही सुप्रीम कोर्ट के रियायर्ड जज या हाईकोर्ट के रियायर्ड जज की बात है। कल पर्यावरण कानून जो पास हुआ, उसमें भी सुप्रीमकोर्ट के रियायर्ड जज या हाईकोर्ट के रियायर्ड जज का था। अभी कृषि मंत्री जी पेश करेंगे यह एक्वाकल्चर वाला कोई विधेयक, जल कृषि प्राधिकरण विधेयक, इसमें भी हाईकोर्ट के रियायर्ड जज का होगा, इसमें भी जो मेम्बर होगा वह रियायर्ड सेक्रेटरी होगा किसी भी डिपार्टमेंट का और कल जो हमने कानून पास किया उसमें भी रियायर्ड सेक्रेटरी होगा।

मान्यवर, मैं जुडीशियरी के प्रति, जज के प्रति बहुत सम्मान रखता हूं, लेकिन क्या यह बेकार लोगों की भर्ती का दफ्तर खोला जा रहा है? जो रियायर्ड हो गया है,

रिटायर्ड लोगों को फिर स काम दिया जा रहा है क्या? देश में 12 करोड़ एजुकेटेड लोग पड़े हुए हैं, जिनके रोजगार दफ्तरों में नाम दर्ज हैं, इनमें इंजीनियर हैं, वैज्ञानिक हैं, डाक्टर हैं, टेलीफोन सेवाओं के विशेषज्ञ भी होंगे। आप टेलीफोन विभाग के जो बहुत विशेषज्ञ हैं और जो रिटायर्ड हैं, उनको अथोरिटी का चेयरमेन क्यों नहीं बनाते हैं? जज साहब क्या जानेंगे इसके बारे में? मैंने जैसा पहले ही कहा, जज के प्रति, न्यायालय के प्रति मेरे हृदय में बहुत ही सम्मान है, मैं सम्मान करता हूँ उनका, मैं कहीं विरोध नहीं करता हूँ, लेकिन जो अथोरिटी भारत सरकार बना रही है, एक कल बनाई और दो आज बना रहे हैं, सब में सुप्रीम कोर्ट के रिटायर्ड जज होंगे या हाईकोर्ट के रिटायर्ड जज होंगे और भारत सरकार के रिटायर्ड सेक्रेटरी होंगे। क्या यह रिटायर्ड लोगों का कोई दफ्तर बन रहा है? जैसा मुझे लगता है या जनता में संदेश जा रहा है कि यह अथोरिटी नहीं बन रही है बल्कि लोगों की भरती के लिए, इनके भरण-पोषण के लिए यह अथोरिटी बन रही है। मान्यवर, इस पर संचार मंत्री जी ध्यान देंगे। अभी तो हम इसका समर्थन कर रहे हैं, हम आपकी पार्टी के हैं, सत्ता पक्ष के हैं, दिल से समर्थन कर रहे हैं, लेकिन आगे चलकर आप इस पर विचार करिएगा इसमें परिवर्तन के लिए।

**उपसभाध्यक्ष (श्री वी० नारायणसामी):** आप भी रूलिंग पार्टी से हैं।

**श्री ईश दत्त यादव:** जी हां। वह हमारे लीडर हैं।

**उपसभाध्यक्ष (श्री वी० नारायणसामी):** आप कन्क्लूड करें। आपका टाइम 4 मिनट था, आप 8 मिनट बोल चुके हैं।

**श्री ईश दत्त यादव:** सर, मैं आपकी आज्ञा का पालन कर रहा हूँ। एक बात कहकर मैं अपनी बात खतम करूंगा कि कन्सुलिकेशन की हमारी स्टैंडिंग कमेटी है। मैं भी सौभाग्य से उसका सदस्य था आपके इस बिल को स्टैंडिंग कमेटी ने बहुत थारोली एग्जामिन किया और कुछ रिकमेंडेशनस दीं। मैं चाहता था कि कमेटी की जो संस्तुतियां हैं, उन पर भी विचार किया जाता, उनका समावेश भी इसमें किया जाता अभी कल-परसें एक बहस हो गई थी कि यह एडवाइजरी बाडी है या क्या है, इसकी रिकमेंडेशनस को माना जाए या नहीं? मैं इस बहस में नहीं जाना चाहता, लेकिन इतना जरूर कहना चाहता हूँ कि दोनों सदस्यों के माननीय सदस्यों की एक स्टैंडिंग कमेटी है, उसने अपनी संस्तुतियां दी हैं, तो उन संस्तुतियों का भी इस बिल में समावेश कर देना चाहिए था। आपने नहीं किया, कोई बात नहीं, मगर मैं पुनः अनुरोध

करूंगा माननीय मंत्री जी से इसके लिए इस बिल का पास करना बहुत जरूरी हो गया था, जल्दी भी थी ताकि संचार सेवाओं में सुधार हो सके, देश प्रगति कर सके, मान्यवर, इन टेलीफोन सेवाओं के कारण आज दुनिया एक जगह हो गई है, टेलीफोन की वजह से दूरी खत्म हो गई है और खर्चा भी बहुत कम हो गया है, अगर अमेरिका जाएं तो लाखों डॉलर का खर्च आएगा, लेकिन अगर टेलीफोन करें तो केवल 150 रुपए में अमेरिका बात हो सकती है। तो आज इस टेलीफोन की वजह से दुनिया छोटी हो गई है, खर्चा कम हो गया है और समय बच रहा है और ये सारी सुविधाएं मिल रही हैं।

इसलिए, मैं अंत में माननीय मंत्री जी का धन्यवाद देना चाहूंगा इस बिल को लाने के लिए और उनसे पुनः अनुरोध करूंगा कि आप फिर से गंभीरता से इस पर विचार करें और इसमें जो अपेक्षित संशोधन है, उनको आगे चलकर आप प्रस्तुत करें, बहुत-बहुत धन्यवाद।

[THE VICE-CHAIRMAN (SHRI A.L. P.K. JOGI): *in the Chair*]

**SHRI BRAHMAKUMAR BHATT (Gujarat):** Mr. Vice-Chairman, Sir, so far as the basic idea behind the Bill is concerned, there cannot be two opinions on that. The idea is to improve the basic needs of the consumer and, therefore, the Bill is welcome. But I really don't understand what is mentioned in the Statement of Objects and Reasons. It says and I quote:

"...In the multi-operator situation, arising out of the opening of basic as well as value-added services in which private operators will be competing with the Government operators, there is a pressing need for an independent telecom regulatory authority for regulation of telecom services..."

