

of the House or on that side, and not to speak of Shri Ahluwalia, who has I with us more than double the time he has shared with the people on side. Therefore, if any act of our behaviour has hurt him, we sincerely it. Neither is it intended, nor do we have any intention of hurting the feelings of anybody. For what happened in the morning, Sir, I sincerely apologise to you, and I take this indulgence because I am the senior most Member of this House. We failed to discharge our responsibility. We are sincerely sorry.

MR. CHAIRMAN: Thank you, Pranabbabu.

SHRI S. S. AHLUWALIA: Sir, I respect the magnanimity shown by the Chief Whip of the Congress Party. I really feel sad about it. But I am happy that, at least, we are able to create a new atmosphere in Parliament.

MR. CHAIRMAN: We now take up the Electricity (Amendment) Bill,
2003. Shri Anant Gangaram Geethe.

THE ELECTRICITY (AMENDMENT) BILL, 2003.

विद्युत मंत्री (श्री अनन्त गंगाराम गीते): सभापति महोदय, मैं प्रस्ताव करता हूँ,

“कि विद्युत अधिनियम ,2003 का संशोधन करने वाले विधेयक पर विचार किया जाए”।

सभापति जी, विद्युत अधिनियम, 2003 को संसद् के अनुमोदन से अधिनियम का रूप दिया है और इस अधिनियम की धारा 121 को छोड़ कर इसके प्रावधानों को 10 जून, 2003 से लागू कर दिया है। यह अधिनियम उन गिने-चुने अधिनियमों में से है जिन पर विभिन्न चरणों में स्टेक होल्डरों से व्यापक विचार-विमर्श हुआ है। यह विद्युत विधेयक अगस्त, 2001 में लोक सभा में प्रस्तुत किया गया और इसके पश्चात् इसे जांच एवं रिपोर्ट हेतु विद्युत संबंधी स्थायी समिति को भेज दिया गया। स्टेक होल्डरों के साथ विस्तृत चर्चा के बाद समिति ने दिसंबर, 2002 में अपनी रिपोर्ट प्रस्तुत की।

(उपसभापति महोदय पीठासीन हुईं)

सरकार ने स्थायी समिति की अधिकांश सिफारिशों को स्वीकार किया और समिति की सिफारिशों के आधार पर हमने लोक सभा में 126 सरकारी संशोधन प्रस्तुत किए। लोक सभा ने विधेयक पर विचार किया और संशोधनों के साथ इसे पारित कर दिया।

उपसभापति महोदय, राज्य सभा में विधेयक पर चर्चा के दौरान कुछ संशोधन लाए गए। माननीय सदन को चार विशिष्ट मुद्दों पर सरकारी संशोधन लाने का आश्वासन दिया गया था और इस विधेयक को राज्य सभा द्वारा पारित कर दिया गया था। विद्युत संशोधन विधेयक, 2003 का आशय राज्य सभा के पटल पर दिए गए इस आश्वासन को पूरा करना है। विद्युत अधिनियम,

2003 ने ऊर्जा क्षेत्र में काफी उत्साह और प्रतिस्पर्धा पैदा की है। इसने उपभोक्ताओं में विद्युत आपूर्ति, गुणवत्ता और उनके हितों की ज्यादा से ज्यादा सुरक्षा करने के मामले में समग्र विश्वास जगाना शुरू कर दिया है। मैं समझता हूँ कि संशोधन विधेयक में इन भावनाओं के सुदृढ़ होने की अपेक्षा है। जिन संशोधनों का यहां पर आग्रह किया गया था, उसका उल्लेख मैं यहां करना चाहूंगा।

उपसभापति महोदया, पहला संशोधन बहुसंख्यक लाइसेंस से संबंधित धारा 14 के छठे उपबंध से संबंधित है। इस प्रावधान के अनुसार केन्द्र सरकार को विद्युत आपूर्ति के उसी क्षेत्र में दूसरा या उत्तरवर्ती लाइसेंस प्रदान करने संबंधी अनुपालन हेतु कुछेक अपेक्षाओं को विनिर्दिष्ट करना होता है। इस प्रावधान का प्रस्तावित संशोधन 'शामिल करना' शब्द का लोप होना है। इस चिंता की ओर ध्यान दिलाया जाता है कि यह प्रावधान केन्द्र सरकार को दिशा-निर्देश जारी करने या संशोधित करने के वांछनीय विवेकाधिकार दे सकेगा। दूसरा संशोधन जिस का यहां पर आग्रह हुआ था, संशोधन धारा 42 में संशोधन के माध्यम से एक मेगावाट से अधिक की आपूर्ति की अपेक्षा करने वाले उपभोक्ताओं के लिए वितरण में खुली पहुंच की चरणबद्ध शुरुआत हेतु 5 वर्ष की विनिर्दिष्ट समय सीमा की अपेक्षा करता है। इस के लिए इस आशंका पर ध्यान दिए जाने की आवश्यकता को समझा गया कि इस खुली पहुंच को लागू करने की समय सीमा को अनिर्धारित नहीं छोड़ देना चाहिए।

तीसरा संशोधन धारा 121 में निहित प्रावधानों के बारे में है जो अपीलीय न्यायाधिकरण के अध्यक्ष द्वारा विनियमन आयोगों के अधीक्षण तथा नियंत्रण संबंधी सामान्य शक्तियों के संबंध में है। यह चिंता थी कि इस से शक्तियों का अत्याधिक केन्द्रीकरण होगा और अपीलीय न्यायाधिकरण के अध्यक्ष द्वारा कमीशनों के दिन-प्रति-दिन के मामलों में हस्तक्षेप बढ़ेगा जो आयोगों के वैधानिक कार्यों के पुनरीक्षण से परे होगा। यह संशोधन विनियामक आयोगों द्वारा संविधिक कार्यों का निष्पादित किया जाना सुनिश्चित करने के लिए अपीलीय प्रधिकरण को सशक्त करता है। साथ ही धारा 146 में इस आशय का संशोधन प्रस्तावित है कि धारा 121 के अंतर्गत दिए गए निर्देश का अनुपालन न हो सकने की स्थिति में दण्डात्मक कार्यवाही नहीं होगी।

