

13.18 hrs.

STATUTORY RESOLUTION RE : DISAPPROVAL
OF TELECOM REGULATORY AUTHORITY OF
INDIA ORDINANCE 1997
AND
TELECOM REGULATORY AUTHORITY
OF INDIA BILL, 1997

[English]

MR. DEPUTY-SPEAKER : We will now take up Item Nos. 18 and 19 together regarding the Telecom Regulatory Authority of India Ordinance and the connected Bill.

Shri Girdhari Lal Bhargava.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : Hon. Deputy-Speaker, I beg to move :

"That this House disapproves of the Telecom Regulatory Authority of India Ordinance, 1997 (No. 11 of 1997) promulgated by the President on January 25, 1997."

Sir I want to draw the attention of the Govt. to the shortcomings in the Bill though I do not want to oppose the intention with which the Telecom Regulatory Authority of India Bill has been brought forward. The tendency of bringing the Ordinance repeatedly is not good. Shri Jena is sitting here. I had requested yesterday also that this tendency should stop.

SHRI AMAR PAL SINGH (Meerut) : Mr. Deputy-Speaker, Sir, what happened to item No. 16. My name was listed at the top.

MR DEPUTY-SPEAKER : That will be taken later on.

SHRI GIRDHARI LAL BHARGAVA : I oppose this Ordinance but welcome the spirit behind this Bill. The National Telecom Authority was set up in 1994 and it was decided to install at least one crore telephones by March 1997. But till today not even half the telephones have been installed so far. Rs. 60,000 crores are required for it. How will these resource be mobilised. Before this Authority was set up, foreign companies were invited and under privatisation and liberalisation these companies installed telephones easily. These companies should have been allowed after the setting up of Authority. If this had been done Shri Sukh Ramji would not have been in trouble. This is what his friends say.

The Government should think over it afresh. There are a number of shortcomings. It would have been better if the Authority would have been set up earlier and the companies invited thereafter. Similarly, tall claims were made that since 1995 one lakh eighty five thousand telephones would be installed in the villages but unfortunately not even 1/3rd of these telephones have been installed in the villages, particularly in the States of Punjab, Haryana and Rajasthan. The day these telephones were installed there they have

been out of order, even though the then Minister, Shri Rajesh Pilot had gone there. There may be hardly any village where these telephones are in order. The telephones are in a bad shape in villages. The instruments are useless. The poles are there and the transformers are also there, but the telephones have been out of order since installation. When will these telephones be put in order? This Govt. wants to link the country with America and England but what about linking the cities with villages? In case of Emergency it is very essential to have a telephone connection. If the STD facility is proper the villages would be directly linked to the cities and this would immensely benefit the people. The G.M. of our area Shri Arora told me that all the telephones in the villages have been set right.

THE MINISTER OF COMMUNICATIONS (SHRI BENI PRASAD VARMA) : We have issued instructions to all G.Ms that they should verbally communicate to the area MP the number of telephones which are faulty and which are in order in case he requires such information. We fully agree with your sentiments.

SHRI GIRDHARI LAL BHARGAVA : Lot of thanks for this. If you agree then kindly get them set right, I once again reiterate that it would have been right if this Authority would have been set up and the liberalisation would have been done later. I also oppose the tendency of bringing Ordinances for such purpose. The Govt. must pay special attention to the telephones in villages. The number 197 which has been given for fault repair is generally found engaged.

One gets irritated when the phone remains engaged for a long time. This happened with Shri Rasa Singh ji recently. When I went to his house I found his telephone broken. On enquiring I came to know that it happened because he was not getting the 197 number for a long time. It may be a different story with the hon. Minister. Therefore it is requested that the telephone system should be improved. In Jaipur city all the roads were dug up and an assurance was given that all the OBs would be cleared by 31st March 1997. Now the position is different. The hon. Minister has said that this work would be completed by 1999. The roads are still dug up. The telephone department should get them repaired as soon as possible, because the monsoons are about to set in. I would urge that telephone connections should be provided to all at the earliest and 197 service should also be set right. Now a small request. This is about the constitution of the Telephone Advisory Committee. At least the name of the area MP should be included in this committee. I represent Jaipur and my name should also have been included. This should be done at your discretion. Do you think that elections should be held for this. It is surprising to find the names of non-entities in the committee. Four-five names have been sent but my name has been ignored. I would suggest that wherever the Telephone Advisory Committee is set up, the area MP should invariably

be included in it. It is unfortunate that instead of the MPs name being included therein non-entities like "Dhobi" and "Mochi" are finding a place in such committees. The Government must think over it.

MR. DEPUTY-SPEAKER : Please do not degrade yourself by saying "Dhobi" or "Mochi."

SHRI GIRDHARI LAL BHARGAVA : I am not criticising. I was merely saying that the name of MP should be included in the telephone advisory committee. I once again oppose the Ordinance and welcome the spirit of the Bill. When you reply to the debate on this subject please clarify why the National Telecom Authority which was to be set up in 1994 was not constituted. Why there has been delay in this matter. Privatisation has been done and less than half the number of telephones which were to be installed by the end of 1995 have not been installed so far. Why are the things so bad? The hon. Minister must state by when the telephones in the villages would be set right. With these words I conclude.

SHRI BENI PRASAD VARMA : Mr. Deputy-Speaker, Sir, I beg to move that :

"That the Bill to provide for the establishment of Telecom Regulatory Authority of India to regulate the Telecommunication services, and for matter connected therewith or incidental thereto, be taken into consideration."

MR. DEPUTY-SPEAKER : Motion Moved:

"That this House disapproves of the Telecom Regulatory Authority of India Ordinance, 1997 (No. 11 of 1997) promulgated by the President on January 25, 1997."

"That the Bill to provide for the establishment of Telecom Regulatory Authority of India to regulate the Telecommunication services, and for matter connected therewith or incidental thereto, be taken consideration."

Do you want to say something at this moment or would like to reply at the end. Please note the points in that case.

SHRI GIRDHARI LAL BHARGAVA : Mr. Deputy-Speaker, Sir, the hon. Minister should say something at this stage.

MR. DEPUTY-SPEAKER : I asked him in case he wanted to say something else.

SHRI GIRDHARI LAL BHARGAVA : I have opposed the Ordinance.

MR. DEPUTY-SPEAKER : Yes, I know you have opposed the Ordinance.

[English]

SHRI K.P. SINGH DEO (Dhenkanal) : Sir, may I interrupt? Are you taking up the Government business or

are you still on the Statutory Resolution? I want to move amendments to the Government business. When do I get a chance to move my amendments?

[Translation]

MR. DEPUTY-SPEAKER : Item Nos. 18 and 19 are being taken up together. This is Government business.

[English]

SHRI K.P. SINGH DEO : Will you give me permission to move them now or at a later stage?

[Translation]

MR. DEPUTY-SPEAKER : If you want to speak please give a notice.

[English]

SHRI K.P. SINGH DEO : Sir, if the Government business starts, then only I can move my amendments. I cannot move amendments to Shri Bhargava's Resolution.

[Translation]

MR. DEPUTY-SPEAKER : If you want to move the amendment, you can move them when the bill is taken up for clause by clause consideration.

[English]

COL. RAO RAM SINGH (Mahendergarh) : Mr. Deputy-Speaker, Sir, communications is the basic infrastructure for the rapid development of any backward country, whether it be road communication, telecommunication, rail communication, air communication or waterways. President Kennedy once said that America has very good roads, not because America was rich, but on the contrary, America was rich because of the good roads that America had.