I will be very happy if it is possible. Basically I am not for private operators. Even if the private airlines are there, the Indian Airlines is doing better service, better than the private airliners. But how do these Government operators compete with the private operators? What is the position? Sir, I know that people working

in the Telephone department are there at one place for 15-25 years. They are not transferred from one place to another. They keep very good, close contacts with all people, business people, industry people, etc. There are advertisements in the Press which say that if anybody wants a telephone or wants to transfer his or her telephone, contact on this number. The advertisements go on like that. These advertisements do appear in the Press. Who is doing it? The officers of the Department are doing this. I will be very happy if they can compete with the private operators. But so far as the present position is concerned, people have no faith in the Telephone Department.

Sir, recently I received a telephone bill which metered some ISD calls and charged for them. They say that I made some calls to some islands in America. I don't know even the names of those islands. I have not seen them on the world map. The bill says that I phoned to Nayagara, Torrento, etc. Immediately I wrote a letter. On that day, I was not well and I was not even carrying my cordless phone. I reached in this House a little late also. But the Telephone Department says that I made calls to some islands in America or somewhere in the world. I don't even know where these islands and others places are. You will be pleased to know one thing. It has appeared in the Press. It appeared in the 'Gujarat Samachar' and the 'Sandesh' which are available in the Library here. A private detective caught red-handed an employee of the telephone department connecting telephone lines on the road and giving it to some private person for some money. The private detective arrested these two persons. They were taken to the Police. The Police has taken them on remand and has started the prosecution. So, this is happening. It is wrong to say that the telephone department people are the best in the world and that they do not do this mischief. They were caught redhanded by this private detective in broad daylight.

One Mr. Nazir Shaikh, whose photograph has appeared in the Gujarat Samachar, has admitted it.

SHRI SATISH AGARWAL: This is a very serious matter and it should be looked into.

डा० (श्रीमती) उर्मिलाबेन चिमनभाई पटेल (गुजरात): अहमदाबाद, बंबई और सब बड़े-बड़े सिटीज में जिस दिन कर्मचारियों की छुट्टी होती है, 100-100 रुपए में इंटरनेशनल काल घंटे-घंटे तक होती रहती है। यह प्राइवेटली होता है।

SHRI BRAHMAKUMAR BHATT: So, Sir, the photograph of the person, his name and everything else has appeared in the newspapers. If with such a state of affairs, the telephone department is going to compete, I do not know how they are going to compete with these types of persons. Therefore, the basic requirement is to improve our own structure, our own department and to transfer those people who have been there for the last 15-20 years and to see to it that good and energetic persons are posted to those places.

There is one other which I want to submit and the hon. Minister may or may not agree. Out of these six members, why can't there be two non-official members? In my view, they could even be from the Parliament. The required qualification given here is special knowledge and professional experience in the fields of industry, finance, accountancy, law, management and consumer affairs. Take accountancy and I think Mr. Chaturvedi is the best of men who know accountancy. So, there should be two non-official members. Mr. Vice-Chairman, if you had continued in the Government service as an IAS officer, you might have been...

Mr. Vice-Chairman is not listening to me. I am referring to you, Sir. Had you continued, you might have been a person capable of being appointed here.

THE VICE-CHAIRMAN (SHRI AJIT P. K. JOGI): Please continue. I am all ears.

**SHRI BRAHMAKUMAR BHATT:**

So, Sir, if these two non-official members are there, they will take care of the interests of consumers and they will see to it that the things are in order.

Mr. Vice-Chairman, Sir, there are so many complaints—complaints against the Department, complaints against the people in the Department, complaints about non-functioning of telephones, etc. All these complaints should be filed before this Authority and this Authority should be empowered to hear the complaints of the consumers. That should also be added here.

There is one other thing. The hon. Minister said that the best quality of service will be available at a reasonable price. I don't know the meaning of reasonable price. You might have read in the newspapers that recently in America they have reduced the ISD rates by 25%. And we have arranged it, even in the evening or at night, in such a fashion that the rates become higher indirectly. If I have to make a call to Ahmedabad, I have to try it only at a particular time so that it is cheaper. So, how will it now become reasonable. I do not understand. The hon. Minister may please let us know that his idea of reasonableness of price is.

So, I would like to conclude, Sir, with the hope that our own Department may be restructured and improved and people may have faith. Sir, they don't have any faith now. If you ring up the Department, they don't even come on the phone. When are make a call, the operator asks you, "Who are you?" I say, "I am so and so. I am an MP." Then she will start some music saying that she will connect me to the officer but after four or five seconds, she will come back and say, "The officer is not in his chamber. He has gone somewhere".

3.00 P.M.

It is just that the officer may be in his chamber, very likely but is not coming on the telephone. This is the position of our Department. The hon. Minister who is a socialist by ideology will see to it that it

least our own Department is improved and it can really compete with these people. That is what I hope.

**THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI):** Shrimati Renuka Chowdhury.

**डा० (श्रीमती) उर्मिला बेन चिमनभाई पटेल:**  
रेणुका बहिन, मुझे स्पीच नहीं करना है एक बात ध्यान में लानी है। कुछ सिटीज में ऐसा भी होता है और चलता है कि टेलीकम्युनिकेशन के लोकल लेवल पर जो आफिसर्स व इंचार्ज होते हैं उनका महीना, हफ्ता तय किया जाता है। अगर यह रकम उनको मिल जाती है तो किसी और का टेलीफोन का कनेक्शन लगाकर उनका अगर 50 हजार का महीने का बिल होता है तो 5 हजार में तय हो जाता है। यह भी चलता है। उसकी मिनिस्टर जांच करवाएं तो कई सिटीज में यह इरेग्यूलर्टिज आपको मिलेगी। ... (Interruptions)...

**SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh):** May I have your attention, please? Sir, I welcome this Bill because it is going to block or seal all the porosities in various Bills that we have brought forward earlier. One, of course, goes forward that these are brought with the best of intentions so that we can see. Many of my hon. colleagues have held out at great length and great detail over various aspects, but there is only one point which I want to ensure—I have studied it and I find in this we have not provided for it—that should we need technical evaluation of a new product, and we don't have the competence or the expertise to evaluate this—that this Regulatory Authority will have the authority to employ or hire expertise from other parts of the world. Why I am saying this is the DOT, on record admitted before one of the investigative bodies of our country, and I quote: "At the time of invitation of tenders and placing an initial order, the Department of Telecommunications was not quite aware of the relative merits and demerits of the two versions. Therefore, placed the order for both systems." This is an amazing lacuna which they are taking

shelter behind. There is nothing wrong in not knowing or not having the expertise because this is virtually virgin territory that we are exploring in India. We also deal with huge numbers, given our size, and we have also run huge risks because of this. So, I want to ensure that we have the authority to hire expertise, if we don't have it with ourselves.

