

1	2	3
4	Cuddapah	4
5	East Godavari	34
6	Guntur	55
7	Hyderabad	4232
8	Karimnagar	10
9	Khamam	9
10	Krishna	87
11	Kurnool	12
12	Mahbubnagar	1
13	Medak	7
14	Nalgonda	2
15	Nellore	23
16	Nizamabad	5
17	Prakasam	12
18	Rangareddy	459
19	Srikakulam	2
20	Vishakhapatnam	188
21	Vizinagaram	7
22	Warangal	21
23	West Godavari	12
24	Others	2930
TOTAL		8163

Source : Ministry of Corporate Affairs.

Presidential reference to Supreme Court on 2G Licensing

4716. SHRI SALIM ANSARI:

SHRI JAI PRAKASH NARAYAN SINGH:

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether Government has sent a Presidential Reference (PR) to the Supreme Court in the matter of 2G telecom licensing;
- (b) if so, the reasons therefor; and
- (c) the specific points on which the PR has been referred to the highest court?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA): (a) to (c) Yes Sir, on 12.04.12, the Government has filed Special Reference No. 1 of 2012 under Article 143(1) of the Constitution of India before the Hon'ble Supreme Court of India on the questions of Law & Facts arising out of the judgment dated 02.02.2012 of the Supreme Court in WP (C) Nos. 423 of 2010 and 10 of 2011. The specific points on which the Presidential Reference has been referred to the highest court are given below:

- Q. 1 Whether the only permissible method for disposal of all natural resources across all sectors and in all circumstances is by the conduct of auctions?
- Q. 2 Whether a broad proposition of law that only the route of auctions can be resorted to for disposal of natural resources does not run contrary to several judgments of the Supreme Court including those of Larger Benches?
- Q. 3 Whether the enunciation of a broad principle, even though expressed as a matter of constitutional law, does not really amount to formulation of a policy and has the effect of unsettling policy decisions formulated and approaches taken by various successive governments over the years for valid considerations, including lack of public resources and the need to resort to innovative and different approaches for the development of various sectors of the economy?
- Q. 4 What is the permissible scope for interference by courts with policy making by the Government including methods for disposal of natural resources?
- Q. 5 Whether, if the court holds, within the permissible scope of judicial review, that a policy is flawed, is the court not obliged to take into account investments made under the said policy including investments made by foreign investors under multilateral/ bilateral agreements?
- Q. 6 If the answers to the aforesaid questions lead to an affirmation of the judgment dated 02.02.2012 then the following questions may arise, *viz.*
 - (i) whether the judgment is required to be given retrospective effect so as to unsettle all licences issued and 2G spectrum (800, 900, and 1800 MHz bands) allocated in and after 1994 and prior to 10.01.2008?

- (ii) whether the allocation of 2G spectrum in all circumstances and in all specific cases for different policy considerations would nevertheless have to be undone?

And specifically

- (iii) Whether the telecom licences granted in 1994 would be affected?
 - (iv) Whether the Telecom licences granted by way of basic licences in 2001 and licences granted between the period 2003-2007 would be affected?
 - (v) Whether it is open to the Government of India to take any action to alter the terms of any licence to ensure a level playing field among all existing licensees?
 - (vi) Whether dual technology licences granted in 2007 and 2008 would be affected?
 - (vii) Whether it is necessary or obligatory for the Government of India to withdraw the Spectrum allocated to all existing licensees or to charge for the same with retrospective effect and if so on what basis and from what date?
- Q. 7 Whether, while taking action for conduct of auction in accordance with the orders of the Supreme Court, it would remain permissible for the Government to:
- (i) Make provision for allotment of Spectrum from time to time at the auction discovered price and in accordance with laid down criteria during the period of validity of the auction determined price?
 - (ii) Impose a ceiling on the acquisition of Spectrum with the aim of avoiding the emergence of dominance in the market by any licensee/applicant duly taking into consideration TRAI recommendations in this regard?
 - (iii) Make provision for allocation of Spectrum at auction related prices in accordance with laid down criteria in bands where there may be inadequate or no competition (for e.g. there is expected to be a low level of competition for CDMA in 800 MHz band and TRAI has recommended an equivalence ratio of 1.5 or 1.3×1.5 for 800 MHz and 900 MHz bands depending upon the quantum of spectrum held by the licensee that can be applied to auction price in 1800 MHz band in the absence of a specific price for these bands)?

Q. 8 What is the effect of the judgment on 3G Spectrum acquired by entities by auction whose licences have been quashed by the said judgment?

The Presidential reference is listed for hearing in Supreme Court on 10th July, 2012.

Inspection by Liaison Officers of SC and ST Cadre

4717. SHRI PANKAJ BORA: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether Government is aware that liaison officers of Scheduled Caste and Scheduled Tribe cadre sitting at the headquarter, Sanchar Bhawan, New Delhi for the last five years have never bothered to inspect BSNL, MTNL, TICL and C-DOT Headquarter in Delhi which is mandatory;

(b) the reasons for such mandatory Constitutional duty not being performed for so long; and

(c) whether it is not necessary to furnish detailed reports for the perusal of DoP&T?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA): (a) No, Sir. In terms of Instructions issued by Department of Personnel and Training, Liaison Officer is required to conduct annual inspection of the reservation/roster registers maintained in the Ministry/Department/Offices under the control of the Ministry/Department with a view to ensuring proper implementation of the reservation rosters and this being done by the Liaison Officer. BSNL, MTNL, TCIL (not TICL as mentioned in question) and C-DOT have their own Liaison Officer entrusted with the work of inspection of reservation registers/rosters in their respective organisation. Further, the instructions do not specifically provide for inspection of rosters of Public Sector Undertakings by the Liaison Officer of Ministry/Department. Since, Department of Telecommunications is the administrative Department for BSNL, MTNL, TCIL and C-DoT, the implementation of reservation orders are monitored by holding regular meetings with Senior Officers of the Undertaking concerned and by issuing advice wherever necessary.

(b) Does not arise in view of (a) above.

(c) Department of Telecommunications is required to send Annual Reports to Department of Personnel and Training in respect of Ministry/Department and its attached and subordinate offices. Similarly the Undertakings are also required to submit Annual Reports to Department of Public Enterprises. These are complied with in this Department.