

[Mr. Deputy Chairman]

Dr. Maitreyan came there on his own. I cannot prevent him. Hon. LoP came there. How can I prevent him? Shri Satyavrat Chaturvedi came. How can I prevent him? So, it is like that.

Now, hon. Parliamentary Affairs Minister, you heard the demand of the Members. Would you like to say something?

SHRI M. VENKAIAH NAIDU: Before that, I would like to say that hon. Leader of the Opposition is a respectable person. Any time, he can meet the hon. Chairman or the hon. Deputy Chairman and interact with him. That has been the practice. Same is the case with regard to the Parliamentary Affairs Minister also.

Sir, I have heard the Members. Yesterday, after the Leader of the House had clarified, I thought the issue was over. ...*(Interruptions)*... Please be serious. ...*(Interruptions)*... What I am saying is that after hearing the Members, I have decided that I will get in touch with my colleague, the External Affairs Minister, at the earliest opportunity. The External Affairs Minister shall come to the House and make a statement. Thereafter, hon. Members can seek clarifications. ...*(Interruptions)*...

SHRI V. HANUMANTHA RAO (Telengana): What about the non-serious issue? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Okay. That is over. ...*(Interruptions)*... Now, Statutory Resolution. ...*(Interruptions)*... No, that is end of the matter. ...*(Interruptions)*... Let us take up the Statutory Resolution and the Telecom Regulatory Authority of India (Amendment) Bill, 2014, together. Dr. T. Subbarami Reddy to move the Resolution.

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**STATUTORY RESOLUTION DISAPPROVING THE TELECOM  
REGULATORY AUTHORITY OF INDIA (AMENDMENT)  
ORDINANCE (ORDINANCE NO. 3 OF 2014)**

**AND**

**THE TELECOM REGULATORY AUTHORITY OF INDIA  
(AMENDMENT) BILL, 2014**

DR. T. SUBBARAMI REDDY (Andhra Pradesh): Sir, I move:

That this House disapproves the Telecom Regulatory Authority of India (Amendment) Ordinance (Ordinance No. 3 of 2014) promulgated by the President on 28th May, 2014.

Sir, with your permission, I would like to quote Article 123(1) of the Constitution. It says, “if at any time, except when both Houses of Parliament are in session, the

President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require.”

Sir, we strongly object to the Ordinance promulgated by the hon. President for amending the Telecom Regulatory Authority of India Act. Sir, I would like to say that in human life, *Brahmastra*, *Pashupatastra*, or, *Sudarshan Chakra*, were very rare phenomenon, and, therefore, these should be very, very rarely used. Like that, Ordinance under the Constitution of India is a very, very rare phenomenon, which we should not use just like that. As far as this subject is concerned, Mr. Nripendra Misra is very good officer, who made a mark as Chairman, TRAI. We are not against him personally but at the same time, we are objecting to the principle.

I would like to quote the observation of Shri G.V. Mavalankar, former Speaker, Lok Sabha, on the issue of Ordinance, made at the Presiding Officers’ Conference. He said, “it was obviously a wrong convention for the Executive Government to promulgate Ordinances merely because of shortage of time. That power was to be exercised only when there was an emergency and the Legislature could not meet. It was not a desirable precedent to promulgate Ordinances for want of time, as inconvenient legislation might also be promulgated in that manner.”

I would also like to quote an observation made by the then Deputy Chairman, Rajya Sabha, made on 15.11.1971. He said, “...Of course, Ordinances are to be normally issued in abnormal or extraordinary conditions. Recourse should not be taken to this procedure of legislating, in normal conditions.”

Sir, Ordinances were promulgated on several occasions. A few examples are - (1) The National Security (Amendment) Ordinance, 1984; (2) The Tea Companies (Acquisition and Transfer of Sick Tea Units) Ordinance, 1985; and (3) The Essential Commodities (Special Provisions) Ordinance, 1997. It should be issued in the best interest of the nation where time factor is important and the Government cannot afford to wait and has to do it. This is my submission.

As I said, Mr. Nripendra Misra is a good officer. We are not against him but we do not accept the principle of issuing Ordinance or amending the Act for one single officer. Therefore, my Party and I take strong objection to the use of *Brahmastra*, *Pashupatastra*, or, *Sudarshan Chakra*. Thank you.

MR. DEPUTY CHAIRMAN: Thank you. The Resolution is moved. Now, hon. Minister, Shri Ravi Shankar Prasad, to move the Bill.

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY;  
AND THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):  
Sir, I move:

[Mr. Deputy Chairman]

That the Bill further to amend the Telecom Regulatory Authority of India Act, 1997, as passed by Lok Sabha, be taken into consideration.

Sir, first of all, allow me to read Article 123 (2) of the Constitution. It says, “An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament.” Therefore, an Ordinance has the same value as an Act of Parliament.

Sir, there are many regulatory bodies in India. In the Telecom Regulatory Authority of India Act, 1997, we are just making one short amendment, which was met by the Ordinance, to Section 5 (8), which *inter-alia* stated that the Chairman shall be ineligible for any Government appointment. But very surprisingly, Sir, the same provision incorporated that after one year, he could be eligible for a commercial employment. Therefore, he could never come in Government appointment but could be eligible for that. Sir, in India, we have got many regulatory bodies. We have got the Insurance Regulatory and Development Authority of India Act, 1999, where under section 8, the Chairperson of that Regulatory body can be eligible for employment after two years. We have got Pension Fund Regulatory and Development Authority of India Act, 2013, where, again, under section 7, after two years, he becomes eligible for employment. We have got Airports Economic Regulatory Authority of India Act, 2008, where the Chairperson can become eligible to work under the Government after two years. We have got the Competitions Act. In my reply, I will explain it, Sir. We have got the SEBI Act; we have got the Central Information Commissioner. And, one thing more, Sir, in the Constitution also, while I was examining, under Article 324, Chief Election Commissioner and Election Commissioners are to be appointed. There is an Act governing terms and conditions of their working. Even in the case of Chief Election Commissioner and Election Commissioner, there is no bar restraining them from not to be appointed in the Government after they demit office. There is no such bar even in the case of Supreme Court and High Court Judges. The bar is only in the case of CAG and Members of the Public Service Commission. Therefore, Sir, this particular Ordinance is not individual-specific. It only seeks to change the palpable anomaly which is existed in the case of TRAI Act and about six, seven or eight other regulatory bodies in which there is no such prohibition at all of life-long ban. Sir, one thing I would like to add with great respect in my introductory comment. मैं बाकी बातें विस्तार से अपने उत्तर में बताऊंगा। माननीय सुब्बारामी रेड्डी जी की टिप्पणियों से लगा कि उनको किसी व्यक्ति पर आपत्ति नहीं है। अगर किसी व्यक्ति ने ट्राई के चेयरमैन के रूप में काम किया है, कोई व्यक्ति समक्ष है तो सरकार 10 साल, 20 साल या 25 साल तक उसके अनुभव और प्रतिभा का उपयोग नहीं कर सकती है, जबकि आज के कानून के अनुसार वह एक साल बाद प्राइवेट कंपनी के लिए काम कर सकता है। बाकी किसी रेग्युलेटरी बॉडी में ऐसा कोई प्रतिबंध नहीं है, इसलिए यह जो विसंगति थी, हम इस विसंगति को समाप्त कर रहे हैं। सरकार

किसी की भी हो सकती है, लेकिन ट्राई ऐक्ट सदा रहेगा। अगर कोई प्रतिभा सम्पन्न पदाधिकारी है और उसकी क्षमता एवं प्रतिभा पर सरकार को भरोसा है, तो केवल इसलिए उनकी सेवाएं नहीं ली जा सकती हैं, क्योंकि वह ट्राई में रहा है, किन्तु यदि वह किसी अन्य बॉडी में होता, तो उसकी सेवाएं ली जा सकती थीं, यही बात इस पूरे विधेयक का मूल स्वरूप है ...**(व्यवधान)**... कृपया मुझे बोलने दें। आप अपनी पार्टी की तरफ से बोलिए, मैं आपको शांति से सुनूंगा। जनता ने हमें बोलने और सुनने के लिए भेजा है, इसलिए आप चिंता मत कीजिए, हम आपको भी सुनेंगे। माननीय उपसभापति जी, हमारा आपसे बहुत विनम्रता से कहना है कि यह विधेयक, जो आज हमने सदन में रखा है, इसका क्षेत्र बहुत ही सीमित है और यह पूरी रेग्युलेटरी बॉडीज के बीच एकसमानता लाने की कोशिश है, इसलिए मैं सदन से आग्रह करूंगा कि इस विधेयक को पारित किया जाए।

*The questions were proposed.*

MR. DEPUTY CHAIRMAN: Now, for discussion, I have already told that both the Resolution and the Bill will be discussed together. I would like to once again announce that we will adhere to the time limit. So, all the parties are requested to adhere to timings. Number two, after thirty minutes from starting of the discussion, please do not give any name. It will not be accepted. Now, Shri Mani Shankar Aiyar. Congress Party has got 34 minutes.

SHRI MANI SHANKAR AIYAR (Nominated): Sir, I rise to oppose the amendment that has been tabled. I do so for three reasons. One, I object to the adoption of the Ordinance route; two, I believe the amendment, as moved now, is violative of Article 14 of the Constitution; and three, I believe the Prime Minister had many options other than going against the established law to secure the services of the competent Principal Secretary. With your permission, Mr. Deputy Chairman, I would like to elaborate these three reasons within the limited time that I have. First and foremost, there were no emergent or urgent conditions warranting the issue of an Ordinance. All the arguments that have been placed before us by the hon. Law Minister, who is also the Minister of Communications, do not indicate that there would have been a disaster that would have overtaken the country if on that day, on which the Ordinance was issued, there was no equality between Chairmen of various regulatory commissions. Indeed, Sir, it is ironic that this provision was brought in by the NDA Government. They brought in the provision. They remained in power. When they were in the Opposition, they did not attempt to have it changed. And, suddenly, without any emergent need, without any urgent need, they issued an Ordinance. Our objection is not in principle to the issue of Ordinances. But the Ordinance has to be issued in conformity with the provisions of the Constitution, the spirit of the Constitution and the judgements of the Supreme Court. And in all these respects, I am afraid the Ordinance move was not in conformity with these conditions that I have listed.

[Shri Mani Shankar Aiyar]

Sir, Article 123(1) of the Constitution requires that it has to be established that “circumstances exist which render it necessary to take immediate action.” What were these circumstances? Why had action to be immediate? What disaster would have overtaken us if a provision of the law that had existed for a decade or more had been allowed to remain for another few days? It is clearly not the case that there were any circumstances which rendered it necessary to take immediate action when this particular Ordinance was promulgated.

Sir, even if the Prime Minister, for reasons best known to him, wanted one and only one official to be his Principal Secretary, surely temporary arrangements could have been made pending this draft amendment, which is being brought to the legislature. After all, we were not in the midst of a long recess. The new Government had just been sworn in. Parliament had to be imminently summoned for the Government to establish its majority on the floor of the House. Everyone knew that the first business of the Cabinet would be to fix a date for convening Parliament. It was just a matter of days, not even weeks or months. Why then this tearing hurry to get over a legal obstacle by issuing an Ordinance? There is only one reason and that reason was that the Prime Minister was adamant on having his way. Therefore, all other considerations had to be swept under the carpet. This completely authoritarian manner violates all democratic norms of governance; and an Ordinance was issued. This, Sir, is not good governance; it is abuse of power. Propriety, precedent and procedure have been set aside and a new rule of thumb has been set that whatever PM wants PM gets.

Sir, a Member of the other House, but not in the House, described a similar Ordinance designed for one person as \*. This Ordinance too, Sir, was \*.

अल्पसंख्यक कार्य मंत्री (डा. नजमा ए. हेपतुल्ला) : सर, ये अनपार्लियामेंटरी वर्ड यूज कर रहे हैं।

SHRI MANI SHANKAR AIYAR: The Government has failed to explain what was the new and sudden development that necessitated recourse to this Ordinance route.

Sir, I draw the attention of the House ...(Interruptions)...

MR. DEPUTY CHAIRMAN: If it is unparliamentary, it is expunged.

