

### STATUTORY MOTION

#### For resolution that the airports authority of india (major airports) development fees rules, 2011, laid on the table of the house on the 25th August, 2011, be modified

**श्री ब्रजेश पाठक** (अत्तर प्रदेश): उपसभाध्यक्ष महोदय, अभी हाल ही में दिल्ली और मुम्बई के जो एयरपोर्ट्स हैं, उनके बारे में कहा गया कि वे अत्याधुनिक बनाए गए हैं तथा वे पूरी दुनिया को कम्पिटिशन देंगे। पूरी दुनिया को प्रतियोगिता देने के लिए एयरपोर्ट्स को अत्याधुनिक बनाया गया, लेकिन अत्याधुनिक बनाने के बावजूद उनकी गुणवत्ता में तो कमियां हैं ही, सबसे प्रमुख बात यह है कि हिन्दुस्तान की घरेलू विमान सेवा का प्रयोग करने वाले यात्री तथा विदेशी यात्री, दोनों की जेबों पर खुले आम डकैती का प्रयास कम्पनियां कर रही हैं, जबकि जो ऐग्रीमेंट उन्होंने एयरपोर्ट अथॉरिटी के साथ किया था, उसमें कहीं भी यह उल्लेख नहीं था कि ये कम्पनियां अपने मनमाने ढंग से दाम बढ़ाने का काम करेंगी।

महोदय, विमान बाजार वैसे ही अपनी व्यवस्था पर कराह रहा है। आज एयर इंडिया की हालत बहुत बुरी है। आज वह जिस हालत में पहुंचा है, उसके लिए कहीं न कहीं हमारी सरकार की नीतियां जिम्मेदार हैं। जिस ढंग से यूजर चार्ज बढ़ाए जा रहे हैं, उन्हें देखकर हमें महसूस होता है और मैं परिस्थितियों के अनुसार यह कह सकता हूँ कि एयर इंडिया की जो हालत है, एयरपोर्ट अथॉरिटी को भी उसी हालत में पहुंचाने के लिए व्यवस्था की जा रही है और शुरुआत हो चुकी है। एयरपोर्ट अथॉरिटी इस देश के अंदर पैसा कमाने वाला विभाग माना जाता था, लेकिन आज आलम यह है कि एयरपोर्ट अथॉरिटी की जमीन को पीपीपी के नाम पर प्राइवेट पार्टिज को देकर जिस ढंग से उनको उपकृत करने का काम किया गया है, इसके लिए हम सीधे तौर पर सरकार की नीतियों को जिम्मेदार मानते हैं और आपके माध्यम से सरकार से अपील करते हैं कि वह अपनी नीतियों पर पुनर्विचार करे तथा दैनिक हवाई यात्रियों से, चाहे देश के अंदर यात्रा करने वाले हों या विदेशी जहाजों का उपयोग करने वाले यात्री हों, जिस ढंग से उन पर एयरपोर्ट उपयोग करने के लिए चार्ज में वृद्धि की जा रही है, वह अनुचित है, उसको वापस लिया जाए और उस पर दुबारा विचार किया जाए, नहीं तो एयरपोर्ट अथॉरिटी की भी हालत एयर इंडिया जैसी हो जाएगी। इन्हीं लफ्जों के साथ, मैं आपको धन्यवाद देते हुए अपनी बात समाप्त करता हूँ। जय हिन्द, जय भारत।

**श्री एन.के. सिंह** (बिहार): धन्यवाद उपसभाध्यक्ष महोदय, यह जो विषय है, अगर कोई उदाहरण हो सकता है, जहां कानून को ताक पर रखा गया हो, जो अनियमितताओं का एक ज्वलंत उदाहरण हो, तो वह, यह जो एयरपोर्ट के ऊपर फीस लगायी गयी है, उन ज्वलंत उदाहरणों में से एक होगा।

आप इसके इतिहास को देखिए। जिस समय टेंडर किया गया था, उस समय जिन लोगों ने टेंडरों को भरा था, तब लोगों को कोई आभास नहीं था कि आगे आकर के टेंडर के जो भी नियम हैं, न नियमों में परिवर्तन किया जाएगा। सर्वप्रथम परिवर्तन यह किया गया कि जो डेवलेपमेंट चार्ज है, उनको वह डेवलेपमेंट चार्ज लगाने का अधिकार दे दिया गया। अगर अन्य लोगों को पता होता कि डेवलेपमेंट चार्ज लगना है, तो ये जो सारे आंकड़े हैं इनमें परिवर्तन होता, कुछ और लोग टेंडर में आते। इस कारण, शुरु में ही डेवलेपमेंट चार्ज लगाया गया, यह प्रथम अनियमितता है।

उसके अतिरिक्त आप देखें कि अधिनियम के अनुसार इतनी वृद्धि की गई है, इस वृद्धि का क्या असर होगा? इस वृद्धि का यह असर होगा कि दिल्ली का जो हवाई अड्डा है, इस पर अन्य हवाई अड्डों की तुलना में लोग नहीं आयेंगे। इसका बहुत प्रतिकूल असर सिविल ऐविएशन पर पड़ेगा। मंत्री महोदय, इसका प्रतिकूल असर टूरिज्म के ऊपर पड़ेगा, इसका प्रतिकूल असर, जो भी हम प्रयास कर रहे हैं भारत को एक आकर्षक पूंजी निवेश का स्थान बनाने के लिए, उस पर पड़ेगा। आप इसको कई और दृष्टिकोण से देखिए। जैसा कि पहले भी बताया गया है जो दुकानें ली गई हैं उनसे किराया आता है, जितनी इन्हें जमीन दी गई है और छूट दी गयी है, वह 5-10 हजार एकड़ है, उसकी कीमत भी नहीं लगाई जा सकती है। मंत्री महोदय, पता नहीं उस जमीन की कितनी कीमत होगी, लेकिन वह बहुत बहुमूल्य जमीन है और इसके विकास के ऊपर उनको छूट दे दी गई है। क्या इस दृष्टिकोण से, दुकानों से, जमीन के विकास से, जो राजस्व में वृद्धि होगी, उसका अनुमान लगाया गया है? किस अथॉरिटी ने उन्हें छूट दी कि इतना बड़ा 500 प्रतिशत हाइक करे?

मेरा आपसे अनुरोध है कि आप इस मामले पर पुनर्विचार करें। जब तक पुनर्विचार नहीं हो जाता है, तब तक इतनी ज्यादा फीस जो लगाई गई है, इस पर आप रोक लगायें। सभी दृष्टिकोण से अपने वाले राजस्व में कितनी प्राप्ति होती है, उसका पूर्ण रूप से औचित्य, उसका पूर्ण रूप से एक आर्थिक विश्लेषण करें और उस विश्लेषण के पश्चात ही आप इस निष्कर्ष पर पहुंचें कि कितनी फीस में वृद्धि करें, उसका क्या औचित्य है और उस औचित्य के आधार पर ही, आप आगे कदम उठायें।

मेरे पास बोलने के लिए समय कम है। इसलिए मैं आपसे कहना चाहता हूँ कि जितनी चीजें हुई हैं, ये आपके समय से पूर्व हो चुकी हैं और ये बहुत ही नाजुक मामला है, लेकिन आप इसको आर्थिक दृष्टिकोण से, नैतिक दृष्टिकोण से, नियमों में जो अनियमितताएं हुई हैं, उन सभी दृष्टिकोणों से, आप पूर्ण रूप से विश्लेषण करने के पश्चात ही आगे कदम उठायें। धन्यवाद।

**SHRI D. BANDYOPADHYAY (West Bengal):** Sir, I stand here to support the Motion for the very simple reason that a rule cannot overrule the basic statute. A rule is a creature of statute. It is a subordinate legislation. But, here, they have put in the words, "by a person or a body of persons as specified". The point is, the original law, the Airports Authority, talks of authority. And, authority, by a simple logic, could be an authority constituted under a law or constituted by the Government for a particular purpose under some law. Now, if that is not there, then, how does a person come in?

Sir, my second point is, the original thing was on embarking passenger. But, embarking passenger does not include disembarking passenger. I just looked up the dictionary, which is here available, embarking passengers mean those who go into a boat, and disembarking passengers are those who come out of a boat.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** There is only an addition of this.

SHRI D. BANDYOPADHYAY: Therefore, it cannot be there. They cannot, in any case, come under disembarking passengers at all. All said and done, we know the background, Sir. I do not want to get into the background. Some private contractors got into a big deal, failed to make adequate money; therefore, they are charging it also. There cannot be personlization of profit, 'profit, I gain; losses, you make.' It cannot go. So, on these two grounds, I support the Motion. Thank you, Sir.