संशोधन विद्युत चोरी प्रावधानों से संबंधित है। हम धारा 135 में यह किए जाने की संभावना के वाक्यांश और 139 तथा 140 की धाराओं में विद्युत संबंधी उपेक्षापूर्वक तथा विद्वेषपूर्वक या वेस्टेज तथा डायवर्शन के संदर्भों को उस में से निकालने का प्रस्ताव करते हैं। इन्हें अनुचित, परेशान करने वाली शक्तियां मानकर अनावश्यक समझा गया है:

विद्युत अधिनियम, 2003 के चार संशोधनों का आशय इस सदन के पटल पर दिए गए आश्वासन को पूरा करने हेतु आज हम ने यह विधेयक प्रस्तुत किया है। इसलिए मैं सदन से प्रार्थना करूंगा कि इस संशोधन विधेयक पर चर्चा भी हो और चर्चा के साथ-साथ इस विधेयक को पारित किया जाए।

The question was proposed.

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DR. T. SUBBARAMI REDDY (Andhra Pradesh): Madam, I welcome the amending Bill moved by the hon. Minister. It is a very important amendment. On the one hand, the Power Minister has explained to the

House that they are planning to make electricity available to all the villages by 2007; and by 2012, all the households in the country would get electricity. It is a welcome measure that the Minister has announced that one lakh megawatt electricity would be generated in the next ten years. Here also, I would like to draw the attention of the hon. Minister that now we, are in 2003 and another nine years are left for achieving that target. I want to know from the hon. Minister whether the Government would be able to achieve this target or not. I would also like to know from the hon. Minister as to how many power projects are in hand, as on date, and how much electricity they would generate on getting completed. What are the plans of the Government for the future? Still, we hear that a lot of red-tapism is going on even in regard to foreign investment by the foreign companies and our own companies. They have to follow so many procedures. Even after doing all this, they are facing many bottlenecks in increasing electricity generation. Therefore, the hon. Minister should categorically assure this House and the people of India as to how he is going to achieve the target of one lakh megawatt. It is not going to be achieved merely by giving statements. It needs a lot of commitment. How is he going to see that these bottlenecks are removed? In the country, there is hydro-electricity in the State like Himachal Pradesh on one side, and, on the other side, there are other power plants in other States. In South India, there is no chance for hydro-electricity. So, the Minister must let us know, out of the one lakh MWs of electricity, how much electricity is expected to be generated from hydro and how much from other sources. Both put together, how is he planning?

There is another most important thing. Besides generation, distribution also is a very important thing. As on today, we are losing heavily in distribution. There are heavy losses in distribution. In order to stop that only, this Amendment has been brought in. In addition to this, you are bringing in some other amendments, as suggested by a number of hon. Members to see that the law is perfected. We welcome this Bill. But, at the same time, I would like to say that as on today, in almost all the States, the distribution is done by the Government organisations only. The Government seems to say, "Yes, we are now opening the gates to others. I will permit private agencies also to have more efficiency." In my opinion, on the one hand, if we have the Government distribution and on the other the ten private agencies, then there will be a good competition. Then, we will be able to have much more efficiency. Here, even though you are putting the

time-limit of five years, it doesn't mean that the Government must take the full five years. You must make sure that the Government starts immediately

For example, take Andhra Pradesh. In Andhra Pradesh, today the distribution is done by four different zonal organisations, owned by the Government of Andhra Pradesh. They also have an option to make use of the provisions of this Bill so that they try to create more competition among the private agencies. There must be a lot of transparency, and an increase in efficiency. We welcome it. But when are they going to start? One 3 this law comes into being, the man who is producing electricity, adds to even co-generation plants of sugar factories or bio-gas plants, and thf 3 non-conventional energy, all these will give him the freedom to directly distribute it to the consumer, wherever he wants. This is, firstly, going to be of a great help; secondly, it increases efficiency, and it helps in controlling the distribution losses; thirdly, it helps in having competitive prices. The consumer, whether industrial or small consumer like agricultural o r whoever he may be, will have the freedom to decide or bargain. As of today, the way things are going, in most of the States of the country, we don't find the correct symptoms. I want a categorical assurance from the Minister as to when the State Governments are going to start with the mea.sures? They say it is phase-wise, year-by-year. They say that within five years, the total distribution will be given to the private entrepreneurs. Though you take five years, we want a clear-cut policy on, at least, when they are going to start it. In what proportion will they be going to achieve it in every State? I am more interested about Andnra Pradesh because 't is my State. How are they going to do it over there?

There is one more thing which I would like to bring to your notice. Firstly, there is hydro power generation. Secondly, it is done by other means, say coal-based. Thirdly, there is the non-conventional source. The non-conventional energy is a great encouragement,, especially for the agricultural sector. It is also easier to produce more with less investment as compared to other normal projects. I see that there is not much encouragement for the non-conventional energy generation. Though it is not your subject, a different Ministry is there, but, ultimately, you are benefited if you consider this. Your Ministry is going to get benefited when the generation is increased. I want to emphasise this. The non-conventional energy price should be separately fixed, without comparing it with the normal coal-based energy production or the hydro power generation.

How are you going to do it? How are you going to encourage it? How are you going to meet this one lakh MW electricity generation?

I would like to know one more thing. Once you open up the distribution system to private people, it becomes an open access to the distribution system. Most of the enterprises will be interested to confine themselves to only cities. But what about the rural areas, and rural development? Nobody will come forward for distribution in the villages. For them, it would be very uneconomical. Villages are located in far off places. The Ministry doesn't seem to have applied its mind on this. But this is very important.

Madam, I am drawing the attention of the hon. Minister to the ways of planning for the rural development. Is it by distribution of private enterprises? Will he give a separate system or will he allow the Government to concentrate more on the rural distribution and leave the urban distribution to the private enterprises?— Ultimately, how are you going to reach the goal of distribution of power to every village and every house, which you are dreaming to complete by 2012? ..because here you said that generation and distribution are equally important. I would like to have information on this point also. I welcome the amendments because they clarify the authority of the Commission, restricting the authority of the Commission so that it is more rational and logical and for fixing a time-limit of five years for it. Sir, I welcome the Bill and support it. Thank you.