SHRI MANI SHANKAR AIYAR: Please look into it. ...(Interruptions)... Sir, please look into it. ...(Interruptions)... Sir, please look into it. ...(Interruptions)... If the word is non-parliamentary, I am happy to withdraw it. The point that I am trying to make is that this Ordinance was completely unnecessary, not at all required and pushed through in order to meet the whims of one person.

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\*Expunged as ordered by Chair.

Sir, I would like to draw the attention of the House to a Supreme Court Judgement of 1986. I am sure the Law Minister who himself is from the State of Bihar would immediately recognise it. It was in the case of State of Bihar *versus* D.C. Wadhwa. Now in terms of that we need to know as to what were the circumstances that necessitated immediate action... before we even begin to look at the merits or otherwise of the amendment that is brought before us.

Sir, my second point is that this amendment which was initially promulgated as an ordinance appears to have one and only one object, namely, giving the Prime Minister the one individual he wants as Principal Secretary. That is the only justification which could be there, for using an Ordinance route rather than coming to this House with a draft amendment. Sir, it was not as if the Government was paralysed by Section 5 of the TRAI Act, as amended later. It is that provision which forbade the Chairman from employment with the Government forever. Sir, on June 2nd, 2014, on the date of the Ordinance, the Government could have functioned without a particular individual as Principal Secretary to the Prime Minister. Sir, I remember that Rajiv Gandhi's Prime Minister's Office functioned without a Principal Secretary from January to July, 1985, at the very start of his tenure as an elected Prime Minister. So, we have a precedent of a Prime Minister Office functioning without a Principal Secretary. And if the hon. Law Minister had cared to ask me, I would have advised him that he could wait for one or two weeks and then ensure that the House passes the required legislation. But, no, they thought that there was a sudden and new development. Now, what could this sudden and new development be except that a new PM had assumed office? But he had the entire panoply of Government working for him. He had the Ministers who, on being told about hygiene and sanitation, immediately cleared out 11,000 files in next to no time, putting 500 persons to work on it. That's good governance ! That's getting people to work. When you say that you don't need any of these Ministers, that you don't need any of these Ministers of State, that you don't need any Cabinet Secretary, that you don't need any Secretaries to the Government of India, that you don't need any Under Secretary, I must have one person and I must have him immediately and if he is disqualified by law, nevertheless, he is the one person I want, this is a whimsical way of running a Government. I know he is a \* and maybe, he thought that he could get away with it. But the fact is that this is an old House and we know what our rights are.

SHRI MANI SHANKAR AIYAR: We know proper procedures and precedents for running the Government and there is absolutely no reason. ...*(Interruptions)*... I am not yielding. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: Sir, I have got a point.

SHRI MANI SHANKAR AIYAR: Sir, I am not yielding. Mr. Ravi Shankar Prasad has frequently not yielded to me. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: Sir, he called the PM a \*. It's not fair.

MR. DEPUTY CHAIRMAN: Okay. That is expunged. ...*(Interruptions)*...

SHRI MANI SHANKAR AIYAR: Mr. Deputy Chairman, Sir, I have limited time. ...*(Interruptions)*... Now, the only reason—I wish to underline this—this Ordinance was issued was to get one single person appointed to the staff of the Prime Minister. Therefore, the legislation that is now being brought before us is evidently a legislation that is designed to benefit only one single individual. Now, is this compatible with Article 14 read with Article 16 of the Constitution?

These Articles of our sacred Constitution make it amply clear that legislation cannot be directed at a single individual. At a minimum, it has to be established that the legislation is designed for a class of people; this principle was definitively established by the Supreme Court in the 1992 case of the State of Himachal Pradesh *versus* Kailash Chand Mahajan and I am absolutely sure the Law Minister knows what this case was and could easily have informed the Prime Minister that there is this Supreme Court judgment which says no legislation can be directed at a single individual. It has to be demonstrated that it is a class of individuals. Now, if this amendment had been brought without an ordinance, I would not have made these arguments. Because we want to bring everyone on the same plane. But in this particular case, were they attempting to remove an unnecessary disability on a class of persons, namely, all Chairmen of TRAI, past and present, in line with many other laws that allow reemployment after a cooling off period or was it for one person? Has any of the other TRAI Chairmen been appointed to any post in the Government? It is just one and done through an Ordinance, not done by bringing a piece of legislation, draft legislation before this House. Clearly, aiming one person! Therefore, in the instant case, it is not the draft amendment, but the Ordinance that indubitably establishes that the real intent and purpose of this legislation is only to exempt one single individual from his obligations which were extant under the law when he took office and when he relinquished office, and this too merely to satisfy the whim of another single individual, however exalted. I do not believe for a moment that this amendment will stand the scrutiny of the courts. There is a whole litany of case law and our hon. Law Minister is far more familiar with this litany than I am that clearly establishes that it is *mala fide* - I am using a technical legal term *mala fide* - to make or change a law for just one person. I urge the Government to even now desist from embarrassing itself. It is going to go to court. It is going to go to the Supreme Court. Wadhwa will be mentioned, Kailash Chand Mahajan will be

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\*Expunged as ordered by Chair.

mentioned and then this Government will be left standing naked before the Bench. I do not feel that in the interest of getting one individual made the Principal Secretary, this Government should bring itself and possibly this House to eternal shame.

Sir, my final point relates to one person for whom this entire exercise is being undertaken. I know my colleagues have been very complimentary about him. But I ask my colleagues, I ask the House: Is this gentleman of such exceptional merit that no other...

SHRI TAPAN KUMAR SEN (West Bengal): Sir, when the person is not here, can he quote about him? ...*(Interruptions)*...

SHRI MANI SHANKAR AIYAR: I have not mentioned any names. Sir, I have not mentioned any names. ...*(Interruptions)*... Mr. Deputy Chairman, Sir, had this individual covered himself in glory in his last assignment as Chairman of TRAI, then maybe the argument could be made that there is simply no one else among 1.2 billion people, who is available to become the Principal Secretary; only this person can become the Principal Secretary.

MR. DEPUTY CHAIRMAN: Mr. Mani Shankar Aiyar, it is correct that you have not mentioned the names. But it is evident and everybody knows about whom you are speaking. Therefore, be a little careful. That is all I have to say.

SHRI MANI SHANKAR AIYAR: Sir, I shall be extremely careful.

SHRI TAPAN KUMAR SEN: Sir, this Ordinance is all about that. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I only said, "Please be careful." ...*(Interruptions)*... Please sit down. I have already said it. Please sit down.

SHRI MANI SHANKAR AIYAR: Sir, leave alone the highly ambiguous and controversial TRAI Order of 28th August, 2008, issued under the hand and seal of the present Principal Secretary to the PM that the Supreme Court has so fiercely indicted, it is the judgement of 2nd February, 2012. Numerous other recommendations and orders of that particular Chairman have not stood the test of appeal. His determination on DTH Wholesale Tariff was modified and partially rejected by the Telecom Disputes and Settlement Appellate Tribunal on 16 December, 2010. The Interconnection Usage Charges that he had prescribed were rejected by TDSAT on 29 September, 2010 for having excluded capital cost. Similarly, the TDSAT castigated TRAI, in its judgements of 21st and 29th May, 2009, on TRAI's decisions in respect of fixed port charges and carriage charges on the ground that TRAI had failed to adopt transparency and did not take into account relevant materials. The TDSAT had, similarly, deplored TRAI's absence of transparency in arriving at subscriber-linked criteria. I quote from the TDSAT's decision: "It is expected of institutions like TRAI to follow a uniform



[Shri Mani Shankar Aiyar]

procedure while making its recommendations. It cannot choose the procedure to suit its convenience. We hold that TRAI was wrong in arriving at revised subscriber norms based on a theoretical simulation and, that too, without an opportunity being given to all stakeholders to debate the issue. Is further proof needed that neither the Regulator nor its Chairman covered themselves with glory during the period 2006-09 when the individual being benefited by this Amendment was the Chairman? So, why this insistence on this one individual? This is a post. This is, arguably, the most important bureaucratic posting in the country. His predecessors have included giants like Shri P.N. Haksar, Shri P.N. Dhar, Shri CP. Srivastava, Dr. P.C. Alexander, Shrimati Sarla Grewal, Shri B.G. Deshmukh, and, more recently, Shri Meenakshisundaram and Shri Pulok Chatterji. Compared to all of these, I want to highlight that one of the greatest Principal Secretaries to the Prime Minister we ever had was Shri Brajesh Mishra. Now, why is this person being insisted upon?

Perhaps the answer lies in an article published in *The India Today* about two decades ago, and reproduced in the same magazine on 24th December, 2012. The complainant took his case to the Press Council of India which rejected the charge of defamation but decided that the complainant may have his version published in the magazine, a privilege which the magazine would have doubtless afforded the complainant in any case. However that may be, the crux of the argument made in the article was, which I now quote: "His role as a BJP mole in the previous Government of Shri Mulayam Singh Yadav was affirmed by no less than the State Party Chief, Shri Kalraj Mishra. It was during his time as Secretary to Shri Yadav that he kept the BJP leaders informed about Shri Yadav's every confidential move on Ayodhya." Sir, therefore, is this Ordinance and is this draft Amendment a reward for services rendered in the past? I rest my case. Thank you, Sir.

**श्री भूपेन्द्र यादव (राजस्थान) :** सम्माननीय उपसभापति महोदय, मैं भारतीय दूरसंचार विनियामक प्राधिकरण (सशोधन) विधेयक, 2014 के समर्थन में खड़ा हुआ हूँ।

[उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर) पीठासीन हुए]

जैसा कि अभी मणि शंकर जी कह रहे थे कि इस देश के महत्वपूर्ण प्रशासनिक पदों पर योग्य व्यक्तियों की एक लंबी श्रृंखला ने काम किया है और विगत 10-15 वर्षों से देश में विभिन्न सेवा क्षेत्र के विनियामक प्राधिकरण बने हैं, चाहे इंड्योरेंस सेक्टर में हो, चाहे पेंशन सेक्टर में हो, चाहे एयरपोर्ट अथॉरिटी हो, चाहे काम्पिटिशन कमीशन हो, चाहे इलेक्ट्रिसिटी ट्रिब्यूनल हो। प्रश्न इस बात का है कि जितने भी विनियामक प्राधिकरण बने हैं, उसमें चेंयरमैन बनने के लिए, उसमें सदस्य बनने के लिए किसी भी व्यक्ति में न्यूनतम जो योग्यताएं चाहिए, उनमें पहला उनकी निष्पक्षता, दूसरा संबंधित विषय की विशेषज्ञता और सार्वजनिक जीवन में किसी विषय की विशेषज्ञता और तीसरा प्रशासनिक कुशलता है। इसलिए बाकी सारी रेलगुरेटरि अथॉरिटीज, जैसा

कि अभी माननीय मंत्री महोदय कह रहे थे, चाहे वे इंड्योरेंस से संबंधित हों, चाहे वे पेंशन से संबंधित हों, चाहे वे इलेक्ट्रिसिटी से संबंधित हों या चाहे वह कॉम्पिटिशन कमीशन हो, अगर वहां पर काम करने वाले प्रशासनिक अधिकारी और चेयरमैन को कूलिंग ऑफ पीरियड के साथ नियुक्त किए जाने का प्रावधान है, तो फिर केवल ट्राई पर इस प्रकार का प्रतिबंध क्यों हो? इसलिए मुझे लगता कि सरकार ने एक बहुत उचित अध्यादेश लाकर इस कानूनी सुसंगतता को व्यावहारिक और मूर्तरूप दिया है। संविधान के अनुच्छेद 123 में सरकार को अध्यादेश लाने का अधिकार है और अभी मणि शंकर जी कह रहे थे कि यह संवैधानिक रूप से सिद्ध नहीं होगा तो मैं यह कहना चाहूंगा कि ऐसा कहना इसलिए उचित नहीं है, क्योंकि यह जो बिल लाया गया है, इसके ऑब्जेक्ट में लिखा गया है कि चूंकि सदन के दोनों सदन सत्र में नहीं थे और तुरन्त कार्रवाई की जानी अपेक्षित थी, महामहिम राष्ट्रपति का यह समाधान हो गया था कि ऐसी परिस्थितियां विद्यमान थीं जिनसे उक्त अधिनियम में संशोधन करने के लिए तुरन्त कार्रवाई करना उनके लिए आवश्यक हो गया था, अतः महामहिम राष्ट्रपति ने भारतीय दूर-संचार विनियामक प्राधिकरण (संशोधन) अध्यादेश, 2014 को 28 मई, 2014 को प्रख्यापित किया था। तो सरकार ने जो भी कार्रवाई की थी, वह संविधानसम्मत, परिस्थितियों के अनुकूल और जो संवैधानिक प्रावधान तय किए गए हैं, उनके अनुकूल थी।