Therefore, what I mean to say is, basic infrastructure comes first and the prosperity will follow if the basic infrastructure is provided. In modern days, I think, telecommunication has become much more important than even road and rail communications, because information is the basis of all progress and development. In this respect, India is one of the most poorly serviced countries, perhaps, in the whole world. I will give only one statistics which will go to prove this fact. Upto 1992, in Thailand 2.4 people had telephones out of 100 persons, in Malaysia nine people had telephones out of 100 persons, in Japan, 44 people had telephones out of 100 persons, in United States, 54 people had telephones out of 100 persons and in India, only 0.6 people had telephone facilities out of 100 persons. This goes to show how much backwardness we have to make up, in order to catch up even with some of the developing and backward countries of the world today. As on 31st March, 1996, the waiting list for getting telephone connection was of the order of over 14 million persons. We

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are not only lagging behind in the number of telephones being installed, but the quality of service provided by the Department of Telecommunications is worse.

Sir, there is an organization known as the Centre for Monitoring Indian Economy. They have carried out a survey and reported that there was a very sharp deterioration in the quality of telecommunication services during the year 1994-95, in terms of the call success rate. It means that the number of calls that were originated and the number of calls which succeeded in achieving the object, that ratio was very poor indeed and the quality was deteriorating day by day.

Sir, there has been a transformation in the telecommunication services provided in the last two decades. There has been virtually a revolution in the quality and range of the services of telecommunication provided in the last two decades. Lately, we had a visitor, Mr. Bill Gate from America and I am sure all our Members know it. Sir, we know the Internet and E-mail services that are being provided. I was travelling the other day by air and an American sitting next to me—you will be surprised—told me that for all transactions, there is no cheque system in America any more. If a payment has to be made for a telephone bill or an electricity bill or any financial transaction has to be made, then cheques are not issued. A message on E-mail or Internet is sent to the bank, they confirm it back and transaction is completed. You can imagine the amount of saving this will generate. Of course, it is a long way off. The introduction of Internet and E-mail will perhaps take a considerably long time. But it is a concept on which we have to start thinking now.

Sir, the last Government woke up very belatedly in 1994 and the National Telecom Policy was formulated and announced. One of the aims of this policy was providing ten million new connections by March, 1997. The other developmental reform announced under the National Telecom Policy of 1994 was the total financial involvement to the tune of Rs. 60,000 crore. Now it is very easy to put it down on paper and say we will do this and we will do that. But it is not possible without providing the financial outlay for that. I think the Government should be honest enough—of course, it is not this Government it was the last Government I am referring to—that whatever they have in the kitty, they should announce developmental plans only up to that level. Out of the ten million connections to be installed by 1997, I do not think even 50 per cent have been installed so far. As my previous colleague has said that out of those provided at the village level, the services are very poor. I think it was the last Government again which introduced the MARR equipment. I am not sure what it all stands for. This MARR equipment which I think provides wireless telephonic communication with the villages is not working even in a single village and the amount of money the Government has spent on that is something colossal.

Perhaps not even 10 per cent of those phones are in working order today. The aerials are standing, the poles are standing in the villages and of them not even one is working. I would request the hon. Minister who is, I think, doing a wonderful job, to go into this question and see what he could salvage from that. Whatever money has gone down the drain has gone down. But can you try to salvage something out of that? Those things are still standing. They are of no use to anybody. I do not know whether still we are on the MARR system or some new type of equipment has come. But certainly that equipment which was installed in the villages by the predecessor Government is certainly not of satisfactory nature. I can say that with experience and authority.

Then the National Telecom Policy of 1994 also envisaged the setting up of the Telecom Regulatory Authority for which the hon. Minister is piloting the Bill today.

The gates of liberalisation were also opened up by the announcement of the National Telecom Policy of 1994. But as was usual with the predecessor Government, it was quite a usual practice with them, they always place the cart before the horse ...

SHRI K.P. SINGH DEO : You should not forget that you were a distinguished Member of that Government.

COL. RAO RAM SINGH : I was a Member, but I cannot claim to have been a distinguished Member. I was certainly a Member. But I think I was treated more as an outcast in the Government than as a member of that Government. Of course, my distinguished colleague and myself, I think, we were of the same type together. He was treated as much of an outcast as I was treated.

What I meant by placing the cart before the horse is this. I will give you an example. After the robbers have entered the house, looted and taken away everything, then the house owner gets the watch-dog and says that next time he would not allow the robbers to enter because he has got two Alsatian dogs now lined up to catch the robbers.

The Telecom Regulatory Authority should have been set up first as a watch-dog and then the liberalisation should have taken place so that a check and balance could have been kept on the transactions, licences and the things that were going on. As my esteemed colleague said, if that had happened, then my esteemed ex-colleague, Shri Sukh Ram, would not have been a *dukhi* person today. If that Regulatory Authority had been set up earlier, the country would have saved crores and crores of rupees.

Anyway, it is better late than never. I must congratulate the present hon. Minister for having brought in this Bill now. It is late, but he has brought it now. Of course, I am not in favour of the 'Ordinance *raj*' though every Government is in the habit of following it. Not only this Government, but every Government is in the habit of following the 'Ordinance *raj*'

I do not know, why. It was introduced in January, whereas the budget Session was starting in February. The heavens would not have fallen down—this Bill was not introduced for the last three years—if this ordinance had not been passed one month earlier. An Ordinance was issued just about 15–20 days or a month before the Budget Session of Parliament. The Government could have waited for this and then properly introduced the Bill.

I think the Bill had already been sent to the Standing Committee. I must again give full marks to the hon. Minister that almost all the recommendations of the Standing Committee have been accepted by him in toto, which is a very good thing. Of course, one or two have not been accepted, and I understand why they have not been agreed to. One of them was that *carte-blanche* was to be given to the judiciary to be the Chairman and be the controlling authority in the Regulatory Authority. Judicial activism is a very good thing. I think it is a very good thing to keep a check on the Government, whether it was the previous Government or this Government. They require a check on them definitely. But to give them unfettered powers would, perhaps, not have been right. I think the Minister was quite right in selecting the present system. The Chairman will be the ex-Justice or the ex-Chief Justice, which I think is sufficient authority.

The other thing that I want to say is that the bureaucrats make these Bills. They put it up to the Ministers and the bureaucrats make sure that they hold the whip everywhere. I do not see any reason why a Secretary or an Additional Secretary should be specifically mentioned to be a member of this Regulatory Authority.

The consumers, the industry, the technicians and the technocrats are the people who should be the members of this Authority. In my way of thinking, I feel that the bureaucrat will only introduce red-tapism, he will be a hurdle and making him a member of this Authority will be of no help whatsoever. The bureaucrat, being a member of the Authority, will only help perpetuate the *babu raj* which has been carrying on ever since the Britishers left. This *babu raj* is going on at a more and more vigorous pace. It is spreading its net around.

In the olden days, it was said that the IAS Officer was the cutting edge of the Government. But I am sorry to say that that cutting edge has been totally blunted now. There is no cutting edge left now. The sooner we overhaul the system and the sooner we stop giving importance to these bureaucrats that we are giving today, the country will be a much better place to live in. I can say that. Therefore, I would request the hon. Minister to reconsider the composition of the Regulatory Authority.

I do not see any reason why a specific mention has been made in this Bill saying that a Secretary or an Additional

Secretary to the Government of India who has got three years' of service will become a member of the Authority. Why? Why not a General of the Army be made a member of the Authority? Why not a Marshal of the Indian Air Force be made a member of the Authority? In the Army and Air Force, communication is the key thing now. Why should a Secretary or an Additional Secretary be made a member? A Secretary or an Additional Secretary can probably be made to sit there to take down the notes. I am surprised that we give so much of importance to a Secretary and an Additional Secretary. I would say that you can have a General as a member of the Authority when he retires or have the Chief of the Air Staff as a member of the Authority when he retires rather than having the Secretary or an Additional Secretary.

As I was saying, it is very important that the consumer should be given a due place in this. I do not think it is included specifically as such. But I think a leeway has been given to have a minimum of two and a maximum of six members. I think it should be narrowed down. The Government should either say that there will be four members or six members. But it is giving too much of a leeway that the Authority may have a minimum of two and a maximum of six members. I think a minimum of two will be too little.

