

The House met at eleven of the clock,
Mr. CHAIRMAN in the Chair.

Q. No. 81

MR. CHAIRMAN: Question No.81. ...(Interruptions)...

DR. V. MAITREYAN: Sir, the telephone lines are being tapped
...(Interruptions)...

श्री एस.एस. अहलुवालिया: सर, हरियाणा में जो निर्मम हत्या की गई
...(व्यवधान)...

DR. V. MAITREYAN: Phones are being tapped. ...(Interruptions)...

MR. CHAIRMAN: Don't come to the well. ...(Interruptions)...

श्री एस.एस. अहलुवालिया: सर, उसका जो खुलासा हुआ है, उससे पता चलता
है ...(व्यवधान)...

DR. V. MAITREYAN: Telephone lines are being tapped.
...(Interruptions)... Mobile lines are being tapped.
...(Interruptions)... This is very serious. ...(Interruptions)...

श्री सभापति: कृपया आप अपनी जगह पर जाइए ...(व्यवधान)... यहां अखबार
मत दिखाइए ...(व्यवधान)...

श्री एस.एस. अहलुवालिया: सर ...(व्यवधान)...

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DR. V. MAITREYAN: Telephone line of our leader has been tapped.

...(Interruptions)...

MR. CHAIRMAN: Go back to your places. ...(Interruptions)...

Question No. 81. ...(Interruptions)... आप यहां से नहीं बोल सकते

हैं...(व्यवधान)... आप अपनी सीट पर वापस जाइए...(व्यवधान)... You

cannot come here. ...(Interruptions)... You cannot show this.

...(Interruptions)... I am sorry, you go back to your places.

...(Interruptions)... Please go back to your places.

...(Interruptions)...

DR. V. MAITREYAN: Telephone lines are being tapped.

...(Interruptions)...

MR. CHAIRMAN: The House is adjourned till 12.00 o'clock.

The House then adjourned at two minutes past eleven of the clock.

KSK/12.00/1B

The House re-assembled at twelve of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

**RE: DEMAND FOR A DEBATE ON KILLINGS OF SIKHS AT HONDH CHILLAR
VILLAGE IN HARYANA**

श्री एस.एस. अहलुवालिया : उपसभापति महोदय...(व्यवधान)...

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श्री उपसभापति : Papers lay करने दीजिए। ...(व्यवधान)...

श्री एस.एस. अहलुवालिया : महोदय, सुबह सदन की कार्यवाही स्थगित हो गई थी, प्रश्न काल स्थगित हो गया था और हम लोगों ने मांग की थी कि Hondh-Chillar में जो अभी खुलासे हुए हैं और पता लगा है कि 32 सिखों की नृशंस हत्या की गई थी, पूरे गांव को जला दिया गया था....

श्री उपसभापति : आप नोटिस दे दीजिए। ...(व्यवधान)...

श्री एस.एस. अहलुवालिया : हम मांग कर रहे थे...(व्यवधान).... उसके लिए हम मांग कर रहे हैं कि एक structured debate हो।

श्री उपसभापति : आप नोटिस दे दीजिए, उसको consider किया जाएगा।

श्री एस.एस. अहलुवालिया : सर, यह लोक सभा में allow किया गया है।

श्री उपसभापति : यह हाउस अलग है, वह हाउस अलग है। ...(व्यवधान)...

श्री एस.एस. अहलुवालिया : वह तो ठीक है सर, लेकिन हम मांग कर रहे हैं कि एक structured debate होनी चाहिए। ...(व्यवधान).... गृह मंत्री उस debate को लाएं।

श्री उपसभापति : आप नोटिस दीजिए। We will consider it. ...(Interruptions)...

श्री बलविंदर सिंह भुंडर : सर, इतना बड़ा जुल्म हुआ है और आप allow नहीं कर रहे हैं। ...(व्यवधान).... डिपुटी चेयरमैन सर, इतना बड़ा जुल्म हुआ है ...(व्यवधान).... आप allow कीजिए। ...(व्यवधान)....

श्री उपसभापति : आप नोटिस दीजिए, नोटिस के बगैर मैं कैसे allow करूंगा? ...(व्यवधान).... आप नोटिस दे दीजिए। Please give notice.

SHRI S.S. AHLUWALIA: Sir, we want a structured debate...(Interruptions).

SHRI V. HANUMANTHA RAO: For Zero Hour, they should give notice...(Interruptions).

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श्री उपसभापति : अहलुवालिया जी, आपने कहा कि structured discussion होना चाहिए...(व्यवधान)... आपने कहा कि structured discussion ...(व्यवधान)... आप structured discussion के लिए नोटिस दीजिए। ...(व्यवधान)...

SHRI S.S. AHLUWALIA: My notice is already there.

संसदीय कार्य मंत्री (श्री पवन कुमार बंसल) : सर, मुझे खेद है कि आज फिर Question Hour नहीं चल पाया। मैंने सुबह भी कहा था कि जो भावनाएं हैं, उनके साथ हम सब सहमत हैं। इसमें कोई दो रायें नहीं हो सकतीं, जो बात हुई है। ...(व्यवधान)...

श्री एस.एस. अहलुवालिया : चर्चा होगी या नहीं, आप वह बोलिए। हम चर्चा चाहते हैं। ...(व्यवधान)... हम चर्चा चाहते हैं। ...(व्यवधान)...

श्री पवन कुमार बंसल : चर्चा के लिए ...(व्यवधान)... चर्चा के लिए कहना मेरा अधिकार नहीं है। ...(व्यवधान)...

श्री एस.एस. अहलुवालिया : अब यह Question Hour नहीं चल पाया, यह कहना...(व्यवधान)...

श्री उपसभापति : आप बैठिए.... बैठिए।

श्री पवन कुमार बंसल : चर्चा के लिए कहने का मेरा अधिकार नहीं है। ...(व्यवधान)... वह अधिकार मेरा नहीं है। ...(व्यवधान)... सुबह यही बात नहीं मानी जा रही थी। जैसे उपसभापति जी ने कहा है, सदस्य नोटिस देंगे और वे फैसला करेंगे। ...(व्यवधान)... सदस्य नोटिस देंगे और उपसभापति जी फैसला करेंगे। ...(व्यवधान)...

श्री उपसभापति : आप नोटिस दीजिए। ...(व्यवधान)...

श्री सत्यव्रत चतुर्वेदी : यह क्या तरीका है? ..(व्यवधान)...

श्री उपसभापति : आप बैठिए...बैठिए... (व्यवधान)...

श्री पवन कुमार बंसल : उपसभापति जी, नोटिस वे देंगे और फैसला आप करेंगे। ...(व्यवधान)...

PAPERS LAID ON THE TABLE

SHRI JAIRAM RAMESH: Sir, I lay on the Table —

I.(1) A copy each (in English and Hindi) of the following papers, under sub-section (1) of Section 39 of the Water (Prevention and Control of Pollution) Act, 1974:—

(a) Annual Report and Accounts of the Central Pollution Control Board (CPCB), Delhi, for the year 2009-10, together with the Auditor's Report on Accounts.

(b) Review by Government on the working of the above Board.

(2) Statement (in English and Hindi) giving reasons for the delay in laying the papers mentioned at (1) above.

II. A copy each (in English and Hindi) of the following papers:—

(i) (a) Annual Report and Accounts of the Salim Ali Centre for Ornithology and Natural History (SACON), Coimbatore, for the year 2009-10, together with the Auditor's Report on the Accounts.

(b) Review by Government on the working of the above Centre.

(c) Statement giving reasons for the delay in laying papers mentioned at (i) (a) above.

(ii) (a) Annual Report and Accounts of the Centre of Excellence for Medicinal Plants and Traditional Knowledge, Foundation for Revitalisation of Local Health Traditions (FRLHT), Bangalore, for the year 2009-10, together with the Auditor's Report on the Accounts.

(b) Review by Government on the working of the above Centre.

(c) Statement giving reasons for the delay in laying papers mentioned at (ii) (a) above.

SHRI NAMO NARAIN MEENA: Sir, I lay on the Table —

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I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Financial Services), under sub-section (2) of Section 30 of the Regional Rural Banks Act, 1976:-

- (1) F. No. S.G.B.H.O.Per. 38, dated the 13th September, 2010, publishing the Saurashtra Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (2) No. 241, dated the 22nd September, 2010, publishing the Andhra Pradesh Grameena Vikas Bank (Officers and Employees) Service Regulations, 2010.
- (3) F. No. V.K.G.B.10, dated the 24th September, 2010, publishing the Vidharbha Kshetriya Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (4) No.HO:HRD/2010/2852, dated the 6th October, 2010, publishing the Punjab Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (5) No.BPGB.10, dated the 6th October, 2010, publishing the Pragathi Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (6) No. 40, dated the 2nd October - 8th October, 2010, publishing the Maharashtra Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (7) No.255, dated the 11th October, 2010, publishing the Paschim Banga Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (8) No.260, dated the 16th October, 2010, publishing the Wainganga Krishna Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (9) No.261, dated the 16th October, 2010, publishing the Deccan Grameena Bank (Officers and Employees) Service Regulations, 2010.
- (10) No.262, dated the 16th October, 2010, publishing the Dena Gujarat Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (11) No.264, dated 21st October, 2010, publishing the Surguja Kshetriya

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Grameena Bank (Officers and Employees) Service Regulations, 2010.

- (12) No.265, dated the 21st October, 2010, publishing the Pudukkottai Bharathiar Grama Bank (Officers and Employees) Service Regulations, 2010.
- (13) No.266, dated the 21st October, 2010, publishing the Pallavan Grama Bank (Officers and Employees) Service Regulations, 2010.
- (14) No.267, dated the 21st October, 2010, publishing the Mahakaushal Kshetriya Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (15) No.268, dated the 21st October, 2010, publishing the Saptagiri Grameena Bank (Officers and Employees) Service Regulations, 2010.
- (16) No.BGGB/10, dated the 26th October, 2010, publishing the Baroda Gujarat Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (17) No.C.K.G.B/2010, dated the 29th October, 2010, publishing the Cauvery Kalpatharu Grameena Bank (Officers and Employees) Service Regulations, 2010.
- (18) No.V.G.B./2010, dated the 29th October, 2010, publishing the Visveshvaraya Grameena Bank (Officers and Employees) Service Regulations, 2010.
- (19) Lr.No.099/3/G/27/62, dated the 30th October, 2010, publishing the Chaitanya Godavari Grameena Bank (Officers and Employees) Service Regulations, 2010.
- (20) No.281, dated the 30th October, 2010, publishing the Bihar Kshetriya Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (21) PMH-30/3065/2010, dated the 1st November, 2010, publishing the Shreyas Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (22) No.290, dated the 6th November, 2010, publishing the Durg Rajnandgaon Gramin Bank (Officers and Employees) Service Regulations, 2010.

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- (23) No.292, dated the 6th November, 2010, publishing the Ellaquai Dehati Bank (Officers and Employees) Service Regulations, 2010.
- (24) No.45, dated the 6th November - 12th November, 2010, publishing the Jhabua Dhar Kshetriya Gramin Bank (Officers and Employees) Service Regulation, 2010.
- (25) No.45, dated the 6th November - 12th November, 2010, publishing the Uttarbanga Kshetriya Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (26) No.304, dated the 15th November, 2010, publishing the Rajasthan Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (27) No.46, dated the 13th November - 29th November, 2010, publishing the Chikmagalur Kodagu Grameena Bank (Officers and Employees) Service Regulations, 2010.
- (28) No.46, dated the 13th November - 29th November, 2010, publishing the Jharkhand Gramin Bank (Officers and Employees) Service Regulations, 2010.
- (29) No.46, dated the 13th November - 29th November, 2010, publishing the Neelachal Gramya Bank (Officers and Employees) Service Regulations, 2010.

II. A copy (in English and Hindi) of the Ministry of Finance (Department of Financial Services) Notification No. PW:IRS:1:3513:2010, dated the 20th November-26th November, 2010, publishing the Canara Bank (Employees') Pension (Amendment) Regulations, 2010, under sub-section (4) of Section 19 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, together with delay statement on the Notification.

III. A copy (in English and Hindi) of the Ministry of Finance (Department of Economic Affairs) Notification No. LAD-NRO/GN/2010-11/19/26456, dated the 12th November, 2010, publishing the Securities and Exchange Board of India (Issue of Capital and Disclosure Requirements) (Fourth Amendment) Regulations, 2010, under Section 30 of the Securities and Exchange Board of India Act, 1992.

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IV. A copy (in English and Hindi) of the Annual Accounts of the Securities and Exchange Board of India (SEBI), Mumbai, for the year 2009-10, and the Audit Report thereon, under sub-section (2) of Section 18 of the Securities and Exchange Board of India (SEBI) Act, 1992.

V. A copy (in English and Hindi) of the Annual Report and Accounts of the National Housing Bank (NHB), New Delhi, for the year 2009-10, together with the Auditor's Report on the Accounts, under sub-section (5) of Section 40 of the National Housing Bank Act, 1987.

VI. A copy (in English and Hindi) of the Consolidated Review of Working of Regional Rural Banks (RRBs), for the year ended 31st March, 2010.

SHRI NAMO NARAIN MEENA: Sir, I lay on the Table —

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under sub-section (4) of Section 94 of the Finance Act, 1994, together with Explanatory Memoranda on the Notifications:-

- (1) G.S.R. 989 (E), dated the 21st December, 2010, rescinding Notification No. G.S.R. 146 (E), dated the 27th February, 2010.
- (2) G.S.R. 990 (E), dated the 21st December, 2010, rescinding Notification No. G.S.R. 161 (E), dated the 27th February, 2010
- (3) G.S.R. 991 (E), dated the 21st December, 2010, exempting packaged or canned software from whole of service tax subject to certain conditions.
- (4) G.S.R. 992 (E), dated the 21st December, 2010, amending Notification No. G.S.R. 551 (E), dated the 27th July, 2009, to substitute certain entries in the original Notification.
- (5) G.S.R. 993 (E), dated the 21st December, 2010, amending Notification No. G.S.R. 151 (E), dated the 27th February, 2010, to substitute certain entries in the original Notification.
- (6) G.S.R. 994 (E), dated the 21st December, 2010, amending Notification No. G.S.R. 152 (E), dated the 27th February, 2010, to substitute certain entries in the original Notification.

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- (7) G.S.R. 995 (E), dated the 21st December, 2010, amending Notification No. G.S.R. 153 (E), dated the 27th February, 2010, to substitute certain entries in the original Notification.
- (8) G.S.R. 996 (E), dated the 21st December, 2010, exempting the taxable service in relation to general insurance business provided under the Weather Based Crop Insurance Scheme or the Modified National Agricultural Insurance Scheme.

II. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under Section 159 of the Customs Act, 1962, together with Explanatory Memoranda on the Notifications:-

- (1) G.S.R. 918 (E), dated the 18th November, 2010, amending Notification No. G.S.R. 569 (E), dated the 8th September, 2005, to insert certain entries in the original Notification.
- (2) G.S.R. 934 (E), dated the 1st December, 2010, amending Notification No. G.S.R. 590 (E), dated the 13th August, 2008, to add certain entries in the original Notification.
- (3) G.S.R. 999 (E), dated the 21st December, 2010, rescinding Notification No. G.S.R. 144 (E), dated the 27th February, 2010.
- (4) G.S.R. 1000 (E), dated the 21st December, 2010, amending Notification No. G.S.R. 118 (E), dated the 1st March, 2002, to substitute certain entries in the original Notification.
- (5) G.S.R. 1002 (E), dated the 22nd December, 2010, amending Notification No. G.S.R. 118 (E), dated the 1st March, 2002, to insert certain entries in the original Notification.
- (6) G.S.R. 1008 (E), dated the 23rd December, 2010, exempting specified items imported by designated airlines of different countries under various Air Service Agreements.
- (7) G.S.R. 1013 (E), dated the 24th December, 2010, amending Notification No. G.S.R. 33 (E), dated the 15th January, 2008, to substitute certain entries in the original Notification.

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- (8) G.S.R. 1035 (E), dated the 31st December, 2010, amending Notification No. G.S.R. 393 (E), dated the 30th June, 2006, to substitute certain entries in the original Notification.
- (9) G.S.R. 1036 (E), dated the 31st December, 2010, amending Notification No. G.S.R. 394 (E), dated the 30th June, 2006, to substitute certain entries in the original Notification.
- (10) G.S.R. 1037 (E), dated the 31st December, 2010, amending Notification No. G.S.R. 944 (E), dated the 31st December, 2009, to substitute certain entries in the original Notification.
- (11) G.S.R. 1038 (E), dated the 31st December, 2010, amending Notification No. G.S.R. 875 (E), dated the 1st November, 2010, to substitute certain entries in the original Notification.
- (12) G.S.R. 6 (E), dated the 6th January, 2011, exempting all items of machinery, including prime movers, instruments, apparatus and appliances, control gear and transmission equipment and auxiliary equipment and components, required for the initial setting up of a solar power generation project or facility.
- (13) G.S.R. 10 (E), dated the 8th January, 2011, amending Notification No. G.S.R. 118 (E), dated the 1st March, 2002, to insert certain entries in the original Notification.
- (14) G.S.R. 46 (E), dated the 24th January, 2011, amending Notification No. G.S.R. 944 (E), dated the 31st December, 2009, to insert certain entries in the original Notification.
- (15) G.S.R. 52 (E), dated the 27th January, 2011, amending Notification No. G.S.R. 118 (E), dated the 1st March, 2002, to substitute certain entries in the original Notification.

III. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under sub-section (7) of Section 9A of the Customs Tariff Act, 1975, together with Explanatory Memoranda on the Notifications:-

- (1) G.S.R. 917 (E), dated the 18th November, 2010, seeking to modify anti-

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dumping duty imposed on imports into India of bias tyres, tubes and flaps originating in, or exported from the Peoples' Republic of China and Thailand, based on mid-term findings of the Designated Authority.

- (2) G.S.R. 919 (E), dated the 19th November, 2010, seeking to impose definitive anti-dumping duty on imports of Polypropylene, originating in, or exported from Oman, Saudi Arabia and Singapore, in pursuance of the final findings of the Designated Authority.
- (3) G.S.R. 933 (E), dated the 1st December, 2010, seeking to impose definitive anti-dumping duty on imports of Phenol, originating in, or exported from Thailand and Japan, in pursuance of the final findings of the Designated Authority.
- (4) G.S.R. 947 (E), dated the 2nd December, 2010, seeking to provide provisional assessment subject to proper security, for the imports of Bus and Truck Radial Tyres.
- (5) G.S.R. 962 (E), dated the 9th December, 2010, seeking to extend levy of anti-dumping duty on imports of nylon filament yarn including synthetic monofilament of less than 67 decitex, of nylon of other polyamides, originating in, or exported from the People's Republic of China, Chinese Taipei, Malaysia, Indonesia, Thailand and the People's Republic of Korea.
- (6) G.S.R. 981 (E), dated the 16th December, 2010, seeking to impose definitive Anti-dumping duty on all imports of synchronous digital hierarchy (SDH) Transmission equipment, originating in, or exported from the Peoples' Republic of China and Israel at the specified rates.
- (7) G.S.R. 1007 (E), dated the 23rd December, 2010, seeking to provide provisional assessment subject to proper security, for the imports of Bus and Truck Radial Tyres, exported by M/s Shandong Hawk International Rubber Industry Company Limited (producer/exporter).
- (8) G.S.R. 1023 (E), dated the 28th December, 2010, seeking to extend levy of anti-dumping duty on imports of MOR, PX13 and TDQ, falling under Chapter 29 and 38 of the First Schedule to the Customs Tariff Act, 1975,

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originating in, or exported from European Union, the People's Republic of China, Chinese Taipei and the United States of America.

IV. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under sub-section (2) of Section 38 of the Central Excises Act, 1944, together with Explanatory Memoranda on the Notifications:-

- (1) G.S.R. 916 (E), dated the 18th November, 2010, seeking to amend Notification No.G.S.R.570 (E), dated the 8th September 2005, so as to waive the condition relating to Power Purchase Agreement to power projects promoted by State Electricity Boards/Corporations.
- (2) G.S.R. 997 (E), dated the 21st December, 2010, seeking to amend Notification No. G.S.R.882 (E), dated the 24th December, 2008, so as to bring the packaged software or canned software under the purview of retail sale price based assessment.
- (3) G.S.R. 998 (E), dated the 21st December, 2010, rescinding Notification No. G.S.R.119 (E), dated the 27th February, 2010.

V. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under Section 296 of the Income Tax Act, 1961, together with Explanatory Memoranda on the Notifications:-

- (1) S.O. 2819 (E), dated the 22nd November, 2010, publishing the Tax Return Preparer (First Amendment) Scheme, 2010.
- (2) S.O. 2820 (E), dated the 22nd November, 2010, publishing the Income-tax (8th Amendment) Rules, 2010.

VI. A copy (in English and Hindi) of the Ministry of Finance (Department of Revenue) Order F. No. 178/35/2008-ITA-I, dated the 5th January, 2011, regarding Appendix—T laying down the regulations and defining the applicability of the slum re-development in the certain areas, under sub-section (2) (c) (ii) of Section 119 of the Income Tax Act, 1961.

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SHRI PRADEEP JAIN: Sir, I to lay on the Table, a copy each (in English and Hindi) of the following papers:—

- (a) Annual Report and Accounts of the Council for Advancement of People's Action and Rural Technology (CAPART), New Delhi, for the year 2009-10, together with the Auditor's Report on the Accounts.
- (b) Statement by Government accepting the above Report.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

(Ends)

REPORTS OF THE COMMITTEE ON PAPERS LAID ON THE TABLE

DR. E.M. SUDARSANA NATCHIAPPAN (TAMIL NADU): Sir, I present the following Reports (in English and Hindi) of the Committee on Papers Laid on the Table:—

- (i) One Hundred and Twenty-fifth Report regarding laying of the Annual Reports and Audited Accounts of Tea Board, Kolkata; Tobacco Board, Guntur, Andhra Pradesh; and Indian Council for Cultural Relations (ICCR), New Delhi; and
- (ii) One Hundred and Twenty-sixth Report regarding laying of the Annual Reports and Audited Accounts of Employees' State Insurance Corporation (ESIC), New Delhi; Haj Committee of India and Food Corporation of India, New Delhi.

(Ends)

**REPORT OF THE DEPARTMENT RELATED PARLIAMENTARY STANDING
COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES,
LAW AND JUSTICE**

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SHRI SHANTARAM LAXMAN NAIK (GOA): Sir, I present the Forty-fifth Report (in English and Hindi) of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice on the Marriage Laws (Amendment) Bill, 2010.

(Ends)

**REPORT OF THE DEPARTMENT RELATED PARLIAMENTARY STANDING
COMMITTEE ON TRANSPORT, TOURISM AND CULTURE**

SHRI SITARAM YECHURY (WEST BENGAL): Sir, I present the ^{*} One Hundred and Sixty-first Report (in English and Hindi) of the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture on the Anti-Hijacking (Amendment) Bill, 2010.

(Ends)

MATTERS RAISED WITH PERMISSION OF THE CHAIR

**RE: DEATH OF 13 PREGNANT WOMEN DUE TO ADMINISTRATION OF
INFECTED INTRAVENOUS FLUIDS**

SHRIMATI GUNDU SUDHARANI (ANDHRA PRADESH): Sir, one more shocking incident came to light yesterday where 13 pregnant women died within a span of ten days, and five are in serious condition due to the use of infected IV fluids on them. This horrendous incident came to light very late as the first death occurred on 13th February itself.

(contd. by 1c — gsp)

GSP-SC-1C-12.05

* The Report was presented to Hon'ble Chairman, Rajya Sabha on the 18th October, 2010.

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SHRIMATI GUNDU SUDHARANI (CONTD.): Sir, the incident has occurred in Umaid Hospital in Jodhpur when infected intravenous dextrose and ringer lactose was administered to full-term pregnant women. All the women died after severe hemorrhaging.

On preliminary investigation, it was found that several batches of I.V. fluid were manufactured by Parenteral Surgical India Limited, Indore. Sir, the lab reports confirmed that several batches of dextrose and ringer lactose were contaminated with gram negative and positive bacteria. It is conspicuous as to why the reported deaths have not come to light 15 days. I have no hesitation to say that the authorities and others concerned are trying to bury the whole issue. Sir, in spite of 12 deaths, I fail to understand as to why the postmortem was conducted only on one woman.

Sir, the contaminated I.V. fluids were manufactured in two batches in December and January, and, I am given to understand that more than 45,000 bottles of I.V. fluids have been sold in five States, namely, Orissa, Punjab, Jharkhand, Rajasthan and Madhya Pradesh. I am deeply concerned as 60 to 70 per cent of the bottles have already been sold. If the steps are not taken on war footing to recall bottles from the dealers, there is every possibility of more mishaps.

It is not known how the Drug Controller General of India cleared the drug. It is unfortunate that even after this grave incident and death of 13 pregnant women, the company has not been sealed and the production in the company is

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still continuing. The officials are still lingering for report to take action against the company.

In view of the above, I request the Government of India and the Ministry of Health to immediately intervene; seize the tainted I.V. fluids in the market, arrest the management of the company and take immediate action. Thank you.

श्री वी.पी.सिंह बदनौर (राजस्थान) : सर, यह राजस्थान गवर्नमेंट की बहुत बड़ी कमी है। राजस्थान गवर्नमेंट ने ऐक्शन नहीं लिया है।..(व्यवधान)..

(Ends)

**CONSTITUTIONALITY OF 67 PER CENT RESERVATION FOR MEN
IN RECRUITMENT OF TEACHERS AND OTHERS IN HARYANA**

SHRIMATI BRINDA KARAT (WEST BENGAL): Sir, in the very beginning, I would like to say that we are happy that all sections of the House have generally supported affirmative action when it comes to dealing with discrimination against women. Therefore, Sir, today, with that spirit, I am making this submission before this House, and, it is not with any political motive against any particular Government.

Sir, you will be shocked to hear that the position of 33 per cent reservation for women in jobs, which we have been demanding, has been converted by the Haryana Government into 67 per cent reservation of jobs for men. Sir, I have got the copy of the notification, which was issued earlier. It says, “The reservation shall be vertical, that is, 33 per cent in each category of the reservation will be for women, and, 67 per cent will be for men.” Now, this is turning justice on its

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heads, Sir. There is a Screening Committee for recruitment of school teachers in Haryana. The House will be shocked to know that in the Screening Committee to implement this policy, the cut-off marks in the general category for men and women are as follows. In Hindi, for women, the cut-off is 76 per cent, and, for men, it is 71 per cent. In History, English and Sanskrit also, the cut-off marks are less for men and more for women. Even in the 'disability' category of reservation, the cut-off for women is 65 per cent, and, 60 per cent for men. I have got the details of the recruitment. This test was specifically for the post of teachers conducted by the Haryana Public Sector Commission and it is very clearly shown that in all the categories, women have not got more than 33 per cent reservation, although, today, in Haryana, women constitute forty per cent of the total strength of school teachers. So, actually, this is reservation in the reverse where even women are not able to compete even on common level-playing field with men because men are given a lower cut-off.

So, Sir, I expect the House to support me on this, and, we hope that the Central Government will take specific note of this. This is Constitutional issue which arises. (Interruptions) You cannot have sixty per cent reservation for men. Therefore, I demand that this outrageous circular should be withdrawn. (Interruptions)

(Ends)

SHRIMATI JAYANTHI NATARAJAN: Mr. Deputy Chairman, Sir, it is an important issue. (Interruptions)

SHRI TIRUCHI SIVA (TAMIL NADU): Sir, I associate myself with this issue.

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SHRI D. RAJA (TAMIL NADU): Sir, I also associate myself with this important matter.

SHRIMATI JAYANTHI NATARAJAN (TAMIL NADU): Sir, I also associate myself with this important matter raised by Brijda ji.

श्री शिवानन्द तिवारी (बिहार) : महोदय, मैं माननीय सदस्य के वक्तव्य से स्वयं को संबद्ध करता हूँ।

श्री तरुण विजय (उत्तराखंड) : महोदय, मैं माननीय सदस्य के वक्तव्य से स्वयं को संबद्ध करता हूँ।

(Followed by SK-1D)

MCM-SK/1D/12-10

श्रीमती माया सिंह : सर, वृंदा जी ने जो बात कही है..(व्यवधान)..

श्री उपसभापति : आप एसोसिएट कीजिए।

श्रीमती माया सिंह : मैं उसके पूरे विस्तार में नहीं जा रही हूँ लेकिन यह महिलाओं के साथ नाइंसाफी हो रही है। सर, जिस तरीके से महिलाएं दोनों मोर्चों पर काम करती हैं, घर भी संभाल रही हैं और अपनी योग्यता के बल पर बाहर भी, पुरुषों से अधिक अंक लेकर आने के बाद भी उनके साथ अन्याय होता है। इसलिए..(व्यवधान)

MR. DEPUTY CHAIRMAN: I think, the whole House wants to associate. (Interruptions)
The whole House wants to associate. (Interruptions) I think, the hon. Minister will bring it to the notice of the Haryana Government.

SHRIMATI BRINDA KARAT: Sir, will the Minister speak on this? (Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI ASHWANI KUMAR): Sir, we will request the Minister, considering the sensitivity of the issue, to come and respond.