महोदय, इसमें यह कह देना कि यह संशोधन संविधान की धारा 14, जो कि समानता का अधिकार देती है, उस समानता के अधिकार को उल्लंघित करता है, तो मुझे लगता है कि यह तर्क किसी प्रकार से ठीक नहीं है, बल्कि यह तो समान पदों पर जो लोग स्थापित हैं, जिनकी विशेषज्ञता है, जिनकी निष्पक्षता है, उनको देश की सेवा करने का एक अवसर प्रदान करता है। इससे पूर्व ट्राई के जो नियम थे, वे किसी भी व्यक्ति, जो इतने विशेषज्ञ स्तर से इस विनियामक प्राधिकरण का चेयरमैन बनने की योग्यता रखते हैं, उनको हमेशा के लिए प्रतिबंधित करते थे। इसलिए मुझे लगता है कि यह कहना उचित नहीं है। इसलिए सरकार ने इसमें दो साल के पीरियड को तो रखा ही है, उसके साथ ही अगर वे उस क्षेत्र से जुड़ी हुई किसी भी कंपनी को ज्वाइन करते हैं, तो उसके लिए इसमें सरकार की सहमति और संस्तुति को आवश्यक किया गया है।

हम केवल किसी व्यक्ति, जो केवल एक पद पर स्थापित हो गए हैं और आगे चलकर देश के लिए उनकी सेवा की आवश्यकता न हो या हम उनकी सेवा नहीं लेना चाहते, तो उसे हम कानून के द्वारा कभी भी प्रतिबंधित नहीं कर सकते हैं और इसलिए ऐसे कानून में परिवर्तन होना बहुत आवश्यक है। यह कहना कि इसमें लोकतांत्रिक मानकों को पूरी तरह से नकार दिया गया है, सही नहीं है, बल्कि इसको लोकतंत्र के अनुरूप ही बनाया गया है। लोकतंत्र की भावना यही है कि सरकार ऐसी आए जो सुशासन दे। इसलिए यह जो कहा गया है कि दशकों से यह स्थिति लागू है, तो मैं कहना चाहता हूं कि दशकों से जो स्थिति लागू थी, उसी को परिवर्तित करने के लिए जनता ने जनादेश दिया है और इसलिए उन परिस्थितियों में भी परिवर्तन आ रहा है। उन परिस्थितियों में परिवर्तन लाने के लिए सरकार ने अन्य प्राधिकरणों को भी सुसंगत बनाते हुए इस कानून को सदन के सामने रखा है और मैं इसके समर्थन में खड़ा हुआ हूं। मुझे लगता है कि यह कानून अन्य विनियामक अथॉरिटीज के साथ सुसंगतता लाएगा और उनमें काम करने वाले जो विशेषज्ञ लोग हैं, जो निष्पक्षता, विशेषज्ञता तथा प्रशासनिक कुशलता के साथ कार्य कर रहे हैं, उनको देश की सेवा करने का अवसर प्रदान करेगा।

**सुश्री मायावती (उत्तर प्रदेश) :** माननीय उपसभाध्यक्ष महोदय, माननीय विधि और न्याय मंत्री ने आज इस सदन में भारतीय दूरसंचार विनियामक प्राधिकरण (संशोधन) विधेयक, 2014 को चर्चा के लिए एवं पास कराने के लिए जो रखा है उस पर मैं अपनी पार्टी का स्टैंड रखने से पहले अपनी पार्टी के बारे में यह बात जरूर स्पष्ट कर देना चाहती हूँ कि जब किन्द्र में कांग्रेस पार्टी के नेतृत्व में यू.पी.ए. की सरकार चल रही थी, जो अब सत्ता में नहीं है, अब वे विपक्ष में बैठे हुए हैं और जो लोग उस समय विपक्ष में थे, भारतीय जनता पार्टी और उनका एन.डी.ए. विपक्ष में था, तो अब वे सत्ता में बैठे हुए हैं। तो उस समय जब कांग्रेस पार्टी और उनका यू.पी.ए. पावर में था, तो माननीय उपसभाध्यक्ष जी, मैं आपके माध्यम से पूरे सदन को यह बात याद दिलाना चाहती हूँ कि उस दौरान जब भी माननीय सदन में जनहित के मुद्दे आते थे, तो जनहित के मुद्दों को लेकर हमारी पार्टी ने उस समय की सरकार की परवाह किए बिना कि हम उनको बाहर से समर्थन दे रहे हैं, जनहित के मुद्दे के मामले में जब हमको लगा कि उस समय सरकार का स्टैंड सही नहीं है, कोई भी ऐसा महत्वपूर्ण मुद्दा हो, जो जनविरोधी हो, जनहित का न हो, तो हमारी पार्टी ने उसका डटकर उस समय विरोध किया था। हालांकि उस समय बी.जे.पी. और उनका एन.डी.ए. जब विपक्ष में था, तो उस समय उनको अच्छा लगाता था कि बहुजन समाज पार्टी उस समय की सरकार के खिलाफ बोल रही है। लेकिन उस दौरान भी हमेशा हमारा यही स्टैंड रहता था कि जो जनहित के मुद्दे हैं, उनको हाइलाइट किया जाए। लेकिन उस समय तो सत्ता पक्ष के लोगों को खराब लगता था कि बी.एस.पी. जनहित के मुद्दे क्यों उठा रही है। हालांकि उस दौरान कांग्रेस पार्टी की यू.पी.ए. की गवर्नमेंट यदि हमारी बात को मान लेती और जनहित के मुद्दों पर अमल कर लेती तो आज इनको विपक्ष में नहीं बैठना पड़ता। हालांकि हमारी पार्टी यू.पी.ए. में शामिल नहीं थी, जो कांग्रेस पार्टी की यू.पी.ए. सरकार थी। साम्प्रदायिक ताकतों को मजबूत बनाने का आरोप हमारी पार्टी के ऊपर न लगे, इसको ध्यान में रखकर हमने उस समय यू.पी.ए. सरकार को बाहर से समर्थन दिया हुआ था। इस बार जब देश की 16वीं लोक सभा के आम चुनाव हुए तो पूर्व की सरकार की गलत नीतियों का बड़ा भारी नुकसान हमें भी उठाना पड़ा है। हालांकि यू.पी.ए. के जो घटक दल थे या फिर जो बाहर से समर्थन दे रहे थे, उनको भी नुकसान उठाना पड़ा। अकेले बी.एस.पी. को ही नहीं उठाना पड़ा है, अन्य पार्टियों को भी जो उस सरकार के अंदर थीं या सरकार को बाहर से समर्थन दे रही थीं, उनको भी नुकसान उठाना पड़ा। आपको मालूम है कि उत्तर प्रदेश आबादी के हिसाब से बड़ा प्रदेश है। उत्तर प्रदेश में हमें नुकसान उठाना पड़ा। यहां हमारी पार्टी 34 सीटों पर सेकेंड नम्बर पर रही और हमको लगभग 20 प्रतिशत वोट मिले। वोट के हिसाब से पूरे देश में हमारी पार्टी तीसरे नम्बर की पार्टी बनकर उभरी।

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): I don't want to disturb you.

**सुश्री मायावती :** एक मिनट। मैं यह कहना चाहती हूँ कि कांग्रेस पार्टी तथा यू.पी.ए. सरकार की जो गलत नीतियां थीं, जनविरोधी थीं, उनका हमें नुकसान उठाना पड़ा। हालांकि हमें ही नहीं उठना पड़ा, वर्तमान में बी.जे.पी. के नेतृत्व में जो एन.डी.ए. की सरकार चल रही है और इस सदन के जो नेता हैं अरुण जेटली जी, उनको भी पंजाब में नुकसान उठाना पड़ा, क्योंकि वे जब चुनाव लड़ रहे थे तो वहां अकालियों और बी.जे.पी. की मिली-जुली सरकार थी। भारतीय जनता पार्टी में वे काफी काबिल नेता हैं और बी.जे.पी. हमेशा उनको आगे रखकर चलती है, लेकिन ...(व्यवधान)...

**उपसभाध्यक्ष (वी.पी. सिंह बदनौर) :** इसका बिल से कोई संबंध नहीं है।

**सुश्री मायावती :** लेकिन वहां की सरकार की जो कार्य शैली थी, उससे वहां की जनता खुश नहीं थी जिसकी वजह से श्री अरुण जेटली जी को भी अपनी सीट गंवानी पड़ी थी। जैसे हमको नुकसान हुआ वैसे ही कुछ राज्यों में भारतीय जनता पार्टी तथा उनका जो एन.डी.ए. है, को भी नुकसान उठाना पड़ा है। मैं यह कहना चाहती हूं कि जब सेंटर में कांग्रेस पार्टी के नेतृत्व में यू.पी.ए. की सरकार चल रही थी तो हमारी पार्टी ने हमेशा जो जनहित के मुद्दे थे, उनको प्राथमिकता दी। उनके ऊपर डटकर बोला। यदि सरकार जन-विरोधी गलत काम कर रही थी, तो हमने उसका विरोध किया था। अब जो लोग सत्ता में बैठे हैं, उन्हें भी यह मालूम है। इसलिए वर्तमान में भारतीय जनता पार्टी के नेतृत्व में जो एन.डी.ए. की सरकार चल रही है, मेरा उनसे भी यही कहना है कि हम किसी भी पार्टी के पिछलग्गू नहीं हैं, न हम यू.पी.ए. के पिछलग्गू हैं और न एन.डी.ए. के पिछलग्गू हैं। मेरा बी.जे.पी. व एन.डी.ए. के लोगों से यही कहना है कि यदि आप जन-हित के मुद्दों को लेकर चलेंगे और देश की जनता को लगेगा कि अच्छे दिन आ रहे हैं, तो हम आपका समर्थन करेंगे। उपसभाध्यक्ष महोदय, अभी तक तो नहीं लग रहा है कि अच्छे दिन आ रहे हैं, लेकिन ऐसा लगेगा कि अच्छे दिन आ रहे हैं और आप जन-हित के मुद्दों को लेकर चल रहे हैं, तो हमारी पार्टी जन-हित में उन मुद्दों पर आपका जरूर समर्थन करेगी। हम बिना वजह किसी का विरोध इसलिए नहीं करेंगे कि हम विपक्ष में हैं और हमें सरकार का विरोध ही करना है बल्कि हम जन-हित के मुद्दों पर सरकार का समर्थन करेंगे। हमारी पार्टी ने पूर्व में जब कांग्रेस पार्टी के नेतृत्व में यू.पी.ए. की सरकार थी, जन-हित के मुद्दों पर उनका भी समर्थन किया था और जन-विरोधी मुद्दों का डटकर विरोध भी किया था। इसलिए मेरा बी.जे.पी. के नेतृत्व वाली एन.डी.ए. की सरकार से कहना है कि अगर आप जन-हित के मुद्दों को लेकर चलोगे, तो हम आपका समर्थन करेंगे क्योंकि जबर्दस्ती किसी मुद्दे का विरोध करना हमारी पार्टी की कार्य-शैली नहीं है। उपसभाध्यक्ष महोदय, मैंने यह बात इसलिए रखी क्योंकि इस विधेयक पर अपनी राय देने से पहले मुझे यह स्पष्ट करना बहुत जरूरी है। हमारी पार्टी इस विधेयक पर जो स्टैंड लेने जा रही है, मुझे मालूम है कि हमारी पार्टी आज जो स्टैंड लेगी, कल कांग्रेस पार्टी और यू.पी.ए. के घटक दल, मीडिया के सामने जाकर यही बोलेंगे कि बी.एस.पी. की नेता का आय से अधिक संपत्ति का मामला सी.बी.आई. में लंबित पड़ा है, इसलिए उन्होंने इस विधेयक का समर्थन किया। इस तरह वे पूरे देश की जनता को गुमराह करेंगे। वे इस तरह की खबरें भी छपवा सकते हैं, लेकिन मैं इस सम्मानित सदन से आपके माध्यम से कहना चाहती हूं कि मेरा आय से अधिक संपत्ति का मामला, यह माननीय सुप्रीम कोर्ट से खत्म हो चुका है, रिव्यू भी कई बार हुआ, लेकिन रिजैक्ट हो चुका है। इसके बाद यह सी.बी.आई. में भी गया और सी.बी.आई. भी इस में क्लोजर रिपोर्ट लगा चुकी है। यह केस खत्म हो चुका है। महोदय, कल को न्यूज पेपर्स में ऐसी खबरें छपेंगी कि बी.एस.पी. की नेता ने इस विधेयक का इसलिए समर्थन किया क्योंकि वह आय से अधिक संपत्ति के अपने मामले में घबरायी हुई थीं। महोदय, मेरा केस खत्म हो चुका है और सी.बी.आई. ने अपनी-अपनी क्लोजर रिपोर्ट भी तब लगायी है, जब देश के इलेक्शन चल रहे थे, ऐसा नहीं है कि यह क्लोजर रिपोर्ट इस सरकार के समय में लगी है।