Sir, this is what happened even with Enron. We did not have the expertise to evaluate a project like Enron and yet we did not seek advice or we did not employ advice from other nations. So, I just wanted to give this word of caution to the hon. Minister that we must be able to empower this autonomous body because we are giving it so many teeth. So, let us apply our mind in totality and be prepared. It is a state of preparedness that we are going up for. We can never ever take shelter because what I quoted is very damaging and this is in black and white in front of an investigating authority and they cannot abdicate their responsibility and they maynot be accused of collusion with whatever happened by giving the nation an answer like this. So, this is all that I wanted to draw the attention to. Thank you very much.

**SHRI GURUDAS DAS GUPTA** (West Bengal): Sir, this is not the time to speak on policies because we are at the starting point. At a different point of time, we had made it clear that intrusion of private telecommunication companies in this sensitive sector was going to do more damage than bringing about any benefit. That is why this is not the time to speak on that. Sir, my submission is that there are likely to be many companies operating in a single field. There will be competition among the private parties; there will be a collective attempt on the part of the private companies to run down the public sector. Sir as we have seen in our country, there has always been an attempt by the private companies to make profit or take advantage at the cost of the public sector.

There are people in the public sector who in exchange for money or in exchange for personal benefits would always be ready to do service to their masters who are at the helm of affairs of the private companies. That is the inherent danger. This multiplicity of agencies and manifold character of the agencies are the real issues, are the real problems which this Authority must address itself to. While addressing this main issue, do you think that the Authority which this particular Bill envisages to set up will be that competent, will be that powerful, will be that effective in ensuring that no delinquency takes place? That is the main issue. This experience will be new for us; this experience will be new for the country; this experience will be new for the Authority also. Therefore, I only seek one assurance from the hon. Minister. What are the safeguards? We know how the foreign banks are working in the country. We have seen how foreign multinational companies have been operating in many other Asian countries. We know that in quest of profit, rules of the country have no value to them. They have their own rules; they have their own moral; they have their own people; they have their own way of operating. We understand foreign private sector and the Indian private sector and we have seen them in their true colours. We have understood it; we have seen it. Therefore, taking into consideration the operation of the foreign banks, the foreign multinational companies and the foreign oil companies and in view of the liberalisation be it a reckless liberalisation or be it a regulated liberalisation—the inherent danger in the operation of the multiple agencies is there. Therefore, the Minister who has a commitment to the country, commitment for efficiency and commitment for standard and transparency—he is known for that—it is for him to tell the House as to what is that safeguard. This Authority must be open and be above board. This Committee must have enough technical

knowledge. This Authority must not be made vulnerable to offers of allurements and this Authority must have accountability. Therefore, my second question to the hon. Minister is whether the periodical reports on the working of the Authority will be placed before the Parliament. The Parliament must be entrusted with overseeing its work. Many of my senior colleagues would kindly remember who have been persistently. *...(Interruptions)...*

SHRI JOHN F. FERNANDES: It is a quasi-judicial body. *...(Interruptions)...*

SHRI NILOTPAL BASU: This Authority is being established under an Act of Parliament. *...(Interruptions)...* So, Annual Reports and Annual Audited Accounts, etc. will come before the Parliament. *...(Interruptions)...*

SHRI GURUDAS DAS GUPTA: I am not satisfied with that. *...(Interruptions)...* I know this so-called statutory safeguard. *...(Interruptions)...* I know that. *...(Interruptions)...* I know that the balance-sheets are placed before us. But, I also know that the Parliament was denied the right of looking into the working of the banks when it was called for by the JPC. Hon. Members are sitting over there. I want an assurance from the hon. Minister. Let the Standing Committee on Communications—this is my straight proposal—let the Standing Committee of Parliament on Communications, be given the authority, be given the privilege, be given the right, to closely monitor, supervise, oversee, the work of this particular authority. Other-wise, this is going to be a 'free-for-all'. Once it is a 'free-for-all', there would be hardly any scope for monitoring the work of the Indian and foreign private agencies. *(Interruptions)* I believe in autonomy. But I also believe in the supremacy of the Parliament. That is why I say that there should be a watchdog. No authority should have any absolute power. excepting the judiciary. Therefore, Sir, this Parliament, through the Standing Committee, must be allowed to closely monitor—at least, for some time—the work of the authority.

Otherwise, the inherent danger in the system is likely to corrode the efficiency and functioning of the authority.

SHRIMATI RENUKA CHOWDHURY: I appreciate my colleague's passionate concern for the integrity of our nation. But I do not know whether it is right for us to work on an assumption that there is a bunch of criminals just waiting to exploit this.

SHRI GURUDAS DAS GUPTA: Who said that? *...(Interruptions)...* I never said 'there is a bunch of criminals' *...(Interruptions)...*

SHRIMATI RENUKA CHOWDHURY: There is no question of being oversmart, Mr. Das Gupta.

SHRI GURUDAS DAS GUPTA: Nobody said that. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Mrs. Renuka Chowdhury, please address the Chair.

SHRIMATI RENUKA CHOWDHURY: Sir, my only point is this. On the one hand, we are talking of autonomy and we are blocking the porosity for any misgivings. At the same time, we want another one to ride piggy-back on it. *(Interruptions)*

SHRI NILOTPAL BASU: There is an in-built safeguard.

SHRIMATI RENUKA CHOWDHURY: Inherent checks. We have to go on the basis of certain norms. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): There is no discussion, Mrs. Renuka Chowdhury and Mr. Gurudas Das Gupta.

SHRI GURUDAS DAS GUPTA: I am not questioning the validity of the argument of the hon. Member. I never said that there is a bunch of criminals. Why should I say that? The question is: There should be a proper monitoring. Proper monitoring does not mean curtailment of the autonomy of the authority. *(Interruptions)* Nor does it presupposes that I question the credibility of the person who would be there to man the authority.

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Thank you, Mr. Gurudas Das Gupta

SHRI NILOTPAL BASU: Since he has yielded, I want to...

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): He has finished.

SHRI NILOTPAL BASU: The hon. Member's concern is legitimate. The only point is, we can reconcile with the content of the Bill. If there is a provisions for a Consumer Interest Council, of that component, if that mechanism, is built in, along with the authority, that may take care. This is a multiple-player sector.

SHRI GURUDAS DAS GUPTA: Let there be any mechanism. (*Interruptions*)

SHRI NILOTPAL BASU: The hon. Member's concern is legitimate. An in-built provision is there.