SHRI B. P. APTE (Maharashtra): Madam, I thank you for giving me this opportunity to speak on this Bill. I am rising here to support the proposed amendments. The amendments deal with certain matter of detail and are, in fact, inspired by response to the expectations raised by the hon. Members earlier while passing the new Electricity Bill. According to me, the amendments really raise a larger question, which ought to be debated at certain stage, and the question is the limits of governance and the limits on the control of governance. The apex court, time and again, has said that every State action has to be fair and just and cannot be arbitrary and capricious. But probably even that court did not anticipate that, therefore, every legislation will have a power which must necessarily be *quasi judicial* and everywhere there should be a provision for hearing. The amendment came here with the fear that the Appellate Tribunal would act arbitrarily, therefore, provide for some kind of a hearing. If hearing is inherent in any action, then why do you want legislation on that is a question, which ought

to be discussed and decided sometime. Again, the Executive has a very prominent role to play in any democracy. Every time an apprehension about the intentions of the Executive, will probably be counter-productive. Here again when the words were there 'that including', we insisted that it should not be 'including' because that will give an extensive power to the Government and let us restrict it to the three things which were mentioned in the section, namely, 'capital adequacy, credit worthiness, or code of conduct. If the question of licensing is dependent upon the viability of a person making the application, the legislature felt that let us limit it to these three, otherwise, exercise of power will be arbitrary. I believe this apprehension will have to be gone into sometime and- if we authorise the Executive to do something, we must authorise the Executive to it comprehensively. The general control of fairness is always there. Fortunately, for us, our judiciary is there to control. According to me providing something, which is inherent, by way of further legislation, will unnecessarily complicate the legislation. Therefore, I believe that these aspects ought to be considered and each of these amendments really is an answer to a fear that the Government will act arbitrarily. I believe such fears now in the present stage of our democracy are unfounded. Therefore, we must, whenever it is necessary to authorise the Government, authorise the Government fully so that it can perform its functions adequately without being hampered by the kind of a control of a Tribunal over a Commission and then a Court over that Tribunal. We need not create this kind of a new judicial control hierarchy. But since the apprehensions were there, the hon. Minister has moved these amendments. I believe that with these amendments, the apprehensions will be put to rest and a new regime under which for the first time the consumer will get his electricity, the entrepreneur will have every opportunity to-bring that electricity to the consumer, will have a full play. I support these amendments. Thank you.

SHRI PRASANTA CHATTERJEE (West Bengal) : Madam Deputy Chairperson, I rise to oppose this Bill. Here, I would like to mention that our party had seriously opposed the original Bill also, when it was discussed here. We still maintain that position. The subject of 'Electricity' will not remain in the Concurrent List. And, the limited powers that the State Governments have, are being completely taken away and withdrawn through this Bill. Tariff subsidy has been withdrawn. There was a system that those who were consuming more power, they were paying more. The additional revenue, which was generated, was spent as subsidy to the poor and the lower-middle-class consumers. This subsidy has completely been

withdrawn in the Electricity (Amendment) Bill, 2003. In 1950, the generation of power was 1362 MW. In 2002, it increased to 1,05,000 MW. Allowing the multinationals and private sector to purchase State Electricity Boards has been justified on the pretext that they are commercially not viable. But what had happened in 1985? After amending the Act, it had been stated that State-controlled power companies had a revenue surplus of 3 per cent; and, the private companies were allowed to generate 16-31 per cent profit. In the present Bill, the industrialists and the big business houses have been provided relief, while the poor and the middle-class consumers have been burdened. Everybody has been put on the same footing to bear the burden. It will create havoc to the agricultural sector, particularly to the poor and the middle-class peasantry. In the Bill, a minimum 16 per cent profit has been ensured to the foreign power companies. It has often been argued by many quarters that private sector companies are run very efficiently. But what happened in Maharashtra? The Maharashtra State Power Project wanted power from Dabhol, at six hours' advance notice, as mentioned in the agreement. But they could not supply that. In the new Economic Policy, the Government has surrendered to the multinationals. Now, the multinationals want to grab the important power sector. We seriously object the Electricity (Amendment) Bill, 2003. And, I place my observations on record.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Madam, Deputy Chairperson, the Bill has been brought before us for consideration with just three or four amendments to the principal Act. If one goes through the Bill, one will find out, particularly during the 200th Session, how the Members have "been vigilant about even the words, and the implementation of the words, if they remain in the parent Act. Madam, as a principle, we are not for privatisation. I want to make this point clear.

Already, the Bill has been passed, and it is in the Statue Book. Madam, there is a wrong feeling that if any area is privatised, efficiency will improve. It is not so. You take the list of BIFR, there are companies in several areas, all of which have actually become economically unviable. That is, if you go through all the companies that are registered in the BIFR and compare the percentage of private companies and the percentage of public sector undertakings, then, you will find that inefficiency takes place in the private sector as well as in the public sector. That is why, this should not be the reason for privatisation. Our concentration should be on how to improve efficiency. We have to concentrate on that point.

Madam, in this Act there are some areas which can be called 'grey areas'. For example, it is provided in Section 14, and I quote : "Provided also that in a case where a distribution licensee proposes to undertake distribution of electricity for a specified area within his area of supply through another person, that person shall not be required to obtain any separate licence from the concerned State Commission and such distribution licensee shall be responsible for distribution of electricity in his area of supply." Therefore, how can a person who takes a licence from them sublet things? He can do it. He can give it on lease to someone else. Suppose, a person who takes a lease from the licensee, has links with the foreigners on ECB, that is, External Commercial Borrowings, then, automatically, through that route the foreigners would be able to capture power generation areas and other areas for distribution as well as for transmission. It is a very sensitive area, and if the foreigners intrude here, then, it would be against the interest of the nation. Therefore, we have to be very careful about that. This is the first point.