उपसभाध्यक्ष महोदय, आज जो यह भारतीय दूरसंचार विनियामक प्राधिकरण (संशोधन) विधेयक, 2014 आया है, मैं समझती हूं कि यह विधेयक इसलिए लाना पड़ा क्योंकि जिस अधिकारी की प्रधान मंत्री जी के प्रधान सचिव पद पर नियुक्ति की जानी थी, उसमें कुछ कानूनी

[सुश्री मायावती]

अड़चनें आ रही थीं। उन कानूनी अड़चनों को दूर करने के लिए यह भारतीय दूरसंचार विनियामक (संशोधन) विधेयक, 2014 लाया गया है। इस संबंध में हमारी पार्टी का यह कहना है कि जब सेंटर में किसी भी पार्टी की सरकार बनती है या स्टेट में बनती है और जब उस सरकार को अपनी गवर्नमेंट को चलाना होता है, तो उस सरकार के मुखिया की जिम्मेदारी बनती है कि वह पूरी देश की जनता या उस स्टेट की जनता को अच्छे रिजल्ट्स देने के लिए काबिल-से-काबिल अधिकारी रखे।

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर) : अब आप समाप्त कीजिए।

सुश्री मायावती : इस सरकार ने प्रधान सचिव के पद पर जिस अधिकारी को रखा है, उनकी नियुक्ति लेकर कुछ कानूनी अड़चनें आ रही थीं, उन कानूनी अड़चनों को दूर करने के लिए वर्तमान गवर्नमेंट भारतीय दूरसंचार विनियामक (संशोधन) विधेयक लायी है। मैं समझती हूं कि इसमें कोई गलत बात नहीं है। इसलिए हमारी पार्टी इस विधेयक का समर्थन करती है।

SHRI DEREK O'BRIEN (West Bengal): Sir, when you have simple, clear, transparent point to make, you do not need six minutes. I think we have been granted six minutes to make it. We will make it in three or four minutes. The simple point here is that on behalf of my party, the Trinamool Congress, we want to call a spade a spade because we believe in true Trinamool style. It always helps to be transparent and straight-talking. Of the two sides of this argument, Sir, the first we heard from the Government that there are other statutory bodies which have certain other requirements, so, it is to provide some logic to match TRAI and the Chairman of TRAI with some other statutory bodies. This is one way of looking at that. That is why they have brought about the Ordinance and the Bill. The first good thing they did was that they did not bypass Parliament. Ordinance, Bill, Act, that was fine, but ...*(Interruptions)*... Just one second. So, the first point which this side is making is that, yes, there are other statutory bodies and we want to bring them on to a level playing field, etc., etc. The second point on the other side which is being made - I am sharing this with you because this is the way we debated within the party - was that, no, this has been done only for one person and this would never have happened if it wasn't for one person. Sir, to be frank, let us not be coy and let us not be bashful that this was done for one person. Yes, this was done for one person. This is our thinking. If it was done for one person, who was this person? This person is no less a person than the Principal Secretary to the Prime Minister. Now here unlike what some people have a general feel that Trinamool Congress will play a role of destructive opposition, you show us the flag and we will say, 'no, no.' No, Sir, we are a constructive opposition because we are going to give you at the end of it all three good reasons why we are behind this because at the end of it, it is not about statutory bodies, it is not about one person and bending the rule. It is about having one person, a key person you need to have there. The Prime Minister needs this person. Why does he need this person? Our simple understanding

is that he needs him for three reasons and these three reasons will take me only ten seconds. The first reason is good governance, the second reason is good governance and the third reason is good governance. I leave it at that, Sir. Thank you.

श्री के.सी. त्यागी (बिहार): उपसभापति महोदय, मैं इस विधेयक का विरोध करने के लिए खड़ा हुआ हूँ। न हम, हमारे नेता डिसप्रोपॉजिशन में हैं, न सी.बी.आई में है, इसलिए और मजबूती से इसका विरोध करना चाहता हूँ। अभी हमारे कांग्रेस पार्टी के मित्र ने कई चीजों का जिक्र किया। ...*(व्यवधान)*...

श्री सतीश चन्द्र मिश्रा : आप जो कह रहे हैं, किसके लिए कह रहे हैं? यह तो बता दीजिए कि कौन हैं? ...*(व्यवधान)*...

श्री के.सी. त्यागी: जी।

श्री सतीश चन्द्र मिश्रा: आप जो कह रहे हैं कि आप नहीं है, तो किस के लिए कह रहे हैं?

श्री के.सी. त्यागी: नहीं, मैं किसी का नाम लेकर किसी को अपमानित करने के लिए नहीं कह रहा हूँ। अगर आपको बुरा लगा, तो मैं वापस कर लेता हूँ मैं तो अपनी पार्टी के बारे में कह रहा हूँ। ...*(व्यवधान)*...

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): Please address the Chair. ...*(Interruptions)*...

श्री सतीश चन्द्र मिश्रा: आपका इशारा किस की तरफ है? ...*(व्यवधान)*...

श्री के.सी. त्यागी: नहीं, किसी की तरफ इशारा नहीं है, मेरा किसी की तरफ इशारा नहीं है। आपको बुरा लग रहा है, तो मैं वापस ले रहा हूँ। ...*(व्यवधान)*...

श्री सतीश चन्द्र मिश्रा: जैसे आप बात करते हैं ...*(व्यवधान)*... इसलिए कहने की जरूरत पड़ी। ...*(व्यवधान)*...

THE VICE-CHAIRMAN: Please address the Chair.

सुश्री मायावती: माननीय उपसभापति जी, इसलिए मैंने एक्सप्लेन किया था, क्योंकि मैं समझती थी कि मैम्बर पार्लियामेंट बाहर जाकर क्या बोलेंगे। ...*(व्यवधान)*...

श्री के.सी. त्यागी: नहीं, नहीं। हम अपनी पार्टी के बारे में तो कह सकते हैं। ...*(व्यवधान)*... यह क्या बात हुई? ...*(व्यवधान)*...

सुश्री मायावती: उपसभापति जी, मैंने उसको इसलिए एक्सप्लेन किया था, जो आप बार-बार रोक रहे थे, लेकिन क्लीयर करना जरूरी था। आप किस के बारे में बोल रहे हैं, उसको एक्सप्लेन करें।

श्री के.सी. त्यागी: हमने तो शरद यादव जी, नीतीश कुमार जी के बारे में कहा है, किसी के खिलाफ कोई टिप्पणी करने का हमारा इरादा नहीं है। और अगर आपको अच्छा नहीं लग रहा है, तो मैं इसे वापस लेता हूँ और अनुरोध करता हूँ कि इसे सदन की कार्यवाही से निकाल दिया जाए।

[श्री के.सी. त्यागी]

सर, मणि शंकर अय्यर जी ने जो कहा है, मैं उसके कुछ पक्षों से अपनी सहमति व्यक्त करना चाहता हूँ। सर, जो सज्जन प्रधान सचिव बनाए गए हैं, ये 1989 में जनता दल के जो मुख्य मंत्री थे, श्री मुलायम सिंह यादव जी, उनके पर्सनल सेक्रेटरी थे और देश ने उस समय एक हिस्टोरिकल घटनाक्रम देखा, जिसे बाबरी मस्जिद और राम जन्मभूमि के रूप में जाना जाता है। उस समय हम उनके साथ थे और ये उनके प्रिंसिपल सेक्रेटरी थे। उसी दौरान आडवाणी जी की जो रथ यात्रा निकली थी, उसको रोकने के घटनाक्रम का जिक्र करना यहां जरूरी नहीं है, लेकिन जब मुलायम सिंह जी मुख्य मंत्री पद से हट रहे थे, तो उन्होंने काफी तीखी टिप्पणियां इनकी कार्य प्रणाली को लेकर और इनकी पोलिटिकल मैनेजिंग को लेकर की थीं और जो किसी अफसर की पोलिटिकल फिलॉसफी नहीं होती है, किसी खास पोलिटिकल फिलॉसफी से...

**उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर):** यह बिल उनके नाम पर है ही नहीं। उनका नाम ...**(व्यवधान)**...

**श्री के.सी. त्यागी:** मैं उनका नाम लिए बगैर टिप्पणी कर रहा हूँ क्योंकि ...**(व्यवधान)**...

**उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर):** उनका नाम आ ही गया है।

**श्री के.सी. त्यागी:** इन लोगों ने उस व्यक्ति को चुना है, जो प्रधान सचिव नियुक्त होने वाला है। ...**(व्यवधान)**... आपने इनको भी मना नहीं किया, उनको भी मना नहीं किया, तो फिर आप मुझे क्यों मना कर रहे हैं, पहली बात। दूसरी बात, आम तौर पर किसी मुख्य मंत्री या प्रधान मंत्री के जो प्रधान सचिव होते हैं, वे उनके conscience keeper होते हैं। मुलायम सिंह जी की सरकार जाने के अगले महीने के बाद उत्तर प्रदेश के जो नए मुख्य मंत्री बने, जो मुलायम सिंह जी की राजनीतिक विचारधारा और कार्यक्रमों के विरुद्ध आचरण में थे, वे उनके प्रधान सचिव बन गए और इतिहास गवाह है, 6 दिसंबर, 1992 को, जिस कुर्सी पर आप बैठे हैं, उस समय नारायणन साहब उपराष्ट्रपति थे, उन्होंने भी यही बैठकर टिप्पणी की थी कि महात्मा गांधी का हत्या के बाद 6 दिसंबर का दिन, उसके बाद का सबसे बुरा और खराब दिन था। मैं इसलिए जिक्र कर रहा हूँ कि मैं चाहता हूँ कि उस समय मुख्य मंत्री के, जिनको ...**(व्यवधान)**...

**सूक्ष्म, लघु और मध्यम उद्यम मंत्री (श्री कलराज मिश्र):** मान्यवर, यह विषय से परे है ...**(व्यवधान)**... इसका कहीं संदर्भ नहीं है और एक व्यक्ति विशेष के बारे में आप चर्चा करें, यह ठीक नहीं है, क्योंकि मैं भी जानता हूँ, मुलायम सिंह जी ने इस बारे में कोई कमेंट नहीं किया था, जो कि आप बता रहे हैं। ...**(व्यवधान)**...

**श्री गुलाम रसूल बलियावी (बिहार):** इतिहास को सुनना भी चाहिए। ...**(व्यवधान)**... इस तरह अगर इतिहास छेड़ा गया है, तो उसे सुनना भी चाहिए। ...**(व्यवधान)**...

† [شری غلام رسول بلیاوی : اتیہاس کو سننا بھی چاہیے۔۔۔ (مداخلت)۔۔۔ اس طرح اگر اتیہاس چھیڑا گیا ہے، تو اسے سننا بھی چاہیے۔۔۔ (مداخلت)۔۔۔]

**श्री कलराज मिश्र:** मुझे भी जानकारी है। ...**(व्यवधान)**... नहीं, नहीं यह गलत बात है। ...**(व्यवधान)**...

श्री के.सी. त्यागी: अगर मुलायम सिंह ने यह ...(व्यवधान)... राम गोपाल जी यहां बैठे हैं ...(व्यवधान)...

श्री कलराज मिश्र: मुलायम सिंह जी ने उनके बारे में कभी भी ...(व्यवधान)...

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): मैं संभाल लूंगा। ...(व्यवधान)... त्यागी जी, अगर ऐसी कोई बात होगी तो मैं ...(व्यवधान)...