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Thank you, Mr. Nilotpal Basu. Mr. V.P. Duraisamy.

SHRI GURUDAS DAS GUPTA: The point is, there should be monitoring for a new experiment to succeed; whatever may be the mechanism.

SHRI V.P. DURAISAMY (Tamil Nadu): Mr. Vice-Chairman, Sir, the setting up of the Telecom Regulatory Authority proves that the United Front Government is keen to bring about not only decentralisation...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Mrs. Renuka Chowdhury and Mr. Gurudas Das Gupta, would you please remain silent? Let us hear Mr. Duraisamy. Both of you have been articulate, but let us hear Mr. Duraisamy.

SHRI V.P. DURAISAMY: This also shows that the United Front Government is keen to protect the consumer interests.

Now, I have certain points to make in regard to this Bill.

Firstly, I refer to Chapter II-clause 3, sub-clause (4). This provides for the setting up of the head office of the authority at New Delhi. Yesterday also, while speaking on the National

Environment Appellate Authority Bill, I made this suggestion. I spoke against setting up the head office at Delhi. Delhi is already overloaded and it is a highly polluted city. I have seen in the case of two-three amendment Bills the Ministers concerned proposing to set up the head office only at Delhi. I request the Minister kindly to reconsider the location of the Authority Office. It should go to the South, particularly to Chennai. All the Head Offices are situated only in Delhi. Chennai is not as much polluted as is Delhi. You cannot eat the cake and have it too. I appeal to the hon. Minister to reconsider the location of its Head Office.

Now I come to the composition of the Authority. Chapter II, clause 4, sub-clause (1) provides that the Chairperson shall be a person who is a Judge of the Supreme Court or who is the Chief Justice of a High Court. The Minister has said that the Government wants to take a person from amongst the serving Judges of the Courts. If we get Judges on deputation from the High Courts or the Supreme Court, naturally, it will cause a great inconvenience to the public. Already there are so many vacancies of Judges in all the High Courts. Many lakhs of cases are pending at the District Court level, the Taluk Court level and the High Court level. So, I request the Minister to take an appropriate person, a young man like us directly, not from the High Courts or the Supreme Court.

SHRI JOHN F. FERNANDES: He is offering his services.

SHRI V.P. DURAISAMY: Yes, Sir.

It has been proposed that not more than six Members in addition to the Chairman, shall be on the Authority. The requirements of the States in the matter of telecommunication services vary. The requirements in the rural areas are different from those in the urban areas. So, I strongly feel that the Authority should have a representative character. It



would be advisable to have on the Authority at least one Member from each State. This will take care of the regional grievances also. Since the functions of the Authority are very vast and the telecommunication network throughout the country has to be regulated, I think, it would be wise to expand the Authority by giving representation to each State.

It has been said that the Telecom Regulatory Authority would protect the interests of the customers also. I have my own doubt. Consumers' complaints about the telecom services are taken up by the Consumer Court. I do not know whether the Authority will have anything to do with the grievances of the consumers. I want the Minister to clarify this.

With these words, I welcome this Bill.

Thank You.

SHRI GOPALSINH G. SOLANKI (Gujarat): Sir, as I have said, I am not going to take more than four minutes.

I would like to congratulate the Minister for bringing this Bill. Though it has come late, it is for the better. It is going to give very good multifarious services defined in section 2 of the Bill.

At the same time, I would like to comment on two things regarding establishment of the Authority.

It has been said that the Chairperson shall be a person who is or has been a Judge of the Supreme Court or who is or has been the Chief Justice of a High Court. I want to bring another factor in this particular regard. In the following section it has been said that the Authority shall comprise of  $6+1=7$  Members. I want to draw the attention of the Minister to the fact that it has been provided that a Member shall be a person who has special knowledge of, and professional experience in, telecommunication, industry, finance, accountancy, law, management and consumer affairs. If you have to consider the membership on the basis of expertise, then the number of members should be 8

and not 6. Otherwise, you will have to leave this question to the Authority to decide by itself. That means on this point you will have to compromise.

In the morning we heard from the Prime Minister how the decisions of the Cabinet are being reversed by the bureaucracy as if they are the real rulers. They are handling all these things in such a manner that the post of Chairperson goes to the Chief Justice of a High Court or a Judge of the Supreme Court or to some expert who has served as Additional Secretary or Secretary. It is nothing but a temptation for them to take these up after they retire. It is nothing but a corrupt practice. What would be the reliability of these persons? The age of retirement of the Chief Justice of a High Court or a Judge of the Supreme Court is 65 years. If they are taken in at such an advanced age, how can you expect a good service from them? So, instead of these officers, some young experts in the field must be taken in so that there is some accountability and they perform better.

In Clause 11(2) you have said: "...the rate of a person or a class of persons." What do you mean by that? It is going to create inequality. Clause 18 provides for jurisdiction for appeal against a particular decision of the Authority. You have appointed a Supreme Court Judge or a High Court Chief Justice as the Chairperson. If a decision is challenged and an appeal is preferred with the High Court, do you think the common man will have a chance of getting justice? There will be no chance because the court which is going to try that particular appeal will be under the impression of that Judge, who had been a Supreme Court Judge or a High Court Chief Justice.

Clause 29 provides for penalty of one lakh rupees for violation of the direction of the Authority and two lakh rupees for the second offence. I think the hon. Minister knows the limitations under the Criminal Procedure Code, whereby the

fine will not be more than one year's limitation. Beyond that you cannot go in for prosecution.

While Clause 31 prescribes punishment for the Head of the Department, it further says if he proves that the offence was committed without his knowledge, he will be excused. That means you are also providing a way out.

Now, I draw your attention to Clause 4. Every act has to be attributed to some Act. If it is found that the particular act is contrary to law, you have not provided where the action in this regard will be looked into. Will it be looked into by not below a Metropolitan Court or by a Chief Judicial Magistrate's court? Moreover, you have not clarified under which Act you are going to frame the rules.

I feel this particular Telecom Regulatory Authority of India has got lots of defects and they require drastic amendments.

**THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI):** Since the mover of the Resolution, Shri Satish Agarwal is not present in the House and his Resolution is the property of the House, I would put it to vote.

**DR. GOPALRAO VITHALRAO PATIL:** I do not want to press this Resolution.

**THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI):** Are you one of the movers of the Resolution?

**DR. GOPALRAO VITHALRAO PATIL:** No.

**THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI):** Then, only the mover of the Resolution has the right to withdraw. You cannot do it.

The question is:

"That this House disapproves of the Telecom Regulatory Authority of India Ordinance, 1997 (No. 11 of 1997) promulgated by the President on the 25th January, 1997."