MR. DEPUTY CHAIRMAN: No, no, you convey the sense of the House to the Haryana Government. (Interruptions)

SHRI ASHWANI KUMAR: We will convey it to the Haryana Government, and, if necessary, will make a clarification. (Interruptions) (Ends)

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DEATH OF MNREGA WORKER FOR
DEMANDING REVISED WAGES IN RANCHI

श्री आर०सी० सिंह (पश्चिमी बंगाल) : महोदय, भारत सरकार ने गरीबों को काम दिलाने के एक बहुत अच्छे उद्देश्य से मनरेगा शुरू किया था। लेकिन अब यह एक ज्ञात सत्य है कि इसमें निचले स्तर पर बहुत ही अनियमितताएं हो रही हैं और सरकार इसमें एक मूकदर्शक बनी हुई है। इसमें मजदूरों को न्यूनतम मजदूरी दिए जाने की मांग बनी हुई है। न्यूनतम मजदूरी की बात तो छोड़ दीजिए, मजदूरों को प्रेस्क्राइब्ड वेजेज भी नहीं दिए जाते हैं और उनसे जबरन 12 घंटे काम लिया जा रहा है। इसके अतिरिक्त महिलाओं को दी जाने वाली मजदूरी में भी भेदभाव किया जा रहा है। सर, इससे यही पता चलता है कि आर्थिक रूप से कजोर लोग हमेशा से पीड़ित रहे हैं।

महोदय, झारखंड एक ऐसा राज्य है, जहां मजदूरों द्वारा मनरेगा योजना को सही तरीके से लागू करने की मांग के कारण उन्हें परेशानी का सामना करना पड़ रहा है। सर, पिछले दिनों बथुआ गांव के एक 50 वर्ष के मजदूर, सुबल महतो को उसके मालिक द्वारा इसलिए पीट-पीट कर मार डाला गया, क्योंकि वह बोकारों में मनरेगा योजना के तहत संशोधित मजदूरी की मांग कर रहा था। 9 और मजदूरों के साथ उसे एक कुएं की खुदाई के लिए काम पर लिया गया था। यह प्रोजेक्ट 2010-11 के लिए स्वीकृत किया गया है और यह उसी गांव के भगीरथ रजवार के द्वारा पूरा किया जा रहा था। ये मजदूर संशोधित मजदूरी के रूप में 120 रुपए की मांग कर रहे थे। सरकार ने 1 जनवरी, 2011 से 99 रुपए की जगह 120 रुपए मजदूरी तय की है। जब सुबल महतो ने संशोधित मजदूरी की मांग की तो, रजवार और उसके परिवार के सदस्यों ने उसकी पिटाई शुरू कर दी। घटना के इतने दिन बाद भी अभी तक किसी आरोपी को गिरफ्तार नहीं किया गया है। मैं यह मांग करता हूं कि सभी आरोपियों को तुरंत गिरफ्तार किया जाए और उन्हें कठोर दंड दिया जाए। मैं यह भी मांग करता हूं कि सुबल महतो के परिवार को 5 लाख रुपए मुआवजे के तौर पर दिए जाएं।

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महोदय, मैं इस ओर आपका ध्यान आकर्षित करना चाहता हूँ कि यह ऐसी पहली घटना नहीं है। 8 फरवरी, 2007 में तुरिया मुंडा को एक महीने से उसकी मजदूरी नहीं दी जा रही थी, जिसके बाद उसने आत्महत्या कर ली। 2 जुलाई, 2008 को हजारी बाग के चरही चौक पर तापस सोरेन ने मजदूरी नहीं मिलने के कारण आत्मदाह कर लिया। 14 मई, 2008 को डाल्टन गंज जिले में एक मनरेगा कार्यकर्ता ललित मेहता को गोली मार दी गई। 7 जून, 2008 को एक दूसरे कार्यकर्ता कामेश्वर यादव को गिरीडीह जिले में गोली मार दी गई, क्योंकि उसने उन लोगों को बेनकाब करने की कोशिश की, जो इस फंड का दुरुपयोग करने में लगे हुए हैं।

महोदय, मैं भारत सरकार से आग्रह करना चाहता हूँ कि मनरेगा के पूरे कार्यान्वयन पर वह उचित विचार करे और इस योजना में जो खामियां उजागर हो रही हैं, उन्हें दूर करे और दुरुपयोग करने वाले लोगों के खिलाफ कड़े कदम उठाए। मैं सरकार से यह प्रार्थना करता हूँ कि वह मजदूरों को सुरक्षा प्रदान करे और उन्हें जीवन बीमा की सुविधा का लाभ प्रदान करें।

(समाप्त)

SHRI D. RAJA (WEST BENGAL): Sir, I associate.

(Ends)

**FIRING AT FARMERS IN
SRIKAKULAM DISTRICT, ANDHRA PRADESH**

SHRI V. HANUMANTHA RAO (ANDHRA PRADESH): Mr. Deputy Chairman, Sir, this is a very serious incident that occurred in Andhra Pradesh at Srikakulam district. Two farmers were fired at by the policemen and they died. The East Coast Energy Pvt. Ltd. wants to start a power project in Kakarapalli. But local farmers and also fishermen do not want any power project there. Moreover, a bird sanctuary is also there in that area where birds from different countries come.

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Even the fishermen do not want the power project. It is a big issue, Sir. All the farmers are fighting unitedly and the police is firing at them. This is a very serious issue. I request Mr. Jairam Ramesh, who is our Environment and Forests Minister and who is doing a lot of service to the nation, to take necessary action to stop this. Here is a bird sanctuary in this area. Farmers and fishermen are opposing it, Sir.

(Contd. by ysr — 1E)

-SK/YSR-GS/12.15/1E

SHRI V. HANUMANTHA RAO (CONTD.): The problem of pollution is also there. My request is that this should be cancelled immediately. (Interruptions) It is necessary. Big people are purchasing land. The Government is saying that we need to increase agricultural production. The Agriculture Minister is also there. But land is being given for Special Economic Zone. A lot of big people are enjoying. This is my request.

(Ends)

SHRI SYED AZEEZ PASHA: Sir, I also gave a notice for Zero Hour.

SHRI M.V. MYSURA REDDY: Sir, I..(Interruptions)..

MR. DEPUTY CHAIRMAN: You can associate yourself with it.

SHRI SYED AZEEZ PASHA (ANDHRA PRADESH): Sir, I associate myself with the mention made by the hon. Member.

SHRI M.V. MYSURA REDDY (ANDHRA PRADESH): Sir, I associate myself with the mention made by the hon. Member.

MR. DEPUTY CHAIRMAN: The Minister is responding.

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THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI JAIRAM RAMESH): This is most unfortunate and tragic. This is not the first time that violence has taken place in connection with this project. Earlier I had issued a show cause notice to this project saying that it was located in an area where it should not be located, namely, a wetland. I have assured the hon. Members of Parliament that if any violation had taken place, if no public hearing had been held, or if the public hearing was held in a manner that was not to the satisfaction of the local farming community, we will not hesitate to issue another show cause notice to stop work on this project. I have assured the hon. Members of Parliament that by the end of the day some action will be taken.

(Ends)

श्री रुद्रनारायण पाणि : सर, मैंने नोटिस दिया था। मेरा नोटिस कई दिन से पेंडिंग है। सर, पूरा उड़ीसा नक्सलियों की चपेट में आ गया है। सर, क्यों ऐसा भेदभाव किया जाता है ? सर, मैं बहुत sincere मैम्बर हूँ। मैं हमेशा हाउस में बैठता हूँ।

श्री उपसभापति : पाणि जी, आपकी sincerity पर किसी ने क्वेश्चन नहीं किया है ?

श्री रुद्रनारायण पाणि : सर, यह कम्पलीटली भेदभाव है।

श्री उपसभापति : नहीं, नहीं। आप... (व्यवधान)...

श्री रुद्रनारायण पाणि : सर, हमें वेल में जाकर बैठने के लिए बाध्य करते हैं।

श्री उपसभापति : देखिए। ..(व्यवधान)..

श्री रुद्रनारायण पाणि : सर, क्या मैं वेल में जाकर बैठ जाऊँ या गांधी जी की मूर्ति के पास बैठ जाऊँ ?

श्री उपसभापति : आप इसके ऊपर स्पेशल मेशन लिखकर दीजिए। ..(व्यवधान)..

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श्री रुद्रनारायण पाणि : सर, उड़ीसा के 20 जिले नक्सलियों की चपेट में आ गये हैं। सर, कल आपको मेरे लिए शोक सभा करनी पड़ेगी। सर, मैं आपसे गंभीरता से कहता हूँ।

श्री उपसभापति : आप स्पेशल मेशन लिखकर दीजिए। ..(व्यवधान)..

श्री रुद्रनारायण पाणि : सर, यह घोर भेदभाव हुआ है। सर, घोर अन्याय किया जा रहा है।

श्री उपसभापति : आप बैठ जाइए। ..(व्यवधान)..

श्री रुद्रनारायण पाणि : सर, उड़ीसा में नक्सलियों का बहुत बोलबाला हो गया है।

श्री उपसभापति : आप नोटिस दीजिए। आप स्पेशल मेशन के लिए नोटिस दीजिए। ..(व्यवधान)..

श्री रुद्रनारायण पाणि : सर, मैंने नोटिस दिया है। सर, मैं चार दिन से नोटिस दे रहा हूँ। सर, मैं चार दिन से नोटिस देता आ रहा हूँ।

(समाप्त)

SPECIAL MENTIONS

CONCERN OVER GENDER DISCRIMINATION AGAINST WOMEN

DR. GYAN PRAKASH PILANIA (RAJASTHAN): Sir, according to World Economic Forum's 'Global Gender Gap Report 2010,' out of 134 countries, India stands at 112, while Bangladesh is better off at 82. The latest UNDP Human Development Report 2010 also indicates that India is down on the gender front. On the issue of maternal mortality, a sure indicator of the status of women in any setting, 454 women per 100,000 die during childbirth in India. Odious though the comparison is, it is 45 in China, 58 in Sri Lanka. Though there are many laws to prevent early marriages, the maximum number of underage marriages take place in India. Far from decreasing in incidence, 'dowry' has increased affecting

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communities where it was not a tradition. Newer forms of violence against women, disguised as tradition, like the khap panchayat verdicts, have sprung up.

Education at the secondary and higher level is only 27 per cent for women as compared to 50 per cent for men. We have always believed that the problem of inequity would ease with education. But education without other sorts of empowerment, like that of housing and property ownership, still leaves women vulnerable to all sorts of outrages from honour killings to domestic violence, sexual harassment, female infanticide and foeticide, to mention but a few of the horrors.

(Contd. by VKK/1F)

AKG-VKK/1F/12.20

DR. GYAN PRAKASH PILANIA (CONTD.): It is telling that in the last agricultural census, of 120 million land owners, only 12 million were women. Wife-beating is also widely prevalent. It is an irony that 61 per cent of women justified it.

In view of the above gender gap scenario and discrimination against women, I would urge the hon. Minister for Women and Child Development, to take steps for empowerment of women. (Ends)

SHRIMATI MAYA SINGH (MADHYA PRADESH): Sir, I associate myself with the Special Mention made by Dr. Gyan Prakash Pilania.

SHRIMATI BRINDA KARAT (WEST BENGAL): Sir, I also associate myself with the Special Mention made by Dr. Gyan Prakash Pilania.

SHRIMATI BIMLA KASHYAP SOOD (HIMACHAL PRADESH): Sir, I also associate myself with the Special Mention made by Dr. Gyan Prakash Pilania.

(Ends)

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DEMAND TO IMPLEMENT 27 PER CENT RESERVATION IN GOVERNMENT
JOBS FOR OBCs THROUGHOUT THE COUNTRY

श्री नरेन्द्र कुमार कश्यप (उत्तर प्रदेश) : महोदय, संविधान के अनुच्छेद 340 के तहत 1979 में गठित मंडल आयोग ने 1980 में अपनी रिपोर्ट प्रस्तुत की, जिसके अनुसार राष्ट्रपति के आदेश द्वारा भारत सरकार ने सामाजिक और आर्थिक रूप से पिछड़े वर्गों के लिए केन्द्र सरकार की नौकरियों में 27 प्रतिशत आरक्षण प्रदान करने का आदेश जारी किया और इन वर्गों की सूची में कम शामिल करने या अधिक शामिल करने या नहीं शामिल करने की शिकायतों के लिए राष्ट्रीय पिछड़ा वर्ग आयोग अधिनियम अप्रैल 1993 में अधिनियमित हुआ। जनवरी 2006 में संविधान के अनुच्छेद 15 के संशोधन और जनवरी 2007 में केन्द्रीय शैक्षिक संस्थान अधिनियम के अधिनियमन के साथ केन्द्र सरकार द्वारा पिछड़े वर्गों की सूचीबद्धता केन्द्रीय शैक्षिक संस्थानों में भी प्रवेश हेतु संगत हो गई है। उत्तर प्रदेश सहित कुछ प्रदेशों में मंडल आयोग की सिफारिश के आधार पर पिछड़ों को नौकरियों एवं पंचायत चुनाव में सिफारिश के आधार पर आरक्षण का लाभ मिला। परंतु अभी भी कई प्रदेशों व केन्द्र शासित प्रदेशों में 27 प्रतिशत आरक्षण की बात तो छोड़िए, इन प्रदेशों में अभी तक पिछड़ी जातियों की पहचान भी नहीं की गई है, जैसे अरुणाचल प्रदेश, गोवा, मिजोरम, मेघालय, झारखंड व लक्षद्वीप आदि। खेद का विषय है कि मंडल कमीशन की रिपोर्ट लागू हुए करीब दो दशक बीत चुके हैं, परंतु उपरोक्त प्रांतों के पिछड़े वर्ग के लोगों को आरक्षण प्रक्रिया का लाभ अभी तक नहीं मिल पा रहा है। आपके माध्यम से मेरा सरकार से अनुरोध है कि इस संबंध में सरकार एक ठोस नीति बना कर उचित कार्रवाई करे, जिससे सभी राज्यों में समान रूप से पिछड़े वर्ग के लोगों को इसका लाभ मिल सके।

अतः मैं सरकार से अनुरोध करता हूँ कि वह उत्तर प्रदेश की तरह देश के सभी राज्यों व केन्द्र शासित राज्यों में 27 प्रतिशत आरक्षण का लाभ दिलाना सुनिश्चित करे।

(समाप्त)

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CONCERN OVER AWARDING CONTRACTS OF CONSTRUCTION WORKS OF
ROADS IN BORDER AREAS TO THE CHINESE COMPANIES

श्रीमती बिमला कश्यप सूद (हिमाचल प्रदेश) : उपसभापति महोदय, जो सीमा के साथ लगते प्रदेश हैं, उनमें सड़कें बनाने का काम चीन की कंपनियों को क्यों दिया जाता है, मेरा भारत सरकार से यह प्रश्न है। ये सड़कें वर्ल्ड बैंक के पैसे से बनती हैं, परंतु इनका contract केन्द्र सरकार देती है। मैं पूछना चाहती हूँ कि क्या भारत में ऐसी कोई कंपनी नहीं है, जो भारत में, विशेषकर सीमा के साथ लगते प्रदेशों में सड़कें बना सके। उपसभापति महोदय, मैं हिमाचल प्रदेश से हूँ। हिमाचल प्रदेश में जिला शिमला से लेकर रोहडू और उससे आगे की सड़क का काम और पंजाब में भी उना से अम्ब तक की सड़क बनाने का काम चीन की कंपनी को दिया गया है, जो समय सीमा बीतने के बाद भी पूरी नहीं हुई हैं। हिमाचल प्रदेश की अर्थव्यवस्था सेब की फसल पर काफी हद तक निर्भर करती है, परंतु सड़कों की हालत इतनी खराब है कि करोड़ों का सेब समय पर मंडी नहीं पहुँच पाता और इससे दुर्घटनाएँ भी अधिक होती हैं। मैं तो हिमाचल प्रदेश को लेकर ही चिंतित थी, परंतु मुझे सदन में ही पता चला कि अरुणाचल प्रदेश की सड़कें बनाने का काम भी चीन की कंपनी को दिया गया है।

महोदय, मैं सरकार से जानना चाहती हूँ कि जो सीमाएँ चीन से लगती हैं, उनकी सड़कें बनाने का कार्य चीन की कंपनियों को किस पद्धति और विधान के अन्तर्गत दिया जा रहा है तथा ऐसी कितनी कंपनियों को कुल कितनी राशि के सड़क निर्माण ठेके दिए गए हैं और कहाँ-कहाँ दिए गए हैं?

(समाप्त)

श्री श्रीगोपाल व्यास (छत्तीसगढ़) : महोदय, मैं स्वयं को इस विशेष उल्लेख के साथ सम्बद्ध करता हूँ।

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श्री तरुण विजय (उत्तराखंड) : महोदय, मैं भी स्वयं को इस विशेष उल्लेख के साथ सम्बद्ध करता हूँ।

श्री अनिल माधव दवे (मध्य प्रदेश) : महोदय, मैं भी स्वयं को इस विशेष उल्लेख के साथ सम्बद्ध करता हूँ।

श्री रघुनन्दन शर्मा (मध्य प्रदेश) : महोदय, मैं भी स्वयं को इस विशेष उल्लेख के साथ सम्बद्ध करता हूँ।

श्री नंद कुमार साय (छत्तीसगढ़) : महोदय, मैं भी स्वयं को इस विशेष उल्लेख के साथ सम्बद्ध करता हूँ।

(समाप्त)

(1जी/एससीएच पर आगे)

SCH-RSS/12.25/1G

**DEMAND TO TAKE ACTION TO CHECK THE FILING OF FAKE FIRS AND
GIVING FALSE WITNESS IN THE COURTS**

श्री गंगा चरण (उत्तर प्रदेश): उपसभापति जी, मैं सरकार का ध्यान फर्जी एफ.आई.आर. एवं असत्य गवाही पर रोक लगाने के लिए आकृष्ट कर रहा हूँ। आज प्रभावशाली लोग फर्जी एफ.आई.आर., असत्य जांच और गवाही के आधार पर अपने विरोधियों व कमजोर तबकों को दबाने का काम करते हैं। अदालतें भी ऐसी गवाही को आधार मान कर बेकसूर लोगों को सजा कर देती हैं। आज कितने बेगुनाह लोग जेलों में सजा काट रहे हैं। मैं सरकार से मांग करता हूँ कि जांच एजेंसियों को निष्पक्ष व पारदर्शी बनाया जाए तथा न्यायपालिका का भी जो अंधा कानून है, उसे दृष्टिगोचर बनाया जाए। जजों के पास भी एक ऐसी जांच एजेंसी या खुफिया विभाग होना चाहिए, जो न्यायपालिका के अधीन कार्य करे, जिसके आधार पर न्यायपालिका सही जांच करवा कर सही निर्णय दे सके। झूठी गवाही एवं झूठी एफ.आई.आर. करने वालों के

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विरुद्ध भी सख्त कार्यवाही करने का प्रावधान होना चाहिए, जिससे लोगों के उत्पीड़न पर रोक लगाई जा सके।

(समाप्त)

SHRI BALBIR PUNJ (ORISSA): Sir, I associate myself with the Special Mention made by the hon. Member.

श्री अनिल माधव दवे (मध्य प्रदेश): महोदय, मैं भी इनके उक्त विशेष उल्लेख का समर्थन करता हूँ।

श्री तरुण विजय (उत्तराखंड): सर, मैं इनके विशेष उल्लेख का समर्थन करता हूँ।

(समाप्त)

**DEMAND TO IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE
G.R.MAJITHIA WAGE BOARD**

PROF. P.J. KURIEN (KERALA): Mr. Deputy Chairman, Sir, thank you for permitting me to raise my Special Mention. The Journalists and Newspaper employees have been demanding wage revision in the newspaper industry. The UPA Government, appreciating their genuine grievances, appointed the Justice G.R. Majithia Wage Boards for Journalists and Non-Journalist Employees in Newspapers and News Agencies, to look into their concerns. Accordingly, the Justice G.R. Majithia Wage Boards have submitted its report to the Government on 31.12.2010, for consideration and implementation.

In view of the fact that the Fourth Estate is the pillar of democracy, addressing the aspirations and genuine concerns of the journalists and employees, working in this key industry, is the priority of the Government.

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While the said report contains many positive recommendations for the newspaper industry, the representative unions of the journalists and employees have suggested a few modifications and changes pertaining to Classification of Newspapers, anomalies in the pay scales and Variable Pay, Other allowances etc., proposed by the Wage Board.

It is, therefore, requested that the Government may take urgent steps to implement the report of the Justice G.R. Majithia Wage Boards for wage revision in the newspaper industry at the earliest possible, retrospectively from the admissible date, after duly considering the suggestions and modifications received from the representative bodies of the journalists/employees. Thank you.

(Ends)

SHRI BALBIR PUNJ (ORISSA): Sir, I associate myself with the Special Mention made by the hon. Member.

SHRI P. RAJEEVE (KERALA): Sir, I also associate myself with the Special Mention made by the hon. Member.

SHRI K.N. BALAGOPAL (KERALA): Sir, I also associate myself with the Special Mention made by the hon. Member.

(Ends)

**DEMAND TO TAKE IMMEDIATE STEPS TO SET UP THE INSTITUTION OF
LOKPAL IN THE COUNTRY**

श्री शिवानन्द तिवारी (बिहार): महोदय, देश के ख्यातिप्राप्त सामाजिक कार्यकर्ता श्री अन्ना हजारे 5 अप्रैल से अनिश्चितकालीन उपवास करने जा रहे हैं। देश में व्याप्त भ्रष्टाचार के संदर्भ

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में उनकी मांग है कि लोकपाल नामक संस्था का गठन किया जाए। यह संस्था प्रधानमंत्री सहित तमाम लोकसेवकों के विरुद्ध भ्रष्टाचार के आरोपों की जांच के लिए अधिकृत हो।

आजादी पूर्व 1937 में बनी पहली सरकार के विरुद्ध भ्रष्टाचार के आरोप लगे थे। भ्रष्टाचार की उन गंभीर शिकायतों को सुनकर महात्मा गांधी ने कहा था, “I will go to the length of giving the whole congress a decent burial rather than put up with corruption that is rampant”

आजादी के बाद कश्मीर पर पाकिस्तान के आक्रमण के समय जीप की खरीद मामले में स्कैंडल हुआ था। 1956-57 में भारतीय जीवन बीमा निगम द्वारा मुधड़ा शेयर घोटाला हुआ था और तत्कालीन वित्त मंत्री को इस्तीफा देना पड़ा था। इस प्रकार प्रारम्भ से लोकपाल जैसी संस्था की जरूरत महसूस की जा रही थी। सन् 1962 में तत्कालीन गृह मंत्री लाल बहादुर शास्त्री जी की पहल पर गठित संथानम समिति ने भी इसके लिए अनुशंसा की थी। संसद में भी एक से अधिक बार इसके गठन का प्रस्ताव पेश किया जा चुका है।

उपरोक्त तथा आज के मौजूदा संदर्भ में देश की जनता के मन में भरोसा पैदा करने के लिए लोकपाल नामक संस्था के गठन की गंभीर जरूरत महसूस की जा रही है। सरकार इस दिशा में तत्काल कदम उठाये, मैं इसकी मांग करता हूँ। (समाप्त)

SHRI N.K. SINGH (Bihar): Sir, I associate myself with the Special Mention made by the hon. Member.

श्री रुद्रनारायण पाणि (उड़ीसा): सर, मैं भी इनके इस विशेष उल्लेख का समर्थन करता हूँ।

श्री श्रीगोपाल व्यास (छत्तीसगढ़): सर, मैं इनके विशेष उल्लेख का समर्थन करता हूँ।

श्री तरुण विजय (उत्तराखंड): सर, मैं इनके उक्त विशेष उल्लेख का समर्थन करता हूँ।

श्री आर.सी.सिंह (पश्चिमी बंगाल): सर, मैं भी इनके विशेष उल्लेख का समर्थन करता हूँ।

(समाप्त)

1h-psv पर आगे

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MKS-PSV/12.30/1H

**DEMAND FOR GIVING ADEQUATE COMPENSATION TO LAND PROVIDERS
BY NEYVELI LIGNITE CORPORATION**

SHRI A. ELAVARASAN (TAMIL NADU): Sir, I would like to bring to the notice of the House the long-pending issue of compensation, from Neyveli Lignite Corporation, for those who provided land to NLC five decades before. Thousands of acres of land from farmers were acquired for this project and the farmers, after the acquisition, were left unnoticed, without giving sufficient compensation or arranging any other cultivable lands for them. Resultantly, a number of individual farmers who lost their lands do not have any other source of income whereas the NLC has been running successfully over the last five decades and generating a good income for the Government. The families of land providers are still struggling for their life, without any compensation or with a meagre compensation. For example, the NLC had acquired 2,572 acres, in Perumathur, during 1956-1960, on a meagre compensation, ranging from Rs.125/- to Rs.140/- per acre. Despite many appeals, the people of some villages like Perumathur, in these areas, were not provided with alternate land for cultivation and sites for house construction. Now, the Government is planning to bring necessary amendments in the existing Minerals Act to enable the land providers and the people who got displaced from their habitation to get a considerable share as compensation from the profit of those public sector mineral companies which acquired lands. Likewise, I urge the Government, Sir, through this august House, to take initiatives to provide adequate compensation for the land providers of NLC as well as consider the profit-sharing system, so that the life of land providers could be saved. Thank you, Sir.

(Ends)

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MR. DEPUTY CHAIRMAN: Thank you. Now, Shrimati Brinda Karat.

**DEMAND FOR REGULARIZING CASUAL LABOURERS,
PAYING ELIGIBLE WAGES AND TAKING SOCIAL SECURITY MEASURES IN
BSNL**

SHRIMATI BRINDA KARAT (WEST BENGAL): Sir, as per the assurance given at the time of corporatisation of DoT to BSNL in 2000, an assurance was given that all casual labourers would be regularized who fulfil the required conditions. While some were regularized, there are about 3,500 casual labourers who, although being eligible, have not been regularized for various reasons, the responsibility of which lies with the administration. Even though many Government Departments have regularized the casual workers, BSNL has refused to do so.

At the same time, about one lakh contract workers are engaged in BSNL for various works, including line/cable work, office work etc., but neither any lists of contract workers are maintained nor are eligible wages paid. Contract workers are eligible to get wages on the basis of the minimum wages paid to a specific category in which they work. But the contract workers, in most places, are getting only Rs.1,500/- to Rs.3,000/- while they are eligible for getting, at least, Rs.5,000/- to Rs.6,000/- or above. Social security measures like provident fund, insurance etc. are not being given. The Government must ensure that the BSNL management regularizes all casual workers who are left out, and also ensure that the contract workers are given the benefits they are eligible for so that this greatest exploitation can end. Thank you, Sir.

(Ends)

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MR. DEPUTY CHAIRMAN: Thank you. Now, Shri Vijay Darda.
...(Interruptions)...

SHRI RUDRA NARAYAN PANY (ORISSA): Sir, I associate myself with the Special Mention made by Shrimati Brinda Karat.

SHRI P. RAJEEVE (KERALA): Sir, I associate myself with the Special Mention made by Shrimati Brinda Karat.

SHRI K. N. BALAGOPAL: Sir, I also associate myself with the Special Mention made by Shrimati Karat.

SHRI TARUN VIJAY (UTTARAKHAND): Sir, I associate myself with her Special Mention.

MR. DEPUTY CHAIRMAN: Yes, yes. ...(Interruptions)...

SHRI TAPAN KUMAR SEN (WEST BENGAL): Sir, I will just take one minute.....

MR. DEPUTY CHAIRMAN: No, no. Nothing will go on record.
...(Interruptions)...

SHRI TAPAN KUMAR SEN: *

MR. DEPUTY CHAIRMAN: Nothing will go on record. ...(Interruptions)...

SHRI TAPAN KUMAR SEN: *

MR. DEPUTY CHAIRMAN: There is no provision.

SHRI TAPAN KUMAR SEN: *

MR. DEPUTY CHAIRMAN: There is no provision. Nothing will go on record.
...(Interruptions)... Why are you saying? ...(Interruptions)...

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SHRI TAPAN KUMAR SEN: *

MR. DEPUTY CHAIRMAN: No, please.

SHRI TAPAN KUMAR SEN: *

MR. DEPUTY CHAIRMAN: She has explained. ...(Interruptions)...

SHRI TAPAN KUMAR SEN: *

MR. DEPUTY CHAIRMAN: You associate. ...(Interruptions)... Nothing will go on record. ...(Interruptions)...

SHRI TAPAN KUMAR SEN: *

MR. DEPUTY CHAIRMAN: Shri Vijay Darda. He is not here. Shri Prabhat Jha. He is also not here. Shri T.K. Rangarajan. He is also not here. Shri S.S. Ahluwalia.

(Followed by TMV/1J)

-MKS-TMV-DS/1J/12.35

**DEMAND FOR ENTRUSTING EXPLORATION AND EXTRACTION
OF SHALE GAS IN DAMODAR BASIN IN DURGAPUR
TO PUBLIC SECTOR COMPANIES**

SHRI S. S. AHLUWALIA (JHARKHAND): Sir, I feel happy to draw the attention of the august House to a newspaper report suggesting that exploration by ONGC has led to discovery of Asia's first shale gas pool in the Damodar Basin, Durgapur, West Bengal. Exploration of shale gas, as an inexpensive pollution-free alternative source of energy, has assumed unprecedented importance across the

* Not recorded.

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globe due to its potential to strengthen energy security and arrest environmental degradation. Although it has been reassuring to note the emphasis being laid on shale gas by Government -- not only hon. Prime Minister mentioned about it in his speech in Assam last week but the Rashtrapatiji also mentioned about the same in her Address -- concerns about the benefits of exploration reaching to people remain.

The nature has gifted India with precious resources in abundance, but the benefits of their harnessing have failed to percolate down to people as commercial interests of private business have often managed to prevail in reaping the harvest.

Since shale gas has emerged to be an invaluable source of energy and its exploration results are indicative of a huge potential, it is incumbent upon the Government to entrust the premier institutions like the ONGC with the task of its exploration and developing indigenous technology for harvesting it in the national interest instead of doling out the same to private companies.

It must not be allowed to go in the same way as the gas exploration in the Krishna-Godavari Basin has. That is our concern. Thank you.

(Ends)

MR. DEPUTY CHAIRMAN: Smt. Kanimozhi. Not present. Shri Brijlal Khabri. Not present. Shri Syed Azeez Pasha.

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CONCERN OVER DIFFERENT VERSIONS ON INFLATION
BEING GIVEN BY GOVERNMENT AGENCIES LEADING
TO CONFUSION AMONG PEOPLE IN THE COUNTRY

SHRI SYED AZEEZ PASHA (ANDHRA PRADESH): Mr. Deputy Chairman, Sir, the country has been experiencing inflation for nearly three years. This has caused enormous stress on the common man. It has never been made clear whether this inflation is by design or something that the Government can't control. One of the consequences of this confusion is that the people expect inflation to go up further and this itself causes more inflation and nervousness. For the last three years, responsible Ministers, officers and heads of agencies have been giving different signals and statements leading to great misery.

The Finance Minister is rightly the one to give an authorised view on inflation. He has been giving statements on inflation and expectations of the Ministry. Then, the Chief Economic Advisor to Government has been giving his own version on inflation. This officer has created confusion as at one time it was stated that India had a "tolerable" level of inflation.

Then the Governor of the Reserve Bank of India says that the inflationary situation is serious and the RBI is putting together policies which will control inflation. Then immediately, in the same breath, the RBI issues a statement that the role of the RBI in inflation control is limited.

The Prime Minister has himself made reassuring statements. But his statements and figures were different from that of the other agencies.

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Then the Prime Minister's Economic Advisory Council made statements on inflation. The Planning Commission has also been giving frequent predictions on inflation. There has never been unanimity amongst these different voices causing great stress to the people.