श्री के.सी. त्यागी: श्री मुलामय सिंह जी ने उनके विरुद्ध टिप्पणियां की थीं, मैं किसी भी तरह से यह साबित करा सकता हूं।

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): आप बिल पर आ जाइए।

श्री के.सी. त्यागी: मैं बिल पर ही आ रहा हूं। तो ऐसे व्यक्ति को प्रधान सचिव बनाया जा रहा है...

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): व्यक्ति से इस बिल का कोई संबंध नहीं है। ...(व्यवधान)...

श्री के.सी. त्यागी: जिसके संबंध में इस तरह की टिप्पणियां की गई हैं।

सर, राजधानी में कई तरह की विचारधाराएं चलती हैं - मार्क्सवादियों की, समाजवादियों की, बहुजन समाज वालों की और आपकी भी। ये सज्जन विवेकानंद फाउंडेशन से भी जुड़े हुए हैं और दो दिन से, वेद प्रताप वैदिक को लेकर सदन में जो हल्ला हो रहा है, वे भी इसके मैम्बर हैं।

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): आज तो एक ही व्यक्ति पर आपने पूरा भाषण केन्द्रित कर दिया। पहले सी.बी.आई. से शुरू कर दिया, फिर कहां की बात कर रहे हैं। आप बिल पर आ जाएं, तो ठीक होगा।

श्री के.सी. त्यागी: सर, प्रधान मंत्री का जो प्रधान सचिव बनता है, उसको लेकर अगर चर्चा हो रही है, ट्राई में जो आपने अमेंडमेंट किए हैं, मुझे उनसे कोई खास मतलब नहीं है। आप चार और कर लीजिए, मुझे कोई दिक्कत नहीं है और ब्रजेश मिश्रा जी के बारे में भी मैं कहना चाहता हूं। जब ब्रजेश मिश्रा जी प्रधान सचिव बने थे, तो उस समय “ऑर्गेनाइजर” और “पांचजन्य”, जो आर.एस.एस. के अखबार हैं, उनमें श्री मिश्रा को लेकर कई तरह की टिप्पणियां की गई थीं, तो ऐसा नहीं है, ये व्यक्तियों को लेकर टिप्पणियां नहीं हैं। ...(व्यवधान)... जी आप थे। ...(व्यवधान)...

श्री तरुण विजय: मैं “पांचजन्य” का सम्पादक रहा हूं और मैं यह नहीं समझता कि यह बात कहनी भी चाहिए या नहीं कि कोई टिप्पणियां हुई हैं। मैं आपको स्पष्ट रूप से कहना चाहता हूं कि यह जो बिल है, यह किसी एक व्यक्ति के लिए नहीं है और आप अपनी चर्चा ...(व्यवधान)... मैं आपकी बात का खंडन करता हूं।

श्री के.सी. त्यागी: मेरे दोस्त, मैंने yield नहीं किया। ...(व्यवधान)...

श्री उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): त्यागी जी ...(व्यवधान)...

डा. अनिल कुमार साहनी (बिहार): सुनिए, इतिहास को ...(व्यवधान)...

श्री उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर) : आप विराजिए... आप विराजिए।



श्री के.सी. त्यागी: सर, जिस व्यक्ति को प्रधान सचिव बनाया जा रहा है, इतना अमेंडमेंट किया जा रहा है ...(व्यवधान)...

श्री उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): आप “व्यक्ति” से बाहर निकलकर बिल पर जाएं।

SHRI K.C. TYAGI : That person represents some political philosophy.

श्री उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): आप बिल पर आ ही नहीं सके और आपका टाइम खत्म हो चुका है। ...(व्यवधान)...

श्री के.सी. त्यागी : सर, व्यक्ति के कपड़े-लत्ते, नहाने-धोने में मुझे कोई एतराज नहीं है।

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): आपने कह दिया है।

श्री के.सी. त्यागी: वे बहुत अच्छे और सुंदर कपड़े-लत्ते पहनते हैं, उससे मुझे क्या मतलब है? उनके जो पॉलिटिकल लिंक्स हैं, उनकी जो पॉलिटिकल फिलॉसफी है ...(व्यवधान)...

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): मैत्रेयन जी, आप बोलिए। त्यागी जी, आपका टाइम अप हो गया है।

श्री के.सी. त्यागी: मैं यील्ड कर रहा हूं।

DR. V. MAITREYAN : No, no. He is calling me to speak.

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): आपका टाइम समाप्त हो गया है।

श्री के.सी. त्यागी : मेरी बात अभी खत्म कहां हुई है?

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): आपने कह दिया, आपको एतराज नहीं है। आप व्यक्ति पर आ गए ...(व्यवधान)...

श्री के.सी. त्यागी : अगर चेयर का आदेश है तो मैं बैठ जाता हूं, लेकिन मेरी बात अभी समाप्त नहीं हुई है और मेरे से ज्यादा समय ...(व्यवधान)...

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): आपका 6 मिनट का टाइम था। डा. वी. मैत्रेयन जी, आप बोलिए।

श्री के.सी. त्यागी: मैं बैठ जाऊं, यह आपका आदेश है? ...(व्यवधान).... मैं जरा अपनी बात खत्म कर दूँ। ...(व्यवधान).... मैं इसका विरोध करने के लिए खड़ा हुआ हूँ। मैं अपनी पार्टी का ...(व्यवधान)...

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): अभी तो आपने कहा कि इस बिल से आपको कोई आपत्ति नहीं है। ...(व्यवधान).... यह आपने कह दिया। बिल से तो आपको आपत्ति नहीं है, आपने कहा न अभी।

श्री के.सी. त्यागी : आप मुझसे क्यों कहलवाना चाहते हैं? ...(व्यवधान)...

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): मैंने नहीं कहा।

श्री के.सी. त्यागी: मुझे बिल से भी आपत्ति है और बिल से ज्यादा व्यक्ति से आपत्ति है।

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): ठीक है। मैत्रेयन जी, आप बोलिए।

SHRI SHARAD PAWAR (Maharashtra): This is not the way.

SHRI DEREK O'BRIEN: With due respect to you, Sir, bowing to you, don't make that kind of comments from the Chair. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): What have I said?

SHRI P. RAJEEVE (Kerala): Members have full right to make their points. ...*(Interruptions)*...

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): ठीक है, मैंने कब कहा? ...*(व्यवधान)*...

श्री शरद पवार: आपने कहा ...*(व्यवधान)*... हम सुन रहे हैं।

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): I didn't.

SHRI P. RAJEEVE: We never expect these types of comments from the Chair. They should be impartial.

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): Okay. Please carry on. आप एक मिनट और ले लीजिए।

श्री के.सी. त्यागी: मैं अपनी बात समाप्त करता हूँ लेकिन मुझे इस पर एतराज है कि बहन मायावती जी की पार्टी और हमारी पार्टी को बराबर समय मिला था। आप देख लीजिए कि हमारा समय उतना हुआ या नहीं हुआ है। चूंकि मैं वह बात कह रहा हूँ जो आपको अच्छी नहीं लग रही है, इसलिए आप चाहते हैं कि मैं बैठ जाऊँ।

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): आप एक मिनट और ले लीजिए ...*(व्यवधान)*...

श्री के.सी. त्यागी: मेरे से ज्यादा समय उन्होंने लिया है।

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): आप जानते हैं कि आपने अपनी बात को बिल पर न सीमित रखकर एक व्यक्ति पर सीमित रखा। फिर आपने यह भी कहा कि मुझे बिल से कोई एतराज नहीं है। ...*(व्यवधान)*...

श्री के.सी. त्यागी : आप चाहते हैं ...*(व्यवधान)*... मेरी बात पर इंटरवेंशन ...*(व्यवधान)*...

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर) : यह आपने कहा, मैंने नहीं कहा। आप रिकॉर्डिंग देख लेना।

श्री के.सी. त्यागी : चार बार तो मेरे भाषण में उधर से इंटरवेंशन हो चुकी है।

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): Thank you very much.

SHRI MANI SHANKAR AIYAR: Mr. Vice-Chairman, Sir, it is inappropriate to make from the Chair the comments that you may have made from your position on the Treasury Benches. Please don't comment on what our speakers have to say. He has the right to say whatever he wishes to say.

THE VICE-CHAIRMAN (SHRI VP. SINGH BADNORE): No, no. I didn't make any comment.

SHRI MANI SHANKAR AIYAR: Sir, you did. You kept repeatedly commenting on his speech.

श्री के.सी. त्यागी : जब मैं अपनी बात रख रहा था, तब तरुण विजय जी मेरे दोस्त हैं, वे इंटरवीन कर रहे थे। उस समय क्या आपने एक बार भी मुझसे पूछा कि मैं यील्ड कर रहा हूँ या नहीं?

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): आप यील्ड कर गए तो मैं क्या करूँ?

श्री के.सी. त्यागी: मैंने यील्ड नहीं किया। आपने उस समय एक बार भी उनसे नहीं कहा कि अगर वे यील्ड नहीं कर रहे हैं तो आप अपनी बात क्यों कह रहे हैं। पूरा पौना मिनट उन्होंने इस काम के लिए लिया।

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): आप दो मिनट और लेना चाहते हैं तो लीजिए।

श्री के.सी. त्यागी: मैं नहीं ले रहा हूँ।

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): आप नहीं ले रहे हैं?

श्री के.सी. त्यागी: मेरा यह कहना है कि जो सदन के चलने के तौर-तरीके हैं, वे सबके लिए एक जैसे होने चाहिए। जब मैं अपनी बात रख रहा था ...(व्यवधान)...

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर): बिल्कुल सही है। यहां से कभी किसी को किसी का पक्ष नहीं लेना है, मैं भी नहीं लूंगा। धन्यवाद। डा. वी. मैत्रेयन।

DR. V. MAITREYAN (Tamil Nadu): Mr. Vice-Chairman, Sir, on behalf of All India Anna DMK, I rise to support the Telecom Regulatory Authority of India (Amendment) Bill, 2014. Sir, I firmly believe that it is the prerogative of the Prime Minister or the Chief Minister to choose his team. It is his or her privilege to have people in whom they have their utmost confidence. My learned friend, Shri Mani Shankar Aiyar, was mentioning whether there are no other people. Yes, there may be hundred people, there may be thousand people who are more competent, but the fact is that I should have confidence. As Prime Minister or the Chief Minister, I should have confidence that this man will be confidential to me. That is of paramount importance, especially, in the Office of the Prime Minister or in the Office of the Chief Minister. ...(Interruptions)...

SHRI P. RAJEEVE: That means this legislation is... ...(Interruptions)...

DR. V. MAITREYAN: No, no. I am not yielding. My time is only five minutes. So, I am not yielding. So, that is the first point. It is the confidentiality which matters. Then, he mentioned about some illustrious predecessors. With due respect to Shri Mani Shankar Aiyar and with due respect to all those illustrious predecessors, I want to

say that all of them became illustrious only after they came to that position and later on. They did not become illustrious and then they were brought to that place. I don't want to take names like Shri Mani Shankar Aiyar took. But if I start taking names, it will be odd for me as well as for those officers. So, I refuse to take names. This is number one. Mr. Mani Shankar Aiyar in his speech mentioned about 'existence of circumstances'. I would like to say that the highest authority who signs the Ordinance should be satisfied about the existence of the circumstances, and I have no doubt that the highest authority would not have signed this Ordinance if he was not satisfied because there are precedents. There are precedents. Even in the last six months of UPA Government, the same highest authority returned back, refused to sign an Ordinance because he was not satisfied with that. I do not want to elaborate it because I do not want to embarrass the highest authority.

The third point I would like to make in this connection again refers to Mr. Mani Shankar Aiyar. He mentioned that this Ordinance and subsequently this Bill will not stand the scrutiny of law. Just when this discussion started, my junior colleague, the eminent lawyer, Mr. Navaneetha Krishnan, gave me a judgement. This judgement is by the Madras High Court on this very same Ordinance. The Writ Petition No. 15150 of 2014 was filed by Mr. Prashanth Balasubramanian in the Madras High Court on this very same Ordinance praying that 'this Ordinance should be declared as null and void and unconstitutional.' He mentioned about the Wadhwa case. In paragraph 8, the learned Judges in *D.C. Wadhwa vs. the State of Bihar*, 1987 SCR(1) 798 mentioned, 'The Supreme Court was dealing with the re-promulgation of the Ordinance by Governor without getting them replaced by Acts.