*The motion was negatived.*

**THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI):** Now, Shri Beni Prasad Verma would reply to the points raised by hon. Members.

**संचार मंत्री (श्री बेनी प्रसाद वर्मा):** आदरणीय उपसभाध्यक्ष महोदय, सब से पहले तो मैं श्री सतीश अग्रवाल, श्री जॉन एफ० फर्नांडिस, डा० गोपालराव विठ्ठलराव पाटिल, श्री नीलोत्पल बसु, श्री मूलचन्द मोणा, श्री टी०एम० वेंकटचलम, श्री ईश दत्त यादव, श्री ब्रह्मकुमार भट्ट, श्रीमती रेणुका चौधरी, श्री गुरुदास दासगुप्त, श्री दुर्गेशमी और श्री गोपाल सिंह जी० सोलंकी के प्रति आधार भी व्यक्त करूंगा और इन सब लोगों को अपनी तरफ से धन्यवाद भी दूंगा जिन्होंने इस विधेयक की भावना का पूरी तरह से समर्थन किया है। कुछ आशंकाएं व्यक्त की गईं। उन आशंकाओं के बारे में भी हम संक्षिप्त में इतना ही यहां कह सकते हैं कि अभी रूल्स और रेगुलेशंस बनना बाकी है और उनमें जो यहां पर आशंकाएं व्यक्त की गई हैं, हमारा प्रयास होगा कि रूल्स में जहां तक उनको समाहित किया जा सके उनको समाहित कर लिया जाए। यह बहुप्रतीक्षित और डि्लेड बिल है। इस विभाग के बारे में काफी विवाद भी रहा 1994 में जब से उदारीकरण की नीति अपनाई गई, पहली बार हम मंत्री हुए और इसी विवाद वाले विभाग को हमको दे दिया गया। हमारा यही प्रयास है कि जनता से सीधा जुड़ा हुआ एक तरह से सेवा संबंधी यह विभाग है, इसमें सुधार हो और जो इस बिल के उद्देश्य हैं उनमें भी विश्व स्तर की संचार सुविधाओं को उपलब्ध कराने के उद्देश्य से ही इस प्राधिकरण के गठन को विस्तृत रूप से कहा गया है। हम संक्षेप में इस बात को कहते हैं। अच्छा होता कि प्राइवेटाइजेशन के प्रोसेस में जाने के पहले इस तरह की अथोरिटी का गठन कर लिया जाता। इसीलिए हमने इसको डि्लेड बिल कहा है। जो दिक्कतें कुछ सामने आईं और यह विवाद विशेष रूप से विभाग में आया अगर प्राधिकरण का गठन पहले हुआ होता और प्राइवेटाइजेशन की पालिसी को एंजॉय बाद में किया गया होता तो शायद उसको एंजॉयड किया जा सकता था। हमको स्टैंडिंग कमेटी की रेकमेंडेशन नवंबर में प्राप्त हुई। उसके बाद बुद्धिजीवियों से, उद्योग संबंधी लोगों से परामर्श करने के बाद एक कंप्रीहेंसिव बिल बनाने की हमने कोशिश की और स्टैंडिंग कमेटी की जो 30 सिफारिशें थीं उनमें से करीब-करीब 25 सिफारिशों को हमने मान लिया। हमारे कुछ माननीय सदस्यों ने यहां पर इस बात का विशेष रूप से उल्लेख किया था...

हम से स्पष्टीकरण भी चाहा था कि स्टैंडिंग कमेटी की

जिन सिफारिशों को नहीं माना गया है, उन को क्यों नहीं माना गया है मैं सदन के सामने यहां कारण सहित उन का स्पष्ट रूप से उल्लेख करना चाहूंगा जिन 5 सिफारिशों को हम ने नहीं माना है।

उपसभाध्यक्ष जी पहली सिफारिश है चैयरमैन की नियुक्ति की। चैयरमैन के बारे में स्टैंडिंग कमेटी की राय तो यह थी कि चीफ जस्टिस ऑफ हाईकोर्ट, रिटायर्ड या सर्विग या जस्टिस सुप्रीम कोर्ट, रिटायर्ड और सर्विग। लेकिन उसके सलेशन के लिए स्टैंडिंग कमेटी ने बोर्ड रिकमेंड किया था। इस सलेशन बोर्ड के चैयरमैन चीफ जस्टिस ऑफ इंडिया रिकमेंड किए गए थे। मेंबर थे स्पीकर लोकसभा, जो इस विभाग के मंत्री हों और लीडर ऑफ द ओपोजीशन। अगर लीडर ऑफ द ओपोजीशन न हो तो सबसे बड़ी पार्टी के नेता और राज्यसभा के उपसभापति। उस बोर्ड के चैयरमैन होंगे चीफ जस्टिस ऑफ इंडिया।

महोदय, मैं यहां ज्यादा विस्तार से बात नहीं करूंगा जिस से कदाचित हमारे सभी माननीय सदस्य सहमत होंगे। इस का एक बहुत ही सीमित दायरा रखा गया था चीफ जस्टिस ऑफ हाई कोर्ट, रिटायर्ड और सर्विग या जस्टिस सुप्रीम कोर्ट, रिटायर्ड या सर्विग। अब गवर्नमेंट को हर मामले में बहुत शक की नजर से नहीं देखा जाना चाहिए। यह सदन और पार्लियामेंट पूरे देश का प्रतिनिधित्व करती है और पार्लियामेंट की मेजोरिटी को गवर्नमेंट रिप्रजेंट करती है। फिर एक दायरा आप ने सीमित कर दिया था कि हम जज को ही अपॉइंट कर सकते हैं। तो महोदय, हम ने सिर्फ इस को गवर्नमेंट के ही अधिकार क्षेत्र में रखा कि गवर्नमेंट ही इस को अपॉइंट करेगी और इस में बोर्ड की कोई जरूरत नहीं है। इसलिए हम ने सिफारिश नंबर-1 को नहीं माना। महोदय, इस से विलम्ब भी होता। हमारे स्पीकर साहब भी उस में बैठते, हमारी राज्यसभा की उपसभापति भी बैठती और आज जो बहस चल रही है उस में यह है कि चीफ जस्टिस ऑफ इंडिया किसी कमेटी में हो तो उन की जो एडवाइस हो वही कांफ्रेंस मानी जाए। तो कांटेडिक्शंस भी पैदा हो सकते थे और बिना वजह एक बहस चल सकती थी। इसलिए हम ने राइट गवर्नमेंट के ही रखे, लेकिन हमने मान लिया कि जस्टिस ही इसका चैयरमैन होगा।

**SHRI VAYALAR RAVI:** There is nothing wrong. The Government cannot delegate powers to the legislature or to the judiciary. It is purely under the Government's control, power. I am glad that you have taken the decision. I support the decision. It is a very correct

decision. (Interruptions). The Government cannot abdicate its duties.