Then I come to the members of the industry. The industrialisation of the country is picking up. Therefore, it is most important that the representatives of the industry should be included in the Authority. I am sure that provision will be made for inclusion of technical experts in that Authority.

After reading the Bill, I am not quite clear about the other thing. I would like to know whether the DoT will be under this Authority or the Authority will be an independent Authority. Will the DoT be subject to the control of this Authority? That is a thing that must be very clearly specified. Otherwise, dual control will lead to chaos. Dual control always leads to chaos and it must be clearly clarified what will be the relationship between the Telecom Regulatory Authority and the Department of Telecommunications.

I do not know whether any provision has been made for offences committed by the Government Departments. Are they under the purview of this Authority? If any offences are committed by the Department of Telecommunications or any other connected Department of the Government, will it be under the purview of this Authority or not? That should be clarified.

I think, the power to fix tariff—internal and external—has been given to the Authority, if I am not wrong. That is a very good step.

Another point that I want to say is about the transparency. It has been included somewhere that 'we should ensure that transparency is exercised in the

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functioning'. I think, it should have gone slightly more into details. It is very easy to say that transparency should be exercised. But what are the measures that are going to be taken to ensure transparency of the working of this Regulatory Authority? Will the meetings of the Regulatory Authority be in open house? Will the members of the Press and public be able to attend these meetings or will they be held in camera? What other measures will be taken to ensure that transparency is achieved in the functioning of this Authority? I think, it is of utmost importance that the functioning of the Authority should be a very transparent business.

Of course, I would also like to stress the point—it is not concerned with this—about the Members of Parliament being nominated on the Telephone Advisory Committees of their constituency. Whatever Telephone Advisory Committees are there in those constituencies, I think, the Member of Parliament of that constituency—I request the hon. Minister to consider this—should automatically be nominated on the Telephone Advisory Committee of that area.

With these words, I would like to congratulate the Minister for bringing about this very comprehensive Bill. While at the same time, I oppose the Ordinance that was promulgated. But I think, for the Bill that has been introduced by the Minister, he deserves a pat on the back from the House. I hope that the intentions with which this has been introduced, will be achieved *in toto*. Thank you very much.

SHRI ANADI CHARAN SAHU (Cuttack) : Mr. Deputy-Speaker, Sir, from 1885 to 1997, we have travelled 112 years in the field of communication. We started with the Telegraph Act and now, we are going to the Regulatory Act. We started with the Congress in 1885 and now, it is 1997.

Sir, in 1994, the Congress Government had thought of providing policy called the National Telecom Policy. The objectives of the policy were that the telephones and the telecom instruments should be within the reach of all; there should be universal service covering all the villages of India; the qualities should be of world standard; there should not be any consumer complaints, whatever may be the complaint; the disputes should be settled properly, effectively and quickly and there should be proper standardization in manufacture of equipments relating to telecommunication. And, the last but not least, was the matter relating to separating the regulating functions from the provisions of consumer facilities and interests. In this context, I would like to submit that the DoT will be one of the principal providers of consumer facilities and there will be many other consumer facilities providers including private parties. So, that was the policy which was taken up in 1994.

Now, we have come to this Act called the TRAI—Telecom Regulatory Authority of India. Let it not be TROY, let it not kill many valiant persons in the process of executing its dictates in the later stages. So, I must caution everybody that it should be enacted properly and it should be executed properly.

We have many types of communication facilities; pagers, cellular phones, E-Mail, data communications and many other things which would require lots of regulation, lots of licencing, lots of coordination. That is why this enactment has come. I am happy that this enactment is not like yesterday's enactment on environment. Yesterday we had seen an enactment which did not go to the Standing Committee and there were lots of lacunae.

Today, we are having an enactment which has gone through certain processes. The Standing Committee on Communications had gone into the details of the provisions which have been provided in this Bill. But, I am sorry to say that the Government did not think it proper to incorporate all the provisions, all the recommendations of the Standing Committee in this enactment. I will be coming to it one by one when I deal with different clauses of the enactment. But the recommendations of the Standing Committee should have been given due honour, due regard before this Bill came to the Parliament.

As you are aware, telephones have been creating lots of problems for us. Many people are there who are not getting telephone connections for years together. When they get a telephone connection, they have to pay exorbitant charges. Inflated rates have to be paid though the telephone might not have been used for some time or for some days. This is the difficulty we have been facing. Inflated bills come, telephones get disconnected for no reason and shifting of telephones takes lots of time. Poor service, inflated bills and faulty accounting procedures have been creating difficulties for users. Those difficulties have to be surmounted. This can be done by this Regulatory Authority which is coming into being soon.

So far as the composition of the Regulatory Authority is concerned, I have my own doubts. It is not known why we have a mania to appoint judge, to appoint government servants to that Authority. Take the case of Mr. Bill Gates. We may have a person like Mr. Bill Gates in India who may be a wizard in telecommunications, a wizard in electronic equipment manufacturing. We do not have any provision in this Bill to appoint such type of people as members of the Authority. As Col. Ram Singh has asked, why we should have people who should be government servants, who should be judges. Of course, there is a provision in Section 6 about Secretaries or Additional Secretaries and persons of equivalent rank. I am sure, no equivalent rank people will be taken as members of this Authority. I will read it out for the information of my hon. friends : "... the post of Additional Secretary and Secretary to the Government or any equivalent post in the Central Government or the State Government for a period of three years." I am sure, all the members of this Authority will be Secretaries or Additional Secretaries of the Government of India. No State Government officer will be taken because he will not have a clout in the Central Government to get into this Authority.

I would suggest that we must change these provisions. We must take persons with lots of knowledge, intelligence in that particular field. Otherwise this will be another government service or another government department. That has to be kept in mind while enacting this provision.

There is another difficult situation. The Chairperson should hold office for a term of five years from the date on which he enters upon his office. No age limit has been prescribed for the Chairperson. But age limit has been prescribed for the members. That means, anybody who has been the Chief Justice of a High Court or a Judge of the Supreme Court, even after five years of retirement, can be appointed as the Chairperson. No age limit has been provided. I do not know what is the reason why no age limit has been prescribed in this Bill.

I would like to submit that serving members should not be appointed as members of the Authority. It has been indicated that if there is a serving officer, then he has to resign and join the Authority. Why take a serving member? Why give him all the benefits?

14.00 hrs.

He would be a Secretary in the Department of Telecommunications one day and the other day he would become a Member of the Authority. He will try to ratify whatever he has done as a Secretary. He might have given an order as DoT is one of the providers. He might provide something today and tomorrow, as a Member of the Authority, he might ratify that order. That is not proper. In my humble opinion, no serving officer should be appointed to this Authority. Again, I have to repeat that we have a mania for appointing judges or civil servants. I do not like to say much about these matters. But no serving officer should be appointed to the Authority. Under no circumstances should a serving officer be appointed.

There are certain difficulties, which I would like to present before you. The Standing Committee had made some recommendations. It had indicated: 'to seek information on all aspects of service providers' activities, to seek information, advice and input from any source it feels necessary to investigate *sou motu* on any other matter, which in this case constitutes public interest. That is very important. It also provides: 'to inspect facilities, books and records of the operators/service providers'. If we have to implement these recommendations of the Standing Committee, there should be teeth to bite. The Authority does not have any teeth to bite. The Authority would only be issuing an order or an instruction to the providers to produce books and records, to produce documents, to produce relevant papers. If that is not produced, if the firm does not produce, the Authority can at best put a fine of Rs. 2 lakh as per Clause 20 or Rs. 1 lakh as per Clause 29. As per Clause 20 and Clause 29, if the Authority's orders are

violated, then, there is provision only for a fine. The Authority cannot send anyone to search, inspect and impound documents. If it is not done, the persons or the firms or the corporate bodies sending different types of gadgets to the market would be very powerful persons and would not part with the documents that they have in their possession. I would suggest that either in Clause 20, which will become Section 20 or in Clause 29, which will become Section 29, there must be some provision for imprisonment of the persons concerned. For subsequent offences, there should be a provision for imprisonment. They have not provided for imprisonment here. The Standing Committee had recommended that there should be a provision for imprisonment. I do not know why it has been deleted. The Standing Committee's recommendations have not been carried out. My humble submission now is, since it has not been provided in the enactment, something could be done in the rules and the rules could be placed before Parliament as a result of which we can salvage some of the matters which have been omitted by the framers of this Bill.