It is only about the re-promulgation and not about the primary Ordinance. "The facts of the present case are totally different. They also mentioned about the Ordinance. As held by the Supreme Court in the *R.K. Garg vs. Union of India*, AIR 1982 Supreme Court 710, "An Ordinance is a necessary evil when the legislative functions keep expanding into new fields and it is also required for good governance." That is what the learned Judges have mentioned. The Judges finally gave the order, "We do not find any substance in the submission made by the learned Counsel for the petitioner that power to promulgate an Ordinance has been used wrongly to serve the political ends. Under such circumstances, we do not find any merit in this writ petition.' And, they dismissed this petition. Then, when a Bench of learned Judges from a High Court has already dismissed a writ petition, I hope, similar petitions, even if some of your friends go for that later, will also meet the same fate.

With these words, I support this Bill.

प्रो. राम गोपाल यादव (उत्तर प्रदेश): धन्यवाद, श्रीमन्। मुझे कोई लम्बी बात नहीं कहनी है। मैं दो मिनट में यह कहना चाहता हूँ कि यह जो विधेयक है, इसकी जो मूल भावना है, वह प्रधान मंत्री के प्रधान सचिव की नियुक्ति को लेकर है। यह सामान्य सी बात है और किसी को इसमें एतराज भी नहीं होना चाहिए। अगर मैं किसी पद पर हूँ और मुझे अपना सेक्रेटरी रखना है, तो मुझे पूरा विश्वास जिस व्यक्ति पर होगा, उसी को रखूंगा। किसी व्यक्ति को प्रधान सचिव बनाने में अगर कोई कानूनी अड़चन है और वह भी इस आधार पर तमाम रेगुलेंट्स ऐसे हैं जो दो साल बाद आ सकते हैं सिर्फ ट्राई को छोड़कर, उसमें कोई अमेंडमेंट गवर्नमेंट करने जा रही है, तो मुझे नहीं लगता कि इसमें कोई irregularity है। मैं अभी बोलना नहीं चाहता था, लेकिन मणि शंकर अय्यर जी ने और त्यागी जी ने हमारे नेता का नाम लिया, इसलिए मैं बोल रहा हूँ। मैं एक बात आपको बताना चाहता हूँ कि प्रधान मंत्री जी के जो प्रधान सचिव हैं, उनको मैं तब से जानता हूँ जब पहली बार उनकी पोस्टिंग हमारे जिले में हुई थी। उसके बाद जब मुलायम सिंह जी 1977 में सहकारिता मंत्री बने तब वे उनके Registrar थे और जब मुख्य मंत्री बने तब उनके सचिव थे त्यागी जी, मुलायम सिंह जी के दोस्त रहे हैं, हम छोटे हैं, हमें नहीं मालूम, लेकिन as an officer, I know that he is an officer par excellence. इसलिए मैं नहीं समझता कि अगर कोई व्यक्ति अपने कांफिडेंस के लिए किसी व्यक्ति को रखना चाहता है और उसको इस काबिल समझता है कि वह उसे सही तरीके से सपोर्ट कर सकता है, तो उसका विरोध करना चाहिए। मैं अपने उन मित्रों से भी यह बात कहूंगा, जो इसके लिए सहमत नहीं हैं, कि यह कोई बहुत बड़ी चीज नहीं है। इसलिए इस मामले पर कोई असहमति नहीं होनी चाहिए और प्रधान मंत्री जी को सर्वसम्मति से अपना प्रधान सचिव रखने की अनुमति होनी चाहिए।

SHRI P. RAJEEVE: Thank you, Mr. Vice-Chairman Sir. I rise to oppose this Bill.

I remember those days when the then Deputy Leader of the House strongly argued against the Ordinance-raj. Now, he has become a Minister and through moving this Bill he is arguing in favour of the Ordinance route. This Government has made history. The maiden legislation of this Government is an Ordinance; it was done within three days of its coming into power. In a first in the history of this country, the maiden legislation of a Government is an Ordinance! Article 123 of the Constitution gives the power to promulgate an Ordinance; my colleagues here have already mentioned that. But, as per this Article, this should be done only when 'circumstances exist which render it necessary to take immediate action'. There have been several Supreme Court verdicts stating what urgency is. An urgency means a situation where there is no other option and where an immediate action is needed. Is there any urgency in this case? Sir, I read the Statement of Objects and Reasons of this Bill and I heard the Minister, but I could not find any urgent need for this Ordinance.

Sir, the Minister said that it is mentioned in the Statement of Objects and Reasons that this Amendment Bill moved by the Government is on a par with other laws such as the Insurance Bill or the Bill on the Competition Commission of India. Sir, if that were so, how can the Executive decide on that? If that were so, which Act should be

amended - the TRAI Act, the Insurance Regulatory Act or the Competition Commission of India Act? There is a particular clause in the TRAI Act, which prohibits the Chairman and full-time members of TRAI from taking up any other Government job, whereas in the other Act there is a need to strengthen the independent functioning of a regulatory mechanism. My opinion is that all the other Acts should be amended on a par with the TRAI Act so as to protect the credibility and transparency of the regulatory mechanism. They have piloted this new regulatory mechanism by-passing Parliamentary system. We have several regulators. They are not liable to the Parliament. The hon. Chairperson is well aware of that. But in my opinion, to protect the credibility of this mechanism all Acts should be amended in line with the TRAI Act.

Sir, my learned colleague, Shri Mani Shankar Aiyar, mentioned Article 14 of the Constitution. And, to clear doubts that anybody might have, there is the learned counsel for the NDA, my learned friend, Dr. Maitreya, who said that this legislation is intended for an individual. I am not against the power of the Prime Minister to appoint any person as his Principal Secretary or as an officer in his office. I am not against that. This Government has got absolute majority for doing such things. But, Sir, absolute majority does not give them the power to bypass the Parliament. Whether the Prime Minister could not find out any person with this type of commitment and dedication to act as his Principal Secretary; whether the country is facing any scarcity of dedicated and efficient bureaucrats in this country. If it is so, then create urgency. I think, it is not so. Sir, it is crystal evident that the Government promulgated this Ordinance to remove the statutory prohibition of a person. That means this Bill is against the oath taken by the Minister. As per Schedule III, our hon. Minister has taken an oath. The last sentence, “.....my duties as a Minister for the Union and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will.”

(MR. DEPUTY CHAIRMAN in the Chair)

Sir, this Ordinance is in favour of a person. This Bill is being moved by the Government with affection for a person. This is totally against the oath taken by the Minister. The Minister has no constitutional right to move this Bill. I vehemently oppose this TRAI (Amendment) Bill.

SHRI D. RAJA (Tamil Nadu): Sir, when the Congress-led UPA-II Government was in office, I had the occasion to move a Statutory Resolution disapproving an Ordinance. That time, I underlined the issues and quoted Mr. Mavalankar how Government should not resort to Ordinance route; Parliament will have to be taken into confidence and through Parliament all legislations will go. The Government of the day, any Government, whether it is the Congress-led Government, or the BJP-led

[Shri D. Raja]

Government or some other Government, should have confidence in Parliament and Ordinance route is not an acceptable thing. Secondly, I have objections to the Bill also. The Bill states, “(i) for sub-section (8), the following sub-section shall be substituted, namely:-...” Then, it goes on to say, “(a) any employment either under the Central Government or under any State Government; or (b) any appointment in any company in the business of telecommunication services.” There, I have a problem. The real problem is, I have objections to this Bill. The other day, my good friend, Mr. Dua, was sitting. He moved a Private Member Bill. That Private Member Bill dealt with Judges. Once the Judges are retired, they should not be allowed to undertake private practice on Indian territory or outside. That was the legislation. Our very good friend, Law Minister, Mr. Ravi Shankar Prasad, was present. He admitted it with open mind. I took it in a good spirit and in stride that, at least, we have one Minister who says, he is with open mind to look at issues, revisit issues. Now, I think, the point is, “any appointment in any company in the business of telecommunication services”. Sir, this is the problem. Why had we the spectrum? Now, the spectrum is haunting everyone in the establishments as a spectre. Why did the spectrum take place? One of the reasons, I find, is that the officials were allowed immediately after the retirement to take up jobs. Then the TRAI came. Now, my point is what does “any appointment in any company in the business of telecommunication services” mean? Are you going to allow the Chairperson or members to take up employment or jobs in private companies, Indian or multi-nationals? What is the idea? Then what is the security for our system? Sir, this leads to many scandalous practices, many scams and everything. There, I have serious objections to this Bill. Do you think this Bill is a proper work? I am not questioning the Prime Minister’s right to have his team. Let the Prime Minister have his team of confidence. I have no problem. But, the problem is here. This is going to have very adverse far-reaching implications on our economic development, on our entire political development. And, as my colleague asked, will it not have consequential implications on other Departments? If you amend TRAI, you will have to think of amending other similar Acts of the Parliament, and we would like to know as to what are those. That is why, I have two main objections. One is on the Ordinance route. You could have waited for the Parliament session. There was no urgency; there was no situation of any emergency. You could have waited. I never support the Ordinance route as a matter of principle. So, I oppose the Ordinance route.

As far as the Bill is concerned, I have strong objections, which I mentioned. If you amend this, then anybody, immediately after taking retirement, can go and join any multinational or private company knowing fully well all the functions and mechanisms of our Government. Telecom is an important area and the Minister is not only the Law Minister, he is also the Telecom Minister and he knows the problems as to what

is happening there and what can happen in the coming days. That is why, I want the Government, with an open mind, to have a relook at this clause. It is not an emergency. You can have any team. I am not opposing choosing any team by the Government, but I am opposing this basic issue and this will have very adverse implication. In the light of the debate that took place on the Private Member Bill moved by my friend, Shri H.K. Dua, I think, it assumes serious importance and I wish the Government to address this issue. That is why, I am not in favour of this Bill and I am not in favour of the Ordinance.

SHRI SHANTARAM NAIK (Goa): Sir, Article 123 specifies that there must be circumstances existing to render the President of India to take immediate action in a particular matter. This necessity of circumstances existing has not been explained in the Statement of Objects and Reasons except to the extent of saying such circumstances exist. It was the duty of the Government to specify as to what are the circumstances which led the Government to issue the Ordinance. Secondly, if it is an anomaly, which is the reason, for curing an anomaly, Ordinance route is not the appropriate route. Anomaly is not urgency. If it is an anomaly, you can debate, legislate and discuss as to what is the anomaly. So, that can't be the reason for this thing. Sir, since Independence, we have issued a number of Ordinances. I would mention four or five of them. Whenever public interest demanded that necessity to pass Ordinances, we have come out with the same. One of the famous Ordinances in the interest of people of whole of India that we passed was the Criminal Law (Amendment) Ordinance. Then, there are Ordinances like Food Security Ordinance, Readjustment of Scheduled Castes, Scheduled Tribes Ordinance, which was passed twice, and Ordinances relating to Essential Commodities, Food Safety and Standards, to name a few. So, whenever public cause required, we issued Ordinances. A number of Bills are pending. The Ruling Party now must be furious about those Bills, which will come up when you decide, like the Citizens' Charter Bill, the Food Security Bill, the Judicial Appointments Bill, the Contempt of Court Bill, etc., etc. So, a number of important legislation, not less than 60 to 70, are going to come up. Please respect those legislations.

Secondly, why is this Ordinance coming? There were some doubts. You are guided by a particular philosophy of a particular organization, which does not believe in democracy. If that organization has got blessings in your success, and, you are guided by that philosophy, then, you can justify it because that organization does not want you to go democratically. I will give you one specific example. Perhaps, you might not have thought about it. How was the Prime Minister of this country elected? Elected by public. There is no doubt about it, but how his candidature was made was in total violation of the Constitution. It is so because the Constitution says that only the elected Members, after they get elected, assemble and choose their leader, who is called by



[Shri Shantaram Naik]

the President of India to form the Government. This procedure was not adopted, and, therefore, your very framework of forming a Government, right from announcing the candidature of the Prime Ministerial candidate, was faulty and unconstitutional, and, Sir, this is why you are going by these steps.