श्री नरेश अग्रवाल (उत्तर प्रदेश): उपसभाध्यक्ष महोदय, मुझे बड़ी खुशी है कि मंत्री जी उत्तर प्रदेश के दूसरे बड़े मंत्री हैं, जिनको इस विभाग की जिम्मेदारी मिली है। मैं तो यह चाहूंगा कि इस जिम्मेदारी को निभाते हुए, कुछ ऐसे परिवर्तन हों, कुछ ऐसा दिखाई दे कि एयरपोर्ट अथॉरिटी में काफी सुधार हुआ है। यह ठीक है कि PPP का फैशन चल गया है। मैं नहीं समझ पाया कि जब एयरपोर्ट अथॉरिटी इतना अच्छा काम कर रही है तो जो हमारे सबसे इम्पोर्टेंट एयरपोर्ट्स हैं, इनको प्राइवेट सेक्टर्स में क्यों दिया गया? आप देख लीजिए कि चाहे साउथ में हैदराबाद है, चाहे गोवा का नया एयरपोर्ट है, चाहे कोलकाता का एयर पोर्ट है, एक से एक अच्छे एयरपोर्ट हैं, जिनमें इतना ज्यादा शुल्क नहीं है, जितना कि निजी क्षेत्र के दोनों एयरपोर्ट्स पर है। चाहे आप मुम्बई को ले लीजिए या GMR, GV Tech को ले लीजिए। अगर इनको मात्र पैसा पैदा करने की छूट दी गई है, तो यह बहुत उचित नहीं होगा और यात्रियों के साथ न्याय भी नहीं होगा। मंत्री जी, वैसे भी आपकी एयरलाइंस में फेयर वसूलने का कोई तरीका नहीं है। एक आदमी एक समय में तीन हजार रुपए में टिक लेता है और एक मिनट बाद वही किराया तेरह हजार रुपए हो जाएगा। माननीय मंत्री जी, आप किराए की कम से कम कोई एक गाइडलाइन तो तय करिए। एक जमाने में कुछ सीटें MPs के लिए रिजर्व रहती थीं, अगर हम लोगों को कभी सेशन में आना पड़ता और त्योहार के दिन हों, तो पता चलता कि एयरलाइंस में हम लोगों के लिए जगह ही नहीं बचती थी। श्रीमन, जो हमारा सेशन अटेंड करने का राइट है, हम यदि उसको भी अटेंड करना चाहें, तो एयरलाइंस में कोई अलग व्यवस्था नहीं है। हमको भी वैसे ही आना पड़ता है। यदि टिकट नहीं मिली तो नहीं है। आपकी एयरपोर्ट अथॉरिटी तो बड़े प्रॉफिट में है। माननीय मंत्री जी, आपने हिन्दुस्तान में बर्ड एक्सिडेंट्स को नहीं रोका और न ही आपने बर्ड एक्सिडेंट्स रोकने के लिए कोई निर्णय लिया है। आप अपना रिकार्ड निकलवा कर देख लीजिए कि हर साल कितने प्लेन बर्ड एक्सिडेंट्स में खराब होते हैं और उनको खड़ा कर दिया जाता है। नहीं तो फिर आप मेरी बात का जवाब दे दीजिए कि मैंने गलत कहा या सही कहा। आप बर्ड्स एक्सिडेंट्स का रिकार्ड निकलवा लीजिए। आपने बर्ड्स एक्सिडेंट्स को रोकने के लिए कौन से इंतजाम किए हैं? आप हीथ्रो एयरपोर्ट पर चले जाएं या शिकागो एयरपोर्ट पर चले जाएं, वहां प्लेन लाइन से उतरते हैं और वे उतरने में डिले नहीं करते हैं। हमारे यहां इतने बड़े-बड़े एयरपोर्ट होने के बावजूद भी वेटिंग काफी लम्बी होती है। मैं यह कहूंगा कि आप ATC को भी एयरपोर्ट अथॉरिटी के अंडर करिए। एयरपोर्ट अथॉरिटी एक जगह है और एयर ट्रेफिक कंट्रोल दूसरी जगह है, दोनों में कोई तालमेल नहीं है, जिसकी वजह से भी तमाम प्लेन लेट होते हैं और तमाम व्यवस्थाएं अव्यवस्थित हो रही हैं। मैं चाहूंगा कि आप इसको भी देखें। आप अभी परसों ही लखनऊ एयरपोर्ट का उद्घाटन करने गए थे। मुझे यह जानकर बड़ी खुशी हुई कि आपने उत्तर प्रदेश और देश के

बहुत बड़े नेता, आपके पिता जी के नाम पर एयरपोर्ट का उद्घाटन किया है। मैं तो आप से एक दिन यह कहने वाला था कि मंत्री जी, आप थोड़ा समय निकाल कर उस एयरपोर्ट का भी उद्घाटन कर दीजिए। मुझे खुशी है कि उद्घाटन हो गया है। आप सोचते हैं कि जो आपने लखनऊ का एयरपोर्ट बनाया है, लखनऊ उत्तर प्रदेश के सबसे बड़े प्रदेश की राजधानी है, क्या वह दो एयर ब्रिज्स से एयरपोर्ट चल जाएगा, क्या इंटरनेशनल फ्लाइट्स चल जाएंगी। यह ठीक है कि आपने उसका उद्घाटन किया है, लेकिन पब्लिक का कमेंट बहुत अच्छा नहीं था। वहां जनता यह कह रही थी कि अगर इसको बनाना ही था, तो बड़ा एयरपोर्ट बनाते। क्योंकि लखनऊ एयरपोर्ट उत्तर प्रदेश का सबसे बड़ा एयरपोर्ट है और सबसे ज्यादा कहीं फ्लाइट्स जाती हैं, तो वे लखनऊ एयरपोर्ट से ही जाती हैं। मैं तो यह कहूंगा कि आज आप घोषणा कर दीजिए कि आप उस एयरपोर्ट को इंटरनेशनल एयरपोर्ट बनाएंगे। इससे उत्तर प्रदेश के लोगों को यह लगेगा कि चौधरी अजित सिंह जी मंत्री थे, उन्होंने अपने जमाने में लखनऊ को कुछ दिया है। मैं तो आप से यह भी कहना चाहूंगा कि उत्तर प्रदेश में जितनी हवाई पट्टियां हैं, जो एयरपोर्ट में नई तरमीम हुई हैं... (समय की घंटी). श्रीमन्, बस अभी खत्म कर रहा हूं। यूपी में आगरा में सबसे ज्यादा टूरिस्ट आते हैं। आगरा मिलिट्री का एयरपोर्ट है, बरेली में भी मिलिट्री का एयरपोर्ट है, इसी तरह से गोरखपुर और इलाहबाद में भी मिलिट्री का एयरपोर्ट है। उन हवाई पट्टियों पर दूसरे प्लेन्स उतरने की इजाजत नहीं है। इसलिए मैं कहना चाहता हूं कि अगर एयरपोर्ट अथॉरिटी डिवेलपमेंट के लिए पैसा मांग रही है, तो एयरपोर्ट अथॉरिटी को ज्यादा डिवेलपमेंट में लगाइए। अगर निजी क्षेत्र वाकई में यात्रियों को कुछ राहत देने के लिए आना चाहते हैं, तो निजी क्षेत्र को दिया जाए। मेरा अनुरोध है कि आप जब इस पर जवाब दें, तब जरूर कोई न कोई घोषणा करें और कुछ सही निर्णय लें, जिससे लगे कि आपके नेतृत्व में कहीं न कहीं परिवर्तन हुआ है। इतने ही शब्दों के साथ मैं समाप्त करता हूं। आपका बहुत-बहुत धन्यवाद।

SHRI T.M. SELVAGANAPATHI (Tamil Nadu): Thank you very much, Sir. There are a few questions, on this issue, that are to be raised before this august House. The Government has got all the authority to frame the rules with regard to collection of development fee. The point is that the rules have been framed on the basis of the Act. The Ministry has to clarify as to why this rule was delayed for such a long time, almost for several years, after the intervention of the Supreme Court. The PPP, who is the in-charge of this international airport, started collecting the development fee without any legal sanction. That is the moot question before us. And, the Supreme Court had rightly struck down the collection of development fee and termed it as illegal. About Rs. 1,481 crores, which have already been collected, are lying with the private partnership. One question is, the rules have to be approved by the Rajya Sabha. This development fee, even for the embarking passengers, is the question now, to the tune of about Rs. 1,300/- per international passenger and Rs. 200/- per domestic passenger. One apprehension, which is always expressed, is that this is an era in which the development cannot be done by the Government alone. There has to be a public-private partnership. So, any move that we take now should not jeopardize the further development in the country.

[Shri T.M. Selvaganapathi]

Especially in the road transport and the airways, the kind of private partnership work, investment is going on, is enormous which is coming to a level that is impressive. At the same time, the so-called PPP should not loot the public money. That is the concern. Now, you-frame the rules. But till then the Government is not waiting and it is pending for the approval of this House. The fee is being collected even today. Our question is whether this particular form of collecting the development fee was originally contemplated in the contract, which they had signed with the Authority. This is one question because originally these companies had entered into a contract. They had certain clauses how they raise their sources. For which, our understanding is that their lands, which have been given to these people, are worth several crores of rupees. And, these lands have not been utilized. Instead, they bounce on the consumer, the individual passenger, who has to shell out more money. The Government has to study these two things. Why have they not utilized the land given to them, which comes to several crores of rupees, which they can always reimburse? Cross subsidization was given worth about Rs. 20,000 crores, as far as the Delhi airport is concerned. No doubt, this is one of the finest airports in the world. It is the second finest airport in the entire world. But, at the same time, whether the collection of development fee can be allowed or not is the moot question. The Ministry has to look into it seriously because it is raising everybody's eyebrows that the Government is favouring the private parties. (Time-Bell-rings) This misgiving has to be cleared. (Time-Bell-rings) At the same time, Mr. Balagopal, right from the beginning when the Supreme Court had passed the judgement that unless a rule is there only the Authority can levy a tax, has relentlessly been writing to the Prime Minister and the concerned hon. Minister in this regard. All such misgivings have to be cleared. Thank you very much.

SHRI D. RAJA (Tamil Nadu): Sir, I support the Motion moved by my distinguished colleague, comrade Balagopal. The User Development Fee is, really, a distortion of policy. The Delhi Airport has managed to get this condition ordered by the Ministry of Civil Aviation. Sir, what we have found is that the parent company of the Delhi Airport, a private developer, took land from the Airports Authority of India and used it for massive commercial exploitation. I understand, Sir, that the property is now worth thousands of crores of rupees. It seems that the passengers are financing the investment choices of private developers. The . Government of India should withdraw the concessions granted to all private companies and re-negotiate the agreements. The User Development Fee should not finance the other commercial activities of private companies. I understand, Sir, that the expenses incurred by the

private developers are added to the Airport account. Sir, if User Development Fee is collected, then, it should become part of the equity of the company. It is now working as a free grant to the private developers. The User Development Fee is being used as a tax on passengers and as a revenue for private developers and private companies. Instead, the User Development Fee, which is said to be for the development of the Airports, should not be a charge for a single journey, but should be an investment by the passenger for the future. Convert the User Development Fee into equity for the passengers. Sir, let every passenger get a share in the Company whenever he or she pays the User Development Fee. Now, the passengers are paying a hefty amount and the equity of private developers is going up, as if they brought the equity capital. Sir, in private airports, the User Development Fee is being forcibly collected and passengers have become prisoners at the Airports. The best solution, Sir, according to me, is to cancel these agreements and renegotiate these oppressive agreements. *..(Interruptions)..* I am making my point of view; you can have a counter point. Finally, it is for the Government to decide. The Government can approach courts and have these agreements declared oppressive. *..(Interruptions)..* I am making suggestions.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please address the Chair.