Madam, another problem is regarding rural electrification. When we are going in for privatisation, there is no accountability or responsibility on the people who take the licence for either generation or transmission or distribution. Nobody takes any responsibility for the development of electrification in rural areas. But it is an area in which there is a social obligation; it is an obligation for the nation. Now, how many households are actually without power? How many households are there in urban areas? How many households are there in rural areas? It is less than 25 per cent in urban areas and more than 65 per cent in rural areas. So, we have to concentrate on supplying electricity to rural areas. But I feel that private people won't take any responsibility. The facility that we have provided through this Bill is that if anybody comes forward for that, then, they need not take the licence from us. That is the only thing we have provided for. Therefore, it is not going to help in the electrification of the rural areas. That is my point. Madam, after this Bill was passed, there was a conflict throughout India over who has got the power. Is it with the Regulatory Commission or with the State Governments? In the morning, the hon. Minister agreed that we are giving subsidy only within the parameters of the WTO. Do you know how much subsidy is being given by the European countries for the agricultural sector? The figures will bewilder you. We are giving subsidy for fertilizers, for power supply, power tariffs and free supply etc. We are giving subsidy. But, now what has happened is that the Regulatory Commission seems to have become an impediment in this. My

feeling is that they don't have any legal authority to decide on that. What I feel is that if any policy decision is taken by any State Government, from Kashmir to Kanyakumari, and if that particular policy is implemented and because of the pursuance of that policy some loss is incurred by the Electricity Board of that State Government, in that case, if the very same State Government comes forward to make good that loss, then I feel that the Regulatory Commission has got no authority to interfere with the policy matters. This is because, before the elections, political parties give assurances to the common man. They have to stand by that assurance. They have to implement that assurance. The poor people should know that in implementing that assurance how they are suffering. We have to see this particular problem in totality because ours is an agrarian country. The agriculture-based economy suffers, unless the agriculture is protected properly. Unless the agriculture is protected, our economy cannot be protected. Therefore, I feel that in this area the Regulatory Commission should not have any role so far as the policy announcement of the State Government is concerned, provided the very State Government comes forward to make good the loss what is going to be incurred because of the pursuance of that policy. Therefore, I feel that it should be made clear by the Central Government to all the State Governments, from Kashmir to Kanyakumari, that they can give free power supply to farmers provided they are prepared to give that amount as subsidy. Whatever loss is incurred because of the pursuance of that policy, if it gives to the Electricity Board, then the Regulatory Commission should not become an impediment. It should not stand between the Electricity Board, the State Government and the consumers, that is, the agriculturists of that State. Then only agriculture can be developed. This is not a political issue. What I feel is, it is a national issue confronting the agriculturists throughout the nation; therefore, it is very important. I hope the hon. Minister will respond to this. If we give powers to the Regulatory Commission, the agriculture will suffer, thereby our economy will be affected, thereby the interest of the nation will be affected. Madam, I again appeal, through you, that it is a very important subject and it should be decided as to whether the arbitrary powers have to be with the Regulatory Commission or with the State Governments. It has to be decided. According to me, the final decision making power should be only with the State Government and not with the Regulatory Commission. With these words, I conclude my speech. Thank you.

SHRI KAPIL SIBAL (Bihar); Madam Deputy Chairperson, first of all, I would like to congratulate the Minister for having brought these

amendments. In fact, these amendments were to be brought in the last Session but because of disruption of work that could not be done. But, I thank you, Sir, for initiating these amendments consistent with the assurances that you gave. Having said that, I also want to state and place it on record that whenever and at every opportunity we see the Government moving constructive, far-reaching, pieces of legislation in the context of the developmental efforts in this country and in the context of overall economic reform, the Congress Party has always stood by them. Let this message not go because we were the initiators of the reform process we wish to go along with that process; we, of course, wish to be sentinels to ensure that the reform process does not deviate from the principles on the basis of which it commenced. So we stand by you in this process and we shall continue to cooperate with you and the passage of this Bill and the interaction between us and you, the entire Opposition and you, in fact, is reflective of that cooperation. Having said that, I do not want to go into the nitty gritty of this legislation, but I will make four or five broad points. Point no. one is this. We do have now a legal regime on the basis of which in the context of open access we are going to have greater competition and hopefully, in that process, the consumers will get electricity at lower prices and there will be more and more investment in this particular sector, but the fact that we have a legal regime does not by itself mean that we will get more investments in this sector. Now I would like to know from the hon. Minister, in the overall context of development of this sector, what does the hon. Minister have in mind to increase the possibilities of investments in this sector? Because, by itself, a legal regime is not going to lead to investments. Are you thinking in terms of incentives? Are you thinking in terms of tax-breaks? Are you thinking in terms of ensuring a legal regime, not just the Electricity Act, but the resolution of disputes to be quick so that people who want to come from outside the country and want to invest in the power sector are not bogged down by legal procedures? Are you thinking in terms of setting up special Tribunals? And, that requires an overall policy decision that the hon. Minister, probably, will have to take in the context of the overall policy of the Government. Is the Minister, is the Government, thinking in that direction? That is one broad point that I wish to make.

Madam, point no. 2 is that this Bill does not address itself to the problems of the rural sector. It does not. You are going to perhaps get investments for the urban sector. But what is that you have to have in mind to create incentives to bring those investments in the rural sector? As

you know, in the context of the telephony regime, if you give a basic licence In the communication sector, the licensee is obligated to give connections in the rural sector -- telephone connections in the rural sector - that is an obligation in terms of the licence itself. Now, there is no such obligation on a distribution licensee here. Are you thinking in terms of such obligations to be incorporated in the licence so that if there is development in the urban sector, then there must be an equal obligation to put some money into the rural sector? Now, the policy in that regard can be decided by you, but, unfortunately, in this Bill, both the amendment and the original Bill, there is no thinking as to how you are going to give fillip to the rural sector to create incentives for greater investment in those areas, because in the ultimate analysis, it is the agriculturist, who needs, electricity most. It is because of agricultural production that we get a rate of growth beyond six per cent, the better the monsoon. The better the production, the more the supply of electricity, the more contribution by the agricultural sector, the more liquidity in the hands of people, the more expenditure on consumption and the higher the rate of growth. This particular area has not been dealt with. I would like the hon. Minister to please comment on that. That is point no. 2, Madam.