It is very good that the exclusive privileges which have been provided in the Indian Telegraph Act, 1885 are going away slowly. We are going in for privatisation. That is very good. Once we are going in for privatisation, we must think about the manner in which this Authority would be facing difficulties in the 21st Century. That should have been kept in mind. While keeping it in mind, they should have thought of Part 3 of the Indian Telegraph Act, Section 18 and Section 19, the way they have been enacted and the purposes for which they have been enacted. That should have been kept in mind. Since that has not been kept in mind, there will be a lot of disputes between the DoT, the users and the providers. You have provided for subsequent regulations also. The regulations should be exhaustive and keep in mind all the types of users and providers and, most importantly, the disputes between the non-users and the users.

14.05 hrs.

[SHRI NITISH KUMAR *in the Chair*]

Sections 18 and 19 indicate about non-users also. ... (*Interruptions*) All these things should be kept in mind. All the three aspects, that is, users, non-users and providers, should be clubbed together while framing the rules. Another important aspect is the rates to be fixed by the TRAI. That has been provided in Sub-Section 2 of Section 11. The rates are to be placed before Parliament. That is the recommendation of the Standing Committee. I do not know why it has not been indicated in this enactment. It may so happen that all of a sudden the TRAI may think it proper to enhance the rates. If you are charging Rs. 100 per telephone today, tomorrow the TRAI may say, 'You increase the rate to Rs. 1,000'. How would the user or consumer pay it? So,

[Shri Anadi Charan Sahu]

that has to be kept in mind while the rates are increased by the TRAI.

Sir, it has been indicated that there should be two members to decide the disputes. If the two members do not agree, then the third member will decide the dispute. That means you are making it very cumbersome. I would suggest that you have three members initially. Let the Chairperson find out three members and the majority should decide the dispute, instead of saying you have two members and if there is any dispute, another member will decide it. It should not be done like that. It would linger on the process. My submission is that there should be three members. If you are thinking of any sort of complaints, then you have three members. The Chairman should constitute a three-member committee and the majority should decide as to what action would be taken, instead of saying you have two members now and if they do not agree, then send it to the third member. That would create lots of problems to the user and the provider. Provider may be put to a lot of financial difficulties and the time consumed may not be reparable immediately. So, I suggest, through you, that the Committee should consist of three members. That is why the Standing Committee had recommended that there should be a minimum of five members and a maximum of seven members in the Authority. I do not know why the Government thought it proper to have members between two and six, that is minimum two and maximum six. The Standing Committee must have thought that having members between five and seven would be easier to form the sub-committee for deciding complaints. So, this can be through of, while framing the rules. The regulations would be framed under Rule 36. So, these things should be kept in mind. Before this enactment comes into force, the rules have to be framed. Otherwise, it would be very difficult to enforce the different aspects of this regulatory authority. Since there is no time, I will not go further.

SHRI V.V. RAGHAVAN (Trichur) : Sir, I support the Bill. I am glad that the Bill has been scrutinised by the Standing Committee. Almost all the suggestions put forward by the hon. Members have been incorporated in the amended Bill. I congratulate the hon. Minister for having included the suggestions in the amended Bill.

Telecommunication is the nerve centre of our economy. This sector is vulnerable as far as the country's security is concerned. I, therefore, caution the Government that we must be very careful when we go in for privatisation. Modernisation of the entire system is also essential. We must make available all the facilities of the information technology which are now available to our toiling millions.

But here I must caution the Government that when we go for modernisation and globalisation, we must be careful and we should not leave the Department at the mercy of the neocolonial multinational forces.

I have some suggestions to streamline the Department. In my opinion, it is high time that more powers and fund should be given to the Telecom Chief General Managers of the States and the General Managers of the Districts. It is our experience that unnecessary concentration of power in Delhi is the main obstacle in the smooth functioning of the Department. Developmental activities are held up for each and every small thing.

The Chief General Managers and the other General Managers have to depend upon the centralised system for getting materials and getting the administrative sanctions even for the most urgently needed developmental activities. Due to this centralisation, there are long pending waiting lists for telephone connections. In my constituency alone, two lakhs of telephone applications are pending. The hon. Minister knows that we, in Kerala, are very badly in need of telephone connections. Many of our people are working abroad and earning very valuable foreign exchange for the country. Those who are abroad want to keep in touch with their kith and kin. Even OYT applications are pending sanction for four or five years. So, I request the hon. Minister to give some special consideration for Kerala as we are earning so much of foreign exchange from those who are working in the Gulf and other countries. So, if you give some more powers, fund and materials to the Chief General Managers and the General Managers, I think, this huge pending list will not be there.

As has been pointed out by other hon. Members, for the last nine months, the Advisory Committee is not functioning. It is not reconstituted. The Authorities have asked for some names to be sent and we also sent some names, some months ago. But yet, the Committee is not reconstituted. Since the Committee is not functioning, all the applications for getting 'public booths' are also pending. I do not know why it is so. We have represented time and again to the hon. Minister, since the MPs are not made members of the Advisory Committee. They think that MPs have nothing to do with the functioning of the Department there. They are not in the Advisory Committee. They are not at all consulted. I do not know why the Telecom Department is treating MPs in such a manner. They treat us as outcast, to be frank. So, the reconstitution of the Advisory Committee both at the district level and at the State level is a very urgent need. If we have that, we can represent the issues that the customers are faced with.

When this TRAI is in operation, I do not know what would be the relationship between this TRAI and the DoT.

Things will get complicated when there are dual powers. That should be made clear as it is not clear in the Bill. So, devolving powers, decentralisation of powers, giving funds and administrative sanction for State level and District level works are the urgent needs which should be done for giving justice to the customers. The long pending waiting list is a question mark on the hon. Minister and the Department.

Over two lakh applications are pending in one constituency. The Exchequer is losing money. It is a commercial field. If you give connections more regularly and speedily, then you will get money.

As regards pending waiting list, there must be a target that within a particular time the pending waiting list for telephone connections will be cleared. Such a target should be fixed which will help the Department and the customers.

[Translation]

DR. LAXMINARAYAN PANDEY (Mandsaur) : Chairman, Sir, at the outset I support the motion moved by Shri Girdhari Lal Bhargava regarding disapproval of ordinance. As you know that our Government has been in the habit of issuing ordinances to run its business when it is not in a position to face the Parliament. This is not the first instance such ordinances have been issued a number of times earlier also. But this time there is a chain of Ordinances whether it is in the matter of power, National Highways or Reserve Bank. Regarding everything the Government wants to run its business by issuing Ordinances. Same is the position of this ordinance. As has been stated in the statement of objects and reasons of the Bill a similar bill was brought the purpose of which was to globalise the Telecommunication services and which was passed by the Lok Sabha but was not passed by the Rajya Sabha which returned it with certain observations. The Bill should have been brought again in this House but it could not be brought in time because of the indifference of the Government and ultimately the bill could never be brought in the Lok Sabha. Again an ordinance was brought on 27 January 1996. But that too was not approved by the House in time and it was also lapsed. Again an ordinance was brought on 27 March 1996 and it was also lapsed. Chairman, Sir, this is the third ordinance which was promulgated on 25 January 1997 and brought in this form. Chairman, Sir, this trend should be stopped. If this was needed and as has also been cautioned by the Standing Committee on Communications that if such a Bill is desired, Government should bring it immediately and this Bill should be cohesive and comprehensive which can provide for everything. I would like to quote extracts from the report of that Standing Committee. I am mentioning para nos. 13-14-15 of the report of the Standing Committee which was presented on 20.11.96.