SHRI D. RAJA: If the courts can cancel the 2G Telecom licences, then, the Government can, surely, approach the courts. These agreements have enriched private companies, illegitimate private developers and the travelling public are treated as captive passengers. The national interest is not being served by the bad agreements, signed by the Government. So, I appeal to the Government to relook at these agreements and try to re-negotiate these agreements in the interests of the country and in the interests of the passengers.

SHRI RAJIV PRATAP RUDY (Bihar): Sir, in fact, I was waiting for my turn in the Civil Aviation sector. But I will try to bring a few points to the notice of the House. सर, इस देश में जब भी हम नागरिक विमानन क्षेत्र के बारे में बात करते हैं, तो यह मान कर चला जाता था कि विमान में उड़ना बड़े लोगों की चीज है। लेकिन इस देश के इतिहास में दो ऐसे वक्त आए, एक वक्त आया 1980 में, जब इस देश में माधवराव सिंधिया जी कांग्रेस के मंत्री थे, उन्होंने यह तय किया कि एयर इंडिया और इंडियन एयरलाइंस के बाहर देश में भी प्रतिस्पर्धा होनी चाहिए और लोगों के पास opportunity होनी चाहिए, ताकि इस देश में और भी विमान कम्पनियां आ सकें। उसके बाद 2003-2004 में दूसरा दौर आया, उस समय एनडीए की सरकार थी। उस समय देश में जोड़ने की बड़ी बात की गई, चाहे वह connectivity की बात हो, चाहे ग्रामीण सड़क की बात हो, चाहे विमानन क्षेत्र की बात हो, चाहे टेलीफोन की बात हो, चाहे मोबाइल फोन की बात हो।

[Shri Rajiv Partap Rudy]

इस देश में अटल बिहारी वाजपेयी जी की सरकार ने ऐसा प्रयास किया कि छोटे से छोटे, गरीब से गरीब और देहात में बसे लोग भी इससे जुड़ सकें। हम सिर्फ यह बताना चाहेंगे कि 1950 से लेकर 2001 तक हमारे देश में जो यात्री विमान में उड़ते थे, उनकी संख्या 10 मिलियन थी। 2001-02 के बाद से लेकर 2012 तक इस देश में जो यात्री उड़ते हैं, उनकी संख्या 60 मिलियन है, यानी इसमें 600% की वृद्धि हुई है।

इस दौरान, आपको स्मरण होगा, मंत्री जी याद करेंगे, 2003-04 के बाद दुनिया में विमानन क्षेत्र में इतना बड़ा विस्तार कभी नहीं हुआ। उस समय लगभग 35% से 40% लोग बढ़े थे, जो इस विमानन क्षेत्र की यात्रा करते थे। देश और दुनिया के इतिहास में इतना बड़ा परसेंटेज ग्रोथ कभी नहीं हुआ था, जो हमने देखा है।

सर, यह मैं इसलिए बता रहा हूँ, लोग शायद भूल गए होंगे कि 2003-04 के बाद इस देश में एक बड़ा आन्दोलन शुरू हुआ था, जिसका लाभ आ तक हम देखते आ रहे हैं। चूंकि जब नागरिक विमानन क्षेत्र की बात होती है, हमारे मंत्री बैठे हैं, हमारा ऐसा मानना है कि 2003-04 के बाद हमने जो सुधार के कार्य किए और जो ग्रोथ देखी, उसमें जो और सुधार की गुंजाइश थी, उसको पूरा नहीं किया।

महोदय, सिर्फ आपके रेफरेंस के लिए मैं आपको बताना चाहूंगा कि एक वर्ष के भीतर वाजपेयी जी की सरकार में कितने निर्णय लिए गए, जिनका परिणाम आज तक देखने को मिलता है। आज यूडीएफ लगाने की बात हो रही है, टैक्सिज़ लगाने की बात हो रही है, एक जमाने की एफटीटी, एफटीएफ और आईएटीटी टैक्स होता था, उस समय हम लोगों ने उसको हटाया था। हवाई जहाज के ईंधन के बारे में देश के इतिहास में जो एटीएफ की चर्चा होती है, इस देश के इतिहास में 2004 में पहली बार उसकी एक्साइज़ ड्यूटी को 16% से 8% घटाया गया। देश में जो इंटरनेशनल लेंडिंग चार्जिज़ थे, देश के इतिहास में पहली बार उसे 12% से 14% तक घटाया गया। जो विमान 80 सीटों से कम थे, उनको **declared goods** घोषित किया गया और उसमें 4% sale tax किया गया, जो आज भी पूरे देश में लागू है।

इसके अलावा, महोदय, आपको स्मरण होगा कि मैं 1990 में बिहार से विधायक बना था। 1990 में इंडियन एअर लाइन्स की सेवा होती थी, उस समय जब मैं पटना से दिल्ली आता था, तब विमान यात्रा की कीमत लगभग 6000 से 7000 रुपये होती थी और आज 2012 में भी जब हम पटना से दिल्ली आते हैं, तो मात्र 5000 से 7000 रुपये में यात्रा कर सकते हैं। इसकी देन 2004 है, जब हम लोगों ने इस देश में, जिसकी परिभाषा 'low cost carrier' के रूप में दी जाती है, लॉन्च किया और वह काम 2004 में हुआ।

एनडीए की सरकार वह सरकार थी, जिसने पहली बात प्रतिस्पर्द्धा के तौर पर प्राइवेट एअर लाइन्स को भी अंतरराष्ट्रीय स्तर पर जाने की अनुमति दी, ताकि लोग विस्तार कर सकें और पूरी दुनिया में घूम सकें। छोटी से छोटी चीज, जैसे मोबाइल फोन का उपयोग जहाज उतरने के बाद, दरवाजा बन्द होने के बाद किया जा सकता है, आज भी आपने देखा होगा कि हाल-फिलहाल जब यह तय हुआ कि जहाज उतरने के बाद आप मोबाइल फोन कर सकते हैं, उसमें भी हमारे जैसे लोगों का हाथ रहा है।

जो 36 non-metro airports का विकास किया जा रहा है, इसकी शुरुआत भी हम लोगों ने ही की थी और आज उनका निर्माण कार्य अच्छे तौर पर हो रहा है। इसके साथ-साथ हम लोगों ने चार्टर पॉलिसी भी रिवाइज की थी। उस समय 2003 में जो चार्टर विमानों की संख्या थी वह लगभग 160 थी और आज जो चार्टर विमान गोआ में, दिल्ली में आते हैं, उनकी संख्या बढ़ कर लगभग 2600 हो गई है। इस तरह हमने कई सारे क्षेत्रों में काम किया है। इसके अंतर्गत हम लोगों ने दो बड़े निर्णय और भी लिए थे, वे थे दिल्ली और मुंबई हवाई अड्डों का पुनर्निर्माण करना, इनको प्राइवेटाइज करना। Those were the two brownfield projects which we had taken up, and that was a major decision taken. And, thereafter, we decided about Shamshabad in Hyderabad and Devanahalli Airport. These were the four major projects. But, Sir, when we talk about these projects, we have to get back on to certain facts and figures as to how it has been done and what has gone wrong because the idea was, किसी भी देश में अगर आप देखें कि जो एविएशन का ग्रोथ होता है, अगर सरकार कुछ न करे, if the Government makes no effort, फिर भी लगभग डेढ़ गुना होगा। अगर आज हमारी इकॉनमी का ग्रोथ लगभग 8% है, तो अगर सरकार कुछ भी न करे, तब भी 12% तो अपने आप ही होगा। आज हमारा एविएशन का ग्रोथ लगभग 15-16% है। यह ग्रोथ अपने आप में प्रमाणित करता है कि हमारी सरकार की तरफ से इस इंडस्ट्री में जो इन्पुट और इन्सॅटिव होना चाहिए था, जसकी शुरुआत हम लोगों ने 2004 के बाद की, शायद उसमें कमी आ चुकी है।

महोदय, भारत की आबादी लगभग 1.2 बिलियन है और हमारे यहां विमान यात्रा करने वाले यात्रियों की संख्या मात्र 7 मिलियन है। चीन की आबादी 1.6 बिलियन है, लेकिन वहां लगभग 300 मिलियन लोग उड़ते हैं। अमेरिका में 350 मिलियन लोग हैं और हर व्यक्ति औसत तौर पर 700 मिलियन बार उड़ता है, यानि हर व्यक्ति लगभग दुगना उड़ता है। इसी प्रकार से आस्ट्रेलिया में, जिसकी आबादी 23 मिलियन है, वहां 46 मिलियन लोग उड़ते हैं। यह अपने आप में स्थिति स्पष्ट करता है। अगर हम आज विमानों की भी संख्या देखें, तो अमेरिका में 50 हजार लोगों पर एक विमान है, आस्ट्रेलिया में 50 हजार लोगों पर एक विमान है, चीन में लगभग एक मिलियन लोगों पर एक विमान है, लेकिन भरत में लगभग 4 मिलियन लोगों पर एक विमान है। यह अपने आप में दर्शाता है कि इतने बड़े देश में, जो कि बहुत बड़ा बाजार हो सकता है, आज भी इस मामले में हम बहुत पीछे खड़े हैं और कहीं-न-कहीं इस सब चीजों की यहां जरूरत है।