**SHRI BENI PRASAD VARMA:** Thank you, thank you.

श्रीमान् अध्यक्ष के वेतन-भत्ते के बारे में सिफारिश यह थी कि यह वही होंगे जोकि सर्वोच्च न्यायालय के न्यायाधीश के होते हैं। हम ने इस में कर दिया है कि रूल्स में जैसा प्रोवाइड होगा। लेकिन रूल्स में प्रोवाइड कर रहे हैं कि जो इस समय उन की वहां पर सैलरी है। मान्यवर, इस को हम ने एक्ट में नहीं डाला है और इसलिए नहीं डाला है कि इस में कोई कंट्रोवर्सी पैदा हो सकती है।

श्रीमान् इस तरह से एक सिफारिश थी कि "प्राधिकरण के सदस्यों की नियुक्ति केन्द्र सरकार द्वारा की जाएगी क्योंकि इस संबंध में अध्यक्ष से सलाह लेने संबंधी सिफारिश को स्वीकार नहीं किया गया है।" स्टैंडिंग कमेटी ने यह सिफारिश की थी कि चैयरमैन की राय से दूसरे मेंबर्स का सलेशन किया जाय। हम ने उस को नहीं माना। हम ने कहा कि गवर्नमेंट ही मेंबर्स सलैक्ट करेगी। यह राय हम ने मान ली कि "नॉट मोर दैन सिक्स" मेंबर्स होंगे, लेकिन उनको गवर्नमेंट अपॉइंट करेगी।

नंबर 4, समिति की यह भी सिफारिश थी कि प्राधिकरण के निर्णयों के विरुद्ध अपील की जा सकती है सुप्रीम कोर्ट में, उच्चतम न्यायालय में। यदि कोई फैसला होगा अथोरिटी का, तो सिर्फ उसकी अपील सुप्रीम कोर्ट में ही होगी। हमने इसको हाईकोर्ट में भी कर दिया है। पहले अपील हाईकोर्ट में होगी और हाईकोर्ट के बाद वह सुप्रीम कोर्ट में जाएगा। यह इसलिए कर दिया कि तमाम लिटिगेशन हमारे स्टेट्स में हो सकते हैं, उनको दौड़कर सुप्रीम कोर्ट आना पड़ेगा। अब वह अपने हाईकोर्ट में भी उसके खिलाफ अपील कर सकते हैं। हमने इसको थोड़ा सरल बनाने के लिए और लोगों के लिए सुलभ बनाने के लिए सुप्रीम कोर्ट की जगह यह किया है।... (व्यवधान)...

**SHRI JOHN F. FERNANDES:** Mr. Vice-Chairman, Sir, may I intervene now for a minute, if the Minister yields? Clause 4 says that the Chairperson will be a sitting Judge of the Supreme Court or a retired Judge of the Supreme Court or a sitting Chief Justice of a High Court or a retired Chief Justice of a High Court and clause 18 says that the appeal will lie to

the High Court. How can it be possible? You are going to demolish the judiciary. It is legally not tenable. It will be struck down. That is what I am telling to the Minister. In case you are appointing a sitting Judge of the Supreme Court as the Chairperson, the appeal should lie to the Supreme Court and not to the High Court. If the Chairperson is a sitting Chief Justice of a High Court, the appeal will be heard by an ordinary Judge of a High Court! How can an appeal lie to the High Court? So, this is a legal point. I don't think that they have sent the Bill to the Law Department. It will be struck down. That was my point. They have not sent the Bill to the Law Department.

श्री बेनी प्रसाद वर्मा: श्रीमन्, विधि मंत्रालय से इसका परीक्षण करवा लिया गया है। इस अथोरिटी को सिविल कोर्ट के राइट होंगे। उसके बाद अपील हाई कोर्ट में हो सकती है, हाई कोर्ट के बाद सुप्रीम कोर्ट में जा सकता है।

SHRI JOHN F. FERNANDES: It is not legally tenable. It is unethical.

श्री बेनी प्रसाद वर्मा: श्रीमन्, इसी तरह से पांचवी सिफारिश भी हमने नहीं मानी है, जो दरों के बारे में थी। स्टैंडिंग कमेटी की रिपोर्ट में था कि जो भी टैरिफ तय हो, उसको पार्लियामेंट में पेश किया जाए और पार्लियामेंट चाहे तो उसको अमेण्ड करे। हमने इसको क्लैरिफाई करने की जरूरत नहीं समझी और वह इसलिए कि जो भी एनुअल रिपोर्ट होगी वह पार्लियामेंट में ले होगी, पार्लियामेंट ही सुप्रीम है।

श्री मोहम्मद आजम खान (उत्तर प्रदेश): सुप्रीम कोर्ट में है, तो क्या सुप्रीम कोर्ट के बाद कोई और कोर्ट होनी? श्री टायर जुडीशियरी सिस्टम है। ... (व्यवधान) ... क्या कहीं और अपील होगी?

श्री बेनी प्रसाद वर्मा: वह तो खतम हो गया, नेक्स्ट पाईट पर आ गए हैं, हम टैरिफ पर आ गए हैं। टैरिफ के बारे में स्टैंडिंग कमेटी की रिपोर्ट थी कि टैरिफ में जो भी चेन्ज हो, पार्लियामेंट में रखा जाए, पार्लियामेंट उसमें चेन्ज करने का अधिकार रखती है। पार्लियामेंट सुप्रीम है। उसके निर्णय को कौन चेलेन्ज करेगा? उनको अपनी एनुअल रिपोर्ट पार्लियामेंट में ले करनी पड़ेगी। पार्लियामेंट को यह राइट है कि किसी भी रिपोर्ट पर वह बहस करे और उसमें कोई अमेण्ड कर

सकती है। इसलिए हमने इसको जरूरी नहीं समझा तक इसको हम अलग से डिफाइन करें।

श्रीमन्, हमने इन पांच सिफारिशों को नहीं माना। जो 30 सिफारिशें थीं, उन 30 सिफारिशों में बाकी 25 सिफारिशें हमने मान लीं।