Point no. 3 is that we must ensure that our Central Electricity Regulatory Authorities are truly regulators. I have seen in other sectors of the economy that the regulators appointed by the Government actually become the His Master's voice. I do not want our regulators to be His Master's voice, and I think that again requires a thinking process by which the Government dissociates itself from the decision-making process at the level of the regulator. How do you intend to do that? What are the kinds of policies that you would follow to ensure that regulators are truly independent? I have not seen evidence of that in functioning of other areas of economy. I would like to see that, at least, in the electricity sector. Then, in terms of your overall power policy, what is your long-term plan? As you know, there are three sources of energy : hydro, thermal and nuclear. In the long-term, where is it that you want to emphasise amongst the three categories? Do you have a long-term plan for that? And, all that must marry with the legal regime that you are providing us. Would the hon. Minister just apprise the Members of this House on that aspect of the matter?

Then, there is one thing which worries me. And, I am now seeing it in the entertainment sector in this country. You have people who are in

the music business also getting licences as broadcasters. So, there are cross-investments being made. So, a monopolist also controls the broadcasting industry, monopolist in the music entertainment industry. I do not want those kinds of monopolies in the electricity sector. But, unfortunately, this legislation doesn't take care of that, because, a person can be a distribution licensee as well as a transmission licensee. Now, that creates a conflict of interests; On occasions, it will create a conflict of interests. Do you want the cross-investment policy to create monopolies of this nature? Down the road, you might have monopolies. And what is your policy on that? I would like to see a dissociation of these sectors and competition within that, competition within distribution, competition within transmission and competition within generation. I think you have that competition within generation and distribution, but I am not too sure about transmission. And there should be no cross investments in this area. That is my personal opinion. And I think that is something that I would like the hon. Minister to comment upon.

Madam, I do not want to take much of your time. The last point I wish to make is that the electricity sector and the working of this "Act is an evolving thing. You will learn from experiences. This is a new experiment, and I think it is a wonderful experiment. I know personally that both in Punjab and in Assam, we have really modern legislations passed. But yet, legislations are not enough. We will have to learn from experience as to how these legislations have worked. Therefore, this is an evolving situation. I would like the hon. Minister to keep in mind that in this ever-evolving situation, you must be supervising it at all times, because down the road, you will require constant amendments to meet the challenges that you will be confronted with. Will the hon. Minister set up a task force to supervise this evolving situation in the area of the new legal regime that you have set up, and would the hon. Minister be kind enough to inform the ruse as to what he might want to do in this, regard?

And last of all, Madam, we have foreign investments in this country In the power sector, and some of the experiences that we have had have not been very good. It has sent a wrong signal to foreign investment to this country in this sector. I think some corrective measures are needed. Would the hon. Minister kindly inform us as to what he has in mind, if he does? Does the Government have any thinking on the process as to what cc rrective measures it will take to ensure that foreign investment comes in

heavily in this particular sector? With these words I conclude. Thank you very much, Madam.

SHRI V. V. RAGHAVAN (Kerala) : Thank you, Madam. I stand to oppose this Amendment Bill, and on behalf of the CPI, I opposed the original Bill also. We have had a model Act, the Act of 1948, brought in by Dr. B. R. Ambedkar. It is unfortunate that a Minister from the State of Maharashtra had the misfortune of repealing that Act and bringing a new Act the last time, and he is amending it further to give further liberalisation and licences to private parties for generation and distribution.

Madam, the most important task before the country is to make electricity available at an affordable price. That is the most important thing and you are forgetting that. It is due to that did Act and the policy pursued by that Act that we have had the Green Revolution. Please, do not forget that electricity was made available to the peasantry at an affordable price at all costs and that was the basis of the Green Revolution.

Madam, experience is the best teacher in any issue. What has been our experience after enacting this new Act? Electricity Bills shot up like anything. My friend, Dr. Subbarami Reddy was supporting this amendment and also the original Act. But tell me please, what your party do in Andhra Pradesh...

DR. T. SUBBARAMI REDDY : Efficiency will be there when more people are involved in distribution than Government organizations. We only want good results. It is not an issue of Communists, Congress or the BJP. I never go by the country's prosperity; go by practicality and have a positive attitude.

SHRI V.V. RAGHAVAN: I will not pose any question because if I pose any question, he will give a lecture again. The fact is that the entire Andhra Pradesh Congress is fighting against high electricity charges. They frankly opposed it. They fought; there were martyrs. I know it. We were part of that agitation. That was the experience in Andhra Pradesh because the peasantry, at large, rose above politics(*interruptions*)... including

the Congressmen, everybody reacted against this Act and they had to lead that struggle. Now, our friends are pondering over the recently held election debacle. Ask a peasant in Rajasthan, if you are honest, to find out the reason. After the Rajasthan Government privatised the electricity sector, immediately the charges went up. It was unaffordable for the common man; unaffordable not only for the peasantry but also for the small

producers of all types. Do you know how many factories have shut down because they cannot afford to pay the electricity charges? ...*{Interruptions}*...

DR. T. SUBBARAMI REDDY: We want to reduce electricity charges. ...*{Interruptions}*...

THE DEPUTY CHAIRMAN: It is very nice that some time I see the Opposition supporting the Minister. It is a pleasure.