महोदय, मेरे पास क्योंकि समय कम है और एविएशन के क्षेत्र में बहुत-सारे विषय हैं...(व्यवधान)...उतना समय भी कम ही है। मैं अपनी बात को छोटा करने की कोशिश करता हूं। सर, एयरपोर्ट अथॉरिटी के पास जो अभी एयरपोर्ट्स हैं, जिनका ये संचालन कर रहे हैं, ये लगभग 125 हैं और देश में इनकी पूरी संख्या 449 है, जिनमें से 11 अंतर्राष्ट्रीय हैं, 81 डोमेस्टिक हैं और 25 सिविल एन्वलेक्स हैं। महोदय, जैसा मैंने बताया कि 2001 में 10 मिलियन लोग उड़ते थे, आज ऐसे लोग लगभग 60 मिलियन हैं। हम लोगों ने तय किया, सचमुच यह हमारा निर्णय था, हमारी सरकार का निर्णय था, वाजपेयी जी का निर्णय था कि हम नए-नए

[Shri Rajiv Partap Rudy]

एयरपोर्ट्स का निर्माण करें। लेकिन, नये एयरपोर्ट्स का निर्माण किस प्रकार हो, इस बात को तय करने के लिए हम लोग सरकार में नहीं रहे, आप आ गये और वामपंथी मित्र आए। मुझे बड़ा कष्ट होता है, जब हमारे वामपंथी मित्र इन सब विषयों की चर्चा करते हैं। जिस दौरान ये सब निर्णय हुए, सब कुछ तय हुआ, तो सरकार के साथ ही थे। इसलिए, जब हमारे ये मित्र कहते हैं कि साहब, इसको कैंसल कर देना चाहिए, इसे हटा देना चाहिए, तो एक बड़ा सवाल उठता है। येचुरी साहब शायद नहीं सुन रहे हैं, ये दो बड़े निर्णय, जिस प्रकार से एयरपोर्ट अथॉरिटी ने 46 प्रतिशत रेवेन्यू लेकर तय किया कि इसमें अपनी भागीदारी होगी, ...**(व्यवधान)**... पी.पी.पी मॉडल पर हो, दो बड़े निर्णय में इनकी भागीदारी रही है। पता नहीं, ये भूल गये हैं, भूल जाना चाहते हैं या इनकी यह आदत है, लेकिन जब दिल्ली एयरपोर्ट के निर्माण का कार्य प्रारम्भ हुआ और टैंडर प्रोसेस शुरू हुआ, निविदाएं आमंत्रित की गईं, तो ये पूरे तौर से सरकार में थे। 2007 में भी, जब एयर इंडिया और इंडियन एयर लाइंस का मर्जर हुआ, तब भी ये उसके साथ थे। मैं आपके विषय पर आ रहा हूँ। मंत्री महोदय, सुनिए तो सही, क्यों परेशान हो रहे हैं।...**(व्यवधान)**...इश्यूज़ तो उसी में आ रहे हैं।...**(व्यवधान)**...आप क्यों परेशान हो रहे हैं, कुछ सच्ची बातें जाननी चाहिए। शुरूआती तौर पर दिल्ली एयरपोर्ट पर इन लोगों ने लगभग 12 हजार 800 करोड़ रुपए खर्च किए।...**(व्यवधान)**...हां, काम की बात पर चले आएं। आप क्यों परेशान हो रहे हैं?...**(व्यवधान)**...उसके बाद मुम्बई में लगभग 9000 करोड़, लेकिन मैं यही बताना चाहूंगा कि आज कोलकाता में एयरपोर्ट का निर्माण हो रहा है। हम लोगों ने दिल्ली एयरपोर्ट का निर्माण किया, बहुत इच्छा निर्माण किया। उसमें क्या कमियां हैं, तकनीकी रूप से देखा जाएगा, लेकिन लगभग उसी अनुपात के एयरपोर्ट का निर्माण कोलकाता में हो रहा है, जिसमें हम मात्र 2400 करोड़ रुपए खर्च कर रहे हैं। एक तरफ 12 हजार 800 करोड़ रुपए से जिसकी शुरूआत हुई थी, एक बार हम लोगों ने शुरू में तय किया था कि लगभग 6000 करोड़ रुपए...**(व्यवधान)**...हां, 5 हजार 900 करोड़ रुपए खर्च करेंगे, उसको बढ़ा कर 8000 किया गया, उसको फिर बढ़ा कर 12 हजार 800 करोड़ रुपए किया गया। AERA ने कहा कि 12 हजार 800 करोड़ में से 300 करोड़ रुपए काट डालते हैं, आप उसको 12 हजार 500 करोड़ में बनाइए। फिर, उन्होंने अपना तर्क दिया कि उसमें ATC Tower नहीं था, फ्लां नहीं था, डेमका नहीं था। यह तो एक बड़ा तथ्य है, महोदय, कि इसमें आखिर किस तरह से यह तय किया गया। उसके साथ-साथ जो दो सहमति दायर की, उनमें एक OMDA था, जिसके तहत वह एयरपोर्ट दिया गया और दूसरा State Agreement था। अब महोदय, सरकार जब निर्णय लेती है या जब सरकार निर्णय लेगी, तो सरकार को मान्यता होगी, लेकिन State Agreement में कभी भी यह तय नहीं किया गया कि रिजनेबल रिटर्न क्या होगा। हम अगर निवेश करते हैं, तो तय करते हैं या बैंक जिस आधार पर लोन देती है, तो यह तय करती है कि रिजनेबल रिटर्न क्या होगा। स्वाभाविक है कि अगर हम व्यापारी हैं और बिजनेस के लिए आए हैं, तो हम अपनी मांग रखेंगे कि मेरा रेवेन्यू इंटरैस्ट इतना होना चाहिए या इसमें मुझे इतना लाभ होना चाहिए। उन्होंने कहा कि हमें इसमें...**(समय की घंटी)**...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Rudy, if you conclude within two minutes, your colleagues would get three minutes!

SHRI RAJIV PRATAP RUDY: Yes, Sir. ठीक है, सर।

Sir, the Government did not specify the reasonable return और उसको ओपन छोड़ दिया। उन्होंने कहा कि हमें 24 प्रतिशत रिटर्न मिलना चाहिए। फिर, बाद में उससे कहा गया कि यह 14 प्रतिशत होगा, तब एक Independent Consultant बनाया गया, सरकार के द्वारा नियुक्त किया गया। उस Independent Consultant ने कहा कि ठीक है और उसने एक पत्र लगा कर AERA को भेजा। AERA ने कहा कि इसको 16 प्रतिशत किया जाए। आज भी जो सहमति बनी हैं, उसमें AERA ने यह कहा है कि इसकी सहमति तो मैं दे रहा हूँ, लेकिन इसका ऑडिट मैं स्वयं कराऊंगा। तो स्वाभाविक तौर से सरकार ने जिस प्रकार से ये सभी निर्णय लिए और कहीं-न-कहीं कोई भी उद्योगपति अगर आएगा, निवेश करने आएगा, तब वह तो अपने प्रॉफिट के लिए ही आएगा। आज कहा जा रहा है कि उसमें बड़े losses हैं, उसकी उपयोगिता पूरी नहीं हो पा रही है, तो इसमें सरकार ही बता सकेगी कि आखिर यह क्या परिस्थिति थी, जिसमें इस प्रकार हुआ? उसमें बड़ा technical language है, Single Till, Double Till.

सर, जिस एयरपोर्ट modernization की बात हम लोगों ने शुरू की, उसका basic fundamental क्या था? When the NDA Government decided to privatise the airports, what was the fundamental? The fundamental was that the Airports Authority of India, which were running the airports for the last 55 years, ये जो non-aeronautical revenue होते हैं, जो गैर-विमानन क्षेत्र का रेवन्यू होता है, उसको Airports Authority of India recognize नहीं कर पाती है, और in order to have the full potential of the non - aeronautical revenue, it is essential that we bring in the model of privatisation so that the best aeronautical revenue is received. What do we do here, Sir? We come back and sign an agreement where we say that of the non-aeronautical revenue, जो पूरे सौ फीसदी पैसा एक खाता में जाना चाहिए, उसको हम लोगों ने तय करके कह दिया कि यह non-aeronautical revenue का मात्र 30 प्रतिशत ही पूरे खाते में जाएगा, that is how the system of double till came कि खाते में एक पैसा जमा करो और दूसरे खाते में दूसरा पैसा जमा करो। (समय की घंटी)। स्वाभाविक तौर से जिस दिन सरकार ने यह निर्णय किया...(व्यवधान)...सरकार 46 परसेंट रेवन्यू सीधा Airport Authority of India को दे देगी, वह भी पता नहीं, किस प्रकार से किया गया? वह अपने आप में एक बहुत बड़ा रेवन्यू हैं, क्योंकि एयरपोर्ट ऑथोरिटी को जितनी कमाई एयरपोर्ट चला कर नहीं हो रही थी, उससे ज्यादा कमाई बिना एयरपोर्ट चलाए होने लगी। स्वाभाविक तौर पर वह भी पैसा लेना चाहेगा और जब कोई भी उद्योगपति पैसा लगा कर अपना पूरा पैसा वापस नहीं ले पाएगा, तो स्वाभाविक तौर से कोई न कोई रास्ता निकालेगा। यह एक बड़ा सवाल होता है कि यह जो डबल टिल करके जिस प्रकार से यह तय किया गया..क्योंकि इसकी capacity लगभग 60 बिलियन तक जाना है, अभी 37 बिलियन है। Out of this large plot of land, we will say, take 250 acres. Sir, the very fundamental of aviation success is how we can make the whole product cheap. The latest escalation which has come into existence between Delhi-Mumbai-Delhi. पहले आने वाले यात्री उतरने वाले passengers को पैसा नहीं लगता था, सिर्फ जाने वाले को लगता

[Shri Rajiv Partap Rudy]

थ, जब एक प्रस्ताव के तहत...(व्यवधान)...आज जो escalation हैं, it is 346 per cent. इसका मतलब यह हुआ कि दिल्ली-मुम्बई-दिल्ली की यात्रा करने वाले यात्री को इस निर्णय के बाद 1800 रुपए अतिरिक्त देने पड़ेंगे, यानी की हवाई जहाज की कम्पनियां एक तरफ घाटे में चल रहीं हैं या घाटे में नहीं भी चल रही हैं, लेकिन जिस प्रकार से कीमत है और इस देश में इस एयरपोर्ट के निर्माण का उद्देश्य था कि यात्रियों की सुविधाएं बढ़ें, किराया कम हो और निश्चित रूप से आवागमन की सुविधा हो, वह पूरा नहीं हो रहा है।

The basic fundamentals which were achieved in 2004, after the reforms which were initiated in the NDA Government, have been completely lost. This Government has completely lost the track. With great pride, we can say that we were the people who started this revolution of aviation in this country, which has completely been lost in the track. That is one of the points. There are many more features, which we cannot take them up in such a short while, अगर हम चाहते हैं कि passengers का ग्रोथ हो, एयरक्राफ्ट का ग्रोथ हो, कर्मचारी बढ़ें, सर, प्राइवेट एयरलाइंस के बारे में चर्चा की जाती है, वहां भी हमारे ही बच्चे काम करते हैं, ऐसा नहीं है कि वह देश के खिलाफ है। We should have a policy.