श्रीमन्, जहाँ तक ग्रामीण टेलीफोन के बारे में खासतौर से हमारे माननीय सदस्य टी०एस० वैकटचलम साहब ने, आशंका व्यक्त की है, हम उनसे पूरी तरह से सहमत हैं। इस प्राधिकरण का उद्देश्य यही है कि यहां पर जो सेवाएं हैं, उसमें सुधार लाने के लिए अलग से अधिकार दिए गए हैं कि जो शिकायतें हों और जो गलती करे उसको सजा भी दी जाए और उस सजा के दायरे में सिर्फ प्राइवेट आपरेटर ही नहीं होंगे, डिपार्टमेंट भी होगा, डिपार्टमेंट के आफिसर भी पनिस किए जाएंगे। हमने यहां एक दिन ग्रामीण क्षेत्रों के लिए स्टेटमेंट भी दिया था। हम खुद संतुष्ट नहीं हैं। एक लाख से ऊपर रुपया लगता है। टायर लगाने में एम०ए०आर०आर०। श्रीमन्, जहाँ से आप आते हैं, सबसे खराब वहाँ की हालत है मध्यप्रदेश की, बिहार, उत्तर प्रदेश की। हमने उनकी टैक्नीकल, फाइनेंसियल, जबसे यह इंटरैड्यूस हुआ तब से अब तक कौनसी इसमें कमी रही, इसकी जांच करने के लिए सी०बी०आई० को रेफर कर दिया है।

हमको डिपार्टमेंट से जो रिपोर्ट मिलती है, हम भी उससे संतुष्ट नहीं हैं। वे कहते हैं कि इतने परसैंट ठीक, इतने परसैंट खराब। इसको भी हमने इंडिपेंडेंट एजेंसी को जांच करने के लिए भेज दिया है कि हमारे डिपार्टमेंट के सैल की जो रिपोर्ट हमारे पास आई है वह सही है या नहीं? तो चिंता है हमारी कि ग्रामीण टेलीफोन विशेष रूप से ठीक हो। प्राधिकरण का गठन भी इसमें थोड़ा सहयोग करेगा।

हमारे सश्री श्री गुरुदास दासगुप्त जी यहां नहीं हैं, चले गए उन्होंने यहां पर काफी आशंका व्यक्त की थी कम्प्यूटीशन के बारे में कि प्राइवेट सैक्टर से पब्लिक सैक्टर कैसे कम्प्यूटीशन कर पाएंगे। तो उनको इश्रुव करना पड़ेगा। आई०टी०आई० और एच०सी०एल० को अलग से रिलीफ पैकेज दिया है, लेकिन परफार्मेंस में इश्रुवमेंट लानी पड़ेगी। अब जब कि लिब्रलाइजेशन पॉलिसी को एडॉप्ट कर लिया गया है, तो उसमें उनके इश्रुव होना ही पड़ेगा, अगर उन्हें अपने ईस्टीमेटेशन को जिंदा रखना है। गुरुदास दासगुप्त जी ने खास तौर से यहाँ कहा था कि इस अथोरिटी के ऊपर कंट्रोल क्या होगा? स्टैंडिंग कमेटी का कंट्रोल होना चाहिए, उन्होंने

इसी बात को उठाया था। महोदय, एक्ट की धारा 21 में यह लिखा हुआ है कि:—

“पार्लियामेंट टी०आर०ए०आई० को ग्रांट देते समय...

उनको ग्रांट पार्लियामेंट से दी जाएगी। तो उसमें लिखा है कि:—

“पार्लियामेंट टी०आर०ए०आई० को ग्रांट देते समय उनके फंक्शनिंग पर पूरी तरह से चर्चा करे।”

उनको ग्रांट जब हम देंगे तो उनके फंक्शनिंग पर हम चर्चा करेंगे और उनकी एन्युअल रिपोर्ट यहां ले होगी, तो पार्लियामेंट का उसके ऊपर कंट्रोल रहेगा और पार्लियामेंट अगर चाहे तो एक कमेटी भी बनाकर उनके ऊपर कंट्रोल कर सकती है पार्लियामेंट के परब्यू के बाहर तो कोई जा ही नहीं सकता, हमारे देश की कोई भी अथॉरिटी या बांडी इसके परब्यू के बाहर नहीं जा सकती। तो हम समझते हैं कि जो उनकी आशंका थी, इससे उनकी आशंका का काफी समाधान हो गया होगा।

फर्जी बिलिंग के बारे में हमारी बहन जी ने भी शिकायत की थी और भट्ट जी ने भी खास तौर से शिकायत की थी। हमने वहां वर्क कल्चर के बारे में कहा था और इसके सुधार के लिए हम सबको मिलकर प्रयास करना पड़ेगा। ये कर्मचारी न विदेश से आए हैं, न आसमान से आए हैं, ये हमारे ही घरों के लड़के हैं। तो समाज के वातावरण को भी बनने की जरूरत है। हमने कल ही विजिलेंस को यह केस इन्क्वायरी के लिए सौंपा है कि लोक सभा के पिछले चुनाव के समय पार्लियामेंट के मੈम्बरों के बिल दो ही महीनों में एक लाख, डेढ़ लाख, दो लाख कैसे हो गए? यह हमारी खुद की समझ में नहीं आता? फर्जी बिलिंग होती है, हम इसको अर्थैटिक रूप से नहीं कह रहे हैं लेकिन जो हमारा अनधिकृत बाह्य ज्ञान है, आउट साइड फंड बैंक है, उसके आधार पर कह रहे हैं हम पार्लियामेंट से छिपाना नहीं चाहते, मिश्र जी कह रहे हैं कि न कहें, लेकिन हम कहेंगे कि हमारे कर्मचारी और पी० सी० ओ० के मालिक उन दिनों मिलकर वे कलें फिट कर देते थे। यह हमारा आउट साइड फंड बैंक है, अर्थैटिक नहीं है। हमने यह मामला विजिलेंस को सुपुर्द किया हुआ है और वे इस बारे में रिपोर्ट देंगे। इसकी रोकथाम के लिए हमको जो भी सख्त कदम उठाना पड़ेगा, हम वह उठाएंगे। हम इस सदन को आवाधायन दे रहे हैं कि अगर हमको बड़े से बड़ा कदम भी उठाना पड़ता तो हम वह भी उठाएंगे लेकिन बेइमान को संरक्षण इस विभाग में हम नहीं मिलने देंगे। हमने इसमें पारदर्शिता अलग से