[English]

"In view of the fact that constitution of the Telecom Regulatory Authority of India has already been delayed for more than a year, the Committee recommend that it should be constituted at an early date and in no case, it should take more than six months."

[Translation]

They have already stated that it should not be more than 6 months. It has already been delayed too much. I understand if such remarks have not been made by the Standing Committee neither these Ordinances have been

issued nor the bills have been brought. Now, I am reading volume 14 of this report.

[English]

Further, the Committee desire that appropriate regulations may be made regarding maintenance of a register by TRAI similar to the registers maintained by the Registrar of Companies so that all particulars may be entered therein in respect of interconnect agreements, recognition to type approval, etc.

The Indian Telegraph Act, 1985 has undergone amendments numerous times as also the Indian Wireless Telegraph Act, 1933. Both these Acts provide for the issue of licences by the Government which may consider the desirability of undertaking review of the provision of these two Acts.

[Translation]

I would like to submit before the hon. Minister that some provisions of this comprehensive Bill still require to be amended in view of the recommendations of the Standing Committee. Some protection is required in the interest of the consumers. Hope you would consider all these aspects and try to bring a comprehensive bill. I would like to quote some of the general provisions of this Bill. It has been stated in section 25 of this Bill that Rules and Regulations would be laid on the Table of the Parliament. Generally this provision is provided in almost all the Bills but this provision is never complied with. I would like to submit before the hon. Minister that whatever duration stipulated and whatever amendments are required to be made should be done within the stipulated period of two years and it should be laid on the Table of the Parliament so that it may be considered by the Parliament otherwise even you may lose your right over the Bill. Further drawing your attention towards this, I would like to submit that some provisions have been made in this Telecom Regulatory Authority of India Ordinance, whether these are relating to the power of the Chairman or the Members or their nomination or the nomination of the Chairman. The duration or the age fixed for these is too much. It needs further consideration. This age limit should be curtailed. 65 years of age has been fixed. I think that should be curtailed so that more active, competent, expert and experienced persons can be employed. Competent officers who are still in the Government service cannot join this body. They have to resign their job first. This provision should have not been made mandatory when you are employing officers on deputation basis.

Sir, this Authority is an independent body. So, I would request you that such arrangements should be made so that these services may be utilised in time. It has an independent status. Whatever steps are taken in the field of telecommunication, are welcome. Lot of changes have taken place in the field of telecommunication and some changes are in the offing. We have made agreement with all the

[Dr. Laxminarayan Pandey]

countries. We have global arrangements with about 67-68 countries. I would like to draw your attention towards the changes going to be there and facilities available in this field. As has been said:

[English]

"It is a good news for the international economy. It is a good news for the business. It is a good news for the ordinary people around the world who use telephones or who want to use them. Director-General, WTO, told the Radio."

[Translation]

They have also stated this, The same position was there when global telecom treaty was made and discussion took place. We are going to take a good step ahead. Further steps towards advancement in this field should be taken so that people may get more and more facilities and make good use of them. Global changes are being made in this field today. You should try to make it more and more effective so that everybody may get its benefits keeping in view the fast changes taking place in this field. This time is sufficient to say all these things. Stating all these things in brief I would repeat that certain provisions need minor changes. I hope you would consider all these aspects. I thank you for taking certain good steps. Please stop the tendency of bringing ordinances. Such situation should not arise in future that an ordinance has to be brought. I hope that the entire House agrees to this. We have taken certain steps in the field of telecommunication and we are trying to have a quantum jump. I conclude my speech wishing all the success in this field.

[English]

SHRI RUPCHAND PAL (Hooghly) : Mr. Speaker, Sir, this Government should desist from issuing Ordinances, remembering the earlier observations made by the former Speakers and others. The practice should rather be to come directly to the House with the Bill. Under very special circumstances when the Telecom Policy was announced, there was a demand from this House to have a full-fledged discussion covering all aspects of the policy. Since 1994 till today, a lot of developments have taken place. There are some mega scandals, some advancement in telecom technology and so on. In the perception of the nation also, a sea change has taken place. In view of very poor penetration of telephone in the country and also in view of the need to fill the gap as best and as fast as possible and taking into consideration the resource constraint, a proper Telecom Policy is the urgent necessity of the nation.

We are happy that the Government has taken into consideration the importance of Telecom, as of late, they

have declared Telecom as a part of the infrastructure. It has been included as an infrastructure. Now, Telecom will have certain more facilities which were not there earlier. I am not going into the details of the policy. We had very serious reservations about certain provisions made in the policy itself. But ultimately when the question of regulation came, there was a suggestion from all important quarters that the regulatory authority should be made statutory instead of the non-statutory one. That was ultimately agreed to by the Government.

I am happy that the Bill had gone to the Standing Committee and most of the recommendations, major recommendations, of the Committee have been accepted by the Government. I fail to understand three or four things. For example, with regard to the composition and qualifications for appointment of chairpersons and other Members, the Standing Committee had suggested that the Chairperson shall be appointed by the Central Government after obtaining the recommendations of the Committee, may be a Select Committee or whatever you may call it. The Committee consisted of the Chief Justice of India, hon. Speaker of the Lok Sabha, the Minister in charge of the Ministry of Communication, Leader of the Opposition and also the Deputy chairperson of the Council of States. I find in the Bill, that this has not been accepted. In the matter of selection, such a recommendation, as made by the Standing Committee, could have been accepted. To some extent it would have given more credibility, more transparency and also more accountability to this authority. I would urge upon the Government to reconsider this major recommendation of the Committee because such an authority will be formed by many others in the days to come. I am just giving one example.

I am told that in the proposed Broadcasting Bill, there is also a suggestion to set up an independent body. The Select Committee will make a recommendation to the Government and on the basis of such a recommendation, that independent authority will be set up.

There also it is being proposed that the Minister and the Secretaries of the Government dominate this independent Authority. The role of the Government is being diluted in many spheres in the name of liberalisation. But here is an area where we find that such a major suggestion made by Standing Committee for making a recommendation for the Chairperson as also other Members has not been accepted. This may be followed by others also; there lies the danger. In the case of TRAI, the nation has been expecting that independence should be given in the matter of selection and appointment of key persons on such a body.

Regarding salary, allowances and other conditions, the recommendation made by the Standing Committee was that in the case of Chairperson, it should be at par with a Supreme Court Judge; and in the case of a Member, it will be at par with a High Court Judge. That recommendation too has not been accepted. A third major suggestion which has not been accepted by the Government—I do not know why it has not been accepted, the hon. Minister may kindly explain that in his reply—was the recommendation regarding the powers and functions of the Authority.

Approval of equipment used in the network is a very important thing because substandard, low-quality equipment is one of the major reasons for the mega-scandal, as has been well-mentioned by hon. Col. Rao Ram Singh about the MARR and all those things. Here the important thing is that some of our public sector undertakings are quite capable to provide good quality equipment.

I give you one example. I shall be brief. For example, C-DoT is one such organisation which had been providing switching technology on which rural telephones are largely dependent today. They were sidetracked, they were ignored, there was poaching, the private operators had lured away our competent people. Even after that, they are capable of setting up the 40,000 line system that was inaugurated in Bangalore the other day. Our own public sector undertaking, the ITI, are capable of providing very good quality equipment. They are not being given adequate orders on which they can survive and flourish. They had been making profit even two years back also. But they have been deprived of the orders. About approval of equipment, it may be that private operators will not comply with the necessary specifications, they may take the opportunity to push through bad quality equipment. So, my suggestion is that this recommendation of the Standing Committee should be accepted by the Government.