Now, I am asking the hon. Ministers present here, please be frank. Have you got freedom to appoint even your staff? In each of your Ministries, there is one person, one officer, who is directly appointed by higher-ups, and, from which organization, you are aware of it. Have you got freedom to say no to that man? This is what is happening in every ministry and you are helpless in all such things. Considering your philosophy and your conduct, people also say that perhaps, and, it is shocking, this might be the last elections in our country. Why are people saying so? Why has this feeling developed amongst the people? It is due to the attitude of your Government and the attitude of those who head the Government, and, it has led people to believe so. What was the criterion to appoint the man, whom we are discussing here? Perhaps, the only criterion was his anti-Government role, which he played, and, perhaps, the present ruling dispensation thinks that this is the man, who taught Congress Party a lesson. Perhaps this was the only criterion which you had in your mind, and, that is why, he became the best candidate to be chosen for the job. Otherwise, there appears to be no other reason.

Thirdly, Sir, are you going in for an Ordinance route to abolish, abrogate Article 370 of the Constitution? Going by the philosophy which you adopted right in the beginning - you questioned Article 370 - it appears that perhaps you are again going in for an Ordinance route to abrogate Article 370 of the Constitution. Lastly, Sir, in all frankness, I would like to ask you whether it is true that the organization I am referring to, which has blessed you in the appointment of Ministers, in deciding your philosophy, etc., whether the same organization's mouthpiece has called this man a CIA agent some time back. It is on record. An article was written in the mouthpiece of this organization. Do not make such faces. You are fully aware of that. You are fully aware which organization I am referring to and which is the mouthpiece which wrote an article calling this man a CIA agent. Perhaps because he is closer to that organization, this the best man in your present circumstances. I am also surprised by what many of my colleagues from the other parties are saying. Maybe they are not aware of certain things. They are not aware of your philosophy. But we hope sense comes to your leadership and you lead the country to a proper channel, not leading to whatever I have said just now. Thank you.

SHRI PYARIMOHAN MOHAPATRA (Odisha): Thank you, Sir. I rise to give conditional support to this legislation. I say 'conditional support' because there is a bit of mental confusion in the Ruling Party about what they intend to do. When the

hon. Minister got up to move the Bill for consideration and passing, he mentioned, among other things, that the Supreme Court Judges, Election Commission Members and Chief Election Commissioner are not exempted from taking up employment under the Government. If anything, hon. Minister ...*(Interruptions)*... please listen to me. Please. ...*(Interruptions)*... Mr. Deputy Chairman, Sir, would you please direct the hon. Minister to listen to me? Please listen to me.

SHRI RAVI SHANKAR PRASAD: Sorry.

SHRI PYARIMOHAN MOHAPATRA: Supreme Court Judges, Chief Election Commissioner and Members of Election Commission are to be debarred. Instead of your committing to that, for allowing this legislation to pass, it is not a proper example. At the same time, I must say that the Prime Minister has been elected as if it is done in a Presidential election. I am sorry to say, BJP has not been elected to power. It is Shri Narendra Modi who has been elected to power. Therefore, he has a right to pick up the best possible person according to his choice, not according to what my friend, Mani Shankar Aiyar, may think, not according to what a few other Members may think. If he finds the present incumbent as the best material for his Principal Secretary, he has a right to have him and have him on the first day and the first hour of his Prime Ministership. Why should he wait? How can a Prime Minister wait for days together to pick up someone? Somebody else will act temporarily and then after seven days he gets someone. Even seven days is a long time in the functioning of the Prime Minister, particularly when he is taking it up for the first time. If somebody goes for a second term, he repeats T.K.A. Nair or he picks up Pulok Chatterjee. We are not here to comment on whether a particular officer has covered himself with glory or not. It was possible for the Prime Minister to pick up the present incumbent on the very first day. My friend, Shri Mani Shankar Aiyar, and others who spoke ill of him on the floor of the House could have told the Prime Minister then that he had picked up a wrong man. Why today? Even if he picked up, as per my judgement, a wrong man, it was Shri Narendra Modi's judgement. He picked up whom he thought was right for him. And we have to honour that.

Having said that, I must dwell on one thing. You are replacing the Ordinance with the Bill. The Act was defective. The Act of 1997 says that you can't have the incumbent in Central or State appointments. But they can seek employment in a commercial organisation or in a company after one year. Why in a company? Corporates are influencing Government after Government. The biggest corporate has on its board too many of the previous officers of the Petroleum Ministry. Why? Because they have helped it if you have this clause in any of the legislations, it should be the other way round. If there is some merit in an officer, who has retired, and if you want him, allow him in the Central and State employment. His services should be made available first

to the Governments, not to the corporate sector. Why should the corporate sector get it? The biggest corporate house is having a lot of these retired officers and all of them are from the Petroleum Ministry. I would urge upon the hon. Minister to consider this and amend this clause.

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI PYARIMOHAN MOHAPATRA: Make a provision for giving them employment under the Central Government or the State Government with previous approval.

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI PYARIMOHAN MOHAPATRA: Have no previous approval for commercial employment.

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI PYARIMOHAN MOHAPATRA: Don't hand over the bureaucrats to the corporates. Thank you very much, Sir.

सरदार सुखदेव सिंह ढिंडसा (पंजाब): डिप्टी चेयरमैन सर, जो भारतीय दूरसंचार विनियामक प्राधिकरण (संशोधन) विधेयक, 2014 आया है, मैं उसका समर्थन करता हूँ। इसके लिए किसी को कोई एतराज नहीं है कि प्राइम मिनिस्टर को अपना प्रिंसिपल सेक्रेटरी बनाने का हक नहीं है, लेकिन टेक्निकल प्वाइंट्स पर कुछ दोस्तों ने इस पर एतराज किया है। अगर हम यह चाहते हैं कि प्रधान मंत्री गुड गवर्नेंस दे, तो एक छोटे-से संशोधन का इतने जोर से विरोध करना ठीक नहीं है। मैं तो समझता हूँ कि इसको पहले ही पास कर देना चाहिए था। इसमें कोई बहुत एतराज वाली बात नहीं है।

दूसरी बात मैं यह कहना चाहता हूँ कि उनकी पर्सनैलिटी के संबंध में कुछ माननीय सदस्यों ने उनके हक में बोला और कुछ माननीय सदस्यों ने उनके खिलाफ भी बोला। इस संबंध में मैं अपना तजुर्बा इस सदन को बताना चाहता हूँ कि जब मैं एन.डी.ए. गवर्नमेंट में था, तब मेरे पास केमिकल एण्ड फर्टिलाइजर मिनिस्ट्री थी, उस समय ये काफी लंबे समय तक मेरे सेक्रेटरी रहे थे, इसलिए मैं दावे के साथ यह कह सकता हूँ, जैसा कि यादव साहब ने कहा है, कि ये बहुत कॉम्पिटेंट ऑफिसर हैं, ऑनेस्ट ऑफिसर हैं। इस पर किसी को कोई एतराज नहीं होना चाहिए। ये मेरे पास जितने समय तक रहे, उसमें एक भी ऐसा मौका नहीं आया, जब कि मैं उनकी कॉम्पिटेंसी और उनकी ईमानदारी पर शक कर सकूँ। मैं समझता हूँ कि प्राइम मिनिस्टर साहब ने अपनी मर्जी का एक अच्छा ऑफिसर लिया है, तो इसको तो बहुत जल्दी और सर्वसम्मति के पास कर देना चाहिए। चूंकि विपक्ष को इस पर बात करने का हक है, इसलिए उन्होंने इस पर चर्चा की है, लेकिन मैं अपनी तरफ से, शिरोमणि अकाली दल की तरफ से इस बिल का पूरी तरह से समर्थन करता हूँ। धन्यवाद।

MR. DEPUTY CHAIRMAN: Shri Kalpataru Das, take only two minutes.

SHRI KALPATARU DAS (Odisha): Sir, I am going to support the Telecom

Regulatory Authority of India (Amendment) Bill, 2014 moved by the hon. Minister. The Minister has made it clear that it is not intended to give employment to one person. From the beginning, he has made it clear that to bring parity in all sorts of regulatory Bills enacted by this House, he has brought forward this amendment. Regarding Ordinance, all of us know that this is a legislative power of the President in absence of the Session of Parliament. It has been promulgated on the advice of the Cabinet. When the Cabinet felt the urgency for bringing forward such an Ordinance, this Ordinance was promulgated. There is no irregularity and in the past, several such Ordinances have been promulgated and ratified by this House and Houses of Legislatures.

Sir, it is a fact that soon after the promulgation of the Ordinance, the Principal Secretary to the Prime Minister, who was holding the post of Chairman, TRAI, has been appointed. This is a fact. We have now discussed that. Many hon. Members have spoken very high of that Officer who has been in their States. I don't know him personally. But, after all, it is an *ex officio* post. It is co-terminus with the tenure of the Prime Minister. When the Prime Minister has selected an officer of repute to aid and advise him in his functions, we should not object to it. Everybody in the country knows that on the advice of the Prime Minister, the Chief Ministers and Ministers, even retired officers are appointed as private secretaries and officers on special duty. So, there is no irregularity. I once again support this Amendment Bill. Thank you.

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, I rise to support the Bill which seeks to replace the Ordinance promulgated to amend sub-section 8 of Section 5 of the Telecom Regulatory Authority of India Act, 1997, which places certain restrictions on employment of persons who have served as chairperson or members of the Telecom Regulatory Authority of India after demitting office.

Sir, the Minister while introducing the Bill, very clearly narrated the other regulators in the economic sector, which do not place any such restrictions. So, taking into consideration the arguments or the reasons which he has put forward, I would like to submit one point. Sir, Shri D. Raja, while speaking, said that if at all this has to be amended, all other Acts have to be amended too. I don't see any other Acts remaining to be amended with such requirement. There may be one or two. Sir, this must be understood that a need was felt to suitably amend the provisions of sub-section 8 of Section 5 of the aforesaid Act. Sir, this is the only Act which has to be amended. If the Telecom Regulatory Authority does not restrict a person to join a private firm after demitting office after a few years, why it does so for Government employment? So, in view of this, on behalf of my Party, I support this Bill, which has been brought forward to replace the Ordinance promulgated.

SHRI RAVI SHANKAR PRASAD: Hon. Deputy Chairman, Sir, I am really very grateful for a very enlightning discussion on the subject. At the very outset, Sir, I would like to convey my warm regards and gratitude to all the hon. Members who have spoken from Shri Mani Shankar Aiyar to senior leaders like Mayawatiji to Ram Gopal Yadavji and to all my hon. friends and colleagues who are sitting here and who have given their very wise suggestions.

Sir, at the very outset, let me take certain general points. Basically, three issues have been raised. One is the jurisdiction to have an Ordinance. The Ordinance provision is part of the Constitution and when the Government comes forward with an Ordinance, the Government is exercising the Ordinance power given under Article 123 of the Constitution itself, which stipulates three things. *First*, the President or *Mahamahim Rashtrapatiji* must be satisfied about the existence of circumstances. Second, an Ordinance takes the colour of an Act passed by the Parliament. Third, that Ordinance must be placed before the House within six weeks of the assembly of the Parliament. All these three circumstances are in existence in this case. In the very first instance we have got the Ordinance here. Therefore, it is not unconstitutional. We are following the constitutional route. This is the first thing I would like to say. Someone reminded me about my role as the Deputy LoP, I think, Mr. Rajeev. I am in Parliament for the last fourteen years. I was a Minister for four and a half years in Shri Vajpayee's Government. Rest of the period was in the opposition. Now, for about 50 days I am in the Government. I was trying to know how in the last ten years 61 Ordinances came when they were in power. Many of the Ordinances were re-promulgated, re-promulgated and re-promulgated when the Standing Committee was considering the entire Bill. We do not propose to do anything like that. We have taken a deemed Ordinance route, and come to the Parliament in the first instance. *...(Interruptions)...* My oath is also okay. You have also questioned about my oath.

The second issue is that a lot of things were talked about civil servants, with reference to the officer in question. In India we have got the concept of civil servants neutrality to serve the Government of the day. Honourable Dr. Manmohan Singh is sitting here. The Cabinet Secretary who served his Government is also serving the Narendra Modi Government. At that point of time, the Cabinet Secretary was serving the ideology, the programmes and the objectives of his Government. Now, he is serving the new priorities and element of good governance of our Government. That is the case.