Sir, Air India stands as a lead. We all understand that. Unfortunately, we cannot keep on harping on that issue. This is the time when the country is going through a crisis as far as the civil aviation is concerned, including the crisis which has emerged out Air India. I think, on that subject, we will expect a reply from the Minister, which has not come as far as the Air India is concerned. There are many more issues in this sector on which we would like to hear the hon. Minister. But the most unfortunate part is that despite the issue of civil aviation, which we need to discuss at large, being listed in this House, has not been discussed. It is very sad. Having said that, I still would feel that the Minister would respond to some of the issues which I have raised.

**श्री प्रकाश जावडेकर** (महाराष्ट्र): सर, एयरपोर्ट modernization के समय बताया गया था कि बहुत अच्छा एयरपोर्ट देंगे, फ्री में देंगे, सब कुछ अच्छा होगा। यह भी बताया गया था कि सब कुछ कैसे होगा। बताया गया था कि जमीन के बदले प्राइवेट आदमी इसको डेवलप करेगा। जमीन कितनी है? 250 एकड़। उसमें से 5 परसेंट उनको कमर्शियल exploitation के लिए दिया है। 250 एकड़ की कीमत आज क्या है? 25,000 करोड़ रुपए। आपका लॉस क्या है? कुछ हजार करोड़ बोल रहे हैं। यह कितना सही है, इसको बाद में देखते हैं। वे जमीन बेच कर लोगों को क्यों नुकसान पहुंचा रहे हैं? आपका ऑप्शन था कि वे 30 साल बाद जमीन बेचेंगे और अगर आज वे हमसे वसूल करेंगे, तो यह अन्याय है।

**3.00 P.M.**

दूसरी बात, इन्कमिंग फ्री के जमाने में इन्कमिंग पैसेंजर को टैक्स लगाना कितना सही है? तीसरी बात, यह दुनिया का सबसे मंहगा एयरपोर्ट कैसे बन गया? इसका जिक्र हमारे एक दोस्त ने किया कि सारी दुनिया 45 सेकंड में एक एयरक्रफ्ट लैंड होता है और 45 सेकंड में उड़ता है। Distance between two subsequent take-offs and two subsequent landings is 45 seconds. In our case, it is still 145 seconds. Then, what is the use of modernization?

सर, लास्ट, इसका ऑडिट कौन करेगा, ऐरा-गेरा, कौर करेगा? हमें तो चाहिए कि कैग को क्यों नहीं करना चाहिए? अगर हमसे पैसा ले रहा हो तो केट क्यों नहीं करेगा? इसमें 6 हजार करोड़ का 12,500 करोड़ कैसे हो गया? कोई हिसाब तो दे। एक कांट्रैक्ट दिया गया cost + 20% ऐसा कभी कांट्रैक्ट होता है। हमें इसका जवाब चाहिए। लास्ट में मेरी मांग है, सर, बहुत सवाल हैं, आपके मन में भी सबने पूछे हैं। क्या इस पर आप व्हाइट पेपर लाएंगे और क्या इसका आडिट कराएंगे? यह करना चाहिए, यह हमारी मांग है।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, Mr. Yechury, please finish it within five minutes. (*Interruptions*) I am not taking any new names. So many requests are there.

SHRI SITARAM YECHURY (West Bengal): Sir, I thank you for giving me an out-of-turn chance to speak. Sir, our Party position has been stated by Mr. K.N. Balagopal, who moved the Resolution, but, I have been invoked as the Chairman of the Parliamentary Standing Committee by the former Minister., I do not want to go into those issues or clarify those issues. You mentioned that we were responsible at that time in the UPA-I Government. Yes, we were responsible for ensuring that beyond Delhi and Mumbai, which were already granted, no other airports would be privatized and all development would be done by the Airports Authority of India and that is what that Government did, and, that is what is happening. So, let that be clarified.

If you also remember, the number of Reports that we submitted to this august House raised this issue, and, on the basis of that, the AERA proposal was brought forward by the UPA-I Government. The AERA proposal came up, and, while examining the AERA Bill, we said, you should also include what is being given for commercial exploitation, and, even those tariffs must come under regulation. That was the recommendation of the Committee, but, despite the recommendation, only aeronautical services were included but the commercial ones were not. Even now, I urge upon the Minister to do that. That is a separate point, Sir.

The point here is that you have a peculiar situation where both for

[Shri Sitaram Yechury]

embarkation and disembarkation, the passenger has to pay a development fee. This is unheard of anywhere in the world, and, if both the Airports are doing this, the fee that the passenger pays goes up four times. If you go from here to Mumbai and come back, as it was explained, you pay this fee four times, and, Sir, Rs. 1,800/- is what you pay. This is making the Delhi airport the most expensive in the world. I want to ask this question in the larger context. We have raised it in our Reports also. You, on the one hand, talk of incredible India, you, on the, one hand, talk of increasing flow of tourists into India, and, you, on the other hand, are making these airports most expensive. This is the first point.

Secondly, Sir, AERA itself has noted, and, I want the Minister to kindly take note of it, that 250 acres of land was given for commercial exploitation, of which only 46 acres has been commercially exploited so far and from these 46 acres, they get Rs. 1,480 crores annually. The rest of the 200 acres has not been commercially exploited so far. Now, where does this revenue go? Does it get added into the Aeronautical Services or not? If that is the case, is there a loss? This auditing has to be properly done, and, that auditing can be done only by the CAG. (*Interruptions*) No, I will tell you why? 46 per cent of this is with your public sector unit, the Airports Authority.

It has to be the CAG. As my colleague, Shri N.K. Singh, pointed out earlier, it is also a distortion of the bidding process. Earlier, it was known that you will allow them to do it. At that time, what was the norm? We have pointed it out in our report. The norm was, the Airports Authority of India was not allowed to levy user charges in any airport. You give this right to the private airports, but you do not give this right to the Airports Authority of India. Why? There was a point that was being made, which I think is a correct point, that you should not burden the passengers; you improve your efficiency and earn profits. But because it is a public sector and is under the Government, you say, "You will not be allowed to raise money, but I will give this right to a private operator". Now, this unfairness also breaks a certain principle and that principle is not to burden the passengers extra. In this situation, I would sincerely appeal to the Minister and the Government that when a statutory motion is moved here, that needs to be either adopted or dropped. These are serious issues that have been raised. Calculating non-aeronautical revenues on the land that was given and having a proper audit of their accounts through the CAG are the issues on which we would like to have an assurance from the hon. Minister. At least, on these two points, let the Minister give an assurance that these will be looked into. In the interest of our country, this assurance should be given. That is what I am appealing to him. Thank you.

THE MINISTER OF CIVIL AVIATION (SHRI AJIT SINGH): Mr. Vice-Chairman, Sir, we are discussing a notice given by Shri K.N. Balagopal for a Statutory Motion for certain modifications in the Airports Authority of India Development Fee Rules. These rules pertain to the levy of Development Fee at major airports.

Sir, before I reply to the specific concerns raised by the hon. Members of this august House, I would like to give a brief summary of the events and legal provisions regarding development fee charged under the Airports Authority of India Development Fee Rules, 2011. The Central Government had notified Development Fee Rules in the Gazette of India dated 2nd August 2011. As per the powers given under Section 41. of the Act, for levy of DF under Section 22 A of the Airports Authority Act, 1994 read with Section 41 of the Act, the rules were laid before Lok Sabha on August 17, 2011 and Rajya Sabha on August 25th. As per Section 43 of Act, the rules under the Act are required to be laid as soon as after being made before both the Houses of Parliament for a total period of 30 days either in one Session or two or more successive sessions. Both the Houses, if agree, in making any modification of the rule, the rule or regulation shall thereafter have effect only in such modified form. That also makes it clear that that rules can operate in their original form until they are modified in the manner prescribed. As per the Order of the Airports Economic Regulator Authority or AERA dated 8th November, 2011, the Authority has allowed to charge at IGI Airport Delhi a DF of Rs. 200 for domestic passengers and Rs. 1,300 from international passengers with effect from 1st December, 2011. Earlier, the Central Government vide letters dated 9th February, 2009 and 27th February, 2009 had allowed the collection of DF in respect of Delhi Airport and Mumbai Airport. However, the fee levied vide these letters of the Central Government has been declared ultra vires of the Airports Authority of India Act, 1994 by the hon. Supreme Court in a Civil Appeal No. 3611 of 2011—Consumer Foundation vs. India and others. The Supreme Court in its order though has upheld the power of the Central Government to levy the fee, but has clearly said that the Central Government has no power to fix the rate at which development fee would be charged.