The confusion must end by the Government speaking in one voice and not giving conflicting statements and creating grave anxieties on inflation, and giving an impression that the Government is not serious about controlling inflation.

Thank you.

(Ends)

SHRI ALI ANWAR ANSARI (BIHAR): Sir, I associate myself with the Special Mention made by Shri Syed Azeez Pasha.

SHRI RUDRA NARAYAN PANY (ORISSA): Sir, I also associate myself with the Special Mention made by Shri Syed Azeez Pasha.

(Ends)

(Followed by 1K/VK)

VK-NB/1K/11.40

**DEMAND TO COMMEMORATE BIRTHDAY OF NETAJI SUBHAS CHANDRA
BOSE AS 'DESH PREM DIVAS'**

DR. BARUN MUKHERJI (WEST BENGAL): Mr. Deputy Chairman, Sir, with reference to my Special Mention on 17th December, 2008, regarding my request to declare Netaji Subhas Chandra Bose's birthday, 23rd January, as 'Desh Prem Divas' and the Union Minister, Shri V. Narayanasamy's reply to that on behalf of the Ministry of Culture on 16th March, 2010, I am sorry to note how the hon.

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Minister has unfortunately generalized Netaji Subhas Chandra Bose's patriotism and sacrifice and has, therefore, disagreed to my request. We may once more recall that Gandhiji himself hailed Netaji as a 'patriot of patriots'. I never undermine sacrifices of millions of freedom fighters. But Netaji's name arises only as a 'symbol' to inculcate the spirit of patriotism among the young generation, particularly when that much needed noble spirit is lacking at the moment. 'Children's Day', 'Teacher's Day', 'Education Day' and others have been symbolically attributed to some of our national heroes. The question of 'relative assessment' for their eligibility has never been raised in such cases. Similarly, nobody objects to a National Holiday on Gandhiji's birthday. Then why should the request for 'Desh Prem Divas' associating Netaji Subhas be subjected to 'relative assessment'? Hon. Minister's reply showing reluctance to pay due homage and recognition to Netaji's patriotism and not agreeing to my request, has indeed hurt the sentiment of the whole nation. It appears unfortunate if the people are thus misled on such a sensitive issue.

I hope the Ministry of Culture would once more review its stand at this stage with an open mind and declare Netaji's birthday as 'Desh Prem Divas'. My special appeal is also to hon. Prime Minister to reconsider the matter to satisfy the long cherished desire and aspiration of millions of our countrymen. Thank you.

(Ends)

SHRI JABIR HUSAIN (BIHAR): Sir, I associate myself with this issue.

श्री रुद्रनारायण पाणि (उड़ीसा) : मैं अपने को इस विशेष उल्लेख के साथ सम्बद्ध करता हूँ।

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SHRI TARUN VIJAY (UTTARAKHAND): Sir, I also associate myself with this issue.

MR. DEPUTY CHAIRMAN: Yes, all of them are associating themselves.

श्री नंद कुमार साय (छत्तीसगढ़) : मैं अपने को इस विशेष उल्लेख के साथ सम्बद्ध करता हूँ।

श्री अनिल माधव दवे (मध्य प्रदेश) : मैं अपने को इस विशेष उल्लेख के साथ सम्बद्ध करता हूँ।

(समाप्त)

PURCHASE OF FAULTY HELICOPTERS BY INDIAN NAVY

SHRI TARUN VIJAY (UTTARAKHAND): Mr. Deputy Chairman, Sir, the Navy had acquired six decommissioned UH3H helicopters under the Foreign Military Supply (FMS) programme of the United States in November, 2006, along with training and support facilities at an approximate cost of Rs. 182.14 crore.

The latest CAG report stated that the procurement 'would ultimately compromise operational effectiveness' of the Force. The 35-40 years old helicopters 'were on the verge of completing their air frame life and are on extended life'. It is reported that the defects detected in the helicopters also included defects of Category A 12 resulting in non-availability of the helicopters leading to delay in training and operationalisation of the squadron.

I demand, Sir, that the Defence Ministry should disclose the names of Ministers and officials, who had given the go-ahead for the procurement of these 'phased out' helicopters from the United States and appropriate action be taken for jeopardizing precious lives of Naval soldiers and putting national security at risk. Thank you.

(Ends)

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श्री श्रीगोपाल व्यास (छत्तीसगढ़) : मैं अपने को इस विशेष उल्लेख के साथ सम्बद्ध करता हूँ।

SHRI BALBIR PUNJ: Sir, this is a very serious matter.

MR. DEPUTY CHAIRMAN: That is why we have allowed him. (Interruptions).

You will get the reply. The House is adjourned for lunch till 2 p.m.

**The House then adjourned for lunch at
forty-four minutes past twelve of the clock.**

RG/2.00/1L

**The House re-assembled after lunch at two of the clock,
MR. DEPUTY CHAIRMAN in the Chair.**

MOTION FOR APPOINTMENT OF A JOINT COMMITTEE

**THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL):** I move the following Motion:—

“That this House concurs in the recommendations of Lok Sabha that Joint Committee of the Houses consisting of 30 Members, 20 from Lok Sabha and 10 from Rajya Sabha, be constituted:—

(i) to examine policy prescriptions and their interpretation thereafter by successive Governments, including decisions of the Union Cabinet

and the consequences thereof, in the allocation and pricing of telecom

licences and spectrum from 1998 to 2009;

(ii) to examine irregularities and aberrations, if any, and the consequences thereof in the implementation of Government decisions and policy prescriptions from 1998 to 2009; and

(iii) to make recommendations to ensure formulation of appropriate procedures for implementation of laid down policy in the allocation

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and pricing of telecom licences; as made in the Motion adopted by Lok Sabha on the 24th February, 2011 and communicated to this House on the 25th February, 2011 and resolves that this House do join in the said Committee and do appoint the following 10 Members from among the Members of this House to serve on the said Committee:—

- (1) Prof. P.J. Kurien
- (2) Shrimati Jayanthi Natarajan
- (3) Shri Praveen Rashtrapal
- (4) Shri Tiruchi Siva
- (5) Dr. Yogendra P. Trivedi
- (6) Shri S.S. Ahluwalia
- (7) Shri Ravi Shankar Prasad
- (8) Shri Ramchandra Prasad Singh
- (9) Shri Satish Chandra Misra
- (10) Shri Sitaram Yechury."

Sir, I am very happy to move this Motion because, at last, we have been able to create an environment in which the normal functioning of the Houses resumed. Sir, we had thought, originally, when the Government took swift action, pursuant to the revelations in the media and the demand of the Opposition, that a Minister of this Government resigned way back on the 14th of November, much before the Report of the CAG was placed in this House on the 16th November. Of course, these events were preceded by the content of the Report coming into the public domain, and on the basis of that, proceedings being undertaken in the Supreme Court pursuant to a Public Interest Litigation, the observations of the Court in relation to that, and a sense of rage that we felt was in the public mind. In the context of all these things, the fact was that the Government never got an

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opportunity, at any point in time, to respond to these, because while the matter was being publicly debated, initially, the Government did not have a copy of the Report.

(Continued by 1M)

1m/2.05/ks

SHRI KAPIL SIBAL (contd.): By the time the report was placed in the House, the House was not allowed to function. And so, at no point in time the Government got a chance to really respond to the audit objections of the C&AG. And when the Government tried hard to do it, that, of course, was met with resistance. In the meantime, as you know, in accordance with procedure, after the Report is placed under the instructions of the President in the House, the Report is, then, sent to the PAC and the PAC, also commences its sittings. Now, we thought that there should be a point in time when the Government should be able to respond because everything was already in the public domain. So, I am very happy that, ultimately, we are in a position where the matter is going to a Joint Parliamentary Committee and that all the issues will be looked into threadbare. We, of course, thought that Parliament is the best forum for a debate and we were wanting that debate to take place.

In fact, I was reminded of the fact that when some years ago, way back in 2001, pursuant to another episode that happened where some wrong-doing was shown to the public through the media, my good friend, now the Leader of the Opposition, when we tried to obstruct the House, made the following statement, and I think a very wise statement. He had at that time said, “Disturbances are

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totally unacceptable” — and rightly so, disturbances in the House are totally unacceptable — “and they are no substitute for discussion” — absolutely right; this is exactly what we had wanted. He also said, “If there are any lapses, these should be corrected — absolutely right; and -- “If deliberate lapses are there, those responsible should be held responsible” -- I entirely agree with him -- “If there are no lapses, no doubt should be allowed to stay. Normally a discussion on the CAG report is undertaken after the PAC report, but if there are any doubts, we are willing for a discussion in Parliament”.

This is exactly the sentiment that Mr. Jaitley, my good friend, had expressed way back in 2001. It is exactly the sentiment that we expressed but, unfortunately, it was not accepted and for reasons that are quite obvious. But, anyway, this is a matter of the past because I think, as a nation, we have to move forward and so, we intend to move forward.

But, having said that, Sir, I must also explain why the Motion refers to the period from 1998 to 2009. That is important because this whole policy *quay* Spectrum started way back when in 1994, after the spectrum had been auctioned, or, the licenses had been auctioned, the companies got into great difficulty and because the companies got into great difficulty, when the NDA Government came to power, they decided to allow the companies to move to a revenue-sharing arrangement. Of course, at that point in time, the CAG report of 2000 made some very, very negative remarks and I do not want to go into this because that is a matter of merits. Very, very negative remarks were made on how the whole process of migration had taken place to the revenue sharing arrangement. I want

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to go into that because that is something that is what the JPC will ultimately look at.

Now, I just want to make one point clear because, I think, that is not known to the public at large. At no point in time, after the revenue-sharing arrangement was agreed to, that is, way back from 2001 to 2009, has spectrum ever been priced. No company ever paid for spectrum right from 2001 to 2009. That is a fact that the people should know.

(Contd. on 1n/kgg)

kgg/1n/2.10

SHRI KAPIL SIBAL (contd.): The people of India should also know three other facts. That is, way back in November, 2001, without any recommendation of TRAI and without the Telecom Commission, an order was passed by the then Government that spectrum should be allotted with the licence at 4.4 MHz. In January, 2002, the then Government have increased the allocation of spectrum from 4.4 MHz to 6.2 MHz without any recommendation of TRAI, without the Telecom Commission. Then in September, 2003, pursuant to the recommendations of the Lalwani Committee again, this limit was increased to 10 MHz without TRAI recommendation, without Telecom Commission. Then, Sir, we know the story. A decision took place by the Cabinet on October 31, 2003; that decision of course is now the subject matter not only of the findings of CAG but also the one man committee. Sir, I might say that of late I have been hearing, pursuant to the recommendations of the one man committee, an erstwhile Member of Parliament making rather unsavoury remarks about a very

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distinguished judge of the Supreme Court; he went on to the extent by saying that this report is fabricated and that signatures have been bought. I do not think that this kind of statements should be made in the public domain to bring down the integrity of judges who forsake their other work and commit themselves to bring facts before the public. But, let me just say one thing that nothing said in the one man committee is inconsistent with what the CAG has commented.

In fact, Sir, I might say; and I refer to the present CAG report; I am reading paragraph 3.1.7. The present CAG report is now the subject matter of the PAC and will also be discussed in the JPC. Let me just read out what the present CAG report says: “The DOT’s action of applying the rates approved for the existing operators for migrating to UAS regime to new applicants also by relying on the clarifications of the Chairman, TRAI, in his individual capacity, was inconsistent with the recommendations of TRAI-2003 and went beyond the authority given by the Cabinet. It also violated all canons of financial propriety.” This is not 2007 nor 2008; this is talking about 2003. “The DOT had to resort to formal clarifications from TRAI before concluding that new applications would also be at the entry fee of price determined by the four cellular mobile service providers in 2001 as against TRAI’s recommendation of introducing new operators in the existing regime through a multi-stage bidding process. Elimination of the bidding process...” This is important, Sir. “Elimination of the bidding process without delinking licensing for spectrum was not intended by TRAI. What the CAG has said that everything done from 2003-onwards was completely wrong.” This is the present CAG. This is exactly what the one-man committee has said. No more and no less. I just quote

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the one-man committee which reiterates what the CAG has said. I would not read the whole of it: “Formulation of procedure was thus contrary to the decision of the Union Cabinet dated 31.10.2003”--This is exactly what the CAG has said—“which approved recommendation of TRAI dated 27.10.2003. Before formulating certain procedure, recommendations of TRAI were not obtained and the matter was not placed before the Telecom Commission.”

Clearly, therefore, all that happened according to the CAG and according to the one-man committee was completely contrary to the Cabinet decision that everybody had to go through a multi-stage bidding process; the fact that the first-come-first-served policy was put in place. According to the CAG and the one-man committee, it was against the multi-stage bidding process.

(Contd. by tdb/1o)

TDB/10/2.15

SHRI KAPIL SIBAL (CONTD.): And, this is right from 2003 till 2009. Now, Sir, the point that I wish to make is, and this is not a matter of party politics; this is not a matter of scoring debating points, it is time for us that the nation looks at how policy should be formulated. Remember, the original policy of 1999 for migration to revenue-sharing was announced at a time when the Lok Sabha elections were to take place; there was no Parliament. There was no Parliament, and the policy was announced by the Caretaker Government. Now, I think, we need to apply our minds and say policy pronouncements of this magnitude which have far-reaching consequences should be done pursuant to a decision making process through consultations with all political parties and through the forum of Parliament. And,

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this is the point that I want to place today because it is time for us to move ahead, not the time for us to go back. And the policy, therefore, rightly or wrongly, that was enunciated by the then Government in 2003 was the policy that was sought to be followed by the UPA-I and UPA-II, and that is exactly what the Prime Minister said the other day that on the issue of policy, it was followed. It had some beneficial effects because ultimately what do we find? I mean, the tele-density way back in 2001 was 1.-odd per cent, but the tele-density in March, 2005 was only 8.95 per cent and the tele-density in December, 2010 was 66.16 per cent. So, clearly, in terms of the policy, it has had a beneficial effect because it increased tele-density to a great extent. I mean, 730 million mobile phones in India is a record. It is the fastest moving industry in the world today. It is the second largest industry in the world today. And, just before Shri Raja, the previous Minister implemented the policy, the tele-density at that point in time, I am talking about March, 2007, was only 18.72 per cent. So, between 2007 and 2010, it has come up to 66.16 per cent. There are three separate issues. On the issue of policy, the first-come, first-served, whether it was contrary to the Cabinet decision or not, served its purpose. It served the public purpose. The tariff for a phone call today or a mobile phone call today is 30 paise, and with greater competition, in fact, it is a great benefit to the consumer. To that extent, that is what the Prime Minister said that we support the policy. But, when it came to implementation, that is the real issue. It is because the One-man Committee has found, and the CAG has found, both of them together, that the process of implementation was, in fact, manipulated. Let me put it in clear terms, and that is

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why on the implementation part, this Government is looking at those issues very carefully, and action will be taken. As you know, the CBI is already investigating into the matter, and investigating whether or not any wrongdoing in the context of criminality or criminal culpability took place, and that matter will come to fruition ultimately when the CBI files its final report and the charge sheet. So, on the implementation and on the criminal culpability, this Government has clearly said that the law must take its course. If there is wrongdoing, the consequences must follow, and if there is any criminal culpability, nobody will be spared. But, on the issue of the policy, we certainly feel, and I want to reiterate this that the benefits that have come have come to the Government. Now, I know that in the course of this debate, the issue of my statement of zero loss will be the subject matter of the debate. So, I want to just straightaway clarify the issue because the transcript of my Press Conference is with me. I quoted it in the Lok Sabha; I will quote it here as well.

(Contd. by 1p-kls)

KLS/1P-2.20

SHRI KAPIL SIBAL (CONTD): "I analyse the calculations made by the CAG and I am not criticizing anybody, calculations made by the CAG, based on certain presumptions and what is the presumption that the CAG had made, he basically said, these licences should have been auctioned. He said 'that the 3G auctions took place in 2010 and since they should have been auctioned, I apply the principle of the auction amounts in 2010, apply them retrospectively and feel that the loss caused to the exchequer, the so called loss caused to the exchequer,

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ranges between 60 odd thousand crores and 176 odd thousand crores." He, the CAG, gave three formulas. I would not go into that. When we got this report and the Parliament was paralyzed and it was not functioning, naturally, we had to go to some other forum, otherwise, the public in India thought that the exchequer had been deprived of Rs.1,76,000 crores. So, we had to have an opportunity. The only way to do that since Parliament was not functioning and there was no other forum, it is for us to address a Press conference and we also make certain assumptions and on the basis of those assumptions by analyzing.-- the Deputy Chairman of this House knows very well what audit means, what it is and what a Chartered Accountant responsibility is, be that it may, we analysed it and we came to the conclusion that if you were to analyse this the so called loss could be reduced to a figure of Rs.17,000 odd crores. That is what we did. Now, in that context then a question was asked, "Do you think any loss has been caused?" This is what I said and you should note. What I said was that once there is a first-come-first-served policy, which is a policy, you cannot have an auction. Either you have a first-come-first-served policy or you have an auction. If there is a policy of first-come-first-served, there is no question of an auction. If there is no question of auction, there is no question of loss. So, the loss is nil. I did not say that if the spectrums were auctioned, it would not have fetched a price. I never said that. So, this is what I said. But, actually, the loss is nil, zero and I will tell you how. What was allocated was 4.4 MHZ to start up the spectrum for which there is no charge. In other words, 4.4 MHZ spectrum was always bundled with the licence and nobody had a charge right from 2003. There was no other charge

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for 4.4 MHz and 120 licensees got 4.4 MHz which was not at all charged. So, if it is bundled with the licence, it was never charged as a matter of policy, where is the question of loss? This is what I said. And I said that this charge was neither in 1999 nor 2001 nor 2003 nor 2005 nor 2007 nor 2010. TRAI recommended 2003 and 2005 twice. All throughout every TRAI recommendation says that it is right from 1999 and earlier. 4.4 MHz is start-up spectrum, you do not charge for it. Anybody who gets a licence, gets a start-up spectrum at 4.4 MHz and there is no value to be taken. This is what I said. I just wanted to clarify so that there are no doubts in the minds of hon. Members. I never said that if the spectrum were auctioned, it would fetch no price. Secondly, Sir, and this is a very serious issue. I have explained as to why the inquiry is going to take place, the JPC is going to look into matters from 1998 till 2009. But there is another very important issue because of the third aspect of the JPC. Incidentally, I just forgot to mention one fact. In between spectrum was given from time to time to various companies from 4.4 to 6.2 from 6.2 to 8 from 8 to 10 without any further TRAI recommendation. If you remember, Sir, on the 16th of May of 2004 the results of Lok Sabha were announced. And on the 6th of May, three licences were given to a particular entity. I do not want to name that entity. Three licences were given on the 6th of May by the Minister, 8 licences to one company, 6 licences to another company on 6th of May on three circles when the elections results were on 16th of May.

(Followed by 1Q/SSS)

SSS/1Q/2.25

SHRI KAPIL SIBAL (CONTD.): All that will be discussed in the JPC. So, the point, Sir, that I was making was, apart from the issue of what is right and what is wrong and whether licenses were given without charge or not, why no TRAI recommendation, why no Telecom Commission, all these are other issues. But, I think, there is a larger issue and the larger issue emerges from the third Term of Reference namely, the recommendations and formulations and appropriate procedures and I just want to place some facts before the distinguished Members of this House and these are, that it is not as if auctions or spectrum have been allocated for the first time in the world. In fact, the world has gone far beyond 2G. It is in 4G now and many of the auctions in 3G were taking place around the world and different countries were following different procedures. It is not that everybody went for an auction. For example, in Finland, 3G auction was free. On that ground, no Minister in Finland was sent to jail. You can't say it is a policy of giving spectrum free and the treasury has lost money and therefore, you should go to jail. For example, in Sweden, Sir, the price for 3G auction, if I remember correctly was somewhere around...

DR. V. MAITREYAN: Why did he go to jail?

MR. DEPUTY CHAIRMAN: You can speak when your turn comes.

SHRI KAPIL SIBAL: I will explain that. Since the hon. Member raised this issue, I will tell you why. It is because the process of implementation of the first-come first-served policy and the possibility of criminal culpability. That is the reason why he is being prosecuted.

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DR. V. MAITREYAN: That is why we asked for JPC.

SHRI KAPIL SIBAL: That is what we are doing.

MR. DEPUTY CHAIRMAN: Let the Minister speak whatever he wants to speak. How can you obstruct him?

SHRI KAPIL SIBAL: I was giving you examples. I said in Finland it was free. For example, in Sweden, the Swedish Government used a beauty contest format in which it charged a nominal fee of 11,020 dollars for each 3G licence.

SHRI P. RAJEEVE: What is the...

MR. DEPUTY CHAIRMAN: This is not correct. Let the Minister speak.

DR. V. MAITREYAN: He says nothing has happened. (Interruptions)

MR. DEPUTY CHAIRMAN: This is not correct. Interrupting the Minister is not correct. He has got every right to say what he wants to say. Why are you interrupting?

DR. MANOHAR JOSHI: He can speak for two hours.

MR. DEPUTY CHAIRMAN: That is up to the Minister.

SHRI KAPIL SIBAL: So, it was 11,000 dollars for a 3G license. In no way it was the same beauty contest. Why? Whereas, another country's auction has taken place. In the United States, auction took place. It had to be cancelled. People over bid it and the Government had to cancel the auction because nobody ruled out. The same thing happened in England, the same thing happened in Germany. So, I think, as a nation...

DR. V. MAITREYAN: Yesterday, he was willing to give.

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MR. DEPUTY CHAIRMAN: Dr. Maitreyan, he is not addressing you. The hon. Minister wants to place some facts before the House. How can you obstruct?

DR. V. MAITREYAN: He is misleading the House.

SHRI TIRUCHI SIVA: It is an inbuilt...

MR. DEPUTY CHAIRMAN: No, no, you need not say that now.

SHRI TIRUCHI SIVA: I should respond.

MR. DEPUTY CHAIRMAN: You should speak to me. Why are you responding?

SHRI KAPIL SIBAL: Mr. Deputy Chairman, Sir, this is not a contentious issue. What I am trying to say is, recommendations have to come from the JPC. The JPC should look because technology ultimately is an enabler. Technology is not an end in itself. The technology must enable the consumer to get a service at a reasonable price. That is what technology is all about. There is no point ensuring that technology is so expensive, that the consumer cannot afford it. So, the ultimate objective of technology is to reach the consumer who is going to use that technology at a price which is affordable and accessible. That is the point that has to be made. I think, this nation should look at issues of technology in this context.

(Contd. by NBR/1R)

-SSS/NBR-SCH/1R/2.30

SHRI KAPIL SIBAL (CONTD.): For example, when you talk about right to speech, which is a Fundamental Right in our country, I believe, the right to information inheres in the right to speech. In the absence of information, there can be no real right to freedom of speech. So, information provided through technology should

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be looked at differently than other benefits that are given in the context of mining activity or land, for example, because information is the heart of freedom of speech. So, I think, as a nation and in the House, we need to debate some of these issues.

I am glad that the JPC has been formed. I am very happy that the opposition is collaborating with us on this particular issue. I am very happy that the normal business of the House is resumed and, I am sure, as we move along, we will build consensus on many of these issues so that ultimately the benefit of all this reaches the consumer of our country.

With these words, I commend this Motion to the House.

(Ends)

The question was proposed

THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY): Sir, I rise to support the Motion moved by the hon. Minister of Communications.

Sir, there are many occasions in our democracy where the collective conscience of this nation is shaken by improprieties and misdemeanors where public confidence in our system itself gets shaken. Needless to say, this was one such occasion where the nation wanted to know the entire truth of the matter. There are many ways of investigating that truth. One could go in simply for a policy or a CBI investigation and try and find out the truth. One could hold the people on trial which, indeed, in any case, would be done. One option suggested at some stage by the Government was that under the supervision of the Supreme Court an investigation can be carried on. There have been instances when

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Commissions of Enquiry have also been appointed. What was there in the subject matter this time is this. Even if there are parallel procedures -- whatever be the width for the limitations of their jurisdiction would go on -- the Parliament itself could not abdicate its responsibility to discuss and express an opinion over issues on which matters of formulation of policy, implementation of that policy, a possible loss caused to the Exchequer and virtual outsourcing of the decision-making process of the Government into certain hands had taken place.

Mr. Sibal, Sir, said that we must try to approach this issue on a non-partisan basis. It is not, in that sense, an NDA or a UPA issue. It is a case where a policy formulation has been in the process of over the last 17 or 18 years and, therefore, we must seriously look at where we went wrong and where correctives are required. But, Sir, when I heard his opening comments, I cannot hide my disappointment. There was an inbuilt rationalization of what happened in 2007-08. What happened in 2007-08 can happen in any other country in the world. It can happen in Finland. And, in Finland they don't send people to jail if this happens. And, therefore, nothing wrong if somebody in 2007-08 did this in India. I must say that Mr. Sibal used his skills of advocacy and oration, his experience as a Parliamentarian by just rationalizing 2007 and found some precedent in Finland and could only draw support for it by saying that what happened in 2003 was also wrong. The effort appears to be to somehow taint 2003 and then try and bring a moral equivalence with one of the greatest misdemeanors of what happened in 2007 and say, 'Well, everybody seems to have done mistakes. So, what if somebody in 2007 committed a mistake?'

(CONTD. BY USY "1S")

-NBR-USY/1S/2.35

SHRI ARUN JAITLEY (CONTD.): That is the best defence for what happened in 2007, which my learned friend can offer. This is one case, where I said the other day also, that telecom is one sector post opening out that has actually been a success story in India. But I cannot speak the other aspect of the reality that the manner in which we achieved this success story also had a parallel going on, where some people, in charge of the governance and policy formulation, at some stage, at least, converted this success story into a scandal. And, that is the complete story of the telecom revolution in India. I believe that the opening out of the telecom sector was a correct decision. The Government, which decided it 17-18 years ago, the present Prime Minister was then the Finance Minister, was correct to take this policy decision. Our dependence only on public sector for providing telecommunication had put a lot of burden on the public sector itself. Our tele density, at that time, was only 0.8 per cent. You had to stand in a queue for years altogether before you could get a telephone connection. There was inefficiency. There was absence of competition. The services, in due course of time, would have become extremely costly. But the Government, which decided in 1993-94 to allow a public-private partnership, went wrong in the formulation of policy in 1993-94. And, I don't think that it was a deliberate mistake. We were new to that experience. Therefore, in a hit and trial system, which we followed at that stage, we opened out, but this thought that, perhaps, whoever wants to enter the field should necessarily pay a very large license fee to the public exchequer. We thought that we were allowing public players and it was

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necessary that the State should benefit out of that. Little did we realise that this large license fee would not come out of private pockets, but would immediately be transferred to consumers. And, the affect of this was that we started opening out with a telephone call costing Rs. 32/- a minute. Obviously at Rs. 32/- a minute, in the original policy, which was formulated, we could never even imagine that that was going to be a success in any way. The tele density increased very marginally. There was a second problem with that policy. The second problem was that the Government, then, decided that they must only have duopoly, that is, we must have only two players in every circle. So, while we opened it up for public-private partnership, we only allowed two players per circle, and not a larger competition. This led to a consequential problem. The service providers were unable to pay the license fee; the service was not expanding. Our public sector companies — MTNL and BSNL — were the third players. Their presence was objected to on the ground that there should be only two players and how the third player had come in. And, therefore, on account of excessive litigation, coupled with these two limitations, the opening out of the sector itself was not achieving results. I, ordinarily, would not have referred to it in the NDA-UPA terms, but I cannot help it after Mr. Sibal's opening comments. In 1998, when the new Government assumed office, this was the ground reality that the Government was faced with. You had a limited role out, a very costly service, huge number of litigations pending, sector not expanding, and people would have come back and said, "Let us go back again to the old system, only the Government will do this business". The then Government, then, started taking decisions. It is possible that

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somebody may have an alternative view on a policy, but an alternative view on a policy is not necessarily a *mala fide* view. As I have just said that 1993-94 view on duopoly or license fee, since we were not experienced enough in the field, perhaps, was the initial mistake that we made, and we corrected that mistake.

(Contd. by 1T – SC)

-USY/PK/1T/2.40

SHRI ARUN JAITLEY (CONTD.): So, the first decision we took was that from a license-fee regime, we migrate to a revenue-sharing regime. The volumes will expand. All these millions that my learned friend quoted, each one pays for his telephone and a small fraction of that goes to the State. In expanded volumes, the exchequer will gain, the services will become cheaper and the roll outs will become faster. But while the Government did this, it extracted a commitment from the service providers that there will be no duopoly which will continue, and, therefore, there will be multiple players allowed in every circle, the result of which would be, competition will expand. This was the first monumental decision that the Government took. I have no difficulty, please, the JPC must look into it. It is this decision which really helped in shaping the expansion of the telecom industry. The second decision the Government took was to allow multiple technologies to enter. So, if one technology enabled you to a mobile telephony and if the fixed line technology also enables you to have a mobility, limited in the first instance, which expanded later, allow competing technologies. It is good for the system that competing technologies come in. The third decision the Government took was that since that limited mobility was now becoming unlimited, you had parallel

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technologies providing the same service. One set of people had not paid much, the other had paid a large entry fee; so the concept of Unified License was born out of that. You take a license and the license will, then, become technology neutral. You are entitled to any form of technology to operate that service on the strength of that license. Now, these were the three major decisions and if we have this large roll out today — as the Prime Minister, the other day, gave us figures -- but for these three decisions taken by this Government, this large roll out today would not have taken place. And, I am glad that this large roll out took place, because, ultimately, it is the people of India, a system, which is benefiting out of these factors. Now, Sir, while all this was happening, the tele density, naturally, increased. I say this had its own success stories. You had more jobs created in the sector. You had a better service provided to people. The cost of your service came down. What was conceived to be an instrument meant only for the rich people became a facility available from village to village, panchayat to panchayat, with the common citizens of this country. It became an affordable service. And it was, but, natural, Sir, that major players entered the system. When major players entered the system, parallel to this success, you had to create a legislative environment. And, the correct legislative environment was that you have a Government player, you have private players; the Government alone can't be the decision maker, because, the Government, through a public sector, is also a service provider. So, you had sectoral regulators who started taking decisions in relation to certain commercial terms and got advisory jurisdiction in relation to certain other matters. Systems developed in which

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private players also were a part of the consultation process; all stakeholders were a part of the consultation process. After this consultation, the policy formulation will take place. Unfortunately, Sir, what appears to have happened is that despite this parallel success story, the desire to influence policy to your own benefit, you must influence Ministerial appointments, you must influence policy makers' appointments, you must influence the formulation of policy and you must influence the implementation of that policy. All this parallelly started. And, this is something which, really, became a matter of serious concern. Therefore, Sir, in the larger perspective, when we are forming a Joint Parliamentary Committee — the Joint Parliamentary Committee's job is not to punish people; that is not within our jurisdiction — there is an ultimate in this country which is Parliamentary accountability.