डिफाइन की है, लेकिन पारदर्शिता सिर्फ शब्दों से या भाषण से नहीं होती, आचरण से होती है। हमारा आपसे विनम्र यही निवेदन है कि हम आचरण से इस बात का प्रयास करें कि पारदर्शिता झलके। हम गलती कर सकते हैं, उसके लिए हम आपको आदर सहित कहते हैं कि जहां हम गलती करें, वहां आप हमें इंगित करें। इंसान से गलती हो सकती है। इस अथॉरिटी के बारे में भी हम कहते हैं कि यदि यह अथॉरिटी पहले बन गई होती तो जितना यह विभाग विवाद में आया है, न आया होता। हम जर्मनी गए, दो दिन पहले। हम कहना चाहते हैं कि मंत्री हो या संसद सदस्य हो, उनका अपमान जो होता है, एक तरह से उसमें पूरे राष्ट्र का मान-सम्मान निहित होता है। आज इस विधेयक के बन जाने के बाद जो निदेश है, उनका इस विभाग में विश्वास बढ़ेगा।

**श्री बेनी प्रसाद वर्मा (क्रमागत):** विदेशी पूंजी निवेश भी तेजी से बढ़ेगा। महोदय, थोड़ी-बहुत हमारे इस विभाग में प्रगति हुई है। सर्विसेज की इन्फुवेंट की बात मैं नहीं करता हूँ, उसमें हम लगे हुए हैं लेकिन फिर भी पूरी तरह से हम संतुष्ट नहीं हैं। अभी 2 बेसिक ऑपरेटर्स ने एप्रोमेंट साईन कर दिया, लाइसेंस फीस का पहला इंस्टालमेंट उन्होंने जमा कर दिया, गुजरात और मध्य प्रदेश, शुरू तो हुआ प्रोसेस। सेलुलर ऑपरेटर्स भी सर्किल्स में ऑपरेशन में आ गए। उनका विश्वास थोड़ा बढ़ा है। यह बिल लोक सभा से पास हो चुका है, यहां भी पास हो जाएगा। इस बिल के पास हो जाने के बाद इसका विधेय्यापी असर होगा।

महोदय, अभी इस कम्युनिकेशन सैक्टर में हमको। पूंजी की जितनी जरूरत है, हमारी सरकार के पास इतनी पूंजी नहीं है। इसलिए हमको फॉरेन इन्वेस्टमेंट की जरूरत है, हालांकि फॉरेन कंट्रीज़ हमारे ऊपर दबाव डालेंगे कि हम इसको बढ़ाएं। डब्ल्यू० टी० ओ० में हमने 25 परसेंट से ज्यादा नहीं दिया है। टेलीकम्युनिकेशंस में इंटरनेशनल कमिटमेंट हमारा 25 परसेंट से ज्यादा का नहीं है। वैसे प्रैक्टिकली हम 49 परसेंट दे रहे हैं, वह अलग बात है। हमारे ऊपर तामम विदेशी लोगों का दबाव रहा लेकिन उसको हमने 25 परसेंट से ज्यादा नहीं बढ़ने दिया।

**श्री नीलोत्पल बसु:** अभी तो आप 73 परसेंट दे रहे हैं।

**श्री बेनी प्रसाद वर्मा:** वह तो इन्डॉयरेक्ट है, वह इंटर्नल है।

That is not an international commitment. I am not bound by it. I am bound by only 25 per cent.

महोदय, टेलीकम्युनिकेशन देश के विकास का एक साधन है लेकिन केवल टेलीकम्युनिकेशन से ही देश का विकास नहीं होगा। इस देश का विकास दूसरी समस्याओं के साथ जुड़ा हुआ है। जब आर्थिक, सामाजिक और सांस्कृतिक सब क्षेत्रों में सुधार होगा तो टेलीकम्युनिकेशन में जो सुधार होगा, वह सोने में सुहागा हो जाएगा। सब चीजों को बढ़ाने के साथ-साथ इसको भी बढ़ाने की कोशिश हम करेंगे।

**उपसभाध्यक्ष (श्री अजीत जोगी):** एक दूसरे बिल पर भी हमें विचार करना है, इसलिए आप समाप्त कीजिए।

**श्री बेनी प्रसाद वर्मा:** महोदय, सब लोगों ने इस बिल के बारे में जो विचार व्यक्त किए हैं, मैंने पहले ही उनके प्रति आभार व्यक्त कर दिया है। हमारे माननीय सदस्यों ने इस प्राधिकरण की भावना का आदर किया है, इसका समर्थन किया है। माननीय सतीश अग्रवाल जी बहुत ही विद्वान सदस्य हैं, वे यहां उपस्थित नहीं हैं, उनका हम खास तौर से धन्यवाद करते हैं। इसमें जो भी कमियां हमें महसूस होंगी, हम रूल्स और रेगुलेशंस में उनको समाहित करने की कोशिश करेंगे।

**THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI):** I shall now put the motion moved by Shri Beni Prasad Varma to vote.

The question is:

"That the Bill to provide for the establishment of the Telecom Regulatory Authority of India to regulate the telecommunication services, and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

*The motion was adopted.*

**THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI):** We shall now take up clause-by-clause consideration of the Bill.

*Clauses 2 to 40 were added to the Bill.*

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

**SHRI BENI PRASAD VARMA:** Sir, I move:

"That the Bill be passed."

*The question was put and the motion was adopted*

#### **The Aquaculture Authority Bill, 1997**

**THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI):** Now we take up the Aquaculture Authority Bill, 1997. Shri Chaturanan Mishra to move for leave to introduce the Aquaculture Authority Bill, 1997.

**THE MINISTER OF AGRICULTURE (SHRI CHATURANAN MISHRA):** Sir, I beg to move for leave to introduce the Bill to provide for the establishment of an Aquaculture Authority for regulating the activities connected with aquaculture in the coastal areas and for matters connected therewith or incidental thereto.

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

**SHRI CHATURANAN MISHRA:** Sir, I introduce the Bill.

**THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI):** Now, the Bill is being taken up for consideration. Shri Chaturanan Mishra to move a motion for consideration of the Aquaculture Authority Bill, 1997.

**SHRI CHATURANAN MISHRA:** Sir, I beg to move:

"That the Bill to provide for the establishment of an Aquaculture Authority for regulating the activities connected with aquaculture in the coastal areas and for matters connected therewith or incidental thereto be taken into consideration."

**उपसभाध्यक्ष महोदय,** यह बिल लाने की एक खास जरूरत इसलिए पड़ गई कि 11 दिसम्बर, 1996 को सुप्रीम कोर्ट ने अपने एक फैसले में यह आदेश दिया कि समुद्र तट पर हाई टैशन लाईन के 500 मीटर के भीतर जितने भी गैर परम्परागत और उन्नत परम्परागत फार्म को छोड़ करके जितने फार्म हैं, एक्वाकल्चर के लिए उन्हें 31 मार्च, 97 तक तोड़ दिया जाए और