Regarding monitoring of the quality of service provided by service providers, I wonder why this has not been accepted. I hope that the hon. Minister will explain it. Thirdly the commissioning of periodical service and quality service achieved by different service providers is also a very important recommendation made by the Standing Committee. I would just request the hon. Minister to explain all these things. Present day is the age of information revolution, telecommunication, broadcasting, computers. All these things are converging. In developed countries, such technologies are being used. Take for example cable modem. Cable is being used in UK in a big way for telecommunication purposes.

Internet is creating problems. Several Governments have to think over how to bring about their own regulations to meet the emerging situation. In the coming day, we will have to meet such a situation. Necessary amendments may be necessary in this regard.

But I would suggest that the Government should come out with a comprehensive Bill covering all aspects of communication. Only a single authority will not be enough to regulate an emerging situation in the telecom sector.

I support the Bill. At the same time, my plea with the Government is that it should reconsider several suggestions, particularly, the major suggestions made by the Standing Committee.

[Translation]

SHRI RAMSAGAR (Barabanki) : Mr. Chairman, Sir, I thank you for giving me an opportunity to speak on the Telecom Regulatory Authority of India Bill, 1997 and thank the hon. Minister for moving this Bill in the House.

MR. CHAIRMAN : There are several bills before the House which are to be passed. There is no need to say anything more as you have already welcomed and thanked the hon. Minister for it. You can give suggestion to the hon. Minister if it is in your mind.

SHRI RAMSAGAR: In present situation telecommunication has become an important tool for development of a country. The Standing Committee constituted under this Bill consists of the hon. Members of all the political parties so that their suggestions could be considered. Apart from it, there is also a consultative committee, consisting of MPs of all the political parties, thus the hon. Minister has tried to improve the telecommunication service and facilitate more and more people.

The progress of telecommunication service today reminds me of my olden days when I was a Member of Legislative Assembly of Uttar Pradesh. At that time MLAs were provided with the facility of telephone at their office and residence both. But, I could not avail this facility because my residence was in interior rural area which had no telephone line. That situation was prevailing almost in all the rural areas. Telephone service has made remarkable progress in the last 2-3 years and at present telephones have been installed in every tehsil and block of rural areas. I was very happy when a BJP Member hon. Girdhari Lal Bhargava had made a mention that almost all the roads have been dug in Jaipur for spreading telephone lines. I feel that hon. Minister of Communication should be congratulated for the extension of telephone service so rapidly under his leadership.

SHRI MAHABIR LAL BISHVAKARMA (Hazaribagh) : Hon. Member is saying that these telephones are working well in all the areas whereas I would like to mention that these are not working at all. ... (Interruptions)

MR. CHAIRMAN : He is not saying this. He is saying that telephone cables are being laid every where.

SHRI RAMSAGAR : I have already said that some suggestions have been given on the Bill which is being discussed here and I remember that the hon. Minister has himself said in the House that though he is trying to improve telephone services but he is not satisfied with it. In our country, some telephones are operated through Antenna system but other type of telephones which are operated through battery system remains generally cut of order.

Sir, the services of linemen and workmen in rural areas are not satisfactory because in case of any fault in the system or in telephone, they are not able to detect them for a number of days. Therefore, I request the hon. Minister that there is need to pay attention towards this problem.

Sir, as I have already said that many suggestions have been given on this Bill by the Standing Committee and the Advisory Committee of that Ministry. I hope that the hon. Minister would also incorporate the suggestions given by the hon. Members during the discussion and he would make very effort to improve the telecom system in such a way, so that it may prove to be helpful for the development of our country.

In the end, I would like to thank the hon. Minister for bringing this revolutionary Bill in the House, removing its bottlenecks and making continuous efforts to make the telephone system useful and providing facilities to the consumers.

SHRI PRAKASH VISHWANATH PARANJPE (Thane) : Mr. Chairman, Sir, through you, I would like to bring one thing to the notice of the hon. Minister that the Members of Parliament are not required to pay the telephone bills but in spite of that bills are regularly sent to me and I am informed on the telephone that I should make payments of telephone bills otherwise my telephone would be disconnected. There is no coordination among the different departments and that is why they sent bills to the Members of Parliament. From this fact you can imagine how much communication gap is there among these departments. When there is lack of communication among the administrative departments then you can well imagine what would be the condition of this country. ... (Interruptions).

[English]

SHRI SURESH PRABHU (Rajapur) : Thank you, Sir. Let me congratulate the Government for introducing a piece of legislation which needs commendation on all counts. This is the first time that we are creating an authority of this type to regulate an important sector like telecommunication and I congratulate the hon. Minister for initiating a very good move.

At the same time, I am feeling very sad that all the time we have to say that the way in which such good legislations

are introduced, the right way to do them is to bring them before the Parliament directly instead of resorting to ordinances. I really do not understand why such issues could not have waited for some more time and could have not been introduced in the Parliament in this Session.

The argument would be, 'it was very urgent'. If it was so urgent then it could have been introduced in the last Session. Why only the period between the two Sessions that the Government comes out with imaginative ideas and trouble the President when the President is preoccupied with some more important business of State. I feel that now before the 21st of April or rather before 9th of May, the Government should really wear the thinking cap and should bring about whatever legislation that is necessary in this session and should not use the time between 9th of May and the next Session to bring legislations through ordinances.

SHRI ANIL BASU (Arambagh) : Good things are done in a hurry.

SHRI SURESH PRABHU : Yes, but they should also do that hurry in the Session, otherwise we have no role to play. We can just read the legislations at home.

Sir, while welcoming this measure, I understand that basically this ordinance or this legislation is a product of the Telecom Policy which was introduced in 1994. However, there was a need for it even earlier when the Telecom Policy was the corner stone of our thinking on Telecom Sector. In 1994 Policy, as it should be or for that matter any policy on any sector pertaining to communications, our focus should be the customer who is the person who is going to receive the services from the Department of Telecommunications or other service providers.

Sir, while protecting the interests of the consumers, we are also allowing the technology to come into play and that will again improve the services provided to the customers. But when we are talking about technology which is going to come into play, some other sector or other interest also should be really considered at that time. That is our national interest.

There I feel, that how the recent multi-lateral agreement that we have signed, helps the country when it is yet to be discussed by the Parliament. While our hon. Minister for Telecommunications was away on a foreign tour, his other colleague while replying on the floor of the House said that the pact that we have signed is in the national interest. I would like to know, can a Minister or a Council of Ministers alone decide what is in the interest of the country when it is not debated and not placed before the Parliament. I think it is high time that we discuss such issues on the floor of the House.

So I feel that we are also accountable to Parliament again. I think, as per the 1994 policy, we should again come before the Parliament and we should place before it all the contents of the multilateral pacts and you should enlighten us about how it is going to improve the country. It is because in the Uruguay Round Conference, we have already said that we did not want to sign the General Agreement on Trade and Services.

MR. CHAIRMAN : We have not yielded.

SHRI SURESH PRABHU : The services account for one-third of the world trade. We are saying that whatever we are signing today is not in the interest of the country and we are opposing it all throughout. So how have we suddenly realised that we are doing this keeping the interest of the country? Is it because we are forced or coerced by somebody to sign such a pact? It needs to be known to the Parliament and I request the hon. Minister, while replying, again to place before the Parliament the entire contents of this Declaration and how it is going to benefit us in the interest of the country.

Sir, the content of the regulatory body is also after a lot of deliberations. Various interests are going to be represented on this body. It is going to be headed by a person of calibre of a retired judge. It is all right. But what about the interests of the consumers? Is the body going to be represented by the consumer interests or not? There is no provision for it. In fact, people of eminence from different walks of life are going to be represented but there is no provision for a specific representation for a body of consumers, the telephone users on this body. I request the hon. Minister to please take that into account because the cornerstone of any policy has to be the customer. The focus has to be on the customer. How are his interests going to be protected? This is something that we need to know. This is also important because under Clause 14(1) you are already stipulating that a dispute between service providers and a group of consumers should only be referred. So the individual consumer as per the provisions of the Bill or the legislation, cannot probably appear before the authority. He has to necessarily go through a group of consumers. So we are already contemplating a group of consumers as a State who can prefer as an aggrieved party, his complaint before the body and I think, if that is the case, then we should have some representation on this body of this group of consumers.