श्री राजीव शुक्ल (उत्तर प्रदेश): मैडम, नेशनल इंड्रस्ट पर हम लोग हमेशा सपोर्ट करते हैं।

SHRI V.V. RAGHAVAN: We, the Left, are the only Opposition. I am driving home the point that if you handover the electricity sector to the private sector, they are only after profit, profit and more profit. That includes Mr. Reddy you also. They do invest. There is no control over profit. This is the scenario not only in this sector but also in other sectors. Our economy is "shining," shining for whom? It is shining for the corporate sector. They are gathering huge profits. Some corporate sector concerns, some corporate sector firms, got Rs.50,000 crores in a few years' transactions. They are shining and our economy is shining! So, whatever we do, we must have the billion plus mass of our people. You should not forget them. You have investment, you have growth rate, but can't you take the people with you? What is the plight of the peasantry nowadays? The fact is that in our country, 70 per cent of our population is under-nourished. What does it mean? 'Seventy per cent' means 71 crore people! 'Undernourished' means that they go to bed without sufficient food! These are the things in place. How can you shut your eyes to them? So, development must be felt by the common people, the peasantry, the agricultural workers, small entrepreneurs, manufacturers, etc. They are being forgotten; they are being exploited and exploited. So, by privatising the electricity sector and making it a profit sector, you are hitting the peasantry and the common people: That is our concern.. That is why I opposed the original Act. I had put a assenting note. This is a part of the Bill. So, there might be some loopholes, some defects in the implementation of the 1948 Act. You have to correct it. You have to correct the Electricity Boards' working, or whatever it is. But, do not hand over the entire economy to the private sector because they are not at all concerned with the common people, the Indian people; they are only concerned with the profit, profit and only profit. Making profit is not a sin, but there must be a limit. Now, the entire wealth

of the country is being looted by this corporate sector with your help, with your policies. If there is anything which remains, it goes by corrupt practices. You see, it is going beyond, from where can you find resources? You have lost Rs.32,000 crores by this stamp paper scam. They were all our own resources. How many crores of rupees have you lost from financial institutions by way of scams? Mr. Jalan was here in the morning. Even the controlling agencies, the Reserve Bank, the SEBI and so many other agencies; they are all part of it. That is the pity of India today. So, our exchequer is being looted openly and those, who are entrusted with all the control, are part of it. CBI Deputy is arrested for corruption. So many high-ups are being arrested for corruption; only arrested, no conviction yet. So, if you want to provide electricity at affordable price, I repeat new slogan of our friends is BSP, that is, "*bijli, sadak, pani*", which is quite correct. But, *bijli* at affordable price is the most crucial point. You are not bothered about that. That is our opposition. So, private capital is being used to control and exploit the masses. This is what is happening here. That is what this Bill provides for. So, we oppose it. And, I request the hon. Minister to review the entire thing and I appeal to our Congress friends here, who are pondering over the results of recent elections. I was very patiently hearing our very respectable Member, Mr. Sibal. His arguments are very nice, and also very nicely put - investment, development, and electricity. All right, but what is happening today is not development, but the entire economic sector is being captured by people, both Indian and foreign, who are only out for making profit. Now, we are taxing the common people. We have reduced the interest rates. It may help the economy. (*Time bell*) Madam, we are the only opposition here.

SHRI N.JOTHI (Tamil Nadu) : Madam, he is speaking with points. He may please be allowed.

SHRI V.V. RAGHAVAN: You are reducing the interest on the hard-earned provident fund and the hard-earned retirement investments. For what purpose, are you reducing it? Is it to drive the entire money to the stock market? The easiest way they have got is 'hit the common man and take the resources to the stock market'. You know what happens in the stock markets. You all know very well.

SHRI KAPIL SIBAL: Feel good factor.

SHRI V.V. RAGHAVAN: Yes, it is. Reforms, quite right. Privatisation, no harm. But to what aim for what purpose? The purpose

must be to take the common people with us, to help them to increase the productivity and to help the industry, specially, the small industry. You are forgetting them. That is why we oppose this unlimited privatisation which will result in shooting up the prices of electricity. Therefore, since you are responsible for this act, you must find a way to supply the electricity at an affordable price. Thank you.

श्री अवनि राय (पश्चिमी बंगाल): महोदया, मैं अपनी पार्टी की ओर से इस बिल का विरोध करता हूँ।

महोदया, महाराष्ट्र में डोभाल कंपनी की बात और वहां के निजीकरण की बात आप के सामने है। बिजली को लेकर राजनीति करना ठीक नहीं है और बिजली की बात उठाना भी ठीक नहीं है, लेकिन अगर हाल के मध्य प्रदेश के चुनावों को देखा जाए तो वहां बिजली एक बड़ा मुद्दा बन गयी। महोदया, इस बिजली के बिल को पास करवाने के लिए यहां बैठे हमारे विरोधी साथियों का एक बड़ा हिस्सा भी इस का समर्थन कर रहा है क्योंकि उन को आशा है कि इस से हमारे देश में बिजली का उत्पादन बढ़ जाएगा और हम गांव-गांव और घर-घर में बिजली दे पाएंगे। लेकिन अफसोस की बात यह है कि निजीकरण कर बाहर वालों को बुलाने की जो-जो चूक हम ने की हैं, पहले और अभी की सरकार भी उसी रास्ते पर चल रही है। हां, हम एक बात जरूर देखते हैं कि सरकारी उद्योग में वह चाहे पब्लिक सेक्टर में हो या और जगह हो, वहां एफीसिएंसी कम है, लेकिन इस ओर ध्यान नहीं दे रहे हैं। हमारी एफीसिएंसी कैसे बढ़ाई जाए इसे न देखकर, हमारी उत्पादन क्षमता कैसे बढ़ाई जाए इस ओर अधिक ध्यान न देकर हम बाहर से निजी कंपनीज को बुला रहे हैं, प्राइवेट सेक्टर को ला रहे हैं और सोच रहे हैं कि इस से हमारे देश में हर जगह बिजली आ जाएगी, गांव-गांव तक बिजली पहुंच जाएगी, किसानों की समस्या खत्म हो जाएगी और उन की पानी की समस्या हल हो जाएगी। हमारे कुछ माननीय साथियों ने बिल का समर्थन करते हुए बीच-बीच में इन बातों को छेड़ा है कि हमें देखना चाहिए कि किसानों को कहीं भी बिजली की कमी न हो। एक माननीय सदस्य ने इन बातों के साथ-साथ रेगुलेटरी सिस्टम की गलतियों का जिक्र किया है। उन्होंने समर्थन तो किया है, लेकिन उस के साथ कुछ टिप्पणियां भी की हैं। इसलिए सरकार से यह दरखास्त है कि किसान भाई जो कि देश में दूर गांव-गांव तक फैले हुए हैं और हमारे देश की आबादी का 70 फीसदी से भी अधिक हिस्सा हैं, उनके लिए दिनों-दिन जो मुसीबतें पैदा हो रही हैं उन की ओर ध्यान देना बहुत जरूरी है। हम किसी शहर में बिजली का ज्यादा इस्तेमाल हुआ तो उन का लिहाज करें, उन्हें सब्सिडी दें और गांवों के किसानों के इस्तेमाल के लिए इस का रेट बढ़ा दें तो उन के लिए जो दिक्कत पैदा होगी, इस से हमारे देश की अर्थ-व्यवस्था को धक्का लगेगा। मैं सरकार से यह दरखास्त करूंगा कि सरकार अपने डिपार्टमेंट्स में सुधार करे, ऐफिशिएंसी को बढ़ाए तथा यह देखे कि उत्पादन को बढ़ाकर हम इसे गांव-गांव तक कैसे पहुंचा सकते हैं, कैसे किसानों और गरीबों को राहत दे सकते हैं और इस ओर सरकार को ज्यादा ध्यान देना चाहिए। निजीकरण में क्या हो रहा है, क्या नहीं हो रहा है, हम हमेशा इसका एक-न-एक उदाहरण दे ही सकते हैं और सरकार के पास भी उदाहरण हैं, फिर भी सरकार इसकी ओर जा रही है। हम एम0एन0सी0 के साथ चल रहे हैं, डब्ल्यू0टी0ओ0 के साथ चल रहे हैं, हर जगह हम दूसरों के साथ चल रहे हैं लेकिन हमारे देश में जो काम खत्म हो रहा है, उसको हम नहीं देख रहे हैं।