I remember a very interesting case which was told to my late father. Mr. V.P. Menon served for 11 years as an Adviser to so many Governor Generals. When Sardar Patel became the Deputy Prime Minister and Home Minister of India, he came to him and said, "I have served so many Governor Generals. Kindly allow me to resign." He

asked, “why”? He said, “Because on whichever file you will find some adverse note by me against you, against Gandhiji, Nehruji and Rajenbabu, it will embarrass me”. Sardar Patel told him, “Wait for two days, and see me thereafter.” He told him, “I will give you permission to remove all those pages from the files in which you have given your comments against us. British could trust you. The new India has to trust an Indian for making a new India.”

Mr. Mani Shankar Aiyar, I am surprised, how you have forgotten your great legacy. You had been a bureaucrat. There are other bureaucrats sitting in the House, who have served Governments. Today, after demitting office they are in a party, they have a right to take political decisions. But so long as they are in Government, they maintain that. Therefore, I think that kind of sweeping comments is not fair. I will deal with it separately later on.

The third issue is why this law for one person. I wish to categorically say it is not a law for an individual because a law is being changed. Thereby what we are doing is a TRAI Chairman can be eligible for the Government office after two years. My good hon. friend, Mr. Raja says, “The existing law says you can take up a commercial appointment after one year itself.” But we are making it after two years like others. Now, should we presume that no TRAI Chairman in future coming for 20 or 30 years, whose services are needed by the Government after he demits office? Surely, we know that we are going to continue in power for so long. I do not know when they will come. But they may come. Any other officer will be needed after 15 or 20 years. Laws are not made every day. Therefore, it is not a single individual specific legislation at all. It is changing the entire character of the TRAI Chairperson eligibility and bringing in tandem with other regulatory bodies. This is what I would like to say.

You have mentioned about honourable Judges. I am not passing any judgement. I know that there have been Chief Election Commissioners who have been Members of Parliament. I know that there has been a former Judge of the Supreme Court, who had been the Speaker of Lok Sabha. They have done very well. One day in the collective wisdom of this House a call has to be taken by Parliament, should we amend the Constitution, thereby we also say the Judges of the Supreme Court, High Courts, Chief Election Commissioners, and Election Commissioners can’t hold any office like the CAG. That is the call which has to be taken. But today when I mentioned that, I was not giving any value judgement.

मैं सिर्फ यह कह रहा था कि संविधान में यह प्रतिबंध नहीं है और यही मैं आज भी कहना चाहता हूँ कि अगर माननीय न्यायमूर्तियों के मामले में, चीफ इलेक्शन कमिश्नर के मामले में, ऐसा प्रतिबंध नहीं है, आप दो साल के बाद काम कर सकते हैं, तो ऐसा “ट्राई” के बारे में कहना उचित नहीं था।

[Shri Ravi Shankar Prasad]

Shri Mani Shankar Aiyar raised issues about certain judgements or decisions of TRAI, which were sought to be invalidated. I think he has got good administrative experience too, though he is in politics for some time. There is a hierarchy of decision-making. When the Supreme Court sets aside the judgement of a High Court, the Supreme Court is not casting any aspersion on the author of the judgement. The Supreme Court is only invalidating the reasoning given in the judgement by the High Court. Similarly, in the case of TRAI, the TRAI decision is a collective decision taken by five members, out of which one is the Chairman. Therefore, TDSAT has taken a decision because TDSAT can hear adjudication upon the decision taken by TRAI. The Supreme Court can hear an appeal against the decision of TRAI or TDSAT. We all know many judgements of TDSAT have been set aside by the Supreme Court. Therefore, it is a part of the process. With the whole professional experience, I can say that many judgements of High Court judges, including Chief Justices, have been set aside by the Supreme Court in an adjoining court when the author of the judgement was sitting in the Supreme Court. For the hon. Member to give critical references about the TRAI Chairman, at that point of time, is certainly not fair. Therefore, Sir, the real purport of this whole legislation is to bring parity among all the regulators - I have already mentioned it; so, I need not repeat it - from insurance to banking, coal, SEBI, Competition Commission and Electricity Regulatory Authority; their Chairpersons can hold Government offices after two years of their retirement. This is the whole purport. It is not individual-specific.

डिप्टी-चेयरमैन साहब, मुझे बहुत खुशी है कि यहां दो ऐसे लोग हैं, मेरे मित्र आदरणीय रामगोपाल यादव जी और ढिंडसा जी, जिन्होंने इस पदाधिकारी की क्षमता को स्वयं देखा है। मैं तो उनको हाल ही से जानता हूं। उनके कुछ ट्राई के निर्णयों के बारे में बात कही गयी, मैं बताना चाहता हूं कि वह सच्चाई नहीं है। महोदय, मैं एक बात बहुत विनम्रता से कहना चाहता हूं कि वह 1967 बैच के आई.ए.एस. ऑफिसर हैं। उन्हें काफी लंबे कार्यकाल का अनुभव है। वह सेक्रेटरी कॉमर्स रहे हैं, सेक्रेटरी टेलिकॉम रहे हैं, ढिंडसा जी के अंतर्गत सेक्रेटरी फर्टिलाइजर्स रहे हैं, उत्तर प्रदेश के कई पदों पर रहे हैं, भारत सरकार के कई पदों पर रहे हैं और विदेश में भी वाशिंगटन की एम्बेसी में इकॉनॉमिक मिनिस्टर रहे हैं। वह आई.एम.एफ. में रहे हैं, वर्ल्ड बैंक और एशियन डेवलपमेंट बैंक में रहे हैं। क्या मैं मान लूं कि 1967 बैच के इतने पुराने अधिकारी को कांग्रेस की किसी सरकार में काम करने का मौका नहीं मिला? ट्राई का चेयरमैन उनकी सरकार ने बनाया। आप जब 2004 में सत्ता में आए थे और उसके बाद उनकी क्षमता व अनुभव को देखकर ट्राई का चेयरमैन बनाया गया। अब कहा जा रहा है कि उन्हें क्यों चुना गया? महोदय, एक ऐसा व्यक्ति जिसे उत्तर प्रदेश जैसे बड़े राज्य के दो अलग-अलग विचारधारा के मुख्य मंत्री ट्रस्ट करते हैं, एक ऐसे पदाधिकारी जिनकी इंटैग्रिटी के बारे में दुनिया में या भारत के किसी प्रदेश में सवाल नहीं उठाया गया, उनकी कॉम्पिटेंस के बारे में सवाल नहीं उठाया गया, तो आज भारत के प्रधान मंत्री उन्हें नियुक्त करते हैं, तो सवाल क्यों उठाया जाता है? आप एक बात जान लें और इसे जान लेना बहुत जरूरी है, इस संबंधित पदाधिकारी ने एक दिन भी गुजरात सरकार

में काम नहीं किया है। इस संबंधित पदाधिकारी का कभी भी वर्तमान प्रधान मंत्री से प्रत्यक्ष या अप्रत्यक्ष संबंध नहीं रहा है। इस सबके बावजूद अगर भारत के प्रधान मंत्री ने उन्हें चुनने का निर्णय किया है, तो वह उनकी क्षमता और प्रतिभा के आधार पर किया है।

महोदय, मैं अंतिम बात बहुत विनम्रता के साथ कहना चाहता हूँ। यह बिल राजनीति का विषय नहीं था। यहां गवर्नेंस की, गुड गवर्नेंस की, ऑटोक्रेटिक बिहैवियर की कांश्रेंस कीपर की चर्चाएं हुई हैं। इस सब का क्या मतलब है? माननीय उपसभापति जी, यह देश बदल रहा है। यह देश गुड गवर्नेन्स की अपेक्षा रखता है, यह देश इंप्लीमेंटेशन की अपेक्षा रखता है और इसलिए हमें इतना बड़ा जनमत मिला है। इसी कारण आज हम यहां हैं, कुछ लोग वहां हैं। यह इसी कारण हुआ है। इसमें क्या आपत्ति होनी चाहिए?

एक बात मैं यह कहना चाहता हूँ, बहुत विनम्रता और गर्व के साथ कहना चाहता हूँ कि भारत के प्रधान मंत्री सभी विभागों का मुआयना कर रहे हैं, जानकारी ले रहे हैं। उपसभापति जी, भारत के प्रधान मंत्री का समय कितना कीमती होता है, इसके बावजूद माननीय प्रधान मंत्री ने मेरे आई.टी., इलेक्ट्रॉनिक्स के लिए ढाई घंटे का समय दिया, टेलीकॉम के लिए दो घंटे का समय दिया, पोस्टल के लिए डेढ़ घंटे का समय दिया। वे विषय को इतनी गंभीरता से समझ रहे हैं और अगर अपनी गुड गवर्नेन्स के लिए वे एक अच्छी टीम चाहते हैं, उनके सामने जो उपलब्ध लोग थे, उनमें योग्य व्यक्ति को लेने का निर्णय लेते हैं, तो उसमें गलत क्या है? इसलिए राम गोपाल जी, मैं आपका अनुगृहीत हूँ, आदरणीय मायावती जी, मैं आपका अनुगृहीत हूँ, बी.जे.डी. के मित्र, हमारे एन.सी.पी. के मित्र and my good friend, Shri Derek O'Brien, said that they all recognize that the Prime Minister and Chief Ministers must have the right to have an officer of his or her choice to be their Principal Secretaries. तो यह एक छोटी सी बात थी। इसके लिए जो परेशानी थी, उसके लिए कानून से एक समरूपता बनाते हुए इस बिल को रखा गया, जिस पर इतनी बड़ी बहस हुई।

आदरणीय उपसभापति जी, मैं सदन से आग्रह करूंगा कि इस बिल को तो सर्वसम्मति से पारित होना चाहिए। मैं कांग्रेस से भी अपील करूंगा कि अपने पुराने अनुभव के आलोक में, सिविल सर्विस की न्यूट्रैलिटी के आलोक में अगर उनको उचित लगता है, तो उन्हें भी इसका समर्थन करना चाहिए। बहुत-बहुत धन्यवाद।

सर, क्षमा करिए, मैं अपने दोस्त का नाम भूल गया, डा. मैत्रेयन जी का, मैं उसको सुधारता हूँ। धन्यवाद।

डा. वी. मैत्रेयन : रवि शंकर प्रसाद जी हमें भूल गए।

SHRI RAVI SHANKAR PRASAD: Sir, I am sorry that I forgot to thank my dear friend, Dr. Maitreyan.

MR. DEPUTY CHAIRMAN: But I always remember his name. Okay, now, Dr. Reddy, do you want to say something?

DR. T. SUBBARAMI REDDY (Andhra Pradesh): Sir, the hon. Minister, Shri Ravi Shankar Prasad, has categorically been emphasizing in the hon. House that the Prime Minister has every right to appoint his officials according to his choice. We are not



[Dr. T. Subbarami Reddy]

objecting to it. He, categorically, stated that the Principal Secretary, who was appointed, was an outstanding person. We are not objecting to it either. Now the Minister has spent more time in emphasizing that the Prime Minister has got every right to do so. Of course, everybody knows about it, and the Prime Minister must have this right, and there is no second opinion about it. What we objected to is the principle adopted in bringing about an Ordinance. We do not object to the Amendment to the TRAI Act, and there is also no question of any argument about the Prime Minister appointing anyone according to his choice. The only point is that the principle of Ordinance should be, as I said, *Brahmastra*, *Pashupatastra*, or, *Sudarshan Chakra*. So, it should be very rarely used. Now, Ravi Shankar Prasadji has forgotten about these three Chakras. They must bear in mind that they must use it as a *Brahmastra*. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Now I shall first put the Resolution moved by Dr. T. Subbarami Reddy to vote. The question is:

That this House disapproves the Telecom Regulatory Authority of India (Amendment) Ordinance (Ordinance No. 3 of 2014) promulgated by the President on 28th May, 2014.

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall, now, put the Motion moved by Shri Ravi Shankar Prasad to vote. The question is:

That the Bill further to amend the Telecom Regulatory Authority of India Act, 1997, as passed by Lok Sabha, be taken into consideration.

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: We shall, now, take up clause-by-clause consideration of the Bill.

**Clauses 2 and 3 were added to the Bill.**

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

SHRI RAVI SHANKAR PRASAD: Sir, I move:

*That the Bill be passed.*

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

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**STATEMENT BY MINISTER**

**Re. An Indian Journalist Meeting a Terrorist in Pakistan—Contd.**

MR. DEPUTY CHAIRMAN: As has been discussed in the morning, the hon. Minister...