(Contd. by 1U/PB)

PB/1u/2.45

SHRI ARUN JAITLEY (CONTD): The Joint Parliamentary Committee under these terms must necessarily look into the evolution and the formation of this policy that how this policy has benefited; how it could have been better; if there are mistakes we have committed, how the mistakes can be corrected. And, if there are aberrations, which have crept into the policy formulation that either the preparation of that policy or its implementation in some matters is on account of colourable or collateral reasons, then, the Joint Parliamentary Committee must necessarily look into all those matters also. We cannot, as one of the most effective institutions of Indian democracy, the Indian Parliament, say, 'well, an

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investigating agency is looking into it, the court is looking into it, the CAG or somebody has looked into it, and the Parliament, therefore, need not be concerned with a matter which is exclusively in the policy domain, the preparation of policy and other collateral factors which have influenced the formulation of that policy.’ These terms, Sir, as I see it, must therefore be read in an expanded nature to cover all these aspects which are absolutely essential as far as parliamentary control is concerned.

Sir, I mentioned in the opening that we did not want it to be a partisan debate. If anybody, in the past, has made a mistake and there is a scope for improvement, please, this is the forum, it must go into it. People have learnt out of this experience. At the end of the day, the telecom is a success story. Few individuals cannot be allowed to taint this success story. But then let me deal with it. Sir, I was not intending to deal with it but now that my friend, Mr. Sibal, has mentioned certain facts, I think, the record must be set right. What happened in 2007-08 would never have happened in Finland. You announce a particular date and then you announce that on that particular date, i.e., 1st of October, 2007 -- on 24th September, you announced that date -- whoever wants to apply till that date, he will be considered. You have a large number of applications which come. Subsequent to receiving all these applications, you rig the whole process. After the process has begun, you changed the goal post. You now say, ‘Instead of 1st October, I have shifted the date to 25th of September.’ The effect of shifting this date was that instead of 575 people who were eligible applicants for 122 circles, the number got reduced to 232. So, you had only 232 people left for 122

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circles. So, you reduced the competition. You exclude people who could be excluded and you now include a large number of people who got into this field, really not with the objective of operating the service directly themselves because the proof of the pudding is in the eating. These 122 circles translated into 9 at an all-India level. How many of them have been effectively able to start the service even in 2011 today? They all wanted to use the facility of 74 per cent FDI in the sector and get foreign partners who will induct a lot of equity, capital and debt into the company, as a result of which, the holder of this license and the spectrum which accompanies this license could benefit, so much so, Sir, that how do you now, out of these 232, choose the final 122. This could be done on the original first-come-first-serve basis which was the date of the application. This, one afternoon suddenly changed. Instead of the date of application, this becomes the date of compliance of the LoI conditions.

(Contd. by 1w/SKC)

1w/2.50/skc

SHRI ARUN JAITLEY: You come and deposit your bank drafts and whoever does it first gets it. So, those who had prior knowledge of what was going to happen had come with drafts in their pockets and immediately deposited the drafts. So, in 41 minutes the whole operation was over. Sir, some of us who believe in a different economic policy always look the other way when my friend, Sitaram Yechury, uses the word 'crony capitalism'. But if he had to think of an example, I don't think he would have thought of a better example even from a textbook than this of what had happened. Now, to these favourites, at what rate it is to be

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granted, is the third question. Mr. Sibal is right when he says that spectrum accompanies the license; there was no independent sale taking place. Therefore, the value is a cumulative value. You would get your start-up spectrum along with the licence, otherwise, you would only get a piece of paper by which you cannot operate your service. So, between 2001 and 2008, a world of change had taken place in this sector. These licenses had become very valuable. Companies picked up the license for Rs.1650 crores for an all-India basis, which was the rate calculated on the basis of the highest amount each circle had get in 2001 auction and then inducted partners. Somebody sold sixty per cent to the partner, some company inducted him with 74 per cent, and for the purposes of inducting a partner all that these companies had were the Companies Act registration, a piece of paper called the license and the spectrum for Rs.1650 crores. All these three! Not a single subscriber! Now, a company spends Rs.1650 crores, but for inducting a partner each company is valued at two billion dollars. And if you calculate the 74 per cent and the 60 per cent induction of equity, it translates into evaluation of the whole share of the company at two billion dollars, which was at that time was about nine-and-a-half thousand crores. So, overnight, by getting this license and spectrum this is the kind of additional value that you got. Now, why was this happening? I am sure, if these kinds of things were to happen in any international jurisdiction, their laws are far tighter, and even Finland would not have spared it. And how does one defend a case of this kind? I heard a defence the other day when the hon. Prime Minister said that there was no TRAI recommendation that it must be done by auction. But, equally, the TRAI, on 28th

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August, 2007, said, 'in 2008, don't allot it at the 2001 price'. I quote from what the TRAI said, "In today's dynamism and unprecedented growth of the sector, the entry of fee determined then, that is, 2001 is not the realistic price for obtaining a licence. Perhaps it needs to be reassessed through a market mechanism".

Now, this is very clear language. And now, we are being told that TRAI did not say, you do it at the 2008 prices; you do it by auction; you can do it by indexing; you can do it by any other inflation mechanism, the real value of money mechanism. All that may not be the best indicators.

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(SHRI KAPIL SIBAL): Mr. Jaitley, was that recommendation related to mega hertz 800, 900 and 1800? Please answer this, because this recommendation does not relate to these mega hertz; the TRAI and the same report says that as far as 800, 900 and 1800 mega hertz are concerned, you should not auction.

SHRI ARUN JAITLEY: Auction, indexing and determination of present market value are all methodologies of determining the 2008 value. Otherwise, why is it...

(Followed on 1x/hk)

HK/1x/2.55

SHRI KAPIL SIBAL: I have just asked a question.

SHRI ARUN JAITLEY: I am answering your question, Mr. Sibal. Normally, the Ministers have to answer, and in this case there is a lot you have to answer. ... (Interruptions)...

SHRI KAPIL SIBAL: I think that in all fairness, as the Leader of the Opposition you are not expected to read four sentences ... (Interruptions)...

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SHRI ARUN JAITLEY: Let me elaborate further. Since you raise this issue, this is not my understanding alone. Let us just read what the others understood it to mean. Your present Governor of the Reserve Bank, who was the Finance Secretary at that time, on 22nd November, 2007 writes to the Government saying that this is not a fair assessment and in 2008 you can't do it at the market price of 2001; You have to do it at the current price. When is the licence issued? On 22nd November, 2007, the Finance Secretary understands it to mean do it at the market price. Yet you go ahead. On 10th of January, 2008, you issue the licence in the spectrum at the 2001 price. What is my understanding? After it is done on the 10th of January, Mr. Chidambaram, as the Finance Minister, on 15th of January writes to the Prime Minister. I can quote his note where he says, "This is a scarce resource. There has to be a scarcity value of this resource and, therefore, the best methodology to give it is through an auction mechanism." This was the Finance Secretary's understanding; this was the Finance Minister's understanding. The then Telecom TRAI head subsequently has made statements explaining what his understanding was. But, at the same time, I find when a loss is being caused to the Government we can't expect the leaders of this Government to stand up and say 'Well, the TRAI didn't say so'. The other day I was confronted with a fact that you are mentioning that the Finance Ministry was objecting. But on the 4th of July, 2008 the Finance Minister and the Telecom Minister had agreed. This is what the hon. Prime Minister said. So, on the 4th of July, 2008 they had agreed, not realizing on the 10th of January, 2008 the damage had already been done seven months earlier. After the licences are issued, the

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values are determined, third-party rights are created to say that, seven months later, there were some arrangements and, therefore, the Prime Minister accepted that arrangement. So, you now have a 2007-08 situation where everybody seems to be objecting to the manner it was being done and yet we allowed this to go on. Today what I read in the newspapers, the investigating agencies are going into it. The allegation is not merely now confined to causing wrongful loss to the Government and a wrongful gain to private parties. It is expanding beyond that. Other links and other collateral considerations are also coming to surface. The Government should be in the forefront saying, 'Yes we should do it through a mechanism whereby the best values were realized'. Sir, this whole argument which has been advanced the other day, our priority is not revenue, our priority is tele-density. I think if this argument is advanced to its logical extent, anybody can throw away public assets for a song and then say we have achieved larger tele-density and, therefore, selling or giving public assets at an unstatable value is to be condoned. The national priority has to be tele-density, but tele-density does not, in any way, conflict with revenue realization. Therefore, revenue to be realized must be the best possible revenue achievable in public interest and that must be coupled with the larger object of tele-density being achieved.

(Contd. by 1y/KSK)

KSK/3.00/1Y

SHRI ARUN JAITLEY (CONTD): If that is, Sir, the objective, then 2007 and 2008 can't be defended in this manner, and it is being done today by saying that it has happened elsewhere in the world also where it is given very cheaply; our object is

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not revenue; after all, when subsidies are given, some loss in revenue takes place, and, therefore, treat this as some kind of subsidy which has not been given to the poor of this country but which has been given to the largest corporates of this country, and not only this country but also the big international players. Now, you compare this in the moral equivalence that you have tried to bring out, compare this with what was happening earlier. I had explained that in 1999 and 2001, the kind of problems the sector was facing. You had a sluggish growth. You had a situation where players were not forthcoming in 2001, 2002 and 2003. When tenders were invited in 2001, and that is when this 1650 price got determined, you had a situation where in large parts of India, where the economy was not very strong, not a single bidder came. In 2001, when the prices were determined, for Bengal, Andamans, Orissa, Bihar, not a single bidder came. Jammu and Kashmir was not offered for security reasons. In 2003, February, the then Government again tried a public bidding. Tenders were issued. The market condition was that in 2003, when all these sectors had to be given, again, not a single bidder came for all these under-serviced areas. We may interpret the orders passed at that time differently which you have referred to. I have also read them, and I can assure you that my reading somehow does not tally with the manner in which you are interpreting the documents.

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(SHRI KAPIL SIBAL): The CAG did. I did not.

SHRI ARUN JAITLEY: I disagree with the manner in which it has been read. But, let me clarify, all these factors are not issues that we can really debate over the

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interpretation of a letter or a recommendation today. All that I would like to say is after you make two efforts - 2001 and 2003 - and not a single bidder came for these areas, these became the under-serviced areas. In the rest of the country, the mobile telephony was picking up. North-East, West Bengal, parts of Bihar, east UP, Himachal Pradesh and Jammu-Kashmir were the areas which were not being served. So, when you say, "Oh, something happened in 2003-2004", please, be candid enough to say that the then Minister offered licences for these under-serviced areas at the prices which were determined by the last bidding.

SHRI KAPIL SIBAL: Price of those areas now under TRAI is two times the price of the urban centres today...(Interruptions). Sir, I am really saddened by the fact that the hon. Leader of the Opposition reads a report and misquotes it...(Interruptions).

MR. DEPUTY CHAIRMAN: You can reply at that time. You have a right to reply.

SHRI ARUN JAITLEY: Sir, what is the moral equivalence being brought about? You have one case where you made two efforts to make sure that areas of Jammu-Kashmir, North-East get a service and not one operator is willing to come to those areas. It happened twice. Thereafter, acting as per recommendations, that's the case of the then Minister and the then officials -- Mr. Sibal may have a different view -- it is given for these under-serviced areas alone, and that is how, these areas are served. And, going by the Prime Minister's argument that tele density is important, you should have been complimenting the then Minister for having done this. Well, on this huge scandal, which has taken place in 2007-2008, let me just say, it happened in Finland also, but then, I will bring a moral

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equivalence to these under-serviced areas been provided a service of 2003-3004 and say, “Well this should not have been done.” Sir, these are all issues, I have not the least doubt that the Joint Parliamentary Committee will look into. But, there is a larger issue also accompanying this, and the larger issue is that we have had, as I said, a phenomenal growth in the sector, but we also had a situation and contemporaneous evidence, which has come to surface, is showing what were the forces that played in influencing right from Ministerial appointments to policy-makers’ appointments, from formulation of policy to implementation of policy.

(continued by 1z — gsp)

GSP-MCM-1Z-3.05

SHRI ARUN JAITLEY (CONTD.): All these factors are of extreme importance, and, there must be Parliamentary accountability as far as each one of these is concerned, and, therefore, necessarily, the JPC will have to go into each of these important factors. Inbuilt in this, Sir, -- and, I don’t want to say it between the lines, I want to say it directly -- the telecom sector, for the first time, saw the visible operation of the institution of lobbies in India. We had heard whispers about people lobbying but the telecom sector exposed it in a very visible manner. In a society which is far more transparent, the United States, they allow such an institution, but it is a highly regulated institution and it is regulated by law. In India, where transparency levels are still a little low comparatively and the regulation is not there, the dividing line, Sir, between lobbying, advocacy, political fund collection, and, bribery itself will get obliterated, particularly, in a country where we have still been struggling, and, we have not been able to reach even a visible

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mechanism of electoral funding. Therefore, are we going to allow these institutions to operate as far as India is concerned? I am sure that when all these issues are discussed, this will be one important aspect, which the JPC certainly will go into.

Sir, a lot of our institutions have come into very bad light. Governance itself has lost credibility. Image of corporate houses has suffered. Questions with regard to media have been raised. Questions with regard to ministers, politicians have been raised. I do not want to go into the details of all this and, I think, the more we are able to search the truth of this whole process, and, the more the facts come out, we will be able to restore the credibility of the entire system.

Sir, this country and its democracy are too precious to pay only for the misdeeds of a few people, and, I think, this is the larger objective of this JPC exercise. I am sure that the JPC, as is being constituted on these Terms of Reference, will achieve its object. With these words, I support the Resolution, which the hon. Minister has moved. Thank you.

(Ends)

श्री राशिद अल्वी (आन्ध्र प्रदेश) : सर, मैं प्रधान मंत्री और सरकार को मुबारकबाद पेश करूंगा कि जे०पी०सी० कंस्टीट्यूट हुई और जे०पी०सी० अब अपना काम करेगी। सर, आज जिस मुद्दे पर बात हो रही है 2जी पर, उसकी बारीकियों को देखने के लिए ही जे०पी०सी० बन रही है। पूरा हाऊस जे०पी०सी० के कंस्टीट्यूट करने के लिए उसको सपोर्ट कर रहा है। लीडर ऑफ अपोजिशन की जो बहस मैंने सुनी, गालिबन जे०पी०सी० की मीटिंग के अंदर अगर वह बहस होती तो और ज्यादा बेहतर होता और ज्यादा फायदा होता। आज सवाल यह है कि जो मुद्दे यहां पर उठाए गए, क्या वह सिर्फ जे०पी०सी० देख सकती है? सर, क्या वह सारे मुद्दे जिन

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मुद्दों पर यहां चर्चा हो रही है, क्या सिर्फ जे0पी0सी0 ही उन मुद्दों को देख सकती है? सर, मैं बहुत अदब के साथ कहना चाहता हूं कि 2जी के अंदर मुमकिन है कि दाल के अंदर कहीं काला हो, लेकिन यह कोशिश करना, यह साबित करना कि सारी दाल काली है, इस बात से कोई इत्तफाक नहीं करेगा। सर, सी0बी0आई0 इसकी इंक्वायरी कर रही है, सुप्रीम कोर्ट मॉनिटर कर रहा है, सी0वी0सी0 2जी के मामले में अपना काम कर रही है, एंफॉर्समेंट डॉयरेक्ट्रेट अपना काम कर रहा है, इंकम टैक्स डिपार्टमेंट अपना काम कर रहा है। सरकार ने रिटायर्ड जज की एक कमेटी बनाई है जो बहुत जल्दी अपनी रिपोर्ट देने वाली है। इतने तरीकों से 2जी के अंदर क्या सच है क्या गलत है, सच्चाई जानने की कोशिश सिर्फ एक आदमी की नहीं पूरे देश की है, पूरा देश सच्चाई जानना चाहता है।

(2A/GS पर क्रमशः)

GS-SK/2A/3.10

श्री राशिद अल्वी (क्रमागत) : सरकार बार-बार कह रही है कि हम सच्चाई जानना चाहते हैं, जिसने गलती की होगी, उसको सजा मिलेगी। सर, 2001 में जब जेपीसी बनी, आब्जरवेशन के बाद उस वक्त के फाइनेंस मिनिस्टर ने कहा, “I would like to assure that no guilty person will be spared”. सरकार आज भी यह कह रही है। उस वक्त उन्होंने कहा, “The question of guilt or innocence is both a process of investigation and for the courts to decide”. यह फैसला हम कैसे करेंगे कि कौन गलत है और कौन सही है, यह फैसला अदालत करेगी। मैं बहुत अदब के साथ अपोजिशन से कहना चाहता हूं कि जिस तरीके से पिछले चार महीने से लगातार आपने मुल्क के अंदर एक हंगामा खड़ा कर रखा है कि एक लाख 76 हजार करोड़ रुपये की बेईमानी हुई है। ...(व्यवधान)...

श्री शिवानन्द तिवारी : यह सीएजी ने कहा है। ...(व्यवधान)...

श्री राशिद अल्वी : सर, मैं सीएजी रिपोर्ट की लास्ट लाइन आपको पढ़कर सुनाता हूं, “The fact that there has been loss to the national exchequer in the allocation of 2G

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spectrum cannot be denied. However, the amount of loss could be debated”.

सीएजी भी इस बात पर यकीन नहीं कर रही है कि यह फिगर एक लाख 76 हजार करोड़ की है और जिस बुनियाद पर सीएजी ने यह फिगर दी है, S Tel ने जो 6 हजार करोड़ का अपना ऑफर दिया था और बाद में 13 हजार करोड़ किया, सुप्रीम कोर्ट में जाकर उन्होंने विद्वा कर लिया, जिसकी बुनियाद के ऊपर यह सारी केलकुलेशन है। उस बुनियाद के ऊपर पूरी केलकुलेशन है जिन लोगों ने वापिस कर लिया और S Tel की कोई सर्विस पूरे देश के अंदर मुझे नज़र नहीं आती है।

सर, आज पॉलिटिकल आदमी के ऊपर इल्जाम लगा देना बहुत आसान है। मैं भारतीय जनता पार्टी से कहना चाहता हूँ कि आज इस अज़ीमुश्शान इमारत के ऊपर जो तिरंगा झंडा फहरा रहा है, उसके लिए हजारों लोगों ने कुर्बानियां दी हैं। जब तिरंगा झंडा हवा में फहराता है, तो हमारा सीना चौड़ा हो जाता है। ..(व्यवधान).. हमें खुशी होती है, लेकिन जिस तरीके से ..(व्यवधान)..

श्री उपसभापति : आप इनको बोलने दीजिए।

श्री राशिद अल्वी : जिस तरीके से पॉलिटिकल आदमी के ऊपर इल्जाम लगाकर आप समझते हैं कि एकदम उसको फांसी दे दी जाये। मैं अपनी मिसाल नहीं देता हूँ, मैं आपकी ही मिसाल देता हूँ। दिल्ली के एक मुख्य मंत्री पर इल्जाम लगा, आपकी पार्टी के, अदालत के अंदर मुकदमा गया, उनको इस्तीफा देना पड़ा, उन्होंने इस्तीफा दे दिया। अदालत ने उनको बरी कर दिया, कह दिया कि कोई इल्जाम नहीं है, क्या कहीं वह आदमी नजर आता है! पॉलिटिकल आदमी बहुत मुश्किल से बनता है। बहुत मेहनत और कोशिश करनी पड़ती है। आज जिस तरीके का माहौल आप खड़ा कर रहे हैं, उससे ऐसा लगता है कि सारा पॉलिटिकल सिस्टम खत्म होता जा रहा है। मैं बहुत अदब से आपसे पूछता हूँ कि आप किस भ्रष्टाचार की बात कर रहे हैं? भ्रष्टाचार की कौन सी डेफिनेशन है, जो आप देना चाहते हैं? हम आपसे पूछना चाहते हैं कि भ्रष्टाचार की वह डेफिनेशन कौन सी है? आएगी आंधी, उड़

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जाएगा पत्ता-पत्ता, यह न देखेगा, हरे कितने हैं, पीले कितने हैं। दुनिया के ऊपर एक नज़र दौड़ाइए, जब इंकलाब आता है, तो किसी को देखता नहीं है। क्या हो रहा है इजिप्ट के अंदर, क्या हो रहा है लीबिया के अंदर, क्या हो रहा है सीरिया के अंदर, इसे देखने की जरूरत है। आप अगर यह समझते हैं कि इस देश के अंदर इस पार्लियामेंट्री सिस्टम को, इस डेमोक्रेसी को, आप खोखला कर दें, तो यह कोई अच्छी बात नहीं है। जिस तरीके का रवैया आपका इस देश के अंदर है, आम आदमी की नज़र में पॉलिटिकल आदमी की इज्जत और अहमियत घटती जा रही है।

उपसभाध्यक्ष (श्री तारिक अनवर) पीठासीन हुए।

सर, देश के अंदर 4 जेपीसी बनीं। यह 5वीं जेपीसी है। बोफोर्स की जेपीसी बनी, बोफोर्स की जेपीसी की रिपोर्ट आई। अपोजिशन ने डिमांड की कि जेपीसी बननी चाहिए। सरकार ने जेपीसी बनाई। जेपीसी ने 50 सिटिंग्स के बाद अपनी रिपोर्ट दी। रिपोर्ट आई और अपोजिशन ने कहा कि हम इस रिपोर्ट को नहीं मानते।

(2B/ASC पर जारी)

ASC-YSR/2B/3.15

श्री राशिद अल्वी (क्रमागत) : हम इस रिपोर्ट को रिजेक्ट करते हैं। JPC की उस रिपोर्ट को रिजेक्ट कर दिया गया। 1992 के अंदर हर्षद मेहता की JPC बनी थी। पांच साल के बाद स्पेशल कोर्ट बनी और हर्षद मेहता को चार साल की सजा हुई। उस JPC की रिपोर्ट का यह नतीजा निकला सिर्फ चार साल की सजा और इसके अलावा कुछ नहीं हुआ। उसके बाद 2001 में तीसरी JPC केतन पारिख की बनी। उसमें सरकार ने कहा कि किसी दोषी आदमी को छोड़ा नहीं जाएगा। श्री प्रकाशमणि त्रिपाठी उसके चेयरमैन थे और उसने जो रिकमेंडेशन दीं, उनको पूरी तरह से इम्लीमेंट नहीं किया गया। सेबी के अंदर जो उसने अमेंडमेंट्स दिए थे, जो रिकमेंडेशन दी थीं, उनपर आज तक अमल नहीं हुआ है। एक चौथी

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JPC सॉफ्ट ड्रिंक्स की बनी। उसकी रिकमेंडेशन्स ...(व्यवधान).. इम्पलीमेंट नहीं हुई।
..(व्यवधान)..

श्री राजीव प्रताप रूडी : वह स्टेज पार हो चुकी है। ..(व्यवधान).. अब JPC बन चुकी है।
...(व्यवधान)..

DR. CHANDAN MITRA: Is he for the Motion or against the Motion?

(Interruptions)

उपसभाध्यक्ष (श्री तारिक अनवर) : मित्रा जी, आपको चांस मिलेगा। You will get a chance to reply. (Interruptions) उनको बोलने दीजिए, डिस्टर्ब मत कीजिए।

SHRI SHANTARAM LAXMAN NAIK: He wants to know whether you are going to approve its recommendation or not. (Interruptions)

श्री राशिद अल्वी : असल में कुछ लोगों को यह गलतफहमी होती है कि वे शोर मचाएंगे और सच्चाई को दबा देंगे, लेकिन यह सिर्फ गलतफहमी है। रूडी साहब, यह जो आपका तरीका है कि आप बीच में बोलते हैं, यह हाउस इस काम के लिए नहीं है। आप इस हाउस की अहमियत को समझें। आप पहले मेरी बात सुनिए और उसके बाद जवाब दीजिए। यह पांचवीं JPC है। मैं इस पांचवीं JPC में पेशनगोई करता हूँ कि इतनी कोशिश के बाद यह JPC बनी है, जब इसका नतीजा आएगा, इसकी रिपोर्ट पेश होगी, तब ये लोग ही हंगामा करेंगे और कहेंगे कि हम इस JPC की रिपोर्ट को नहीं मानते, इस JPC का चेयरमैन सरकारी चेयरमैन था। हमने कहा कि PAC को तमाम ताकत दे देते हैं, आपका ही चेयरमैन है, PAC इस मुद्दे को देख लेगी। वे तमाम ताकतें जो दी जा सकती हैं, वे PAC को दे दी जाएंगी।...(व्यवधान)... आपको अपने लीडर पर भरोसा नहीं था। आपको PAC के चेयरमैन पर भरोसा नहीं था, आपने कहा कि हमें तो JPC चाहिए। मैं यहां एक बात जरूर कहना चाहूंगा कि आज सरकार ने JPC बना दी है। सर, अगर अपोजिशन यह महसूस करता है कि हमेशा वैल में 200 MPs आ जाएंगे और वे जो चाहेंगे मनवा लेंगे, तो यह तरीका डेमोक्रेसी, प्रजातंत्र के खिलाफ है, उसके

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मुताबिक नहीं है। जो करप्शन का मामला है, बेईमाना का मामला है, उसमें दोषी लोगों को सजा मिलनी चाहिए। हम मना नहीं करते हैं कि उनको सजा न मिले, बल्कि उनको सजा मिलनी चाहिए। आप किस करप्शन की बात कर रहे हैं? जो दिल्ली के अंदर करप्शन हो रहा है, सिर्फ उसकी बात कर रहे हैं? कर्णाटक के अंदर जो कुछ हुआ है, क्या वह करप्शन नहीं है? क्या किसी प्रदेश का मुख्य मंत्री अगर करप्शन करे, तो उसको आजाद कर दिया जाएगा? ...(व्यवधान).. आज हमने JPC बनाई है। आपको याद होगा कि NDA की सरकार के समय भारतीय जनता पार्टी के अध्यक्ष के ऊपर ऐल्जाज लगा, डिफेंस मिनिस्टर के ऊपर इल्जाम लगा और जो उनके एलाइस थे, उनके ऊपर भी इल्जाम लगा। तहलका ने पूरी CD पूरे हिन्दुस्तान के अंदर दिखा दी। उस वक्त के प्रधान मंत्री ने कहा था कि हमें अपनी आंखें खोल लेनी चाहिए, क्योंकि देश और देश का प्रजातंत्र खतरे में है। उस वक्त के डिफेंस मिनिस्टर को रिजाइन करना पड़ा था। सुप्रीम कोर्ट के जज की एक कमेटी बनाई गई और उसको चार महीने में अपनी रिपोर्ट देने का वक्त दिया गया।

(क्रमशः 2C/AKG पर)

AKG-VKK/2C/3.20

श्री राशिद अल्वी (क्रमागत) : रिपोर्ट आने से पहले डिफेंस मिनिस्टर को दोबारा डिफेंस मिनिस्टर बना दिया गया! रिपोर्ट नहीं आई थी। आज वे लोग बहुत ईमानदारी की बात कर रहे हैं, हमारे ऊपर उँगली उठाने की बात कर रहे हैं। मैं उनसे पूछना चाहता हूँ कि भ्रष्टाचार की क्या definition है, भ्रष्टाचार का क्या मतलब होता है? तहलका की वह सीडी सारे हिन्दुस्तान ने देखी थी। सर, ये सारे documents मेरे पास हैं। शिव सेना के बाल ठाकरे साहब ने कहा कि इससे ज्यादा गलत काम इस देश के अन्दर कभी नहीं हुआ। इनके ally, TDP ने कहा कि judicial inquiry होनी चाहिए। ममता बनर्जी, जो आपकी ally थीं, आपकी सरकार को छोड़ कर चली गईं। उन्होंने कहा कि मैं ऐसी भ्रष्ट सरकार के अन्दर मंत्री नहीं रहना चाहती, मैं इस सरकार के अन्दर वापस नहीं आऊँगी, चाहे डिफेंस मिनिस्टर इस्तीफा

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दें या न दें। वे छोड़ कर चली गईं। यह सच्चाई है, इतिहास के ये पन्ने हैं, जो मैं आपके सामने रख रहा हूँ। आज आप दूध के धुले हो गए! आज आप कह रहे हैं कि हमारे ऊपर इल्जाम है। कांग्रेस पार्टी हमेशा भ्रष्टाचार के खिलाफ लड़ती है। इस पार्लियामेंट के अन्दर सबसे पहले लोक सभा के एक मैम्बर, मुद्गल साहब के ऊपर 5 हजार रुपए की bribe का इल्जाम था। पंडित जवाहरलाल नेहरू, उस वक्त के प्रधान मंत्री ने खुद motion move किया और उन्हें पार्लियामेंट से expel कर दिया गया। यह पार्लियामेंट की सबसे पहली मिसाल है। यह हमारा किरदार है। यह कांग्रेस पार्टी का किरदार है। ... (व्यवधान) ... जब-जब ऐसा वक्त आया, मैं यह नहीं कहता हूँ कि प्रजातंत्र के अन्दर हमेशा फूलों की सेज होती है। ... (व्यवधान) ... सर, हम काँटों के ऊपर भी चले हैं। ... (व्यवधान) ... मुझे बहुत खुशी है कि मैं कांग्रेस में आया, कम-से-कम भारतीय जनता पार्टी जैसी * पार्टी से दूर हूँ, आप जैसे * लोगों से बहुत दूर हूँ। मुझे इस बात की बहुत खुशी है। ... (व्यवधान) ...

उपसभाध्यक्ष (श्री तारिक अनवर) : आप चेयर को address कीजिए।

श्री राजीव प्रताप रूडी : सर, इन्होंने मुझे * कहा। क्या मैं आपको कहीं से भी * दिखता हूँ?
... (व्यवधान) ...

उपसभाध्यक्ष : आप बैठिए ... (व्यवधान) ... प्लीज़ disturb मत कीजिए, समय बर्बाद मत कीजिए।

श्री रवि शंकर प्रसाद : सर, आपको माननीय सदस्य को protection देनी चाहिए। ... (व्यवधान) ... उन्होंने नाम लेकर * कहा।

उपसभाध्यक्ष : अल्वी साहब, आप बोलिए। ... (व्यवधान) ... Order please.

* Expunged as ordered by the Chair.