3.00 P.M.

मैं सरकार से यह गुजारिश करूंगा कि सरकार इस बिल के बारे में फिर से सोचे और अपनी ऐफिशिएंसी को बढ़ाकर, अपनी उत्पादन क्षमता को बढ़ाकर गरीबों को राहत दे। इसी के साथ मैं दोबारा इस बिल का विरोध करता हूँ। धन्यवाद।

श्री अनन्त गंगाराम गीते: उपसभापति महोदया, इस संशोधन विधेयक पर हुई चर्चा में सात सदस्यों ने भाग लिया। जिन्होंने समर्थन किया, उनको धन्यवाद देता हूँ और जिन्होंने विरोध किया, उनको भी धन्यवाद देता हूँ।

महोदया, हरेक के अपने-अपने सिद्धान्त होते हैं और सरकार की यह जिम्मेदारी बनती है कि समय के मुताबिक, जनहित में और जो आज दुनिया में होड़ लगी है, जो स्पर्धा है, उसके मुताबिक जो आवश्यक करना हो उसे करे और चाहे संशोधन के जरिए किसी विधेयक में कोई बदलाव लाना हो, निश्चित रूप से उसे वह लाना चाहिए। इसी भूमिका में, जब मूल विधेयक इस सदन में पारित हुआ था और पारित करते समय जो संशोधन की मांग आई थी अब हमने इस सदन को जो आश्वासन दिया था, उसी आश्वासन के मुताबिक आज का यह संशोधन विधेयक आया है, जिस पर यहां चर्चा हुई।

अधिकतर सदस्यों ने ग्रामीण वितरण की जो समस्या है, उसके बारे में कहा। उनका कहना था कि जब हम वितरण के क्षेत्र में ओपन ऐक्सेस देने जा रहे हैं, वहां पर कम्पिटिशन लाने जा रहे हैं और जब एक के बजाए दो या तीन प्लेअर वहां पर आएंगे तो निश्चित रूप से जो निजी क्षेत्र के लोग हैं, वे जहां पर ज्यादा मुनाफा होगा उसी क्षेत्र में जाना पसंद करेंगे और ग्रामीण क्षेत्र की ओर ज्यादा जाना पसंद नहीं करेंगे और इसीलिए ग्रामीण क्षेत्र के वितरण के बारे में लगभग सभी सदस्यों ने यहां पर चिंता व्यक्त की है। इसके साथ ही साथ मैं कहना चाहता हूँ कि जो हमने अपना लक्ष्य तय किया है-2007 तक हर गांव में बिजली और 2012 तक घर-घर में बिजली, इस लक्ष्य को पूरा करने के लिए लगभग एक लाख मैगावाट अतिरिक्त बिजली का निर्माण करने की आवश्यकता है। तो किस प्रकार से इस लक्ष्य को हम पूरा करेंगे और इस लक्ष्य को पूरा करते समय जल-विद्युत हो, ताप-विद्युत हो या पारम्परिक ऊर्जा हो, इसका अनुपात क्या होगा? आज की जो हमारी स्थिति है, उसके मुताबिक लगभग 70 प्रतिशत ताप-विद्युत है, 20-25 प्रतिशत जल-विद्युत है, इसको बढ़ावा देने की आवश्यकता है। हम इसे 60:40 के रेश्यो में लाने का प्रयास कर रहे हैं। जल-विद्युत को बढ़ावा देने का निश्चित रूप से प्रयास किया जा रहा है। उसी के साथ-साथ जो विद्युत कानून है, जो 2003 में लागू हुआ, इस कानून में अपारंपरिक ऊर्जा यानी नान-कन्वेंशनल एनर्जी को बढ़ावा देने के कई प्रावधान हैं। कपिल सिब्बल जी ने एक चिंता यहां पर जताई है कि यदि हमें अतिरिक्त ऊर्जा का निर्माण करना है तो निश्चित रूप में एक लाख मैगावाट पावर जनरेट करने के लिए आज जो कम से कम लागत आती है, वह चार करोड़ रुपए की है। इसका सीधा अर्थ यह निकलता है कि हमें 4 लाख करोड़ रुपए की आवश्यकता है और जो लक्ष्य हमने तय किया है, वह सेंट्रल सैक्टर से, राज्य सरकारों के सहयोग से और उसके साथ-साथ निजी क्षेत्र से पूरा किया जाएगा। यदि निजी क्षेत्र से हमें यहां पर निवेश लाना है तो चाहे वह डोमेस्टिक हो या विदेशी हो, उस निवेश को बढ़ावा देने की