The power to fix the rate in respect of major airports lies with the AERA. The hon. Supreme Court, in the same case, has also directed the DIAL and MIAL, to account to the Airport Authority, the development fees collected pursuant to two letters of the Central Government of 2009 and has also directed the Airports Authority to ensure that the development fees levied and collected by the DIAL and MIAL, so far, has been utilized for the purpose mentioned in clause (a) Section 22 A of the 1994 Act. The Airports Authority of India has informed that the fee collected,

[Shri Ajit Singh]

before the judgement of hon. Supreme Court of India, has been utilized for the purposes as per Section 22 A of the Act. The hon. Supreme Court has also directed that, henceforth, the fee collected shall be credited to the Airports Authority of India as per the orders passed by the AERA and will be utilized for the prescribed purposes as per the Act and in the manner under the rules which may be made as early as possible. Consequently, rules have been notified in the Gazette dated 2nd August, 2011.

Now, I will reply to amendments in the Motion. Firstly, let us see the legal provisions of the Development Fee. Under the Airports Authority of India Act, 1994, as amended in 2003, and further amended in 2008, Section 22 (i) (a) of the Act gives power to the Airports Authority of India to levy and collect Development Fee from the embarking passengers at major airports at such rates as may be determined by AERA. The purpose for the levy of Development Fee is as under: Funding or financing of the cost of upgradation, expansion or development of the airport at which the fee is collected,; establishment or development of a new airport in lieu of the airport referred to in clause (a);—like, that was done in the case of Delhi airport—and investment in equity in respect of shares to be subscribed by the Airports Authority in companies engaged in establishing, owning, developing or operating or maintaining a private airport in lieu of the Airport referred to in clause (a)—the PPP was allowed to collect the dues. Now, under the AERA Act of 2008, Major Airport has been defined in Section 2 of the Act as an airport which has or is designated to have a passenger throughput in excess of one-and-a-half million passengers per annum. The I.G. Airport of Delhi is a Major Airport. In terms of sub-clause (a) of clause (1) of Section 13 of the Act, the AERA can determine the amount of Development Fee in respect of major airports. Now, 'Action taken by AERA': In terms of Section 13 (b) of the AERA Act of 2008, read with Section 22 of the AAI Act of 1994, the AERA determines the Development Fee to be levied at the I.G.I, New Delhi. It is Rs. 200 per embarking passengers and Rs. 1300 for international passengers. Accordingly, the AERA has also determined the Development Fee to be levied at the Mumbai Airport for a period of approximately 23 months. That means, both these levies will come to an end in March, 2014.

Rule 3, that is, collection of Development Fee: The Development Fee shall be collected by a person or a body of persons as is specified by the Authority and shall be deposited in such an account and at such intervals as may be specified by the Authority. Now, Sir, if you want, I will go into it word-by-word as mentioned in the Motion. Some words have been substituted for some words, etc.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Just give a general reply.

SHRI AJIT SINGH:- Sir, the Motion states, "That in rule 3 at page 7, after the word "collected" the words "by a person or a body of persons as specified" be deleted. Now, the words 'by a person or a body of persons as specified' be deleted is not practical. The Airports charges and fees are presently being levied on the passengers and are being collected through airline tickets.

It is only for the convenience of the passengers, the charges and fee be collected through the tickets. It is not practically possible to collect the fees/charges from the passengers directly by the Airports Authority. Sir, in the Motion 'that in rule 3 at page 6 the following proviso and explanation be added: "Provided, the Development Fee shall not be collected for and on behalf of those operators/lessees who had been awarded contract to develop such airports before the introduction of Development Fee". Sir, this proviso is added because the total value of contract was determined while awarding the contract without taking into consideration of Development Fee. Section 22 A of the Introduction of Development Fee was inserted in the AAI Act in 2003, much before the awarded contract to DIAL and MIAL in 2006. The motion is also ultra vires. The provisions of Section 22A of AAI Act have no such distinction, as has been made in the Act against the operators/lessees who had been awarded contract to develop such airports before the introduction of Development Fee. Further, the motion is against the facts contained in the contractual agreement with the Joint Venture companies, as in those agreements no mention has been made about the total value of the contract. The bidding parameter for such projects was the revenue share with AAI, and not the value of the contract or the project cost. Further, the Development Fees was levied and collected once the amount of this fee has been determined by AERA, under the AERA Act, 2008. In these statutes, no exception has been made about those airports which were awarded contract of development prior to the framing of the rules. Rule 4 (3): Every Development Fee escrow account shall have the following sub-accounts maintained, controlled and operated by a Scheduled Bank as per the escrow agreement to be executed by the authority with such scheduled banks. Sir, in the Motions, the word, "and managed" have to be inserted after the words, "to be executed." Sir, the escrow accounts are jointly managed by the account holders. In this, AAI is required to frame a standard operating procedure for operation of the said accounts by the JVCs along with AAI. Giving the management function to AAI will unnecessarily burden without any commensurate benefit. Sir, Rule 4 (4): "The money collected as Development Fee shall be deposited in Development Fee receipt account." The Motion says after the word "Account", the following be added: "The

[Shri Ajit Singh]

money already collected before the introduction of the present Rule by certain operators shall be assessed and deposited in a separate account called "Development Fees Surplus Sub Account." The money already collected by certain operators before the introduction of the present rule has already been utilised for the purpose assigned in Section 22A and to deposit it in a separate account called 'Development Fees Surplus Sub Account' is not practical. Even hon. Supreme court of India, in its judgment, while striking down the earlier levy, has not given any such directions, but has only said that DIAL and MIAL will account to the AAI the Development Fee collected, pursuant to the two letters of 2009 of the Central Government, and AAI will ensure that the Development Fee levied and collected by DIAL and MIAL have been utilised for the purposes mentioned in Clause (a) of Section 22A. Moreover, in this Motion, retrospective effect is being given to the rules which may not stand the test of the law. Rule 4(5): "The Authority shall make an arrangement with the scheduled bank to transfer the money deposited in the Development Fee receipt account in the following order of priority." They have given three names of banks. You can give there. The Motion says the following shall be added to the sub-rule. "The amount remaining in the Development Fees Surplus Sub Account shall be taken into account while improving the facilities of the airports run by the Airports Authority of India. Sir, the provision is ultra vires of Section 22A of the AAI Act which allows the levy to be only for specific purpose and to be utilised at the airport where collected. Further, the above stated purpose is not covered in the said provisions.

Sir, Rule 5(9) says that if, at any stage, it is found that the Development Fee has not been utilized by the airport operator for the specified purpose, the airport operator shall pay penal interest at the SBI base .rate plus 10 per cent per annum on such amount from the date of such withdrawal. The Motion says that for the word 'ten', the word 'twenty-five' be substituted. That is why they want the base rate plus 25 per cent should be the penalty. Sir, this penal interest is in line with the penal interest provided in the OMDA between the JVC and the AAI which was approved by the EGoM set up for this purpose.

Rule 7 relating to the accounts of the authority. It says that the authority shall keep account of all money received and expenditure by it in accordance with the provisions of the Act. Sir, the Motion says that after the word 'Act', the following shall be added:

"The all accounts pertaining to collection and disbursal of development fee shall be audited by C and AG."

Sir, as per the provisions of Section 28 of the AAI Act, the accounts of the AAI have to be audited by the GAG. Automatically, this provision will be attracted in the case of this fee also.

Sir, I am extremely grateful to the hon. Member, Shri K.N. Balagopal, for raising such an important issue with regard to levy of development fee, airport charges and UDF. I am also grateful to Shri Balagopal for accepting that he is not blindly against the user fee. But, it should be as per legal provisions of the Constitution, legal provisions of the AAI Act and the Aircraft Act. I am in full agreement with the hon. Member in this regard.

One of the prime concerns raised by the hon. Member, Shri Balagopal, is that after determination of airport charges recently by the order of the AERA, the Delhi Airport has become the costliest airport in the world. Several other hon. Members have also mentioned this point. I would like to mention here that aeronautical charges at the hilly airports were earlier enhanced in 2009 by only 10 per cent over the base charges of year 2000. It means, since 2000, only 10 per cent hike was made in airport charges and that too it was in 2009. After the AERA came into existence, the authority to determine the charges for major airports was vested with the AERA as per the Airport Economic Regulatory Authority Act, 2008. The charges were to be determined for a period of 5 years *i.e.*, from 2009 to 2014. Sir, the AERA had to determine the charges by squeezing the period of recovery of 5 years to 2 years. These charges which were to be levied in 2009 for 5 years were only levied in -2012. That means, the AAI or DIAL is recovering the 5 years cost of charges in two .years and that is why it seems so high.

SHRI SITARAM YECHURY: I think, last year also it had raised.

SHRI AJIT SINGH: No, no.

Since 2000, the charges were raised only once by 10 per cent.

I may mention here that the claim which was submitted by DIAL was to enhance the charges by 776 per cent. However, the AERA has allowed a total enhancement of 346 per cent only after carefully examining the relevant facts.

श्री प्रकाश जावडेकर: यह बताइए कि सरकार क्या करेगी? How can it be only 346 percent?

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Not allowed. Let the Minister complete his speech.

SHRI AJIT SINGH: Okay. I will strike down the word 'only.' If that makes the hon. Members happy, I will do that. So, I will read it again. The AERA has allowed a total enhancement of 346 per cent after carefully examining all relevant facts. This is also to submit that AERA is an independent, quasi judicial authority. The orders of AERA are appealable in the appellate court. Those who are unhappy with this increase, maybe the airlines or airport...(*Interruptions*)...