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श्री राशिद अल्वी : सर, भारतीय जनता पार्टी के लोगों की आदत है कि ये बोलने नहीं देते हैं और रूडी तो मेरे बड़े मित्र हैं, इसलिए मुझसे कुछ ज्यादा ही मोहब्बत हो रही है। वे सच्चाई को बोलने नहीं देते हैं।

उपसभाध्यक्ष (श्री तारिक अनवर): आप उनकी बात पर ध्यान मत दीजिए, आप अपनी बात कहिए।

श्री राशिद अल्वी : जेपीसी के मामले में वे कितने संजीदा हैं, इसका अहसास मुझे हो रहा है और पूरे देश को भी हो रहा होगा कि आज जेपीसी constitute हो रही है और वह ऑपोजीशन पार्टी, जो जेपीसी के लिए सबसे ज्यादा शोर मचा रही थी, उसका रवैया इस हाउस के अन्दर क्या है।

सर, मैं बहुत ज्यादा वक्त नहीं लेना चाहता हूँ, लेकिन ... (व्यवधान) ... सर, 2G और 3G के अन्दर जमीन आसमान का फर्क है। 3G एक high technology है, जिसमें वीडियो और टीवी सब कुछ देखा जा सकता है, जिसकी speed 30 MB होती है। 2G मामूली सा है। 2G के अन्दर सिर्फ SMS और conversation हो सकता है। उसके अन्दर कोई वीडियो, कोई टीवी नहीं होता। 1 MB की speed होती है। सर, जैसा कपिल जी ने कहा कि सरकार ने कभी भी स्पेक्ट्रम नहीं बेचा ... (व्यवधान) ...

उपसभाध्यक्ष : देखिए, बात मत कीजिए प्लीज़।

श्री राशिद अल्वी : License issue किए गए हैं। जब तक जिस पार्टी के पास license रहेगा, वह स्पेक्ट्रम इस्तेमाल कर सकता है।

(2डी/एससीएच पर जारी)

SKC/RSS/2d/3.25

श्री राशिद अल्वी (क्रमागत): लाइसेंस एक्सपायर हो जाएगा तो स्पेक्ट्रम खत्म हो जाएगा। आज शेअर रेवन्यू की जो पॉलिसी है, वह एनडीए के ज़माने से है। अगर इस रिपोर्ट का पहला पेज देखें, इस रिपोर्ट के पहले पेज के अन्दर कहा गया है कि 1999 के अन्दर रेवन्यू शेअरिंग

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की पॉलिसी शुरू हुई थी। मेरे खयाल से मंत्री जी मुझसे बेहतर जानते होंगे, लेकिन शायद 6% रेवन्यू लिया जाता है। अगर रेवन्यू की इतनी ही चिन्ता थी, तो अगर यह मुताल्बा किया जाता कि रेवन्यू को 6% से बढ़ा कर 25% कर दिया जाए तो शायद ज्यादा बेहतर होता। 2014 के अन्दर लाइसेंसिज एक्सपायर हो जाएंगे, उसके बाद अगर सब लोग चाहेंगे तो उसको ऑक्शन किया जा सकता है। मैं बहुत यकीन के साथ कह सकता हूँ कि शायद फिनलैंड को आपने एक मज़ाक बना लिया, लेकिन पूरी दुनिया में किसी भी मुल्क के अन्दर 2जी ऑक्शन नहीं हुआ। दुनिया के किसी भी हिस्से के अन्दर 2जी को ऑक्शन नहीं किया गया है।

सर, सीएजी की इस रिपोर्ट के अन्दर पेज नम्बर 1 को आपने बिल्कुल तवज्जुह नहीं दी। उसमें लिखा है, “Since then it has been one of the few sectors in India which has witnessed widespread structural and institutional reforms with 62.13 crores telephones.” आज हिन्दुस्तान के अन्दर 62 करोड़ से ज्यादा टेलिफोन हैं, जिनमें से 58.5 करोड़ मोबाइल टेलिफोन हैं, as on March 31, 2010. सर, यह आंकड़े 31 मार्च, 2010 तक के हैं। 31 मार्च के बाद इन मोबाल्स की तादाद और ज्यादा बढ़ी ही होगी। It is the second largest network after China. चाइना के बाद हिन्दुस्तान का यह नेटवर्क सबसे बड़ा नेटवर्क है। क्या सरकार का यह काम क्राबिले तारीफ़ नहीं है? क्या इसकी तारीफ़ नहीं की जाएगी? क्या इसे एप्रिशिएट नहीं किया जाएगा?

सर, 11th Plan के अन्दर कहा गया था कि 2010 तक 50 करोड़ कनेक्शन पूरे किए जाएंगे। सीएजी कहता है कि 11th Plan का जो टार्गेट हमें एचीव करना था, वह हमने 2009 के अन्दर पूरा कर लिया है। सन् 2000 में मोबाइल पर बात करने की कीमत 16 रुपये प्रति मिनट होती थी। आप जो 2007-08 की बात कर रहे हैं, तब भी उसकी कीमत 1.75 रुपये प्रति मिनट होती थी, लेकिन आज उसकी कीमत 30 पैसे प्रति मिनट से भी कम है।

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किसान को जो मुफ्त बिजली दी जा रही है, क्या उसका हिसाब किताब लगाया जाएगा? सरकार कोई बिजनेसमैन नहीं होती है कि किसी भी क्रीमत के ऊपर रेवन्यू इकट्ठा कर लिया जाए। किसान को बिजली मुफ्त दी जाती है, किसान को पानी मुफ्त दिया जाता है ... (व्यवधान)

एक माननीय सदस्य: बिजली कहां मुफ्त दी जाती है?

श्री राशिद अल्वी: कभी कैल्कुलेट नहीं किया जाता कि स्टेट गवर्नमेंट का कितना नुकसान हो रहा है। आज गांव-गांव के अन्दर टेलिफोन है। सर, मुझे याद है ... (व्यवधान) मुझे याद है कि अमरीका टेलिफोन करने के लिए हम सारा सारा दिन बैठा करते थे। आपको भी याद होगा। टेलिफोन करना कितना मुश्किल काम होता था। आज गांव-गांव के अन्दर, आम आदमी के पास टेलिफोन है ... (व्यवधान)

डॉ. चंदन मित्रा: अगर ऐसी बात है तो राजा जी को जेल में बंद क्यों कर रखा है, उन्हें तो भारत रत्न दिया जाना चाहिए।

उपसभाध्यक्ष (श्री तारिक अनवर): प्लीज़, प्लीज़ ... (व्यवधान) आप बैठ जाइए ... (व्यवधान)

श्री राशिद अल्वी: मैं यह बात जरूर कहूंगा कि जब जेपीसी की रिपोर्ट आएगी तब आप देखेंगे ... (व्यवधान) चंदन साहब, जब जेपीसी की रिपोर्ट आएगी तब आप देखेंगे ... (व्यवधान) और फिर आप कहेंगे:-

बहुत शोर सुनते थे पहलू में दिल का।

जो चीरा तो क्रतरा-ए-खूं निकला।।

जब जेपीसी की रिपोर्ट आएगी तो आप उसका नतीजा देखेंगे और देखेंगे कि आपके सामने क्या आता है। यह मेरी पेशनगोई है कि जेपीसी की रिपोर्ट पर फिर आप हमला करेंगे और फिर कहेंगे कि हम इससे इत्तिफ़ाक़ नहीं करते। आपका बहुत-बहुत धन्यवाद।

(समाप्त)

2e/psv पर आगे

PSV-MKS/2e/3.30

श्री ब्रजेश पाठक (उत्तर प्रदेश): उपसभाध्यक्ष महोदय, संसद में काफी जद्दोजहद के बाद और काफी समय जाया करने के बाद सरकारी पक्ष से जे०पी०सी० के गठन का प्रस्ताव आया है। हम उसका स्वागत करते हैं। यह जे०पी०सी० गठित हो चुकी है और वह किसी-न-किसी निष्कर्ष पर जरूर पहुँचेगी। हम सब ने प्रारम्भ से यह माँग की थी कि इसकी जाँच होनी चाहिए, इसका कोई सर्वमान्य हल निकलना चाहिए, दोषियों का पता लगाया जाना चाहिए तथा दूध-का-दूध और पानी-का-पानी होना चाहिए। लेकिन, सदन में इस पर बहस का कोई औचित्य नहीं बनता, इसलिए हम चाहते हैं कि जो भी हो, जे०पी०सी० अपने निष्कर्ष पर पहुँचे। यही हमारी और हमारी पार्टी की माँग है। धन्यवाद।

(समाप्त)

THE VICE-CHAIRMAN (SHRI TARIQ ANWAR): Thank you, Mr. Pathak. Now, Shri Tapan Kumar Sen.

SHRI TAPAN KUMAR SEN (WEST BENGAL): Sir, I rise to support the motion and, after having it placed, I would like to place certain observations on the whole process on which the JPC-related motion is now before the House. Had it been agreed to earlier, the country could have saved the Winter Session of Parliament. मगर फिर भी देर आए, दुरुस्त आए, even agreeing to form a JPC, very reluctantly! Because of the Opposition's demand, it has been agreed to. The justification of forming a JPC is being disputed; it is quite natural in a democracy. The thing is that it has been argued that when CBI is looking into it, under the supervision of the Court, when PAC is looking into it, why to form a JPC? When we were demanding for the formation of a JPC, we have minced no word in placing, at least, the justification, the premise on which we are demanding the JPC. You told

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us that the CBI is looking into the thing, to pin down the individuals involved in the leakage from the Public Exchequer and, I think, it is undisputed that that leakage did take place; by whatever efficiency and advocacy this is being sought to be proved that there is no loss, it has taken place. There is a clear admission about that. So, it is being formed to pin down the individuals involved in it. But how did that leakage take place? The whole system which led to such a huge loss to the Public Exchequer needs to be set right. It has been told that this is the mother of all such scams, such a big quantum loss. That needs to be looked into. The system needs to be set right. I think that is the crucial requirement based on which the JPC needs to look into the whole matter, and precisely on that premise we have demanded for the JPC despite the fact that the PAC will be looking into the accounts, that the CBI will be looking into the other aspect of pinning down the individuals involved in it. But the manner in which the whole process takes place, it is very clear that this kind of wrongdoing got institutionalized in the whole system where the corporates are ruling the roost. That is the precise point. Those areas the Joint Parliamentary Committee must scrutinize. It should restore the credibility of the institution and the system which the country badly needs. Had that been considered earlier, I think we could have saved a lot of time.

Now, many things are being talked about. We understand that this is done to actually justify the general perception why that has not taken place. I have been very patiently hearing the hon. Minister who, while moving the motion, said that this has been going on since 2002 and 2003. And the same thing is going on today. Is something wrong there? Continuing on the same long trajectory!

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Today, we are legitimizing when that wrong process has culminated into such a big loss to the Exchequer. Is that the logic? Somebody must have done wrong. We remember that, from our party, even the shift from fixed licence fees to revenue-sharing we opposed.

(Contd. by TMV/2F)

-MKS-TMV-DS/2F/3.35

SHRI TAPAN KUMAR SEN (CONTD.): We calculated it around Rs.50,000 crores of loss to the exchequer. We had stated this in this House, in the Parliament. This is not anything new. We had stated it at that time.

The second point, which I am at a loss to understand, is that a reference is made, again and again, to the tele density. My colleague has just now made a reference to the tele density. We were told that it was not being charged and it was being given on first-come-first-served basis to improve the tele density and ensure the delivery of the service to the consumers at a cheaper price. I fail to understand the whole economy. In the instant case, one particular player, a chosen player, was favoured with 2G spectrum allocation in 2008 at the price of 2001, and within a short span of time he earned six times more than the money that he paid by selling sixty per cent of his share to another operator. That operator had given six times more premium to the original licensee. Will he bear the premium from his pocket? He will pass it on to the consumers. Despite all this, the mobile charge is what it is now. I think, it may go down further in future. I don't think that the premium, the extra money that he has paid he is going to bear from his pocket. So, again and again, talking about the tele density and

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cheaper service and justifying the “first-come-first-served” saying that it was done only for that purpose confuses the people. Despite all these things, the recent scenario of competition in the telecom sector and also the improvement of technology, both together, are bringing down the price, making the mobile service more efficient and delivering the service to the people at a cheaper rate. It is not that somebody will bribe somebody, get something, he will bear the burden of the bribe and he will continue to deliver the service at the previous rate. It can't happen absolutely. So, this talk of tele density and cheaper service for legitimising what has happened is a greater fraud on the people. So, legitimising what has happened, I think, is unfortunate. We have agreed on a JPC. Let us go ahead. Let the JPC look into the whole thing and this drama of justifying what has happened. It has been pointed out. It is not that it has not been pointed out earlier. In 2008, our leader, my colleague, Shri Sitaram Yechury, wrote to the Prime Minister. Thereafter, again, in February and October, he wrote to the Prime Minister. He wrote thrice, in February, May and November, 2008 and the latest one was in 2010. In January, 2008 it happened. In February, the letter had gone to the Prime Minister when we came to know about it. We estimated the loss at Rs.1,99,000 crores. The C & AG has estimated it at Rs.1,76,000 crores. These are all estimates. Something wrong had been done. Had it not been done, the country would have earned this money, this country could have saved this money, we could have saved this much of leakage and we could have stopped somebody taking undue advantage at the cost of the country's exchequer. We could have done it. These are all estimates. Nobody is insisting on microscopic accuracy.

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These are all estimates. It may be below that. The figure is around that and it is not a very small figure. I understand that the hon. Minister while moving the motion has given his own estimate. While clarifying about his Press conference in the House he has stated that it is Rs.70,000 crores.

THE VICE-CHAIRMAN (SHRI TARIQ ANWAR): Please conclude.

SHRI TAPAN KUMAR SEN: Sir, please allow me. This amount of Rs.70,000 crores is also not a small amount and it belongs to the country. So, I think that these are the areas which should we go into seriously, instead of legitimising something illegitimate, and the thing which has given birth to the very system where the corporates are ruling the roost. They are setting the tune and they are reorienting the policy, and in that background it is really shocking. While referring to the 2G spectrum loss even our hon. Prime Minister made a reference to the food and fertilizer subsidies.

(Contd. by 2G/VK)

VK-NB/2G/3.40

SHRI TAPAN KUMAR SEN (CONTD): Just now I have heard my colleague mentioning that kind of a thing. Benefitting the predetermined chosen player by looting the public exchequer, only two or three chosen players, is being compared with the support that is being given, which is the duty of the nation, duty of the governance, to millions of poor people; those are being brought at par in justifying something utterly illegitimate. After all, by the end of the day, a JPC has been agreed to. I believe the JPC will succeed. We are hoping so. But the whole attitude of legitimizing the gross illegitimacy which was created by the very

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system, the corporate-captive system of governance, if it is done away with, if it is avoided, definitely, the JPC will do a big service in correcting the system and restoring the credibility of these democratic institutions. With this, I support the Motion. Thank you.

(Ends)

श्री शिवानन्द तिवारी (बिहार) : उपसभाध्यक्ष जी, मैं इस मोशन के समर्थन में बोलने के लिए खड़ा हुआ हूँ और मुझे एक गीत की पंक्तियां याद आ रही हैं — “सब कुछ लुटा के होश में आए तो क्या हुआ”। प्रधान मंत्री जी ने इस सदन में JPC के बारे में घोषणा की थी और आज विभागीय मंत्री जी ने इसके बारे में मोशन पेश करते हुए जो कहा ... (व्यवधान)

कई माननीय सदस्य : आप कृपया माइक पर बोलिए।

श्री शिवानन्द तिवारी : उपसभाध्यक्ष जी, मैं कह रहा था कि पहले माननीय प्रधान मंत्री जी और आज विभाग के मंत्री जी ने इस प्रस्ताव में JPC के गठन के पक्ष में जो कुछ कहा, उससे ऐसा लग रहा है कि जो नुकसान हुआ, उसकी भरपाई करने की कोशिश की गई है। पहले तो सरकार जिद पर अड़ी रही कि हम JPC को नहीं मानेंगे और इससे जनता के बीच में संदेश गया कि जरूर कोई बात है, जिसको सरकार छिपाना चाहती है, इसलिए वह JPC का गठन नहीं कर रही है। इससे जो नुकसान हुआ, उस नुकसान की भरपाई करने के लिए प्रधान मंत्री और विभागीय मंत्री इस ढंग से JPC के गठन का प्रस्ताव सदन में लाए हैं, ताकि कहीं विपक्ष के दबाव में जिस तरह से शीतकालीन सत्र बर्बाद हुआ, उस तरह से बजट सत्र बर्बाद न हो। इससे बचने के लिए वे विपक्ष के दबाव में आकर JPC की मांग को मान रहे हैं।

उपसभाध्यक्ष जी, बार-बार CAG की रिपोर्ट के बारे में कहा जा रहा है। खुद कपिल सिब्बल जी एक नामी वकील हैं और उन्होंने कहा कि यह केवल notional नुकसान है। CBI इस मामले की जांच कर रही है और CBI के लोगों का कहना है कि CAG ने अपनी रिपोर्ट में जितने नुकसान का अनुमान लगाया है, यह नुकसान उससे ज़्यादा भी हो सकता है। यह खुद

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CBI ने कहा है। JPC के पक्ष में माननीय नेता, विरोधी दल ने बहुत ही विस्तार से और तार्किक ढंग से अपनी बातों को यहां रखा, मैं उन बातों में नहीं जाना चाहता हूँ। अभी माननीय राशिद अल्वी जी बोल रहे थे और उन्होंने कहा कि ये पोलिटिकल लोग एक-दूसरे पर आरोप लगाते हैं, एक-दूसरे का उघाड़ करते हैं, यह अच्छी बात नहीं है। मैं उनको बताना चाहूंगा कि ये आरोप आज से नहीं लग रहे हैं। अभी सुबह के समय मैंने लोकपाल विधेयक के संबंध में एक विशेष उल्लेख किया था और उसमें मैंने महात्मा गांधी जी का उद्धरण दिया था। राशिद अल्वी साहब को याद होगा कि 1937 में 1935 ऐक्ट के अनुसार चुनाव हुआ था और देश के 6 राज्यों में कांग्रेस पार्टी की सरकार बनी थी और उस सरकार में भ्रष्टाचार के मामले उजागर होने लगे।

(2H/VNK पर क्रमशः)

-NB/VNK-RG/2h/3:45

श्री शिवानन्द तिवारी (क्रमागत): भाई-भतीजावाद का मामला सामने आया। राशिद साहब, दूसरे की बात छोड़ दीजिए, महात्मा गांधी ने 1937 में सरकार के भ्रष्टाचार की बात को सुनकर जो कहा था, मैं उसे फिर दोहराना चाहता हूँ। उन्होंने कहा था, “I will go to the length of giving the whole Congress a decent burial rather than put up with corruption, that is rampant.”

राशिद साहब ने उदाहरण दिया, जब पहली लोक सभा बनी थी, उस समय मुम्बई के एक सांसद के ऊपर आरोप लगा था और उनकी सदस्यता समाप्त हो गई थी।

दूसरी तरफ मैं उनको स्मरण कराना चाहूंगा कि जब देश आज़ाद हुआ था, उसी समय देश के बंटवारे के बाद पाकिस्तान की ओर से कश्मीर के ऊपर हमला हुआ था। पाकिस्तानी फौज कबाइलियों के भेष में कश्मीर पर कब्जा करने के लिए आई थी। चूंकि उस समय देश तुरंत आज़ाद हुआ था, हमारे पास पर्याप्त साधन नहीं थे, इसलिए उस समय यह निर्णय लिया गया कि second hand जीप ब्रिटिश आर्मी और अमेरिकन आर्मी से खरीदी जाएगी। उस

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समय श्री वी. के. कृष्ण मेनन साहब ब्रिटिश हार्ड कमिश्नर थे, जो बाद में देश के रक्षा मंत्री बने। इस काम की जवाबदेही उन्हीं को दी गई। ब्रिटिश आर्मी और अमेरिकन आर्मी से दो हजार second hand जीप खरीदनी थीं। इस खरीद के लिए डील हुई और जिस कंपनी से इसकी डील हुई, उसने स्वीकार किया कि हम इतनी तारीख तक आपके यहां पूरी जीप्स पहुंचा देंगे। जब लड़ाई खत्म हो गई, तब दो सौ पुरानी जीप आईं, लेकिन फौज ने इन जीपों को यह कह कर रिजेक्ट कर दिया कि कोई जीप चलने लायक नहीं है। उस समय पीएसी ने recommend किया कि इसकी जांच कराई जाए, इस पर आयोग बैठाया जाए, लेकिन उस समय पीएसी की रिपोर्ट को नहीं माना गया। उन्हीं पंडित जवाहर लाल नेहरू जी ने, जिन्हें हम आधुनिक भारत का निर्माता कहते हैं, श्री वी. के. कृष्ण मेनन साहब को डिफेंस मिनिस्टर बनाया था। यही नहीं, जब 1962 में हिन्दुस्तान की चीन से बुरी तरह हार हुई, उसके बाद यह दबाव पड़ रहा था कि उनको हटाया जाए, उन्होंने उनको बहुत अन्यमनस्क ढंग से हटाया और बाद में फिर शामिल भी कर लिया।

आप 1957 की लोक सभा में फिरोज गांधी द्वारा दिए गए भाषण को पढ़िए। जब श्री टी.टी. कृष्णमाचारी वित्त मंत्री थे, उस समय जीवन बीमा निगम की ओर से 1 करोड़ 56 लाख रुपए की मुद्रा का शेयर खरीदा गया था। उसकी खरीददारी किस ढंग से हुई थी? दूसरे की बात को छोड़ दीजिए, पूर्व प्रधान मंत्री स्वर्गीय श्रीमती इंदिरा गांधी जी के पति फिरोज गांधी भी रायबरेली से चुनाव लड़ते थे। उन्होंने 1957 के शीतकालीन सत्र में एक भाषण दिया था। मैंने अभी दो दिन पहले उस भाषण को पढ़ा है। उस भाषण को पढ़ने से यह पता चलता है कि किस तरह से उन्होंने छीछालेदर किया था और उस मामले में किस तरह से सरकार और मंत्री involve थे, इसका उसमें जिक्र है। उस पर मोहम्मद करीम चागला की अध्यक्षता में न्यायिक जांच आयोग बना था और उस आयोग ने मात्र 23 दिन में अपनी रिपोर्ट दी थी। आज तक किसी आयोग ने इतनी जल्दी अपनी रिपोर्ट नहीं दी है। उस रिपोर्ट के आधार पर श्री टी.टी. कृष्णमाचारी को हटाना पड़ा था।

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पंडित जवाहर लाल नेहरू जी देश के बहुत बड़े नेता थे, इसमें कहीं कोई संदेह नहीं है। उनके इस्तीफे के बाद उन्होंने चिट्ठी लिखी और उस चिट्ठी में यह लिखा कि आपको तो मालूम ही नहीं हुआ होगा कि Life Insurance ने इस तरह का घपला किया है। आखिर accountability भी कोई चीज होती है। चागला साहब ने कहा कि कोई मंत्री यह कह कर नहीं बच सकता है कि उसके विभाग का कोई पदाधिकारी या कोई कर्मचारी उसकी जानकारी के बगैर कुछ कर रहा है। कोई भी काम होता है, तो उसकी जवाबदेही विभाग के मंत्री को लेनी होगी और इसी आधार पर श्री टी.टी. कृष्णमाचारी जी को इस्तीफा देना पड़ा था। यह आरोप आज से नहीं लग रहा है।

आपके Economic Survey को देख कर मुझे खुशी भी हुई और आश्चर्य भी हुआ कि पता नहीं कौन-से लोग इसको तैयार करते हैं। हमने सुना है कि देश के बहुत नामी-गिरामी अर्थशास्त्री इसकी रिपोर्ट को तैयार करते हैं। उन्होंने क्या लिखा है? ये लोग बड़े अद्भूत हैं। हमको तो कभी-कभी लगता है कि इन लोगों को नॉर्थ ब्लॉक या साउथ ब्लॉक में नहीं बल्कि museum में रखना चाहिए।

उपसभाध्यक्ष (श्री तारिक अनवर): कृपया आप समाप्त कीजिए।

श्री शिवानन्द तिवारी: इन्होंने लिखा है, “The foregoing analysis emphasised that in crafting good economic policy, it is important to treat the various players on the market —the policeman, the ration-shop owner and the ordinary citizen—as reasonably self-seeking, rational agents. If these agents get the opportunity to earn some extra money with little effort, they will seize the opportunity.” यह उन्होंने कहा है।

उपसभाध्यक्ष: शिवानन्द जी, कृपया आप समाप्त कीजिए।

श्री शिवानन्द तिवारी: सर, मैं दो मिनट में समाप्त कर रहा हूँ।

(2j ks/mp पर क्रमशः)

2j/3.50/ks-mp

SHRI SHIVANANDA TIWARI (contd.): “Many a noble plan to reach out to the poor and increase the welfare of our citizens has fallen on hard times because of the policymakers’ propensity to assume that the policies are delivered by flawlessly moral agents or perfectly- programmed robots. Models based on such faulty assumptions are destined to fail.

यह इनको आज पता लगा है, जब किसी Economic Survey में इस तरह लिखा हुआ है - 2001-02 की बात लिखी है, 2004-05 की बात लिखी है कि किस तरह से पी.डी.एस. में जो सामान जाता है, उसकी लूट होती है। उसकी बात छोड़ दीजिए, आप ही के नेता, स्वर्गीय प्रधान मंत्री राजीव गांधी जी ने कहा था कि हम जो रुपया यहां से भेजते हैं, उसमें से पंद्रह पैसे ही जनता के पास पहुंचते हैं और Economic Survey तैयार करने वाले जो अर्थशास्त्री हैं, उनको आज समझ में आ रहा है, लेकिन वे दोष किसको दे रहे हैं? राशन के दुकानदार को ..(समय की घंटी)... पुलिस के सिपाही को! यह जो 2G Spectrum घोटाला है, अभी दस किलो सोना जिसका पकड़ा गया, वह क्या पुलिस का सिपाही है? मध्य प्रदेश में जो अफसर पति-पत्नी थे, उनके घर में raid हुआ, तीन करोड़ रुपया नकद मिला, वे क्या पुलिस के सिपाही और साधारण लोग हैं? भ्रष्टाचार ऊपर से नीचे, तीव्रता से चलता है। भ्रष्टाचार की गंगोत्री यहां दिल्ली में है, यहां भ्रष्टाचार को रोकिए। भ्रष्टाचार को रोकने का तंत्र बनाइए, मैकेनिज्म बनाइए। कब से डिमांड हो रही है कि लोकपाल बनाइए। आज़ादी के तुरंत बाद अगर यह कार्यवाही होती, तो आज जो भ्रष्टाचार का रूप और आकार दिखाई दे रहा है, यह रूप और आकार दिखाई नहीं देता। इसलिए हम आपको बधाई देना चाहते हैं, चाहे जैसे भी हो, जे.पी.सी. की मांग को आपने माना है, लेकिन सिब्बल साहब, आप मानकर चलिए कि आपका नुकसान तो हो गया, क्योंकि डेमोक्रेसी में people’s perception ही असली चीज़ होती है और इस देश की जनता में यह धारणा बैठ गई कि सरकार ने 2G Spectrum में भारी

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घोटाला किया है और उसको छिपाने के लिए वह जे.पी.सी. को नहीं मान रही है। दूसरी तरफ हम लोगों को शाबाशी मिल रही है कि हम लोग मज़बूती से अपनी बात पर अड़े रहे और सरकार से हमने जे.पी.सी. को मनवाया। तो यही कहते हुए मैं जे.पी.सी. के इस मोशन का समर्थन करता हूँ, देर आयद दुरुस्त आयद, लेकिन कम से कम आए तो सही, धन्यवाद.

(समाप्त)

SHRI TIRUCHI SIVA (TAMIL NADU): Sir, I rise here not to justify a wrong that has been done but to uphold, in a sense, what has been misrepresented as a misdeed by vested interests at work.

Sir, the leader of our Party has categorically reiterated that action will be taken against anybody who is found guilty. We witnessed unprecedented scenes in the House and also across the country. We saw a storm in the tea cup, much ado about nothing, mountain made out of a mole hill and something out of nothing. All these issues that have been raised... (Interruptions)

Sir, all the issues over which we witnessed noisy scenes all these months can be divided into two categories: one, regarding the alleged substantial loss to the exchequer; another regarding procedural lapses. At this point, I would like to submit in this august House and appeal to our colleagues that one constitutional functionary differs in opinion with the other functionary.

(Contd. on 2k/kgg)

kgg/2k/3.55

SHRI TIRUCHI SIVA (contd.): It is like the Cabinet and the Parliament and even the Planning Commission which is being headed by the Prime Minister and the TRAI, a statutory body! Sir, disagreeing with another functionary or having a

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dissent is punishable one, of course. But, at the same time, if it creates horror in the minds of the people and if something has happened unusual and unprecedented, that has to be checked; either the Parliamentary mechanism or the Judiciary mechanism should be evolved to resolve these institutional aberrations.

Sir, my colleagues in the Opposition here and in the other House have been saying and it has been taken out to the people in the media that something which has not happened in the post-Independence history of India has happened that an amount of Rs. 1.76 lakh crores has been wiped away by one individual person. All these were based on the report of the CAG. Sir, the CAG's report is only a finding, it is only an organization to audit the Government's expenses. It is not a verdict. It is not a judicial finding either to convict a person or to draw a conclusion on the policies of the Government. But, it was depended most upon by many.

I would like to say that the NTP-1994 failed to achieve its objectives for well-known reasons. It was concentrating more on increasing the revenue rather than increasing the tele-density, to pass on the technological developments in the telecom sector to the rural people. So, in 1998, an expert Group of Ministers was entrusted with a job to review all these things and in 1999, a new NTP-1999 was arrived at. While moving the motion, our hon. Minister said very clearly that shifting from auction-regime to the revenue-regime, the adjusted gross revenue system. The experience proved that the auction did not help. It neither fetched the revenue for the operators who had invested much on it, who had made high bids;

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they were not able to pay the Government the bid amount. So also, the tele-density also was not extended to the level which was expected. So, the then Government, which the hon. Leader of the Opposition defended very well saying that what all they had done was to improve the tele-density; and if the same is repeated by the subsequent Governments, it is interpreted in some other manner! He said that the shifting from auction to revenue-regime was only to improve tele-density. Sir, I do not want to go around all those things. I would like to quote only one thing from the NPT-1999 which says very clearly that one has to depend mostly upon the TRAI. Para 3.1.1. of NTP-1999 says, "The entry of more operators in a service area shall be based on the recommendation of the TRAI who will review this as required and no later than every two years. The CMSP operators would be required to pay a one time entry fee. The basis for determining the entry fee and the basis for selection of additional operators would be recommended by the TRAI." Sir, it is very clear that entry of new operators in a service area, entry fee payable and revenue share arrangement were all to be based on TRAI's recommendations. It is to be noted that the allocation of 2G licences in 2008 was also fully based on and consisted with the TRAI's recommendations. Sir, this fact has been ignored by everyone who is raising accusations against us.