Secondly, when we are trying to contemplate this group of consumers as a body who could prefer such an appeal as an aggrieved party, is the Government encouraging formation of such group of consumers? There is nothing like a group of consumers in the country. I am a telephone subscriber. We, all the Members of Parliament, are telephone subscribers. But there is no body of MPs telephone subscribers in the country; there is no body of Orissa

telephone users; and there is no body of Maharashtra telephone users. Is the Government contemplating to encourage formation of such bodies? Are you going to finance such bodies? Are you going to give them a grant? I think that is what is really necessary because under the SEBI Act, there is a provision for formation of investors body and SEBI is thinking of giving some encouragement in terms of grants.

I would urge upon the Minister to please encourage formation of such bodies nationwide and probably even subsidize their activities to grant through the regulation of this type. Unless we do that, how are the group of consumers going to come and prefer an appeal about their problems that they are going to face?

SHRI RAJIV PRATAP RUDY (Chhapra) : It has to be a non-paying consumer forum.

SHRI SURESH PRABHU : There are various provisions against which I think we should really have no complaints except one thing that I would like to know. We are already contemplating this body and saying that various actions could be initiated under public interest. Public interest is of paramount importance for any Government's functioning. One should welcome it.

There has to be a trade off between a public interest on one side and the civil liberties of common citizens on the other side. Can a citizen, whose rights of privacy, whose rights to have a telephone not being tapped by any body, prefer an appeal to the body if his privacy is being subjected to such type of intrusion? Is a public interest going to be considered paramount? It is because it may be said by the Department of Telecommunications that we are tapping a line of an individual on account of public interest. How are the civil liberties of a citizen going to be protected? So far there was no forum for anybody to do it except to raise such issues in the Parliament and to ask the Minister to resign. It is because that if they had tapped a line, then, it could not also have been ordered by the Minister. But when we are creating a body like this, how could one have a trade off between civil liberties and a public interest which is sought to be protected under this body? This is something which, I am sure, the Minister would like to enlighten us.

Sir, among the various disputes that are raised, that could be raised under Section 14 of this Bill, one is between the various revenue sharing service providers.

One service provider, of course, would be DOT. I am sure that there is no specific provision that the DOT would be definitely brought under the purview of the operation of this. There is need to clarify it really in a proper manner because there is no such clear mention. But, who will

[Shri Suresh Prabhu]

decide the operations? Because, what we are really deciding is the sharing of a cake. But what should be the size of the cake? Who is going to decide what should be the ultimate portion to be charged? Because now they are administered rates today. The telephone rates are raised by just administrative action. They are not even debated before Parliament. Now we are going to create a separate body. So, that aspect of the revenue could be decided by the body. But who decides the revenue to be charged by various service operators is something which needs to be properly explained and I think the hon. Minister would also let us know about the various providers.

Coming back to very mundane issues, this is a very laudable legislation. You are bringing about new technology. So, there is need to regulate the various authorities. But what happens to those millions of people who live in villages and who are really crying to say that they want telephone services? We have been hearing about various new innovations which confine themselves to cities and not only cities, even to big metropolitan cities. Rural areas are not getting any service except reading about it in the newspapers. How can a body which is created to regulate, ensure in the public interest the spread of the network of telecommunications to rural areas? Has the body which is the statutory body the mandate to order? The DOT has to separate the programme in such a manner that there is a proper weightage between the rural areas and the urban areas. Can somebody take care of the social version while considering the private methods that would be really a driving force for the private operators to come in? How are we, going to have a trade off between the private body, and the social obligation as also something which I am sure the Minister would let us know.

The Monopolies Restrictive Trade Practices Act is going to be also probably a regulatory body to control as also going to say whether the MRTP provisions are adhered to or not. Is the DOT considering itself or subjecting itself to scrutiny of the MRTP? Is that what really means? Is some member of the public saying that the charges which are levied by the authority are operative by MRTP provisions and can we also prefer an appeal? Is the DOT subjecting itself to scrutiny of such a judicial scrutiny on account of the MRTP provisions or not? That is something which the Minister would certainly care us to know.

The transparency aspect of it is something which, I am sure, is one of the principles of the Common Minimum Programme and everywhere we will find it from transparency operation that the Government is trying to promote. The annual report of this body is going to be placed before Parliament. Will Parliament have right to scrutinise them taking note of these reports. Also I am sure that we would like to know if there is a provision—it is not a provision but

that is the practice—that the Telephone Adalats are operative in various parts, in the districts, and the disputes between the individual consumers and the provider can be heard, settled and disposed of. Such Telephone Adalats shall not take a statutory form in the present legislation and we can make telephone Adalats also as a part of the consumer redressal grievances forums so that individual consumers wanting to air their grievances can go before the Telephone Adalats which may would have also statutory powers and they can really be considered by such an authority.

SHRI K.P. SINGH DEO (Dhenkanal) : I would like to congratulate the Minister for bringing this piece of legislation. It is rather welcome. But a lot remains to be done.

When the Telecom Appellate Authority was declared in 1994, there was a wide apprehension that the Department of Telecommunications would be embracing under its ambit many of the other user Ministries which had not been consulted at all when the proposal was made. That was in 1994 and those Ministries had even not officially—I would not say complained—but addressed to the then Minister as well as the Government of India.

As a result of this, studies were conducted by various Ministries, particularly on the impact of the National Telecommunication Policy, 1994 on the electronic media and the information super highway which was the need of the hour and which today is going to see the light of the day in India through an American businessman, which our own departments of the Government of India could have done, that is, the Ministry of Information and Broadcasting, the Department of Electronics, the Department of Telecommunications, the Department of Space and the Ministry of Home Affairs.

An expert group was formed by the Ministry of Information and Broadcasting in September, 1994. The Director-General of AIR was the Chairman, the Engineer-in-Chief of Doordarshan, the Engineer-in-Chief of AIR, the R&D experts of AIR and Lt. General K. Balram, Retd. Vice-Chief of the Armed Forces—he was the Signal Officer himself; he was from the Corps of Signals—Chairman of the Syllabus Committee of the Ministry of Information and Broadcasting at that time. So, what was the National Telecom Policy aiming at? The basic objectives of these have already been spelt out in the Statement of Objects and Reasons of this Telecom Regulatory Bill, which is coming after more than one year. I should have hoped that the pitfalls which the previous Government in which I and Col. Ram Singh were very much part and parcel, which he was critical of, could have been avoided and evaded, had the present Government taken some of the comments seriously and had better consultation which they did not do also. So, there is not much difference between the previous Government and this Government.

The basic objectives of the Telecom Policy announced on 13th May, 1994 were telecommunication for all, and

telecommunication within the reach of all. Government aims to provide telephone on demand by 1997—we are in 1997; provide telephone to every village by this target year; open up basic services for private entrepreneurs to supplement the Department of Telecommunications and add value-added services like radio paging, electronic mail, voice mail, audio text services, video text services, tele-conference, cellular mobile telephones of international standards to be made available in the country by 1996 by involving private sector. I am glad that he has incorporated this. I would like to concede that it is definitely an improvement on the 1994 Telecom Regulation Authority. It was then estimated that additional 2.5 million lines would be made available during the Eighth plan period; service would be universal, affordable and reasonably priced; and also enhanced investment in R&D to strengthen Indian technology. To meet the expected demand of telephones of 15.8 million by 1998; additional resources would be required to the tune of Rs. 23,000 crore and to raise additional resources, the New Telecommunication Policy envisages private sector involvement. The new Telecommunications Policy will be expanding these value-added services through total involvement. So, to implement the policy, suitable arrangements were proposed to protect and promote the interests of the consumer and ensure unfair competition, which has been so adequately and eloquently stated by my colleagues who have spoken before me.