There seems to be some confusion regarding Development Fee, User Development Fee and Passenger Service Fee. I would like to clarify here that, while Development Fee for a major airport is to be charged as per the powers given under section 22A of the Airports Authority of India Act from the embarking passengers at such rates as determined by AERA for purposes mentioned in section 22, mainly for funding and financing the cost of upgradation, expansion or development of airports at which the fee is collected, Passenger Service Fee and the User Development Fee are determined by AERA as per the provisions of the Aircraft Act of 1934 and the rules made thereunder, that is, Aircraft Rules, 1937, wherein rule 88 and 89 of the Aircraft Act allows the licensee of airport to collect the PSF and UDF respectively. Under these rules, there is no bar on levy of these charges on disembarking passengers. The present Statutory Motion is regarding the Development Fee and not regarding PSF and UDF. The concern of the hon. Member that the fee collected as per the Executive Order of the Central Government should go to the Government exchequer has also been answered by the hon. Supreme Court as mentioned in para 23 of the hon. Supreme Court's order. The hon. Member, Shri Balagopal has also raised the issue that levy of Development Fee is against article 265 of the Constitution. This aspect has been dealt with by the hon. Supreme Court in detail and it is only after that that the hon. Supreme Court has passed its order. The hon. Member has also raised an issue regarding allocation of five per cent of Demise Premises for commercial purposes. I would like to bring to the kind knowledge of this august House that this was a pre-bid condition. It was not added later. The bidders knew about it and it was factored at the time of bidding. It is also pertinent to mention here that the use of this land is restricted for the purposes specified in the Airports Authority of India Act, 1994, as mentioned in the contractual agreement. I would like to express my gratitude to the hon. Member, Dr. Najma Heptulla for appreciating the development that has taken place at the Delhi Airport. Hon. Members shall be happy to know that the Delhi Airport has been rated as the second-best in the ranks under the category of '25-40 million passengers' and sixth-best for all categories of airports in the world. (*Interruptions*)

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Mr. Minister, be brief.

SHRI AJIT SINGH: I appreciate the suggestions made by the hon. Member, Shri Praveen Rashtrapal in regard to transparency and right to information in PPP projects and for exhibiting our culture and civilization at the airports. Sir, Mr. N.K. Singh has also raised the issue of levy of five per cent and ten per cent which has been answered. It was a pre-bid condition. Mr. Agrawal mentioned about the AAI making money earlier. They have made Rs. 1000 crores this year just from these two airports because they have 26 per cent share in the investment and more than 49 per cent of the revenue goes to AAL In DIAL, it is 30.7 per cent. I have already answered to the embarkation-de-embarkation issues raised by Shri Bandyopadhyay. Mr. Naresh Agrawal raised many other issues. He wanted ATC to be brought under the AAI. It is already under AAI. Because it is a very technical subject as to whether it should not be under the AAI, this is at present under the consideration of the Government. Then, he asked why there is such a small terminal at the airport in Lucknow, which is such an old and cultural capital of UP. After this new terminal becomes operational in June, the old terminal will be renovated and two more aerobridges will be added there. The Government is also considering both Varanasi and Lucknow Airports to be designated as international airports.

Sir, about other airports in Uttar Pradesh, I am glad that Mr. Agarwal has mentioned those.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): If you do not have the details, you can provide them in writing.

SHRI AJIT SINGH: I hope, the Government will provide the land so that we can extend the airstrips and develop new airports.

Sir, I would also like to add here that the suggestions made by many Members—including Mr. Yechury and hon. Members from the principal Opposition—will be given due consideration. We will look into them. Since the matter pertaining to the levy of development fee regarding DIAL and MIAL have already been decided by the Supreme Court, and for future cases the rules have already been framed, it may not be prudent to add any proviso or modify rules, as has been suggested by the hon. Member. I would, therefore, like to request the hon. Member to kindly withdraw the Statutory Motion for modification in the Airport Authority of India Development Fee Rules.....(*Interruptions*)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No, please. So much time has been spent. (*Interruptions*)

SHRI N.K. SINGH (Bihar): Sir, we need to ask a few questions.

SHRI SITARAM YECHURY: Sir, the hon. Minister has appealed the hon. Member to withdraw the Motion. According to the rules, since it is a Statutory Motion, either it is withdrawn or it should be decided upon by voting. He has appealed for withdrawal. For the withdrawal, what are the assurances given by the Minister? Please allow the Members to put questions.

SHRI AJIT SINGH: Let Mr. Balagopal speak. I have already said that the issues raised would be looked into.

SHRI K.N. BALAGOPAL (Kerala): Sir, I thank all the hon. Members for participating in an active discussion. This is a very important Motion which has come before the House. It is a Statutory Motion; it is not a Private Member's Business. It is moved as per the Statute. The Minister has replied. But, from the reply it is not understood whether any single point is accepted by the Minister. Two aspects were raised in the issue. One is that technically and legally there are many flaws in the rules and hence that aspect needs to be corrected. The second is that there are many other aspects and, commercially, it is a total loot and nobody in the House is agreeing that a reasonable fee is charged. The right of the Parliament is to intervene into the rule-making also. As per the delegated legislation, we must see whether the order is in accordance with the provisions of the Constitution or the Act which is made. Then, it has to be seen whether the order contained imposition of taxation. There are many provisions. Actually, in our country, as our Leader of the Opposition said the other day, we are making laws; but, the actual rules are made by the Executive. We should take the law, over rules, as the watchdog. We are only making the brain; actually, the muscles and the teeth are made by the Executive. For biting, the rules are important. If a rule is against the concept or spirit of the Act, we need to question that then.

That is why I said, eleven years before, when hon. Pranab Mukherjee, Shri Dipankar Mukherjee and late Shri Arjun. Singh were there, a Statutory Motion was raised. At that time, there was some assurance. I went through the debate. When this Statutory Motion is raised, I got an answer that Rs. 1,480 crores were collected and the Supreme Court banned the collection saying, "it is illegal without the backing of the rules." Sir, I am aware of the time-constraint. I went into the aspect and I gave the notice for the Statutory Motion.

We gave notice for three Motions. One is this. The second was given by Comrade Yechury. The third was on the Nuclear Liability Bill. That is also not there. Here, every provision in this rule is against the spirit of the Act. That is why I moved. Section 3 of the Act says: "Collection of Development Fee—The

development fee shall be collected by a person or body of persons as specified by the authority and shall be deposited in such account and in such intervals as specified by the authority.” For this, I had said, “‘a person or body of persons specified’ should be deleted” because as per the AIRA Act, it is formed on the basis of the rules and provisions of the Aircraft Act, 1934.

There is a right for subordinate legislation or delegated legislation. There is a right for delegating the authority. Sir, Section 5(2) of the Aircraft Act, 1934 says, “Without prejudice to the generality of the foregoing power, such rules may be provided for.” And Section 5(2)(a) says, “The authorities by which any of the powers conferred by or under this Act are to be exercised.”

Sir, I know it is very technical. But we have to say it technically. Because of this provision, the delegation is to be done only to the authorities. Here, it is given to a private party. My request to the hon. Minister is, please come with an amendment to the Aircraft Act, 1934, and we will accept. Here also, I know, this may be passed.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Balagopal, be brief.

SHRI K.N. BALAGOPAL: Sir, I will be brief. Why am I saying this? I am saying this because history should not blame us. This is the first time that such a serious question has come up. I have raised two-three points. One is that the private persons cannot collect it. Two, which is the main point, the CAG should look into the accounts. Sir, one project started with Rs. 8,000 crores. And, now, they are saying its cost is Rs. 12,500 crores. The AERA Report itself says that there is 245 acres of land for commercial development. We are not against that. They have already leased 46 acres, and recovered about Rs. 1,500 crores. Now, 200 acres are there. That is Rs. 20,000 crores...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Balagopal, you briefly say what you want, and then conclude.

SHRI K.N. BALAGOPAL: Sir, these kinds of things are there. The rule which you are making is not legally sound. One thing I said was about Section 5(2)(a). Another thing is...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): There is no need of repetition. You say what you want. (*Interruptions*)

SHRI K.N. BALAGOPAL: Sir, the hon. Minister said that they have collected five years' fees in two years. Sir, you also heard it. The Chair represents the whole House. They have collected five years' fees in two years. So, they are levying a

[Shri N.K.Balagopal]

huge fee. What the hon. Minister said was heard by-the whole House. The Act very clearly says, “The authorities shall determine the tariff once in five years.” Sir, this is the Act. The Act says, ‘once in five years’; then, how can they fix it in every year? Sir, this is not proper.

Sir, the hon. Minister quoted Section 22(A) of the Airports Authority of India Act, several times.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Balagopal, do not go into the details again. It is repetition.

SHRI K.N. BALAGOPAL: Sir, I am not going into the details. What I am saying is, it is gross violation of legal provisions, and we have to look into the subordinate legislative power and delegated legislative power. The Executive has to be careful that the Parliament would look into it. Therefore, we have to do justice to history. We have to say that Parliament is very serious about the rules they are making. There is no question of any whip. There is no ruling party and opposition for this. The Executive has committed some mistakes, and those mistakes should be corrected by the Legislature. That is all I am saying.

SHRI V.P. SINGH BADNORE (Rajasthan): Sir, I have a question. (*Interruptions*)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Only one Member; no more. Put one question. That is all;

SHRI V.P. SINGH BADNORE: Sir, the hon. Minister said that the AERA, the regulatory authority, is not under him; it is an autonomous body; he cannot give directions to it. Then, what can we all do? This is number one. So, my question is: can he give directions to the regulatory body or not? My very specific question on this is that the footfalls in the Airport, the expensive shopping, the restaurants, the bars, all that money is so much that the embarkation levy is not required. So, that is the point. If the hon. Minister cannot give directions to AERA, then, what is the point in arguing with him?

SHRI N.K. SINGH: Sir, I have a very short point to request for the hon. Minister’s response. My first point is, first of all, I am grateful that the hon. Minister has said that there will be compulsory audit by the CAG. (*Interruptions*)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Yes, Mr. Minister, would you like to respond?

SHRI N.K. SINGH: Sir, my second point is this. Is it true that in absolute terms, Delhi now becomes one of the world's most expensive airports, which will deter tourism, which will deter the landing of aircraft... *(Interruptions)*

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): What is the question? You have already spoken.

SHRI N.K. SINGH: Finally, has the AERA taken the total revenue stream into account before coming to a conclusion ?