Sir, the TRAI's recommendations from 2003—again I would like to quote our hon. Minister when he moved the motion. He said that NTP of 2003, 2005,

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2007 and 2010 also; and most of all, in 2007, only one very important recommendation which the TRAI made is in para 2.79 of TRAI's recommendation.

(Contd. by tdb/2l)

TDB/2L/4.00

SHRI TIRUCHI SIVA (CONTD.): Because, the Government sought TRAI's recommendations on limiting the number of access providers in each service area, review of the terms and everything, and the TRAI has recommended this. "It is therefore recommended that in future all spectrums excluding the spectrum in 800, 900 and 1800 bands should be auctioned so as to ensure efficient utilization of this scarce resource. In the 2G bands, allocation through auction may not be possible as the service providers were allocated spectrum at different times of license and the amount of spectrum with them varies from 2x4.4 MHz to 2x10 MHz for GSM..." Therefore, to decide the cut off date after which the spectrum is auctioned will be difficult..." Sir, the TRAI has very clearly said that auction may not be possible for 2G as there won't be any level-playing field.

Sir, the other thing which has been duly followed is this. The guidance has been taken into account from the Tenth Five Year Plan and the Eleventh Five Year Plan. The Tenth Five Year Plan says, "The telecom sector needs to be treated as an infrastructure sector for the next decade. Government's broad policy of taxes and regulations for the telecom sector has to be promotional in nature. Revenue generation should not be a major determinant of the macro policy governing the sector". The guiding principles of spectrum policy under the Tenth Plan are that

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spectrum policy needs to be promotional in nature, revenue considerations playing a secondary role.

Sir, similarly, the Eleventh Five Year Plan says, “FDI ceiling has been raised to 74 per cent for various telecom services. Prior experience in the telecom sector is no more a pre-requisite for grant of telecom service licenses”. Sir, all the allegations raised are refuted by this. Prior experience in the telecom sector is no more a pre-requisite, and this has been laid down as a guideline by the Eleventh Five Year Plan. So also, the FDI ceiling has also been raised to 74 per cent. Annual license fee of NLD and ILD licenses has been reduced from 15 per cent to 6 per cent of the AGR with effect from 1st January, 2006”. What is the result of it? The Minister, who is now an accused, who has done everything in 2007 and 2008, has followed the guidelines of the Tenth Five Year Plan and the Eleventh Five Year Plan and the TRAI’s recommendations. And the outcome of that is this. To add again to the Minister, who quoted many improvements in this, I would like to say only one thing. When he assumed office in 2006, the rural tele-density was just 5.8 per cent, and when he demitted office, it was 26 per cent. It was 20 persons per hundred. So also in urban, when he took charge, it was 48.01 per cent, and when he demitted office, it was 95 per cent in urban areas. And, most important of all, in 2006-07, an individual was paying Rs.282 as his cellular fee per month; and in 2009, when he left, it was Rs.122. So, Rs.160 every person is saving, and when you calculate it with 700 million users, it comes to about Rs.1,34,400. So, this is what the common man in this country is saving, Sir.

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Sir, now I am coming to the most important issue, considering the point of paucity of time. Sir, the CAG in its Report has said that beyond contracted quantity of 6.2 MHz, had it been auctioned at 3G level, it would have fetched Rs.36,983 crore.

THE VICE-CHAIRMAN (SHRI TARIQ ANWAR): Mr. Siva, please conclude.

SHRI TIRUCHI SIVA: Sir, 2G cannot be auctioned at the rate of 3G. I have these two pens. One is mine and another is of my colleague's. Sir, these two pens cannot be sold at the same price. It has got its own quality. This one must be sold at a very lesser price to enable the poorest man to get it for his school-going children. Sir, 2G is only voice based communication, and 3G is data based communication.

(Contd. by 2m-cls)

KLS/2M-4.05

SHRI TIRUCHI SIVA (CONTD): So, evolving these two on the same level cannot at all be taken into account. Even that is considered, I should say that...
...(Interruptions)..

THE VICE-CHAIRMAN: Thank you.

SHRI TIRUCHI SIVA: Beyond the contractual quantity of 6.2 MHz from 2002, 77.8 MHz has been given beyond the contractual quantity. ...(Interruptions)..

THE VICE-CHAIRMAN: I said thank you because you returned the pen.

SHRI TIRUCHI SIVA: I will... (Interruptions).. You can take it, Sir. Mr. Raja, who has been accused, during his ...(Interruptions)... It is very, very important. He has given only 12.6 MHz and the rest of the 65.2 MHz has been given from 2002

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and in the subsequent times. ...(Interruptions).. Also, it was only Mr. Raja, who, for the first time, recommended and allotted with a rider that charges will be levied as determined by the Government in future for spectrum beyond 6.2 MHz. No other person has done that. It is very, very important. Please give me one minute more. In the year 2002, ...(Interruptions).. I would like to put it on record. ...(Interruptions)...Sir, NCP is not being represented and I am taking their time. I have sought the permission of the Leader of that party. ... (Interruptions)... On 10th of January, 2002, the Secretary, DOT, put up a note to then them MOC & IT and he wrote that 'MOCT & IT had desired that we should examine the question of giving additional frequency to the cellular operators, particularly those facing problems in Delhi and Mumbai. The Telecom Engineering Centre had been asked to review the position in this regard. It would be apparent...(Interruptions).. It is very, very important, Sir. ...(Interruptions).. People living in glasshouses are throwing stones at us. That is why I want quote this. This is a letter written in 2002 January. ...(Interruptions)... 'It is apparent from the Report that there is no immediate need for additional spectrum if the allocated spectrum is optimally utilized with better network configuration by decreasing the cell size and decreasing the distance between these cell sites to about half a kilometer, in fact, data available in respect of Beijing and Shanghai would indicate that, with proper planning, it would be possible to sustain even a larger subscriber base with the existing allocation of spectrum.' Sir, this is the letter written by the Secretary, DOT, to the then Minister. But what was written, the proposal, was not approved by the Minister and the file was reprocessed changing the proposal

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made by...(Time-bell) Sir, it is a very, very important point. Since discussion has taken place, therefore, I want to put it on record. The proposal was not accepted, approved. The file was reprocessed changing the proposal made by the then Secretary. The revised proposal suggested that, 'it was felt that there would be need to allocate additional spectrum in Mumbai and Delhi Metro Service Areas soon where congestion as well as drop in quality is expected. Additional spectrum beyond 6.2 MHz and up to 8.0 MHz be allotted to Cellular operators without any upfront charge.' We all heard the LOP saying that spectrum is a very scarce resource and it cannot be given just like that. I would like to ask him or anybody else who has raised the same accusations that it has been clearly said that cellular operators will be allotted additional spectrum without any upfront charge. (Time-bell) This is stated by the Minister of 2002 who was then in power. He has written to the Secretary, DOT, who has suggested him that there is no need to give additional spectrum. It is very, very important. However, it was further revised by the Secretary DOT in handwriting that additional spectrum up to 10.0 MHz may be given. Sir, who are the signatories? They are Wireless Advisor, retiring on that day, Member (P) and Member (F) out, Chairman (TC) and MOC. Sir, I would just like to ask a few questions. You kindly give me your permission for that and with that I will conclude my speech. The questions are: What was the hurry when these people were not in office? Why the proposal was turned down? Why the file was not approved? Why did the decision have to be taken in the absence of Member (F), Member (P) and on the day he was leaving town? Since when do verbal approvals pass scrutiny when the issue is related to policy?

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(Time-bell) Who empowered the signatories to change the Telecom Policy or frame a new one on their own? Why was the procedure not followed? What was the basis of taking the decision to allocate additional spectrum? Why was the contract signed with the mobile operators not referred, which says very clearly that only a cumulative maximum of 4.4 MHz will be given?

(Followed by 2N/SSS)

SSS-ASC/2N/4.10

SHRI TIRUCHI SIVA (CONTD.): What made the Secretary DOT take a U- turn on his position from his note of 10.01.2002 on both the need for additional frequency as well as the allocation fee? Why was a signed approval of all absentees not taken subsequently to verify the verbal agreement referred to? Who were the beneficiaries of these liberal terms? These are the questions that have to be looked to. (Time-bell) Sir, we are discussing about a very serious issue. Kindly give us relaxation. I am not taking more time unnecessarily.

THE VICE-CHAIRMAN (SHRI TARIQ ANWAR): You have already taken more time.

SHRI TIRUCHI SIVA: Thank you very much for giving me time. I will take one more minute. Who will take responsibility for the loss of thousands of crores of value of spectrum on account of a one-page note that was pushed despite the Secretary's recommendations moved earlier to the contrary and who will pay? Is it not a criminal conspiracy to give more than the signed contract signed with the sovereign? Sir, these are the questions that I put forth. Those who are leveling

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charges are throwing stones at us from a glass house. Sir, I would like to say policy decisions...

DR. V. MAITREYAN: They were part of the Government.

SHRI TIRUCHI SIVA: This was in 2002. (Interruptions) Policy decision of a Government and I think, (Interruptions) Sir, I do not want any interruptions. Sir, no authority can question the policy decision of a Government. (Interruptions)

THE VICE-CHAIRMAN (SHRI TARIQ ANWAR): Let him conclude.

SHRI TIRUCHI SIVA: If at all anything is found not in acceptance in NTP 1999, then, that has to be done only by the Parliament. Sir, I would like to conclude saying that (Hon. Member may please fill in the Tamil lines) The life of virtue appears to be young girls by viciousness but ultimately only the virtue will win. That is the history and I am certain that that history will repeat itself. With this, I support the motion moved by the Minister.

(Ends)

SHRI TAPAN KUMAR SEN: Spectrum is a scarce resource. It was told by none other than the Finance Minister of this UPA Government only that spectrum is a scarce resource.

श्री राशिद अल्वी : सर, जो ग्रुप ऑफ मिनिस्टर्स बना था। Two Members who were at that time Ministers are now the Members of the other House and Shri Ravi Shankar Prasad also. All the three were Members of that group of Ministers to review the Telecom policy. I suggest they should not be there and one Member of Lok Sabha is related to the former Telecommunication Minister. So, I think they will not do justice and they should not be Members of JPC. Thank you.

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श्री मोहन सिंह (उत्तर प्रदेश) : महोदय, JPC के गठन के संबंध में माननीय मंत्री जी ने जो प्रस्ताव रखा है, मैं उसके समर्थन में खड़ा हुआ हूँ। इस JPC के बारे में मेरे मन में अभी कई आशंकाएं पैदा हो गई हैं। दोनों तरफ की बात सुनने के बाद सिब्ल साहब का आरोप है कि दूरसंचार क्षेत्र में जो घपले, घोटाले हुए हैं, उनकी जड़ें वहां से शुरू होती हैं और उनका जो फल निकला, वह यहां से निकला और इन्हीं लोगों ने उस फल को खाया है। जब हम JPC के सदस्यों की सूची देखते हैं, तो 70 फीसदी उन्होंने और इन्होंने मिलकर, दोनों ने इसकी मेम्बरी हासिल कर ली है। यह तो वैसे ही है जैसे किसी अभियुक्त को घटना का तफ़्तीश कुनिन्दा बना दिया जाए। जब अभियुक्त ही कुनिन्दा हो जाएगा, तब फिर कितने तथ्य निकलकर बाहर आएंगे, ठगमा-बिगवा की तरह न तू मेरी कह, न तू मेरी कह। दोनों उस तथ्य को जमीन में गाड़ने का काम करेंगे, कुछ यही स्थिति लग रही है। इसलिए इस JPC का विस्तार करके, उसमें ऐसे दलों का समावेश किया जाना चाहिए, जिनका इस घोटाले और उन सरकारों से कोई वास्ता नहीं रहा है। मैं दूसरी बात यह कहना चाहता हूँ कि जब मैं चौदहवीं लोक में सदस्य था, अनेक सवाल अनेक बार उठाए गए कि दूरसंचार की तरंगों को लाइसेंस देने के मामले में, दूरसंचार मंत्रालय में घपला हुआ है।

(क्रमशः 20/AKGपर)

AKG/20/4.15

श्री मोहन सिंह (क्रमागत) : उस समय माननीय मंत्री जी on record सदन के भीतर कहते थे कि कोई घपला नहीं हुआ है, बल्कि 60 हजार करोड़ का मुनाफा हुआ है, हमारे विभाग ने 60 हजार करोड़ कमाए हैं। उस पर न केवल विपक्ष, बल्कि सरकार और संसद भी मौन हो जाया करती थी। मैं हिन्दुस्तान के सर्वोच्च न्यायालय को धन्यवाद देना चाहता हूँ। यदि वह इस मैदान में न कूदा होता, तो संभवतः तथ्यों का पता लगाने में हमको इस तरह ताकत न मिलती और ये बातें खुल कर सामने नहीं आतीं।

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जब दूसरी सरकार, यूपीए-॥ बनने लगी, तो यह एक सच्चाई है कि एक ही घटक को वही मंत्रालय दिया जाए और उसी मंत्री को दिया जाए, इस पर बहुत जद्दोजहद हुई। इस देश के निजी क्षेत्र के जो खिलाड़ी हैं, उन्होंने उसमें बहुत बड़ी भूमिका अदा की। उसके टेप मौजूद हैं, बिचौलिए मौजूद हैं। कुछ लोगों को बुला कर इस बात की कोशिश की गई कि अमुक मंत्री को ही अमुक मंत्रालय दिया जाए। इसके पीछे क्या भावना थी? इन तथ्यों का पता तो टेप से आ रहा है, जिस पर अभी सुप्रीम कोर्ट में मामला लम्बित है। जिस दिन उस टेप का खुलासा होगा, इसकी तह में जो असली खिलाड़ी लोग हैं, उनके नामों का खुलासा होगा। उस घटक के एक बहुत बड़े व्यक्ति ने दिल्ली आकर अखबारों में यह बयान दिया कि जो लोग टेलीकॉम मिनिस्टर के खिलाफ इस तरह के आरोप जड़ रहे हैं, वे सभी शैड्यूल्ड कास्ट के विरोधी हैं। अब हम उनसे पूछना चाहते हैं कि जिन लोगों ने राजा को जेल में भेज दिया, जिन्होंने उसके खिलाफ जाँच बिठाई, जिन्होंने उसको मंत्रिमंत्रल से निकाल बाहर किया, क्या उनके बारे में भी करुणानिधि जी की आज वही राय है कि वे लोग सचमुच शैड्यूल्ड कास्ट के विरोधी हैं, चाहे वे इस देश के प्रधान मंत्री हों या इस देश की सरकार चलाने वाले हों। हिन्दुस्तान की सुप्रीम कोर्ट में हिन्दुस्तान की सरकार ने राजा को बचाने के लिए डेढ़ साल लगाए। जब सुप्रीम कोर्ट ने कहा कि नहीं, प्रधान मंत्री और उनका मंत्रालय खुद आकर हमारे यहाँ शपथ पत्र दे कि जो भूतपूर्व एमपी की चिट्ठी थी, उस पर भारत सरकार ने क्या कार्रवाई की, उसके बाद सुप्रीम कोर्ट के सामने भारत सरकार अपनी जान बचाने के लिए -- एक तरफ राजा थे, दूसरी तरफ सरकार थी -- हम अपनी सरकार बचावें या राजा को बचावें, जब ये दो चीजें सामने आ गईं, तो राजा की छुट्टी कर दी गई और उस बेचारे को जेल में डाल दिया गया।

जेपीसी की माँग हम लोग इसीलिए कर रहे थे कि जब सुप्रीम कोर्ट इसकी समीक्षा कर रहा था, उसी समय ऑडिटर-जनरल की भी एक रिपोर्ट आ गई और उस रिपोर्ट में यह कहा गया कि इसमें 56 हजार करोड़ से लेकर 1 लाख 75 हजार करोड़ तक का घाटा हो सकता है। पूरी बात उन्होंने नहीं कही, सच्चाई और दृढ़ता के साथ इसे नहीं कहा, इसको भारत की

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संसद की कमेटी, जिसको PAC कहते हैं, की समीक्षा के लिए छोड़ दिया। लेकिन यह एक अहम प्रश्न है कि क्या इतने गम्भीर सवालों पर भारत की संसद मौन रहे, क्या 5 साल तक संसद को गुमराह करने के जो प्रयास हुए, उन प्रयासों में भारत की संसद को खड़ा होने का मौका मिलेगा या नहीं? इसके लिए जेपीसी के अलावा कोई रास्ता नहीं है। केवल सुप्रीम कोर्ट, केवल सीबीआई ऐसे मामलों में दखल दे और भारत की संसद मौन रहे, यह उचित नहीं था। इसलिए हम लोग जेपीसी की माँग करते रहे।

जेपीसी के गठन का प्रस्ताव माननीय मंत्री जी ने रखा है, हम उनको धन्यवाद देते हैं, लेकिन इस शिकायत के साथ कि हिन्दुस्तान के महालेखाकार की रिपोर्ट के ऊपर एक मंत्री को टिप्पणी करने का अधिकार नहीं है। इन्होंने अपनी तरफ से जो टिप्पणी की, वह इनकी अपनी गरिमा और इनके पद के अनुरूप नहीं है। उसके बाद भारत सरकार ने सुप्रीम कोर्ट के रिटायर्ड जज की एक कमेटी बनाई। उन जज साहब ने इसमें दाल में काला होने की बात की ताइद कर दी। उनकी रिपोर्ट को भी नजरअंदाज करके एक सार्वजनिक बयान दिया जाए, यह ठीक नहीं था। इसलिए पहले से ही जेपीसी के जिम्मे इन सारी चीजों को रखना चाहिए था। माननीय मंत्री जी को इस तरह के सार्वजनिक बयान नहीं देने चाहिए थे। आज उन्होंने सदन के भीतर पहली बार जेपीसी के गठन और इसमें कौन-कौन से संभावित कारण हो सकते हैं, उसका खुलासा किया है। हम उनको धन्यवाद देना चाहते हैं और आग्रह करना चाहते हैं कि जेपीसी के terms of reference को बढ़ाया जाए, क्योंकि आज देश में काले धन के ऊपर जबर्दस्त आंदोलन खड़ा हो गया है। साधू और संत लोग भी मैदान में कूद पड़े हैं, उनके लिए आप क्या करेंगे। एक व्यक्ति अनशन करने के लिए तैयार हो गया है और वह कह रहा है कि हम आमरण अनशन करेंगे।

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उपसभाध्यक्ष (श्री तारिक अनवर) : प्लीज कन्क्लूड कीजिए।

श्री मोहन सिंह: जेपीसी के terms of reference में काले धन को वापस लाने, भ्रष्टाचार को रोकने, उसके लिए दिए जाने वाले सुझाव, ये सब शामिल किए जाने चाहिए, इसी आग्रह के साथ आपको धन्यवाद देते हुए मैं अपनी बात समाप्त करता हूँ।

(समाप्त)

(2पी/यूएसवाई पर आगे)

-NBR-USY/2P/4.20

DR. V. MAITREYAN (TAMIL NADU): Mr. Vice-Chairman, Sir, the BJD and the nominated Members have agreed to support me. So, I will need extra time on that count. (Interruptions)

Sir, on behalf of the All India Anna DMK, I stand to support the Motion for constitution of the Joint Parliamentary Committee to probe the 2G spectrum mega scam. Before I start, my friend, Mr. Siva, gave an interesting...(Interruptions)

DR. K.P. RAMALINGAM (TAMIL NADU): Sir, please ask him who are those nominated Members who have supported him. (Interruptions)

THE VICE-CHAIRMAN: You don't worry about that. I will take care. (Interruptions)

DR. V. MAITREYAN: Before I start my discussion, I would like to mention that my friend, Mr. Siva, gave an interesting anecdote about two pens. I have also got two pens. And, everybody here will understand the difference between these two pens. This pen has got a value and the other pen has also got a value. The problem with Siva's Minister was that he sold this pen at the rate of other pen. That was the difference and that is the problem that the whole country has

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witnessed. (Interruptions) Sir, I am deeply disappointed that the AIADMK, which spearheaded the campaign on this issue, has been left out in the list of Members, who are being nominated from the Rajya Sabha. Before other parties took interest and before the Lok Sabha took a lead, it was the AIADMK -- under instructions from my party's General Secretary, Dr. Puratchi Thalaivi -- that has, on so many occasions, which has been raising this issue in this very House for the last two years. Now, the CBI is boasting that they have got incriminating documents about various *benamis*, the Green House promoters, and the various parties who are involved in it. (Interruptions) In this very same House, on very many occasions, I have been showing the documents of those Green House for more than two years. And, yet, the AIADMK has been denied a place, from the Rajya Sabha, in the JPC. I feel very strongly about it. A JPC, without an AIADMK representative from the Rajya Sabha, is an aborted JPC. And, this is the travesty of justice. And, hence, I strongly plead for our inclusion.

SHRIMATI BRINDA KARAT: Yes; we support it.

DR. V. MAITREYAN: Sir, the 2G scam is reflective of the break down of the institutional checks and balances. It is, indeed, a reflection of our times that the scam has happened right in front of everyone and, yet, not one of the Constitutional authorities could prevent it. The scam has brought out the brazenness by which public wealth was looted for private gains. The scam has got another dimension — the ugly nexus between the corporates and the Government. The exchange of letters between the then Union Minister, Mr. A. Raja, and the Prime Minister on the 2nd November tells us an important story that

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the then Law Minister was against the process adopted by the then Communication Minister. That letter and the subsequent exchanges between the then Union Minister and the hon. Prime Minister bring out another fact that the Prime Minister was partially, if not fully, was in the know of the scam. More importantly, since 10th January, 2008, the information has been in public domain on the manner in which the scam has unfolded right under the nose of every constitutional authority.

Sir, various things have been mentioned about for and against. I would like to point out only one paragraph. (Interruptions) The time is over for my opponents. I quote, “The date of the meeting of the Telecom Commission, which was scheduled to discuss the issues relating to the issue of pending applications for the licensed and the pricing of spectrum, was postponed from 9th January, 2008 to 15th January, 2008. Without the Telecom Commission getting an opportunity to discuss the matter, 121 Lols were issued on 10th January.

(Contd. By 2q — PK)

-USY/PK/2Q/4.25

DR. V. MAITREYAN (CONTD.): The hon. Finance Minister also held the view on 15th January, 2008, that spectrum is a scarce resource. The price for spectrum should be based on its scarcity value and efficiency of the usage...

SHRI TIRUCHI SIVA: Sir, wherefrom is he quoting?

Dr. V. MAITREYAN: From CAG Report only. And, the most transparent method of allocating spectrum would be through auction.

SHRI TIRUCHI SIVA: What is the page number?

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Dr. V. MAITREYAN: Page no. 26. ..(Interruptions)... See, you are not here to question me. I didn't interrupt you. ..(Interruptions)..

THE VICE-CHAIRMAN (SHRI TARIQ ANWAR): Please, please.

SHRI TIRUCHI SIVA: Sir, I am on a point of order. ..(Interruptions)..

DR. V. MAITREYAN: However, the hon. Finance Minister This is not a point of order. You can ask ..(Interruptions).. paper and other things.

THE VICE-CHAIRMAN: Please, you address the Chair.

DR. V. MAITREYAN: However, the hon. Finance Minister, after the issue of 121 licenses by the DoT, suddenly suggested that in January 2008, to treat the previous issue of licenses as a closed chapter. पहले गलती कर दी, फिर चेप्टर क्लोज कर दिया and recommended that the price of spectrum be discovered through an auction process in future. Sir, a lot of discussion has been made regarding the need for a JPC and other things. Ever since the Supreme Court has taken charge of the case, everyday, some new information has been coming with reference to the 2G spectrum issue. The Voltas land deal, the Kothagiri estate deal, then the letter exchanges between Neera Radia and the family members of the ..(Interruptions)..

THE VICE-CHAIRMAN: Please, please.

DR. V. MAITREYAN: Sir, the DB Realty ..(Interruptions).. I am not yielding, Sir. ..(Interruptions)..

THE VICE-CHAIRMAN: Please, please. Don't disturb.

SHRI TIRUCHI SIVA: Sir, I am on a point of order. ..(Interruptions)..

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DR. V. MAITREYAN: The investment of more than Rs. 214 crores by the Dynamix Balwa group...(Interruptions)..

SHRI TIRUCHI SIVA: Sir, I am on a point of order. ...(Interruptions)..

THE VICE-CHAIRMAN (SHRI TARIQ ANWAR): Please quote the rule. ...(Interruptions)..
Just a minute. ...(Interruptions).. He has a point of order. ...(Interruptions)..

DR. V. MAITREYAN: Mention the rule. ...(Interruptions)..

THE VICE-CHAIRMAN: Please. Quote the rule. ...(Interruptions)..

SHRI PAUL MANOJ PANDIAN: Don't interrupt. Please let him speak. ...(Interruptions)..

SHRI TIRUCHI SIVA: Sir, this is Rule 238 (iv). "Reflect on any determination of the Council except on a motion for rescinding it."

DR. V. MAITREYAN: This is not a motion for... I am talking about the
...(Interruptions)..

SHRI TIRUCHI SIVA: Something which is not relevant to this. ...(Interruptions)..

DR. V. MAITREYAN: Sir, he is provoking me to speak more. ...(Interruptions)..

THE VICE-CHAIRMAN: Please continue. ...(Interruptions).. Let him allow.
...(Interruptions)..

DR. V. MAITREYAN: Sir, the Neera Radia tape mentions the conversation *
...(Interruptions).. in which Voltas deal has taken place. ...(Interruptions)..

THE VICE-CHAIRMAN: Mr. Siva, let him speak.

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SHRI TIRUCHI SIVA: Sir, he cannot speak whatever he wants to.

..(Interruptions)..

THE VICE-CHAIRMAN (SHRI TARIQ ANWAR): When you were speaking, nobody interrupted. ..(Interruptions).. When you were speaking, nobody interrupted. Let him allow. ..(Interruptions)..

SHRI TIRUCHI SIVA: He cannot speak .. (Interruptions)..

DR. V. MAITREYAN: JPC is only for ..(Interruptions)..

SHRI TIRUCHI SIVA: Sir, can he speak anything like that? ..(Interruptions).. He cannot mention about somebody who cannot come to this House and give an explanation. ..(Interruptions).. How can he ..(Interruptions).. No, Sir. That must be expunged. ..(Interruptions).. That must be expunged. ..(Interruptions).. He has mentioned about someone ..(Interruptions).. It cannot go on record.

THE VICE-CHAIRMAN: Please. I will look into the proceedings. If there is any objectionable, that will be deleted. ..(Interruptions)..

SHRI TIRUCHI SIVA: Sir, he cannot mention about someone who cannot come and give an explanation. ..(Interruptions)..

THE VICE-CHAIRMAN: Mr. Siva, I will go through the record.

DR. V. MAITREYAN: Sir, the purpose why the Opposition has been asking for a JPC is, PAC has got only a limited mandate. Now, the JPC will have to, necessarily, call Neera Radia as a witness. Neera Radia will have to appear as a witness before the JPC and explain about the talks which she had with some influential members of the Tamil Nadu family. She will have to mention what deal

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had taken place in Voltas. ..(Interruptions).. That is why, we are asking for the JPC. ..(Interruptions).. Now, I come to the point, Sir. Sir, the CBI, in the spectrum case, has filed an affidavit in the CBI court. They have, in fact, arrested one Mr. Shahid Balwa and they have given an affidavit that the Dynamix Balwa Realty have invested Rs.214 crores. DB Realty is a beneficiary, is a part of the SWAN Telecom. ..(Interruptions). They have invested Rs. 214 crores in Kalaignar TV. ..(Interruptions)..

THE VICE-CHAIRMAN: We will see the record. Don't worry. ..(Interruptions)..

DR. V. MAITREYAN: Sir, they are refuting their own investigating agency.

(Contd. by 2R/PB)

PB/2R/4.30

DR. V. MAITREYAN (CONTD.): The CBI has given an affidavit that DB Reality has invested Rs. 214 crores. Not only that, the CBI Advocate has gone on record in the court that the cheque(Interruptions)... No; no in Kalaignar TV. ... (Interruptions)... The CBI Advocate has also said(Interruptions)...

SHRI TIRUCHI SIVA: Sir, all this should not be discussed here. It is in the court. ... (Interruptions)... It is pending in the court for a decision. Something which is pending in the court, how can it be(Interruptions)...

DR. V. MAITREYAN: I am coming to that. ... (Interruptions)... I am coming to that. ... (Interruptions)...

SHRI TIRUCHI SIVA: I don't understand it. ... (Interruptions)... I don't understand that. ... (Interruptions)...

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THE VICE-CHAIRMAN (SHRI TARIQ ANWAR): I will see it. We will go through the record. We will go through the record. Don't worry. ...(Interruptions)...

DR. V. MAITREYAN: Sir, the CBI Advocate has told the court that the cheque by which the DB Reality has paid Rs. 214 crores is also a bribe. It is also bribery. That is what the CBI Advocate has told the court. ...(Interruptions)... The CBI Advocate has said that Rs. 214 crores given to Kalaignar TV is a bribe. ...(Interruptions)...

THE VICE-CHAIRMAN: Please. ...(Interruptions)...

DR. V. MAITREYAN: This bribe is given to Kalaignar TV by DB Reality which ...
...(Interruptions)...

THE VICE-CHAIRMAN: Please conclude. ...(Interruptions)... Please conclude. ...
...(Interruptions)... Take your seats. ...
...(Interruptions)... Take your seats. ...
...(Interruptions)... Please, go to your seats. ...
...(Interruptions)... Please, go to your seats. ...
...(Interruptions)... Please. I will see it. ...
...(Interruptions)... Please, go to your seats. ...
...(Interruptions)... Please, go to your seats. ...
...(Interruptions)... I will see it. ...
...(Interruptions)... I will see it. ...
...(Interruptions)...

SHRI TIRUCHI SIVA: Sir, kindly restrain the Member. ...(Interruptions)...

THE VICE-CHAIRMAN: We will see it. We will see it. ...
...(Interruptions)... Please, go to your seat. Please, go to your seats. ...
...(Interruptions)... Dr. Maitreyan, please conclude.

DR. V. MAITREYAN: Sir, I have to ...

THE VICE-CHAIRMAN: No; no; you have taken your time. ...
...(Interruptions)...