आवश्यकता है और उसके लिए क्या कदम उठाए जा रहे हैं, इस बारे में उन्होंने पूछा है। टास्क-फोर्स गठित करने के संबंध में भी उन्होंने बात की। हमने प्लानिंग कमीशन के ऐनर्जी मेंबर श्री एन.के.सिंह के नेतृत्व में एक टास्क फोर्स गठित की है और उस टास्क फोर्स को हमने जो जिम्मेदारी सौंपी है, उसमें यह विषय भी है कि ऊर्जा के निर्माण के क्षेत्र में ज्यादा से ज्यादा निवेश किस प्रकार से आए और ज्यादा निवेश आए, इसके लिए हमें क्या कदम उठाने चाहिए, इस पर वह सुझाव दें। ऑलरेडी इस प्रकार की टास्क फोर्स गठित हो चुकी है। उसकी कई बैठकें हुई हैं और कुछ ही दिनों में उनकी रिपोर्ट निश्चित रूप में हमें उपलब्ध होगी।

महोदया, ग्रामीण विद्युत वितरण के क्षेत्र में नए कानून में यह स्पष्ट प्रावधान है- जिस प्रकार से जनरेशन को डि-लाइसेंस किया गया है, उसी प्रकार से डिस्ट्रीब्यूटर जनरेशन को भी डि-लाइसेंस किया गया है और केवल डि-लाइसेंसिंग ही नहीं, वहां पर आप ऊर्जा का निर्माण कर सकते हैं और उसी क्षेत्र में आप उसका वितरण भी कर सकते हैं, इस प्रकार के प्रावधान हमने किए हैं। नया लाइसेंसी यदि वितरण के क्षेत्र में लाइसेंस लेता है तो हमने उसको बाध्य किया हुआ है कि जिस क्षेत्र के लिए उसे लाइसेंस दिया जाता है, उसे वहां बिजली देनी है, न कि कोई क्रीम कस्टमर्स हैं, बड़े कस्टमर्स हैं या बड़े होटल है, उन्हीं को केवल बिजली देगा, इस प्रकार का कोई प्रावधान लाइसेंसी के लिए नहीं है। लाइसेंस तो किसी क्षेत्र के लिए दिया जाएगा और जिस क्षेत्र के लिए दिया जाएगा, चाहे उस क्षेत्र के निवासी की मांग हो, चाहे कामर्शियल मांग हो या इंडस्ट्रियल मांग हो, किसी की भी मांग आती है तो उस मांग को पूरा करना, उस लाइसेंसी की जिम्मेदारि होगी। इस प्रकार का प्रावधान हमने कानून में किया है। यदि वह नहीं कर पाता है तो उसे दंडित करने के प्रावधान भी इस कानून में हैं। इसलिए यह कानून निश्चित रूप में जो हमारी कल की जरूरत है, मांग है, उस मांग को पूरा करने में सफल साबित होगा।

महोदया, इस कानून में सुधार लाने के लिए हमने जो संशोधन प्रस्तुत किए हैं, मैं धन्यवाद दूंगा कि सदन ने इस संशोधनों का समर्थन किया है। वामपंथी दलों ने यहां पर जो विरोध किया है, उनका विरोध, उनके अपने जो सिद्धांत है, उनको लेकर है। उनके मन में भय है कि इस कानून के तहत निजीकरण को काफी बढ़ावा मिलेगा। जब यह कानून पारित हुआ था, उस समय भी हमने स्पष्ट किया था कि इस प्रकार के निजीकरण का कोई प्रावधान इस कानून में नहीं है लेकिन वितरण के क्षेत्र में कंपीटीशन की आवश्यकता है। कल तक इस क्षेत्र में मोनोपली थी-चाहे वह राज्य विद्युत बोर्ड हो या हमारे राज्य विद्युत डिपार्टमेंट हों-उसी के कारण हमारे वितरण के क्षेत्र में खामियां हैं। वितरण के कारण आज राज्य विद्युत बोर्डों की यह स्थिति है कि आज लगभग 30 से 40 प्रतिशत का घाटा है ट्रांसमिशन और डिस्ट्रीब्यूशन लॉसेज का। इन सारी बातों को जब हम देखते हैं तो हमें महसूस होता है कि इसका मूल कारण मोनोपली है। जब हम इस मोनोपली को हटा रहे हैं तो हम केवल सरकार की मोनोपली नहीं हटा रहे हैं। न हम सरकार को मोनोपली करने देना चाहते हैं, न निजी क्षेत्र को मोनोपली करने देना चाहते हैं। किसी की भी मोनोपली इस क्षेत्र में नहीं रहेंगी और न कोई एक क्षेत्र या कोई एक कंपनी इसमें अपनी मोनोपली कर पाएगी क्योंकि इस क्षेत्र में अब कंपीटीशन होगा। इसके लिए यह संशोधन विधेयक यहां आया है और इसका सारे सदन ने समर्थन किया है। मैं सभी सदस्यों को धन्यवाद देता हूं और प्रार्थना करता हूं कि इस संशोधन विधेयक को पारित किया जाए।

THE DEPUTY CHAIRMAN: The question is:

"That the Bill to amend the Electricity Act, 2003, be taken into consideration."

The motion was adopted.

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

Clauses 2 to 7 were added to the Bill.

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

SHRI ANANT GANGARAM GEETE: Madam, I beg to move:

"That the Bill be passed."

The question was proposed.

SHRI VAYALAR RAVI (Kerala): Madam, may I seek a clarification from the hon. Minister? There is only one clarification which I want to seek from the hon. Minister.

Of course, you are good enough to look into all the suggestions made by the Members of Parliament. In this connection, I would like to know from you whether you had any kind of discussion with the Ministers who are dealing with the subject of electricity in the States. Did you take into consideration their views? This is the only clarification which I want to seek.

श्री अनन्त गंगाराम गीते: इसके पहले भी लगभग सभी राज्यों के ऊर्जा मंत्रियों से हमने विचार-विमर्श किया है और भविष्य में भी निश्चित रूप से उनके साथ चर्चा व विमर्श करेंगे। जब हम आज पॉलिसी बनाने जा रहे हैं तब भी हम उनके साथ चर्चा कर रहे हैं, और भविष्य में भी चर्चा की जाएगी।

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.