SHRI TAPAN KUMAR SEN (West Bengal): Sir, I have a point to make. *(Interruptions)*

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No, Mr. Tapan. *(Interruptions)* There are so many requests. *(Interruptions)*

SHRI TAPAN KUMAR SEN: Sir, it is my right. *(Interruptions)*

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): There is no time. I can go on allowing this. *(Interruptions)* Where is the time? We have a lot of business to do. *(Interruptions)*

SHRI TAPAN KUMAR SEN: Sir, the hon. Minister has told that there is no bar on charging a levy on the incoming passengers. *(Interruptions)*

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Okay. Okay. That's all. *(Interruptions)*

SHRI TAPAN KUMAR SEN: Sir, there is no bar. It is very much within the rights of the Government to consider and direct that incoming passengers should not be taxed in this way. *(Time-Bell-rings)*

SHRI PRAKASH JAVEDKAR: Sir, I have also a point to make. *(Interruptions)*

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No; no. You have already spoken. *(Interruptions)* No; no. You have already spoken. *(Interruptions)* You have already expressed your viewpoint. *(Interruptions)* I have time constraint. *(Interruptions)*

SHRI TAPAN KUMAR SEN: Sir, the hon. Minister has assured that the CAG has the right to go into the accounts related to Development Fee. My point is that the Delhi Airport, DIAL and the MIAL, all together, are PPP. So, the whole account of the DIAL and the MIAL should undergo the scrutiny of the CAG. *(Time-Bell-rings)*

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Okay; okay. (*Interruptions*) Mr. Gujral, just put your question. (*Interruptions*)

SHRI NARESH GUJRAL (Punjab): Sir, the hon. Minister has said that the charges, which should have been recovered over five years, are, now, going to be recovered over two years. This is going to put a lot of pressure on the passengers. Why can't you go back and request them that will, again, be charged over five years so that the pressure on the passengers is reduced? (*Time-Bell-rings*)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Javadekar, you put just one sentence question.

SHRI PRAKASH JAVADEKAR: Okay, Sir, just one sentence question. सर, मैं आपके माध्यम से माननीय मंत्री जी से पूछना चाहता हूँ कि पूरे सदन की भावना को ध्यान में रखते हुए वे इस charges को कम करने के लिए क्या करेंगे?

SHRI AJIT SINGH: Sir, first of all, I would like to say that this is a Statutory Motion, mentioning that the money collected by the DIAL and the MIAL, before the rules were framed by the AERA, is *ultra vires*, and, therefore, those rules should be changed. The Supreme Court has already said that money collected, before these rules were framed, should be accounted for by the AAI that money has been used according to the Act. They have already done it. So, that was the only issue. It is a Statutory Motion. I appreciate that the hon. Members, especially Mr. Rudy, wanted to discuss on the Ministry of Civil Aviation. And, that was Mr. Pathak's right to initiate the debate on that. Unfortunately, that has not come. But that does not give rights to the MPs to talk about all the other issues, which are not...(*Interruptions*) Please don't shout. (*Interruptions*)

SHRI BALBIR PUNJ (Odisha): How can you... (*Interruptions*) We have a right to... (*Interruptions*)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Minister, you can respond to the questions. That's enough. (*Interruptions*)

श्री भगत सिंह कोश्यारी (उत्तराखण्ड): सर.....(व्यवधान)...

SHRI BALBIR PUNJ: How can he say like that? (*Interruptions*)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Whatever has been allowed by the Chair is on the record. Why do you bother? (*Interruptions*)

SHRI AJIT SINGH: Sir, I will answer that. (*Interruptions*) The House is debating....(*Interruptions*).

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please sit down. (*Interruptions*) You answer only the questions. (*Interruptions*) Mr. Punj, please take your seat. (*Interruptions*) Don't worry about the...(*Interruptions*) The Chair has allowed you to speak. (*Interruptions*) You don't worry. (*Interruptions*) Whatever you have said is with my permission. (*Interruptions*) Mr. Minister, you respond only to the questions. Don't say anything more. (*Interruptions*)

SHRI AJIT SINGH: Sir, what I said was that this Statutory Motion is about...(*Interruptions*)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Would you like to give some concession or not? Or, would you like to reconsider that or not? Tell about this. (*Interruptions*)

SHIR AJIT SINGH: Sir, my hon. friends have become agitated. I would like to answer that. I said that the Statutory Motion is about certain things. Hon. Members certainly have the right to speak about anything under the sun, but I have a right to answer only the issues which are pertinent to the motion. (*Interruptions*)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): That's what I am saying.

SHRI AJIT SINGH: So, please don't get agitated.

श्री नरेश अग्रवाल (उत्तर प्रदेश): अगर यह बात आप पहले कह देते तो झगड़ा ही नहीं होता।

श्री अजित सिंह: पूरी बात नहीं सुनी थी।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please sit down.

SHRI AJIT SINGH: Sir, I have already answered the issues relating to the Statutory Motion. Members have raised many other issues. Basically, they want to discuss the working of the Ministry of Civil Aviation.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No; they don't want that. (*Interruptions*).. The simple question is: Would you like to give them some concession? Say that!

SHRI AJIT SINGH: Sir, I think, to the questions raised by Shri Balagopal, I have tried to answer them. If there are any suggestions made by Members, the Government will look into them.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Yes; that is the point. So, Mr. Balagopal, the Government gives an assurance that the Government will look into it. Would you like to withdraw on that basis?

SHRI K.N. BALAGOPAL: Sir, I am pressing my Resolution...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The Minister has assured that he will look into your suggestions. Taking that as an assurance, would you like to...

SHRI K.N. BALAGOPAL: I am pressing, Sir...(interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I shall now put ...(Interruptions)... the Motion for modification of rules to vote. The question is:

“That this House resolves, in pursuance of section 43 of the Airports Authority of India Act, 1994, the Airports Authority of India (Major Airports) Development Fees Rules, 2011 published in the Gazette of India dated 2nd August, 2011 vide notification G.S.R. 597 (E) and laid on the Table of the House on the 25th August, 2011, be modified as follows:-

1. That in rule 3 at page 6, after the word “collected” the words “by a person or a body of persons as specified” be **deleted**
2. That in rule 3 at page 6, the following proviso and explanation be **added:**

“Provided, the Development Fee shall not be collected for and on behalf of those operators/lessees who had been awarded , contract to develop such airports before the introduction of Development Fee.”

Explanation: This proviso is added, because the total value of contract was determined while awarding the contract without taking into consideration of Development Fees.

3. That in rule 4, sub-rule 3, at page 6, **after** the words “to be executed”, the words “and managed” be **inserted**.
4. That in rule 4, sub-rule 4, at page 6, after the word Account”, the following be **added:**

“The money already collected before the introduction of the present Rule by certain operators shall be assessed and deposited in a separate account called **“Development Fees Surplus Sub Account”**.”

5. That in rule 4, sub-rule 5(iii)i at page 7, the following be added as

sub rule 5(iv) namely:-

5(iv) "The amount remaining in the Development Fees Surplus Sub Account shall be taken into account while improving the facilities of the Airports run by Airports Authority of India."

6. That in rule 5, sub-rule 9, at page 8, for the word "ten" the word "twenty five" be **substituted**.

7. That in rule 7, at page 8, **after** the word "Act." the following be **added**:

"The all accounts pertaining to collection and disbursement of development fee shall be audited by C and AG." And

That this House recommends to Lok Sabha that Lok Sabha do concur in this Motion."

**The motion was negatived.**

...(Interruptions)..

SHRI PRASANTA CHATTERJEE (West Bengal): Sir, we want division. ...*(Interruptions)*...

SHRI TAPAN KUMAR SEN: Sir, we want division...*(Interruptions)*..

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): That should have been asked at that time. ...*(Interruptions)*.. How can you have division now? ...*(Interruptions)*...

SHRI RAJIV PRATAP RUDY: Sir, we have already gone for the vote. How can he intervene now? ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I have not allowed. What are you saying? Please sit down. What do you want to say, Mr. Minister?

SHRI AJIT SINGH: Mr. Vice-Chairman, Sir, I would like to assure Mr. Balagopal and the other hon. Members, who have made suggestions, that I will examine them and come back to the House. ...*(Interruptions)*..

SHRI K.N. BALAGOPAL: I am pressing, Sir. ...*(Interruptions)*.. I am pressing, Sir.

श्री ब्रजेश पाठक: सर, माननीय मंत्री जी के जवाब से हम सहमत नहीं हैं।...*(व्यवधान)*... सर, हम माननीय मंत्री जी के जवाब से संतुष्ट नहीं हैं। हम सदन से वाक आउट करते हैं।

(कुछ माननीय सदस्य सदन से चले गए)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Are you insisting for division?

SHRI K.N. BALAGOPAL: Yes, I am pressing, Sir.

SHRI SITARAM YECHURY: Sir, it's an AREA's decision. We understand that; it's an AERA's decision. So, the Government or the Minister cannot give a categorical assurance. But the assurance he has given is that understanding the concerns expressed by the House and understanding the imposition of burdens on the travellers, this matter will be looked into by the Minister positively. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): He said that he will examine it again. ...*(Interruptions)*... Mr. Yechury is speaking. ...*(Interruptions)*...

SHRI SITARAM YECHURY: ... and he will come back to the House. He said that. Just repeat it. ...*(Interruptions)*...

DR. V. MAITREYAN (Tamil Nadu): And, Sir, till that time, these charges are to be kept in abeyance, till he comes back. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Minister, are you accepting what Mr. Yechury said?.

SHRI AJIT SINGH: Sir, I said, the issues raised by Mr. Balagopal and other hon. Members of the House will be examined and I will come back to the House.

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## GOVERNMENT BILL

### **The constitution (scheduled tribes) order (Amendment) Bill, 2012**

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): That's enough. Okay. The next item is the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2012.

THE MINISTER OF TRIBAL AFFAIRS (SHRI V. KISHORE CHANDRA DEO): Mr.-Vice-chairman, Sir, with your permission, I beg to move: That the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2012 as passed by the Lok Sabha be taken into consideration.

Sir, there, has been a long-standing demand for the inclusion of Medara in the 'List of Scheduled Tribes' in the State of Karnataka. To fulfil the long-felt demand, the entry at serial No. 37, occurring under Part IV, relating to. Karnataka, of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 have to be amended