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SHRI TIRUCHI SIVA: Sir, when I quoted something about a Minister who was not here, I didn't mention the name because I know the procedure how to speak on the floor of the House, but he is going(Interruptions)...

THE VICE-CHAIRMAN (SHRI TARIQ ANWAR): We will see the record.(Interruptions)... We will see whether there is anything objectionable.(Interruptions)... Don't worry.(Interruptions)... We will see the record. Don't worry. We will see the record.(Interruptions)... Dr. Maitreyan, please conclude.

DR. V. MAITREYAN: Sir, CBI, the investigating agency, comes under them. Their own CBI Advocate has told the court that the money paid by cheque is a bribe. What more do you want?(Interruptions)...

THE VICE-CHAIRMAN: Please.

DR. V. MAITREYAN: Now, the hon. HRD Minister patted himself saying, 'where in the world, a Government has sent its own Cabinet Minister to jail.' Please, Mr. Minister, show your guts. Because of these revelations, now the money trail(Interruptions)...

SHRI TIRUCHI SIVA: Sir, we do not get afraid of the court; only their leaders afraid of court proceedings.(Interruptions)...

THE VICE-CHAIRMAN: Please.(Interruptions)... Please conclude, Dr. Maitreyan.

DR. V. MAITREYAN: I am very thankful to Mr. Siva.(Interruptions)... Sir, I am very thankful to Mr. Siva. He has acknowledged that in spite of their Government

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trying to defend them, it is the law which is taking its course. He has acknowledged that. I am very thankful to him. ...(Interruptions)...

SHRI TIRUCHI SIVA: Everyone said that. ...(Interruptions)...

THE VICE-CHAIRMAN (SHRI TARIQ ANWAR): Mr. Siva, please. ...(Interruptions)...

DR. V. MAITREYAN: No; no; your Minister patted himself saying that nowhere in the world, no other Government would have sent its own Minister to jail. ...(Interruptions)...

Now, Sir, I am only appealing to the Minister; Mr. Minister, show your guts; your investigating agencies have traced the money trail; show your guts by asking for the interrogation of the beneficiaries of the spectrum mega scam, Swan Telecom; DB Reality, by including the members of the ruling * and show your guts(Interruptions)...

SHRI TIRUCHI SIVA: It should not go on record. ...(Interruptions)...

THE VICE-CHAIRMAN: We will see the record. ...(Interruptions).... What is objectionable will be expunged. ...(Interruptions).... Please. ...(Interruptions)...

(MR. DEPUTY CHAIRMAN in the Chair)

MR. DEPUTY CHAIRMAN: Please go to your seats. ...(Interruptions).... Please go to your seats. ...(Interruptions).... Please go to your seats. ...(Interruptions).... Please go your seat. ...(Interruptions).... Please go to your seats. ...(Interruptions)....

(Followed by 2s/SKC)

* Expunged as ordered by the Chiar

2s/4.35/skc

DR. V. MAITREYAN: Sir, this is a very serious discussion. (Interruptions)

MR. DEPUTY CHAIRMAN: Please, go back to your places. Please, go back to your places. (Interruptions) Mr. Siva, you have already spoken. (Interruptions)

SHRI TIRUCHI SIVA: Sir, I would like to make a submission. He is using names of persons who cannot come to this House and defend themselves. (Interruptions)

MR. DEPUTY CHAIRMAN: Their names would be deleted. (Interruptions) If they have used the names of persons who are not Members of this House, they would be deleted. (Interruptions)

DR. V. MAITREYAN: I appeal to the Minister to show some guts. (Interruptions) Sir, he has spoken for 20 minutes. (Interruptions)

SHRI S.S. AHLUWALIA: Sir, you have given a ruling and I respect that ruling. You have said that names of persons who cannot defend themselves here should not be taken here. I am aware of that rule. But then, we must not use the name of Mr. Shahid Balwa also. The point is, you have given a ruling... (Interruptions)

MR. DEPUTY CHAIRMAN: Please, keep quiet. You cannot speak. (Interruptions) You cannot speak. (Interruptions) Mr. Ahluwalia, let me tell you this. When we are discussing about someone who is accused, I cannot say this should be done or that should be done. It needs to be seen in the context.

SHRI S.S. AHLUWALIA: Sir, the JPC is a mini Parliament.

SHRI TIRUCHI SIVA: All committees are a mini Parliament. (Interruptions)

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SHRI S.S. AHLUWALIA: Now, the JPC is a mini Parliament. The same rules as apply to the House would also apply to the JPC. Even there they would not be allowed to take names or discuss the matter. Then, how would it function? (Interruptions) He has not taken any names.

MR. DEPUTY CHAIRMAN: Please listen, Mr. Ahluwalia. That would be examined. I have given...(Interruptions) Please conclude, Dr. Maitreyan. You have taken a long time already. (Interruptions)

DR. V. MAITREYAN: Sir, I have not taken half as much time as Mr. Tiruchi Siva; he has taken 20 minutes. (Interruptions)

MR. DEPUTY CHAIRMAN: No, no. You had only three minutes. You have taken...(Interruptions) Dr. Maitreyan, this will not go on. Your party had only three minutes. (Interruptions) I have been watching...(Interruptions)

DR. V. MAITREYAN: Sir, he has taken 20 minutes. Please, give your ruling on that. (Interruptions) He has taken 20 minutes. (Interruptions)

SHRI A. ELAVARASAN: Sir, he has taken 20 minutes. (Interruptions)

MR. DEPUTY CHAIRMAN: Please, sit down. (Interruptions) Observe certain decorum in the House.

DR. V. MAITREYAN: Sir, everybody observes decorum in the House. (Interruptions)

MR. DEPUTY CHAIRMAN: Why are you shouting? We are all working. It is the Rajya Sabha. (Interruptions)

DR. V. MAITREYAN: We are already an aggrieved party. Despite our legitimate claims, we are not included in the JPC. (Interruptions)

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MR. DEPUTY CHAIRMAN: Dr. Maitreyan, you are a senior Member of this House. You know how to present your case. Please do not...(Interruptions)

DR. V. MAITREYAN: I appeal to the hon. Minister to show some guts. The investigating agency, CBI, has traced the money trail. They have traced it to Shahid Balwa, DB Realty, Mumbai, Mauritius and Chennai. Please, show some guts by bringing all those people under the ambit of JPC, have them interrogated and have justice delivered. Otherwise, this JPC would be a * . I wish the Committee would be sincere in its probe and bring to book the real culprits of this 2G spectrum mega scam.

(Ends)

MR. DEPUTY CHAIRMAN: Now, Mr. D. Raja; you have five minutes.

SHRI D. RAJA (TAMIL NADU): Sir, in the heat of the moment, I rise to support the Motion. I do agree with the terms mentioned in the Motion. As far as the composition is concerned, I read in the papers and learnt through the media that there was an issue of conflict of interest involved with three Members. It is for the Government and the parties to look into the rules. It should not become a hinderance in the functioning of the JPC. Having said that, Sir, I must move on to some very important issues.

The House witnessed some heated exchange. It shows the seriousness of the scam and the importance of a discussion on the scam in the coming days. Sir, spectrum as a scarce resource is a national asset.

(Contd. on 2t/hk)

* Expunged as ordered by the Chair.

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HK-VNK/2t/4.40

SHRI D. RAJA (CONTD.): I think Government is the sole owner of this asset. Whether you give it for free distribution or for licence or for revenue sharing or for auction, these are all policy matters. How these policies are framed? How these policies are manipulated in order to favour a few corporate houses? How safeguards can be worked out in order to prevent such scams not taking place in the future? These are the policy parameters on which the JPC will have to work. And I do not agree with the arguments of very respected Mr. Kapil Sibal when he was talking about the values or zero loss or such things. I am told in England -- because he was referring to Finland, Sweden and such countries -- 2G spectrum was auctioned just recently and it fetched 21 billion Pound Sterling, that is, equal to Rs.1.5 trillion. If that is the case, if 2G would have been auctioned it would have fetched Rs.5 lakh crores. This is what I am told. You can check the facts. ... (Interruptions)...

SHRI KAPIL SIBAL: After the auction, I just tell you what has happened. Unfortunately for Europe the Governments of two countries, Britain and Germany, had applied spectrum auctions. Unlike the United States Government, they did not re-run the auction -- in the United States it was cancelled -- when it raised around ten times more than they thought it should have. Within a year 100,000 jobs were lost in telecoms support and development across Europe with 30,000 coming from the UK. This is the result of the auction. ... (Interruptions)...

श्री प्रकाश जावडेकर: आप यह क्या बता रहे हैं?

श्री कपिल सिब्बल: मैंने कुछ नहीं कहा है, इन्होंने सवाल पूछा है, मैं उसका जवाब दे रहा हूँ।

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श्री प्रकाश जावडेकर: आप बाहर वकील हैं, लेकिन यहां मंत्री हैं।

श्री उपसभापति: आप अपनी सीट से नहीं बोल रहे हैं।

SHRI KAPIL SIBAL: It also says, what had initially looked like a tax windfall, for the German and UK Governments, turned sour and damaged a European industry that was selling world-wide and was, at the time technologically, ahead in the world markets. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Please, what is this? ...(Interruptions)... We are only discussing about the constitution of JPC. ...(Interruptions)...

SHRIMATI BRINDA KARAT: This is the logic of rival companies. ...(Interruptions)... This is the logic of rival companies. ...(Interruptions)...

SHRI PRAKASH JAVADEKAR: Sir, he is defending the indefensible. What is this? ...(Interruptions)...

SHRI P. RAJEEVE: That is only one view. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Whatever we speak here are views. ...(Interruptions)...

SHRI D. RAJA: I am thankful to the Minister. We should draw lessons from the experience of other countries. After all, we are India and India is not just like any European country, in size and in population, and we have our indigenous knowledge also. We cannot outsource our policies; we cannot borrow ideas all the time. So, let us look at our own nation and how we will formulate policies, how we will implement policies in the interest of the nation and in the interest of people. Now what has been revealed by CAG and other agencies, you may call it presumptive or assumed but, whatever may be, there was loss.

(Contd. by 2u/KSK)

KSK/4.45/2U

SHRI D. RAJA (CONTD): And, this huge loss is the gain of certain corporate companies. It means loss to the people, loss to the nation. How was this loss allowed to occur? How was this loot allowed to take place? How was this spectrum allowed to be exploited and looted by certain companies? Who should be held responsible for this? I hold responsible the Government of the day. The terms of reference say, 'from 1998' and I support. I have no problem because there was a time when we all talked about 'feel good' as though there was feel-good factor everywhere. Now, we feel sick of what is happening, what has happened in spectrum distribution. Actually, we feel sick of what is happening in this great nation. We claim to be a great civilisation. What is happening finally? Where is the morality in public life? Where is the probity in public life? So, every one should introspect. All parties should introspect on what is happening in our great nation.

Having said that, I am not in agreement with the Prime Minister when he compared the loss to the subsidy. Sir, subsidy is a different issue. Yes, we demand subsidy on fuel, we demand subsidy on food items. As a right, we demand subsidy from the Government. Yes, people should have subsidy? But, can you compare or equate the subsidy to the loot by corporate companies? That is the point.

Sir, the employees' union of BSNL first raised this issue. The Government was sleeping actually. Then, my party, the CPI, was one of the first parties, like others, to raise this issue. In fact, in early part of 2008, my colleague in the other

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House, Comrade Gurudas Dasgupta, wrote to the Prime Minister. In the same year, my another colleague, Suravaran Sudhakar Reddy, wrote to the Prime Minister. These two letters were acknowledged by the Prime Minister. The letters were transferred to the then Telecom Minister, Mr. A. Raja. The Prime Minister, till now, has not replied to these letters. But, when the Union Government went to the Supreme Court to file an affidavit, only these two letters were acknowledged and referred in the Union Government's affidavit. That is why, I am saying this. So, it is not that the Prime Minister was not aware; the Government was not aware. The political parties, with their own responsibilities, have been raising this issue. And, the then Telecom Minister, on the very same floor of the House, time and again, claimed that he was taking all the decisions with the knowledge of Prime Minister. So, how these policies were manipulated in a manner that some corporate houses could loot the country to make such a huge loss for the Exchequer? That is my question.

So, the JPC will have to go into all these policy matters and nobody should go scot free. People should have faith in our democratic system. People should have faith in our Parliament. There is a cynical view — what JPC will bring out. After all, JPC is just another JPC. In the past, there were three JPCs. This is the fourth JPC. There can be fifth JPC. Nothing is going to happen. This cynicism has to end. The present JPC will have to work on these policy matters and pin down accountability and responsibility and nation must have confidence that this Parliament is competent; this Parliament is capable of pinning down the culprits and bringing them to justice. That is what we expect. I think the JPC will do its

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job in a very effective and efficient manner so that the country gains, people gain in the coming days and we fight the corruption.

I would take only one minute. As far as safeguards are concerned, I do not know whether JPC can suggest the safeguards, or, such things called Lok Pal, etc. I do not know whether this will be within the purview of the JPC.

(continued by 2w — gsp)

GSP-SC-4.50-2w

SHRI D. RAJA (CONTD.): But the JPC can propose certain safeguards so that scams never take place in such a way. Sir, we should be ashamed to know that our country is one of the most corrupt countries of the world. I feel ashamed. Every one of us should feel ashamed. Why should our country, India, be named as a corrupt country? Let us put an end to such a thing, and, as a nation, let us move forward with confidence. I think, the JPC would function effectively on this policy matter. Thank you, Sir.

(Ends)

DR. MANOHAR JOSHI (MAHARASHTRA): Mr. Deputy Chairman, Sir, I thank you for giving me the opportunity to speak today. I am going to speak only on two pertinent points, particularly, related to my Party.

After the names of Members in the JPC came out, my Party Chief declared, “We are boycotting the JPC, and, we are not going to join this Parliamentary Committee”. This was really a surprise to many people as I know how anxious were the Members, both in Lok Sabha and Rajya Sabha, to be a part of the JPC.

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Sir, I want to make it clear today as to why we are boycotting the JPC. There is a simple reason. The issue started with corruption. Sir, the JPC was to be constituted mainly on three issues, which are very important, and, in the House also, a number of times, questions were raised on these three issues. There is no doubt that 'spectrum allocation' was one of the issues but there were two other issues also. One was the 'Commonwealth Games' and the other was 'Adarsh Building in Mumbai'. Unfortunately, both these issues relate to the State of Maharashtra.

When we came to know that the JPC is being constituted only on the issue of 'spectrum', it was not only me who was surprised, even my Party Chief was surprised, and, on behalf of Shiv Sena, he declared that our Party would not join such a Committee, in which two other important scams were not considered. Further, he declared that we would not join unless the Government decided to include both these issues in the same Committee under the banner of corruption or two separate JPCs were formed to look into it to find out the truth.

Sir, the amount involved in the 'spectrum case' may be a big amount, and, it is big but 'Adarsh' scam is more surprising. 'Adarsh' is a building constructed without 'No Objection Certificate' from the concerned departments, and, a number of Ministers from Maharashtra have taken part in it to have flats in this building, constructed in an unauthorized manner. Not only this, Sir, there are three former Chief Ministers also, who have purchased the flats in the same building either through their relatives or through their friends.

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Therefore, I and my Party, Shiv Sena, were interested that the JPC should work on it. Unfortunately, it did not happen. I spoke in the House. This issue was also raised with the concerned Ministers but, unfortunately, this was not done.

(Contd. by SK-2x)

SK/4.55/2X

DR. MANOHAR JOSHI (CONTD.): And, Sir, when it is such a big money in a scam, like it is there in the 2G Spectrum scam, no doubt, we all are interested. But this was not done. I must thank the BJP because they had offered a seat from their quota on JPC. But we did not accept the seat. We had nothing to say against the BJP but we did not accept the seat only because the Government did not do the things we wanted. Sir, I also found that the Ministers in Adrash scam and also the Member, whose name is known to everybody now, concerned with the Commonwealth Games is also a Congress man. Therefore, I wanted to ask the hon. Minister, Mr. Sibal -- he is not here now, but I am sure my question will go to him -- you wanted to prove that the Congress Minister was not arrested because of corruption but the DMK Minister was arrested because of corruption. Is it because of that?

MR. DEPUTY CHAIRMAN: You have a right to say whatever you want to say but this subject does not belong to the issue we are discussing here.

DR. MANOHAR JOSHI: Sir, I would say how the subject is very much concerned with that. Sir, the entire last Session could not take place because

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(Interruptions) we were not against anybody but we wanted that all the three issues were taken up. (Interruptions)

MR. DEPUTY CHAIRMAN: This discussion is on a Motion specifically on allocation of spectrum. Now, if we expand this spectrum (Interruptions)

DR. MANOHAR JOSHI: Sir, therefore, we wanted (Interruptions) I have said (Interruptions) Sir, I have said that this should have been taken under the banner of corruption. What is the issue?

MR. DEPUTY CHAIRMAN: Yes, you have every right to bring it.

DR. MANOHAR JOSHI: Therefore, Sir, I want to say that the two issues coming from Maharashtra were avoided because there the concerned people were from the Congress Party. Not only this, they did not take sufficient action against the Chief Minister who was totally involved and responsible for this. The DMK Minister has been sent to Tihar Jail; why not the other people? Sir, three former Chief Ministers and also three or four Ministers, when they take the flat and for that, they do some favour, why is no action being taken against them? Therefore, my party decided to boycott this. (Time-bell)

Also, Sir, since I am short of time, I would make only one more point clear that the amount involved in the Commonwealth Games scam may not be so big as it is in case of 2G Spectrum but we must realise that the people involved are the politicians and leaving them free and not taking action against them is not desirable. Sir, I have a paper before me and I have seen what happened to the last four JPCs. Earlier also, the JPCs were appointed on very serious issues. Out of those four cases, Action Taken Reports have come before the Parliament only

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in case of two JPCs. In case of others, the Action Taken Report has not come even after so many years have passed. Therefore, my suggestion would be that there should be a time-limit for the JPC which we are appointing. It is also absolutely necessary that all those reports, the Action Taken Reports, must also come before the House. The Action Taken reports on the Bofors issue of 1989 and the Report of the JPC on Soft Drinks, the Committee which was appointed during my time when I was the Speaker, must come before the House. Though the Action Taken Report in case of Harshad Mehta scam has come, in the case of Ketan Parekh report on Stock Exchange in 2001, there is no implementation of our recommendations. The JPCs will be useless if such reports are kept pending by the Government. Therefore, there should be a time-limit for this JPC also. Also, the Action Taken Report should be coming before this House. If this is not done, the entire thing becomes useless and the purpose will not be served.

(Contd. by ysr — 2Y)

-SK/YSR/5.00/2Y

DR. MANOHAR JOSHI (CONTD.): My request to the hon. Minister is this. While replying, he must make a statement on these two issues, two scams. These two may either be included in it, or, for these two scams, you can appoint a separate committee. I would like to know from him what he is going to do. Thank you, Sir.

(Ends)

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MR. DEPUTY CHAIRMAN: Hon. Members, it is 5 o' clock. We have three more speakers and then there will be reply by the Minister. We will sit till discussion on this subject is over.

Dr. Chandan Mitra, the time allotted to your party is over. You will get just five minutes.

DR. CHANDAN MITRA (MADHYA PRADESH): Thank you, Sir. A lot has been said on it. So I will try to veer away from the points that have already been made.

I stand here to support the motion. We have all been asking for a JPC and we are very glad that the Government has finally accepted this and now a JPC is going to be formed. This is excellent. After one session of the House was completely sacrificed on this account, we are happy that finally we are going to have a JPC and this session is running well.

But, Sir, I get a feeling that the conceding of a JPC has been extremely reluctant and at every step we are getting a feeling that the heart of certain parties is not in the JPC. At every stage, arguments are being given that a JPC will not really yield much. Or because you wanted a JPC, so we have conceded it. Or what it will bring out. Or what wrong was committed in the allocation of spectrum. These are some of the arguments that are coming up again and again. I am sorry to say this but even the hon. Minister, while bringing this motion, trivialized the whole subject by referring to Finland and Sweden as two countries where spectrum allocation took place. At one place, it was free and at another place, it was sold at a nominal charge.

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I was going through the population figures of Finland and Sweden. The population of Finland is 53,74,781. This was in 2010. The population of Sweden, which is a bigger country, has finally risen to 94.2 lakh in 2010. You take Finland and Sweden and merge them; their population is still less than the population of Delhi. The comparison between value of spectrum in Scandinavian countries, which are so sparsely populated, and value of spectrum in a country like India, which has a population of 1.2 billion, is really, I think, most absurd comparison that you can draw. On top of it, I am taking Finland since the Minister seems to be very fond of that place.

The per capita income of Finland is 44,650 dollars. So presumably everybody there already has not one but two or three cell phones. In that situation, is it a surprise that there are not too many takers for fresh spectrum allotment?

Sir, the point I am trying to make is this. Now since the Government has agreed for a JPC, let us go into it with an open mind. Because this is the biggest scam we have ever seen. You go out and talk to the so-called man on the street whether it is in a tea shop or in a restaurant, people are concerned, they are worried and they are all asking where the country is coming to. Such is the extent of the scam.

On the other hand, the Government keeps saying that actually this is a notional loss; it is a presumptive loss. Maybe all that is correct. But the fact is that these things happened. The entire system was violated; loopholes were found; and spectrum, which is a scarce resource, as admitted by everybody

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including the then Finance Minister and the present Finance Minister, was sold cheap and re-sold within days at a huge profit.

(Contd. by VKK/2Z)

-YSR/VKK-ASC/2z/5.05

DR. CHANDAN MITRA (CONTD.): Sir, something went wrong somewhere. But, how can there be a reluctance to get to the bottom of this? Sir, I am extremely surprised because this is not something new that has come up suddenly. Let me bring in a personal element. Sir, my newspaper, *The Pioneer*, has been writing about it for the last two years. We have debated in this House. Sir, my leader and the Leader of Opposition is here. I remember in my earlier stint as Member of Parliament, we had a debate in 2009 in which all these things that we are talking about, including the letter of the Prime Minister's Office to the then Telecom Minister, were discussed in the House. The letter of the Law Ministry, cautioning against this step was mentioned in the House and it was debated. The Prime Minister defended the process. The then Minister was here. He gave a very long reply in which he defended everything that he did. So, Sir, nothing is new in this. We are debating this matter for the last more than two years. In spite of the full knowledge of what is going on, about which the Prime Minister was aware, the Minister was aware, the Law Minister was aware, the Telecom Minister was aware and everybody was aware, it has happened. It happened and no attempt was made to bring the culprits to book. Sir, we need a JPC, of course, not only to unearth and pin the blame on people who played around with our scarce resources and who allowed this kind of huge scam to take place under their very

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noses, but, we also need a JPC to ensure that this does not happen again. We have to roll back this culture of corruption and you can start from here. I know that culture of corruption will not end in one day. But, at least, there has to be a beginning and that beginning can be made by the JPC. Sir, we remember one of the Members from the Ruling Party was saying at one point of time that what have JPCs delivered. Sir, JPCs have delivered a lot. JPC delivered SEBI. It is on the recommendations of JPC that SEBI exists today and some regulatory control has come to a completely unregulated market. We hope that by the end of this JPC, we would have the correct kind of regulations that will plug these loopholes. Sir, in this country, because of liberalisation and because of opening up of new sectors, there are predators entering the market. Both domestic predators and international predators are trying to grab scarce resources in the country, whether it is land or spectrum. Sir, time has come to build firewalls. (Time-bell) Therefore, I appeal to the Government and the Treasury Benches, not to stand on prestige, not to stand on their earlier statements. They must retract, retrace and think. The Prime Minister has disappointed the country by saying that the Finance Ministry was in agreement with what has happened. Sir, the Leader of Opposition has also referred to documents. I have them, but, because of shortage of time, I am not going into it. All documents show that the Finance Ministry was not in agreement, the Law Ministry was not in agreement. (Interruptions)

SHRI KAPIL SIBAL: Give the details of the documents. (Interruptions) Put it on the Table. (Interruptions) Give the date. (Interruptions)

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DR. CHANDAN MITRA: Sir, we are talking about Mr. P. Chidambaram's letter of January 15, 2008. (Interruptions)

SHRI KAPIL SIBAL: What does it say? (Interruptions)

DR. CHANDAN MITRA: The Finance Minister wrote to the PM on January 15, 2008. Later on, according to the PM, "The two Ministries worked out an agreed formula on spectrum charges, which was then communicated to me on July 4, 2008." This is what the Prime Minister said. The letter of January 15, 2008 by the then Finance Minister, Mr. P. Chidambaram, which is now being offered as evidence of concurrence, was written five days after the Letters of Intent were awarded and refers to issues other than the auction entry fees.

MR. DEPUTY CHAIRMAN: All this will be examined in the JPC. (Interruptions)

SHRI RAVI SHANKAR PRASAD: Sir, please control the Minister. He has asked him to read the letter.

DR. CHANDAN MITRA: Sir, I was trying to save the time of the House. But, the Minister has challenged me. So, I will read. (Interruptions)

MR. DEPUTY CHAIRMAN: You can pass on the letter. (Interruptions)

DR. CHANDAN MITRA: Sir, I will have to read it because the Minister has challenged me.

(Contd. by RSS/3a)

RSS/3a/5.10

DR. CHANDAN MITRA (CONTD.): This letter was read in this House even earlier, and I will read it again. "Spectrum is a scarce resource. The price for spectrum should be based on its scarcity value and efficiency of usage. The most

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transparent method of allocating spectrum would be through auction. The method of auction will face the least legal challenge.” Mr. Sibal, being a lawyer, would know that this is a fact. “If Government is able to provide sufficient information on availability of spectrum, that would minimize the risks, and consequently, fetch better prices at the auction. The design of the auction should include a reserved price.” Sir, this is the then Finance Minister’s letter. Sir, I will place it on the Table. This is a known document. I am sure the Minister knows every word of the letter.

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(SHRI KAPIL SIBAL): Where is the statement that the Finance Minister has said that this should be auctioned? Where does it say that this particular thing should have been auctioned in this letter? ...(Interruptions)....

SHRI RAVI SHANKAR PRASAD: I regret to say that it is so elementary in it...(Interruptions)....

MR. DEPUTY CHAIRMAN: What is this? This is not the way...(Interruptions)...Please sit down. What is this? Mr. Javadekar, I have not permitted you. I have not permitted anyone of you...(Interruptions)... Pleased sit down...(Interruptions)...

DR. CHANDAN MITRA: I will conclude. I will end with where I started. The Government heart is not in the JPC. I appeal to them, I appeal to the entire Treasury Benches with folded hands, don’t destroy the JPC. The way they are moving, I think, they are ought to scuttle it. Sir, for the sake of this country and for the sake of the prestige of the House, please don’t allow the JPC to be scuttled.

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Get to the bottom of it, build the firewalls so that we can together as a nation stand up and stop this kind of loot happening ever again. Thank you.

(Ends)

DR. ABHISHEK MANU SINGHVI (RAJASTHAN): Mr. Deputy Chairman, I do not know how much interest is left in this debate as we wind it up, and all of you are keen to get home. But I was struck by the fact that it is a most unusual debate. It is most unusual in both the content of the debate, in its sequence, in its outcome because, it is a debate whose outcome is known; we all support the Motion; the terms of reference are known; the result of the Motion is known; the Government is, in fact, proposing what the Opposition wants; most of the Members of the proposed Committee are known; the sequence is over, and yet, we are debating it. So, it is truly an usual debate in Parliament. That is why it has lost its edge. In a sense, it is a debate which is almost infructuous before it starts. But at another level, because it is so predictable, it can be a debate which should lead to calmer consideration, somewhat objective and clinical thinking, and as I come at the very end almost, I propose to deal briefly with three broad issues because, I believe, Sir, with great respect, to a lot of the preceding speakers that this is a debate about the forum which will debate in future the merits of the case. This is not a debate about 2G. It should not be allowed to become a debate about 2G, and it is not a debate about the merits... (Interruptions)... Let me complete. I know that whenever you have a weak case, you resort to interruptions. I thought most of the interruption brigade had left the House. Some people are still here. Please listen to me calmly.

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SHRI S.S. AHLUWALIA: Sir, I am on a point of order. Dr. Abhishek Manu Singhvi's name was there in the Motion. When this was circulated, as a Member, his name was there. I am told that he withdrew his name saying that he represented some company. That is why he does not want to participate in the JPC.

(Contd. by 3b)

MKS-SCH/5.15/3b

SHRI S.S. AHLUWALIA (CONTD.): So, now when he does not want to participate in the formation of a JPC or on the JPC proceedings, how can he participate in a debate on the motion?

DR. ABHISHEK MANU SINGHVI: I can tell you why. Sir, if you permit, I can respond.

First of all, my good friend, Mr. Ahluwalia, has raised a point because he does not want to advise those Members, of his party, who, really, have a conflict of interest, not to do so. So, he is accusing a person who, at the outset, as a senior counsel, with no personal conflict of interest, has decided to opt out of the JPC. Since he, without advising his own party Members, is now objecting to my participating in a debate, I don't think I will recuse myself from the Rajya Sabha, I don't think I will recuse myself from this debate. I recused myself because I thought it fit to disclose this at the outset. Unfortunately, Mr. Ahluwalia, several eminent lawyers, sitting in the House, on your side and on our side, know, as a senior counsel, you never really have a conflict of interest because you do not represent a client. Several years ago, in several different situations, I have

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appeared for all sides, including in particular companies which have attacked viciously the decisions taken by Messrs Mahajan, Messrs Paswan and Arun Shourie, purely as a counsel. I disclosed it so that there could be no delay and no intended or unintended conflict of interest in the remotest sense. If, from there, you extrapolate to prohibit me or to prevent me from speaking in a debate about the motion to appoint a JPC, I think there is no sequitur, there is no connection between your objection and what is happening here. ...(Interruptions)... Since you are so conscious...

SHRI S.S. AHLUWALIA: No, no; once you declare your conflict of interest, then only you can participate in a debate. You have not declared that earlier.

DR. ABHISHEK MANU SINGHVI: No.

SHRI S.S. AHLUWALIA: Now, you have declared it. So, you can participate.

DR. ABHISHEK MANU SINGHVI: I have said, “There is no direct conflict of interest, personal or otherwise.” ...(Interruptions)... I have appeared as a senior counsel for different telecom companies, in the early 2000, challenging policies and implementation, in the Supreme Court and in the High Court. So, for a JPC, that might not be necessary. But, certainly, please leave it to my conscience as to whether I can speak in a debate or not. And I think those who know a little bit more about laws and are present in this House will realise that there is not the slightest conflict of interest in my speaking. But since you are so conscious ...(Interruptions)... Since you are so conscious ...(Interruptions)... Since you are also conscious about the conflict of interest, I would only advise you or I would

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request you to consider that about some people who have real conflict of interest, whose decision is written on the file, whose decision on the file is coming for scrutiny by your Committee, by the Joint Parliament Committee. I leave it to your good conscience, or to that of your party, to decide what to advise them, instead of giving me unsolicited advice which, with great respect, is irrelevant to my case.

Sir, may I, therefore, go on and say that this is our motion about the constitution of a JPC? This is not a motion about the merits of what the JPC will or should consider or what the outcomes of those merits will be. Otherwise, you are reducing this House to a JPC here and now. In fact, it was our earlier proposal that the best place to discuss all this is the House. The JPC, in that sense, is having inadequate representation of this House. It has some seven or eight parties out of the 37-odd parties and it will be quite nice if you all agree to discuss it in the House even for a week or two weeks. It is you who decided to go for a JPC. Therefore, I think, it is not necessary to go into the merits of the dispute. The Minister's statement always stands on a different footing. He introduces the subject; he is entitled to make a statement. But rest of the House need not decide or adjudge the merits or what the JPC will, in due course, decide.

Let me, Sir, with your permission, deal with two or three broad issues relating to the motion. I think, as I said earlier, it is a strange debate because having agreed now to what the Opposition wants, I am going to say three things. First, justify as to what was the rationale, for us, in not having a JPC or in not agreeing to a JPC earlier. Please don't get me wrong because the idea is not to

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say that there should not be a JPC. Now, we have all agreed; that chapter is over. In that sense, the whole debate is infructuous. But I am now trying to explain, very briefly, why you did not think or why we rightly thought that a JPC was unnecessary.

(Contd. by TMV/2C)

-MKS-TMV-PSV/3C/5.20

DR. ABHISHEK MANU SINGHVI (CONTD.): The second thing which should concern us in this debate is that despite our rightly thinking that a JPC is not necessary, we moved heaven and earth at every stage to show the greatest flexibility, made every offer and counter-offer because it was we, unfortunately not you, who were interested in parliamentary democracy and it is that which ultimately led to this motion being moved today. (Interruptions)...

MR. DEPUTY CHAIRMAN: What can I say? (Interruptions)... It is not unparliamentary and all that. (Interruptions)...

DR. ABHISHEK MANU SINGHVI: Why should you object to the content of my speech? (Interruptions)...

Sir, the third aspect is the most important aspect since the first two aspects are behind us. The third aspect to which I wish to draw your kind attention is that the whole episode, our earlier stand, our current stand and where we are going in the future have great lessons for the parliamentary democracy. I think that this debate would be valid and justified, if for nothing else, since a large part of it is infructuous, if we decide to learn some of those lessons of parliamentary democracy.

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Sir, on the first issue, the Leader of the Opposition talked about the fact that this was not a case of mere arrests or punitive. It is about the policy for which the JPC is the most appropriate. Let us look a little more closely. Let us first see what the JPC could not do. This JPC demand was made a few months ago in the midst of very unusual circumstances where a lot of actions had already started. Multiple actions in multiple fora were under way. As far as I can recollect, none of the earlier four or five JPCs had multiple actions of multiple kinds in multiple fora already under way. That is a major qualitative difference. Therefore, what was under way and the JPC could ... (Interuptions)...

SHRI S. S. AHLUWALIA: Harshad Mehta and Khetan Parikh were in jail when the JPC was constituted. (Interruptions)... They were in jail. (Interruptions)...

DR. ABHISHEK MANU SINGHVI: Ahluwalia Sahib, please permit me. (Interruptions)...

SHRI S. S. AHLUWALIA: The CBI and the Enforcement Directorate had started their investigation.

DR. ABHISHEK MANU SINGHVI: The CBI investigation can ultimately lead and has in many cases led to arrests. It has punitive consequences; it can take you to a criminal court of law; it can prosecute you. We all accept that the JPC can't do it. The income-tax investigation can have huge monetary penalties, but the JPC can't and doesn't intend to do so. The Enforcement Directorate can have both forms, monetary and coercive punitive penalties, but the JPC can't. The Shivraj Patil Committee Report has looked at a whole range of irregularities and covers, both the intra-departmental and inter-Ministerial, all the aspects. The JPC can

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also do it. But it has been comprehensively done. Now, the policy aspect is covered by two fora. The PAC would be able to analyse every paragraph of the C & AG Report.

श्री रवि शंकर प्रसाद: तो यह रेजोल्यूशन विद्‌ड्रॉ कर लीजिए, इसकी क्या जरूरत है? ...**(व्यवधान)**... जब इतनी परेशानी है, तो withdraw this Resolution...**(Interruptions)**...

श्री उपसभापति: आप उनको बोलने दीजिए। ...**(व्यवधान)**... आप उनकी बात सुनिए। ...**(व्यवधान)**...

SHRI RAVI SHANKAR PRASAD: Then you withdraw the Resolution. **(Interruptions)**...

DR. ABHISHEK MANU SINGHVI: Mr. Prasad, you were not here when I started by saying ... **(Interruptions)**...

MR. DEPUTY CHAIRMAN: When you speak, they have to listen to you, and when they speak, you have to listen to them. **(Interruptions)**... There is no shortcut. **(Interruptions)**...

DR. ABHISHEK MANU SINGHVI: I started by saying that the formation of the JPC is a fait accompli. It is, nevertheless, my duty to explain and justify why we took the stand which we did. If you can't understand that distinction, I can't help it.

SHRI RAVI SHANKAR PRASAD: You have agreed, Mr. Abhishek, today.

DR. ABHISHEK MANU SINGHVI: You are following the same principle of interrupting me as you do on television channels outshouting me. That is only a stand of a weak case. Now the reason why the policy is covered largely is because the PAC looks at every aspect of the policy. I don't think that any major

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or minor aspect of the policy has escaped the C & AG's attention. It is for you to consider which part of the policy that was covered by the CAG would not be covered by the PAC. So, the policy is certainly available to the Parliamentary Committee headed by an eminent Member of your party who had, in fact, at one time said, before you stopped him from saying so, that he had jurisdiction to go into all the aspects. You wisely stopped him from repeating that statement too many times. Then there is also, of course, the Parliament itself. Why couldn't you have had a full session of the Parliament, indeed, as of today? You have started a debate and many of the speakers have addressed it on the merits. A full Parliament session could have discussed these very issues. So, our objection was, in that sense, a principle objection based on what was already happening, that is, multiple actions and multiple fora, which leads to my second point.

(Contd. by 3D/VK)

VK-DS/3D/5.25

DR. ABHISHEK MANU SINGHVI (CONTD): There was a genuine feeling that, sometimes, your demands were more for political reasons, more for keeping the pot boiling, perhaps, even unintendedly, obstructing and delaying other proceedings by going to the JPC. The JPC in the earlier four *Avatars*, has not had that great or glorious record of actual implementation of decisions. Let us be frank. In all the earlier four *Avatars*, what has been the major fundamental change, coercive, punitive, policy or otherwise? Yes, a JPC is a great hallmark of Parliamentary democracy. But what is its concrete result in our country, is a question which has to be kept in mind in terms of precedents which have

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happened. In a case where so many actions were going on, and knowing the past record of JPCs in our country, I think, it was a legitimate viewpoint of the Government, to consider that this was not a priority area, and it was certainly not so much of priority area as to justify the obstruction of Parliament.

Before I come to the third and the most important aspect of the debate, which is, the lessons for the future, I would like to beg of this House to consider that look at the conduct, when this whole debate started from October-November, and you put your foot down about not letting Parliament function. Who showed the maximum flexibility? As the Opposition, you opposed everything. But did you propose anything? You proposed nothing. It was we who proposed a whole special Session of Parliament. It was we who proposed a multi-disciplinary investigative agency to be attached to the PAC. It was we who proposed that the PAC can be empowered in every and whichever way. Ultimately, it is we who agreed to the JPC, who has shown more flexibility, more sensitivity to Parliamentary democracy. You may not like the fact that you are accused of subverting Parliamentary democracy, but at every stage, it is this Government....(Interruptions).... At every stage, it is we who have shown great sensitivity and flexibility down to moving this Motion.

श्री रुद्रनारायण पाणि: मनु जी, यह तो “मनु वेड्स तनु” जैसा हो गया।

डा. अभिषेक मनु सिंघवी: आपको जितना समझ में आ रहा है, उतना आप समझें, मैं तो अपनी बात कहना चाहूँगा।

श्री रुद्रनारायण पाणि: आप बार-बार रिपीट कर रहे हैं।

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DR. ABHISHEK MANU SINGHVI: Sir, the lessons for the future are important. Today, you obstructed Parliament on the ground of the JPC. Let us assume that there are three-four other issues which arise in this Session on which we agree to disagree violently and totally. Maybe, there is something in some State; maybe, there is some comment; maybe, there are serious allegations against a Member of the Ruling Party or the Opposition, and we agree to disagree seriously and vehemently. As a matter of principle, is this House to accept the principle that disagreement, howsoever, violent and vicious can justify the disruption and the absolute non-functioning of Parliament? That is an issue which you have to consider. (Interruptions). You have no reason....

SHRI PRAKASH JAVADEKAR: Sir, he is...

MR. DEPUTY CHAIRMAN: Mr. Javadekar, please. He is not asking you to answer. (Interruptions). No, no. He has a right to say whatever he wants to say within the rules.

श्री रवि शंकर प्रसाद: सर, आप subversion of democracy को देख लें। ..(ब्यवधान).. आप subversion of democracy को देख लें।

MR. DEPUTY CHAIRMAN: If he yields...(Interruptions).

DR. ABHISHEK MANU SINGHVI: 'Parliamentary democracy' is two words, but you reduced it to half by negating Parliament. Parliamentary democracy is not mere democracy, it is democracy through Parliament and in constitutional law and otherwise, countries which stopped the total functioning of Parliament, in law are supposed to be akin to martial law. If you don't like it, you should not then disrupt Parliament. You should not disrupt Parliament. (Interruptions).

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SHRI RAVI SHANKAR PRASAD: What did you do during the Emergency? (Interruptions).

श्री उपसभापति: रवि शंकर प्रसाद जी, आप उनको बोलने दीजिए।

SHRI RAVI SHANKAR PRASAD: We know what your Party did to Parliament during the Emergency? (Interruptions).

(Followed by 3E)

RG/NB/5.30/3E

श्री उपसभापति : यह क्या बात है? आप भी बोल रहे हैं, वे भी बोल रहे हैं ... (व्यवधान)

DR. ABHISHEK MANU SINGHVI: That is why emergency powers in the Constitution contain and consist provisions for extension of Parliament. It is considered in Emergency, not normally...(Interruptions)

श्री उपसभापति : यह क्या बात है? उनकी बात वे कह रहे हैं (व्यवधान) पाणि जी, आप बैठिए। सिंघवी जी, आप बोलिए (व्यवधान) Nothing will go on record except Dr. Singhvi's speech.

श्री रुद्रनारायण पाणि : *

SHRI PRAKASH JAVADEKAR: *

DR. ABHISHEK MANU SINGHVI: You did it. You need not have...(Interruptions) Those who disrupt Parliament must carry the cross...(Interruptions) Why did you disrupt Parliament? (Interruptions)

* Not recorded.

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श्री उपसभापति : Javadekarji, kindly do not interrupt. उनको बोलने दीजिए, वे बोल रहे हैं।

DR. ABHISHEK MANU SINGHVI: We totally reject the principle that on any ground of disagreement, on any ground of adamancy, on any ground of disagreement, on any ground of obstinacy, it does not justify stoppage of Parliament. That is the precise principle. Let us assume that you do not agree with anything. You can wear black pants; you can shout slogans outside; you can attend partially. But you cannot and should not stop the functioning of Parliament, is the basic principle. And today...(Interruptions)

MR. DEPUTY CHAIRMAN: Nothing else will go on record except what Dr. Singhvi speaks.

डा. अभिषेक मनु सिंघवी : उस समय आपने संसद को अवरुद्ध किया था, अब आप मेरे वक्तव्य को अवरुद्ध करना चाह रहे हैं। आप कृपया यह अवरुद्ध करने की राजनीति छोड़ दीजिए। आपने अपनी बात कही, हमने उसे बिना किसी झिझक और बिना किसी interruption के सुना, अब आप हमारी बात सुन लीजिए। मैं यह कहना चाहता हूँ कि अगर इस विचार-विमर्श की कोई सार्थकता है, तो वह यह है कि ये लोग यह सोचें कि क्या किसी भी कारण से आप संसद को पूरी तरह से अवरुद्ध करने का हक रखते हैं? क्या आप ऐसा करके सही करते हैं? सैद्धांतिक रूप से क्या एक पार्लियामेंटरी डेमोक्रेसी में यह किया जा सकता है? अगर आप इसको सैद्धांतिक रूप से मान लेंगे, तो कल किसी भी कारण से यह वापस दोहराया जा सकता है। यह गलत है और यह गलत हुआ है तथा इस गलत को जानना और इस सिद्धांत को कम से कम भविष्य के लिए आत्मसात करना आवश्यक है। इसका मतलब यह नहीं है कि किसी प्रकार से JPC नहीं हो रही है या यह resolution पारित नहीं किया जा रहा है। इसका मतलब यह नहीं है कि हम साथ मिलकर आगे के लिए JPC को सकारात्मक न बनाएं, लेकिन निश्चित

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रूप से इसका मतलब यह है कि आगे के लिए अगर आप इस सिद्धांत को नहीं मानेंगे या हम नहीं मानेंगे और बाद में कभी कोई भी पार्टी विपक्ष में होगी, तो यह सिद्धांत पार्लियामेंटरी डेमोक्रेसी के लिए बहुत खतरनाक है। यह दुर्भाग्य की बात है कि इस सिद्धांत को आप अभी भी नहीं मान रहे हैं। इसलिए अगर आपको सकारात्मक रूप से आगे बढ़ना है, तो आप यह भी मानिए कि पहले गलतियां हुई हैं और वे गलतियां आपसे हुई हैं।

(समाप्त)

SHRI KUMAR DEEPAK DAS (ASSAM): Sir, it is a welcome step, though it is late; better late than never. If the Government had taken this decision in the last Session of Parliament, perhaps, more pertinent and important issues could have been discussed. But the Government failed to take the decision in time, though it is known to the Government that the parameter of inquiry by a JPC is a unique one and is more meaningful.

The CAG works for a broader effort to improve transparency and accountability in the work of the Government. It contributes significantly to revamping systems and procedures of Government. The Report on the 2G Spectrum allocation scam has put the Government in a tight spot.

(Continued by 3F)

3f/5.35/ks

SHRI KUMAR DEEPAK DAS (contd.): The presumptive loss caused to the exchequer through spectrum allocation to 122 licensees and 35 dual technology licensees in 2007-08 was a calculation of loss based on 3G auction earlier this year. The advice of the hon. Prime Minister, hon. Law Minister and the hon. Finance Minister was ignored by the then Telecom Minister, Shri Raja. The

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spectrum, a rare national asset, should have been auctioned. The 2G spectrum had been allocated to new players at throw-away prices. The cut-off date for license had been advanced arbitrarily by a week. This went against procedures of Government functioning. The entire process lacked transparency. It had been conducted in an arbitrary manner. The rules had been circumvented to benefit Swan. Reliance was given spectrum ahead of others. Tata Teleservices were one of those who had got the undue benefit. Idea and Spice had not been given the spectrum on grounds of proposed merger. This was against rules.

Sir, these are the issues that have appeared in the CAG report. In tune with Shri Manohar Joshi, I wish to raise an important issue. The politicians-bureaucrats-militants nexus in Assam which was responsible for siphoning off of Central funds to the tune of thousands of ...

MR. DEPUTY CHAIRMAN: No, no. This has nothing to do with the issue in discussion. Don't bring in Assam into this.

SHRI KUMAR DEEPAK DAS: Sir, I just wish to make an appeal.

MR. DEPUTY CHAIRMAN: You make an appeal separately. (Interruptions) You give notice for that. (Interruptions) This is only to discuss JPC. I would not allow a discussion on Assam. This is not a debate. (Interruptions)

SHRI KUMAR DEEPAK DAS: Sir, the CAG Report has been given on Assam too where... (Interruptions)

MR. DEPUTY CHAIRMAN: Mr. Deepak Das, please, do not bring in Assam here. This discussion has nothing to do with Assam. This is a Motion on the

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constitution of JPC. I will not allow you to bring some other issues here. I would allow you to speak only on the 2G spectrum.

SHRI KUMAR DEEPAK DAS: Sir, this is an issue that has been raised in the House as well.

MR. DEPUTY CHAIRMAN: No, no. I have said the same thing to Mr. Manohar Joshi as I have told you.

SHRI KUMAR DEEPAK DAS: Sir, on the same lines, I appeal... (Interruptions)

MR. DEPUTY CHAIRMAN: No, no. Then, I would call the Minister to reply.

SHRI KUMAR DEEPAK DAS: Sir, JPC needs to be constituted for this issue. I welcome the decision of the Government to form the JPC. I expect that good results would come out of this enquiry.

(Ends)

MR. DEPUTY CHAIRMAN: Now, Mr. Minister.

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(SHRI KAPIL SIBAL): Mr. Deputy Chairman, Sir, I am deeply grateful to the distinguished Leader of the Opposition as well as the distinguished Members of this House for having — barring one or two of them — unconditionally supported this Motion.

So, to that extent, I think it augurs well for the future and, hopefully, when the JPC proceedings take place, Members of the JPC will rise above party affiliations and look at this issue in the long-term interests of the country. The partisan debate that has taken place here today, consistent with party lines, I hope, is a matter of history when the matter is discussed in the JPC.

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I won't take too much of the time of this House. There can be a lot of things said about policy prescriptions right from 1998 or 1999 onwards.

The distinguished Leader of the Opposition had mentioned as to how it was absolutely necessary to move from the auction regime to the revenue-sharing regime and that, at that point of time, it was in the interest of the nation. There can be a lot of things said about that as well; not that I am stating them, but it is all reflected in the CAG Report of 2000 as to why the policy prescriptions made at that time were not necessary. Indeed, one of the things that was said was that there was no default in licenses that were held in the metro Circles. People were making profits out of licenses that were held in the metro Circles. The profits that the operators made went far beyond their projections.

(Contd. at 3g/kgg)

kgg/mp/3g/5.40

SHRI KAPIL SIBAL (contd.): That was said and that is reflected in the reports. The point, therefore, I am making is, then why was it necessary to allow them to go to the revenue sharing regime? Because the amount they have to pay as licence fee after four years was Rs.623 per consumer. If you really reflect upon that and calculate that amount, if that regime had continued for the next twenty years, if you calculate the amount of customers, the amount of revenue this Government would have earned would be Rs.2.06 lakh crores. The revenue sharing is Rs.80,000 crores! So, the net loss to the revenue under that and only through the metro circles is Rs.1.5 lakh crores! But, we do not have to go into that. Since the Leader of the Opposition talked about a wonderful, a sort of optimistic scenario

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where he said, 'It was an enlightened decision of the Government.' Yes, it must have been. I think, the 2004-elections were round the corner; so, it must have been a very enlightened decision to allow that kind of a policy prescription to take place. But, be that as it may; then, the Leader of the Opposition talked about the TRAI recommendation. And, I got up and interrupted and said, 'Please tell us what the TRAI recommendation is.' Let me read out since he selectively read it out. It says quite categorically. I am reading paragraph 2.79. It says, "In future all spectrum excluding the spectrum in 800, 900 and 1800 bands should be auctioned so as to ensure efficient utilization of this scarce resource." He has excluded in the recommendation the 800, 900 and 1800 bands which is precisely what I pointed out to the hon. Leader of the Opposition. The reason why it is excluded is set out in paragraph 2.78, because they said that there is not going to be a level playing field in the event auctions take place. He says, 'Any differential treatment to a new entrant vis-à-vis incumbents in the wireless sector will go against the principle of playing field. This is specific and restricted to 2G bands only i.e. 800, 900 and 1800 MHz.' I just wanted to put the records straight the TRAI recommendation.

THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY): Will our Minister reflect on the fact that it does not mean that in 2008 you allot at the rate of 2001 prices. Please read in that context what is stated also in paragraph 2.73.

(Interruptions)

SHRI KAPIL SIBAL: As far as 800, 900 and 1800 bands are concerned, there can be no auction; you must do it at the same price. I will answer your other question.

(Interruptions) Please do not interrupt me, let me answer the third question which

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he raised just now as to how do you auction something in 2008 at the 2001 price.

The Leader of the Opposition forgets that this is not an auction for a particular licence for one day. It is a licence which operates for 20 years. Any auction that takes place must... (Interruptions) Please do not interrupt. Any auction that takes place; because he mentions that licences were given free because there were no takers. This is the point that he mentioned.

SHRI S.S. AHLUWALIA: All these things will be discussed in the JPC.

SHRI KAPIL SIBAL: Yes, I get that point. I am just reflecting. Please let me put the record straight.

SHRI S.S. AHLUWALIA: Neither you will be there nor he; but I will be there in the JPC. Please do not worry, we will discuss these things.

SHRI KAPIL SIBAL: I know; I am just pointing out; the licences that were given free; because TRAI now says that the price of those licence way back in 2001—I will take eastern U.P., it was Rs.7.30 crores per MHz; today it is Rs.318 crores per MHz. That was the very licence which was given free! So, I do not think things are as simple as the Leader of the Opposition might want them to appear. These are very complex issues. We know they are complex issues; there are policy issues; and, of course, there are personal issues. Both the personal and the policy issues will be gone into when the JPC meets. That is the first point I wanted to make.

श्री अनिल माधव दवे : यह पर्सनल क्या होता है? ... (व्यवधान)... यह पर्सनल क्या होता है?

SHRI S.S. AHLUWALIA: Is there any personal issue also?

श्री अनिल माधव दवे : आप पर्सनल को clear तो कीजिए।

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SHRI KAPIL SIBAL: Those will come out when the JPC meets. (Interruptions)
'Personal' means personal to the situation prevailing at that point in time when that Minister took the decision.

SHRI S.S. AHLUWALIA: That is why I am requesting you to leave something for the JPC to discuss! Leave them to me and Shiva! That would be between me and Shiva. (Interruptions)

SHRI KAPIL SIBAL: The second point I want to clarify is; I did not want to go into this but since the Leader of the Opposition talked about the Finance Minister; I have the documents of the Finance Minister. The Prime Minister in a statement has clarified.

(Contd. by tdb/3h)

TDB-SC/3H/5.45

SHRI KAPIL SIBAL (CONTD.): The Finance Minister in his letter talks about spectrum beyond 4.4 MHz. He talks about spectrum which is not bundled with the license. So, he says, "All spectrum beyond 4.4 MHz should be put up for auction". (Interruptions)

SHRI S.S. AHLUWALIA: Is it the same letter dated 15th January?

SHRI KAPIL SIBAL: Yes, yes. (Interruptions)

SHRI S.S. AHLUWALIA: Is it the full letter?

SHRI KAPIL SIBAL: Yes.

SHRI S.S. AHLUWALIA: Can you just lay that letter on the Table of the House?

SHRI KAPIL SIBAL: I will lay it. (Interruptions)

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MR. DEPUTY CHAIRMAN: Just now you were saying that the JPC will go into all these... (Interruptions)

SHRI S.S. AHLUWALIA: That is why I am saying the JPC will have all these documents. (Interruptions) If required, the then Finance Minister will also appear before it. (Interruptions)

SHRI KAPIL SIBAL: We did not interrupt you. Please, let me speak. He has stated something, and I am putting the record straight. Now, the letter only deals with spectrum beyond 4.4 MHz.

SHRI RAVI SHANKAR PRASAD: You started it.

SHRI KAPIL SIBAL: No, I did not. It was the Leader of the Opposition who mentioned the Finance Minister, not I. And, this is what the Prime Minister says. The then Finance Minister, in a Note to the Prime Minister on January 15, recommended auction for allocation of spectrum beyond the startup spectrum, which he defined as 4.4 MHz. Further in April, 2008, there was other correspondence and he goes on to explain it. So, this is just to clarify that particular point so that it should not go without repartee. (Interruptions)

Sir, the other issue that I want to just mention, which he talked about, was that when I gave the examples of other countries, it was in the context of what the JPC should do. It was not in the context of my favouring a particular way of allocation of spectrum or a different way of allocation of spectrum. This is something that the JPC will decide. If the per capita income of a person in Finland is 42,000 dollars, surely, he can afford to pay much more for being a consumer. The fact that despite the per capita income he is being given free, obviously, there

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is a policy prescription behind it, and I don't want to go into that. That is something which the JPC should look at. These are the issues of policy which, hopefully, the JPC will look at and make recommendations in regard thereto.

Sir, there was another issue that was raised, this is something again which the JPC should be looking at, that when people got these licenses they inducted other players. This is something that Shri Tapan had also mentioned. They inducted other players. So, obviously, the value of the license is much more, and, since the value is much more, the revenue has been lost. That is true, and that can be actually extrapolated to several situations. Take, for example, under the Mines and Minerals (Regulation and Development) Act, as you know, the policy under the Act is, first-come, first-served. If you get a mining license on first-come, first-served, then, what happens? You induct a player because you don't have the capital to invest. (Interruptions) One second. Why are you interrupting? I am trying to explain something. If you do not want the explanation, it is another matter. I am only trying to explain that these are very complex issues. They deal with policy, they deal with economic opportunities, they deal with industry, they deal with the corporate sector, they deal with what service at what price should be given to the consumer, and this is not such an easy issue. So, under the Mines and Minerals (Regulation and Development) Act, you get mining leases; you get other people investing into the system in crores of rupees. Then, do you say that the mining lease was given at a cheap price, and, therefore, the revenue has been lost? That is true also of Doordarshan. You take spots on television. You have to

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do a play, you get an investor in. Ultimately, what happens in the telecom sector?

(Interruptions)

SHRI TAPAN KUMAR SEN: In mining, there is a provision for royalty.

(Interruptions)

SHRI KAPIL SIBAL: The revenue sharing is exactly that. (Interruptions) The

revenue sharing is exactly that. But, I don't want to go into that. (Interruptions)

SHRI RAVI SHANKAR PRASAD: Sir, the hon. Minister is going into it, and then

saying, "I am not going into it". (Interruptions) Mr. Minister, allow it to be

discussed in the JPC. (Interruptions)

SHRI KAPIL SIBAL: I am explaining it.

श्री रुद्रनारायण पाणि : आप माइनिंग पर कहां चले गए?..(व्यवधान)..

SHRI S.S. AHLUWALIA: Sir, move the Motion. (Interruptions)

SHRI KAPIL SIBAL: I had the impression that perhaps some of the concepts were

not so clear. So I was attempting to clarify those concepts. That is all that I was

trying to do. (Interruptions)

SHRI TAPAN KUMAR SEN: After inducting other players in it, (Interruptions) that

premium was... (Interruptions)

श्री उपसभापति : आप बैठिए। ..(व्यवधान).. वे मोशन मूव कर रहे हैं, आप बैठिए।

..(व्यवधान).. बैठिए प्लीज़। ..(व्यवधान)..

(Followed by 3j-cls)

KLS/3J-5.50

SHRI KAPIL SIBAL: Quite frankly, I do not think ... (Interruptions)... I do not

think we should talk of crony capitalism. ... (Interruptions)... This is a great

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country. ... (Interruptions)... Aberrations take place and they have taken place in the past not once, not twice, there is corruption. I think the best place to start dealing with corruption for political parties is in their own home States where they know that there is corruption. At least, start dealing with corruption there. ... (Interruptions).. I agree with you. ... (Interruptions)... I think we have had a wonderful debate. As far as Joshiji's question is concerned, all that I want to say is that my role here is very limited, namely, to move the Motion. I cannot possibly respond to his request. That request he has to make somewhere else. I am very happy that all the Members have unanimously agreed, subject to one or two, that this Motion is supported. I do pray that the kind of partisanship that was seen in this House is not be seen in the JPC and the recommendations that will come will help the future generations to determine as to what course of action should be followed, at least, in the telecom sector. I thank the House very much and I move the Motion.

MR. DEPUTY CHAIRMAN: The question is:

"That this House concurs in the recommendations of Lok Sabha that Joint Committee of the Houses consisting of 30 Members, 20 from Lok Sabha and 10 from Rajya Sabha, be constituted:—

- (i) to examine policy prescriptions and their interpretation thereafter by successive Governments, including decisions of the Union Cabinet and the consequences thereof, in the allocation and pricing of telecom licences and spectrum from 1998 to 2009;

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(ii) to examine irregularities and aberrations, if any, and the consequences thereof in the implementation of Government decisions and policy prescriptions from 1998 to 2009; and

(iii) to make recommendations to ensure formulation of appropriate procedures for implementation of laid down policy in the allocation and pricing of telecom licences; as made in the Motion adopted by Lok Sabha on the 24th February, 2011 and communicated to this House on the 25th February, 2011 and resolves that this House do join in the said Committee and do appoint the following 10 Members from among the Members of this House to serve on the said Committee:—

- (1) Prof. P.J. Kurien
- (2) Shrimati Jayanthi Natarajan
- (3) Shri Praveen Rashtrapal
- (4) Shri Tiruchi Siva
- (5) Dr. Yogendra P. Trivedi
- (6) Shri S.S. Ahluwalia
- (7) Shri Ravi Shankar Prasad
- (8) Shri Ramchandra Prasad Singh
- (9) Shri Satish Chandra Misra
- (10) Shri Sitaram Yechury."

The motion was adopted.

(Ends)

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MESSAGES FROM THE LOK SABHA

(I) MOTION RE: NOMINATION OF A MEMBER TO THE COMMITTEE ON PUBLIC ACCOUNTS.

(II) THE REPATRIATION OF PRISONERS (AMENDMENT) BILL, 2011.

SECRETARY-GENERAL: I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:-

(I)

"That this House do recommend to the Rajya Sabha that Rajya Sabha do agree to nominate one member from Rajya Sabha to associate with the Committee on Public Accounts (2010-11) of this House for unexpired portion of term of the Committee vice Shri Ahswani Kumar, appointed as Minister and do communicate to this House the name of the member so nominated by the Rajya Sabha."

(II)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Repatriation of Prisoners (Amendment) Bill, 2011, as passed by Lok Sabha at its sitting held on the 1st March, 2011."

Sir, I lay a copy each of the Bills on the Table.

(Ends)

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MR. DEPUTY CHAIRMAN: The House is adjourned till 11.00 a.m. on Thursday, the 3rd March, 2011.

**The House then adjourned at fifty-two minutes
past five of the clock, till eleven of the
clock on Thursday, the 3rd March, 2011**