15.00 hrs.

Then they come to the Telecom Regulatory Authority of India. They are supposed to have taken the worldwide trend to separate regulatory function from service-providing functions. Models of the Regulatory Authority existing in U.S.A., U.K., Germany, Japan and Australia were also studied by the Department. Then the Telecom Regulatory Authority of India is proposed to be under the overall supervision and guidance of the Ministry of Communications, which, this Regulatory Authority seeks to give, unlimited powers. So, the accused, the jury and the judge will be the same—the Ministry of Communications. Therefore, the Regulatory Authority proposed in 1994 was vested with regulatory powers of Director-General Telegraph Authority under the Indian Telegraph Act.

15.01 hrs.

[SHRI P.M. SAYEED *in the Chair*]

Now, instead of a single authority, we are talking about two authorities which is also incorporated in the present Bill of 15th March, 1997. So, there has been no improvement in this. Let us take the structure, composition and powers of the proposed Regulatory Authority. It has only two members, Member (Finance) and Member (Telecom) and a Chairman and would have a Secretariat drawn from the relevant disciplines of the Ministry of Telecommunications

or the Central Government or the public sector to perform the functions and 52 staff with three officers equivalent in the rank of Secretary to the Government of India, one in the rank of Additional Secretary to the Government of India, three in the rank of Joint Secretary, and one each at the level of Deputy Secretary and Under Secretary. I do not know whether this is a rehabilitation centre for bureaucrats and—as my friends have said also—for the members of the judiciary, who have already given their best of life and are retired. If it is a rehabilitation centre, then this is a very good authority we are promoting and passing in Parliament because rehabilitation and resettlement of ex-servicemen is nobody's baby today. The case of fifty lakh ex-servicemen is neither any State's nor Centre's nor anybody's baby today. Even the Fifth Pay Commission also has driven a nail in their coffin and made them worse than all Class-IV employees.

Then comes the impact on the electronic media. Why are we talking of the electronic media? Today the electronic media seems to have taken a very important role in our daily lives and today the information highway is also a reality. What is an information highway? It is the collection of thousands of networks of different media such as coaxial cables, optical fibres, microwave links, radio and T.V. broadcasting, satellites and it provides the kind of infrastructure of connecting people, computers and information resources at academic, industrial and governmental institutions countrywide and worldwide.

My good friend, Shri Rupchand Pal, who was associated with me in the Information and Broadcasting Ministry, knows this sinister design of the imperialists in trying to dominate through information superhighway the economic and commercial activities of developing nations. What did we want? We wanted to use this information superhighway for socially empowering our rural backward impoverished masses and give access to information to our less fortunate people who live in the rural areas so that they can compete in a level-playing field.

Information highway can transform social and cultural lives of the nation and particularly revitalise non-metropolitan rural life. Since all the above-mentioned media have already a huge built-in infrastructure in the country forming an information highway, it requires linking them all together to form an integrated information network that supports bi-directional force, interactive information.

I would like to mention an interesting point. The hon. Minister was not the Minister of the Department then. For one year, the Ministry of Communications sat over it, not permitting the Information and Broadcasting Ministry which had invested national resources and which had spare spectrum band to introduce F.M. radio-paging.

[Shri K.P. Singh Deo]

The officers of the Ministry of Communications thought that this great monopoly must remain with the great monopolist, the Ministry of Communications. But the fact is that, today there is so much of convergence between telecommunications and television.

Sir, you have been a Minister in that Ministry. There is a thin imaginary dividing line, probably among the politicians and the bureaucrats who have divided the Ministry of Information and Broadcasting and the Ministry of Communications. Otherwise, they should have been under one Ministry and the Minister of Communications should have been dealing with information and broadcasting. In fact, Sardar Patel was the first Information Minister who had with him the information and home portfolios; broadcasting had not come into being in those days. So, broadcasting, today, ought to be with the Ministry of Communications and therefore, the Ministry of Information and Broadcasting had suggested to the then Government—the predecessor's predecessor Government—that this Telecom Regulatory Authority should also include the Ministry of Defence, Ministry of Information and Broadcasting, Ministry of Home Affairs, Department of Space and Department of Electronics. Then, the Supreme Court would not have castigated the Government of India by saying that airwaves are not governmental property, but public property. The same Regulatory Authority with such representation would have served the interests of the users and it would have been a broad-based Regulatory Authority which is objective, free and fair.

Today the Department of Communications is the licensing authority through the Wireless Advisor as per the Wireless Act and the Telegraph Act. Now, the Government is creating an Authority called the Telecom Regulatory Authority of India without any representation. We know that the American War of Independence took place because there was no taxation without representation—Boston Tea party. We are forgetting history also. But we are learning a lot of things from the Americans, particularly about information super highway, internet etc. Now, people like Bill Gates and Rupert Murdoch are dropping in here, Nobels and Barons are coming and red carpet treatment is being given to them. But we do not want to learn lessons from history.

Then, to ensure technical compatibility between many different service providers, to ensure effective interaction between operators, protect consumer interests, to facilitate and promote efficiency, protect national security interests, work out methodology of revenue sharing, recommend fixing up of price of different telecommunication services and setting up of the standards, all these are laudable objectives. But do we find them in the Telecom Regulatory Authority of India? Therefore, this Expert Body commented on the impact of the electronic media. They said that the technical needs and system of telecommunication services are distinctly

different from other communication services like broadcasting, civil aviation, overseas communication and police and defence communications. All these services are managed and developed separately with distinct jurisdiction.

Sir, you are very well aware that after the horrible mid-air collision over Charkhi Dadri in Haryana in which more than 396 lives were lost, there was a debate in this very House about the jurisdictional ambiguity. The Defence authorities were blaming the Civil Aviation authorities and the Civil Aviation authorities were blaming the Defence authorities. This House debated it only in the last Session. So, there has to be distinct jurisdiction for different organisations. Otherwise, such disasters will befall us. Therefore, there is an imperative need for different communication services not to hamper the growth of other communication services and also allow freedom to expand the services of benefit to other sectors without interfering in the radio frequency spectrum and other services.

Sir, I now come back to that point where the hon. Minister's Ministry was sitting over the file for one year when the All India Radio wanted to go in for F.M. Radio Paging Service without spending a single paise, because spare spectrum was already available with All India Radio and also Doordarshan for teletext.

The AIR would have been denied this but for the ministerial intervention. Here I would like to compliment my former colleague, Mr. Sukh Ram. He may be charged with anything but it was Mr. Sukh Ram who chaired the meeting and resolved it and within a month AIR was the first organisation in Asia to introduce FM radio paging. I do not know successful radio-paging of DOT is because I am yet to know about it. Therefore, one must allow freedom to expand. Same is the case with Space, Electronics, Defence and Home Ministry. Sir, you have been the Home Minister also. You know that for every little thing you have to go to the Wireless Adviser. Even for introducing DD-3 you have to go to the Wireless Adviser. So, everything is centralised. We are talking about the Sarkaria Commission, decentralisation, Panchayati Raj, Ram Rajya, Mahatma Gandhi's dream and Mr. Rajiv Gandhi's dream but we want to centralise everything, *i.e.* democratic centralism. Sir, the broadcasting is the most efficient means of delivering the mass communication. Pt. Nehru in 1954 while addressing the Allahabad University said, 'the only reason we missed the bus of industrial revolution is not because we did not have natural resources nor that we did not have human resources nor that our intelligent quotient was inferior to American or Chinese or Japanese or the Germany but lack of communication and lack of infrastructure in media'. Germany and Japan have no internal resources. We were not devastated by the carpet bombings like in Ruhr of Germany, of Hiroshima and Nagasaki. We had a lot of sterling balance when the Britishers left. But today Germany and Japan by sheer

communication and application of technology have soared above all of us and we are behind even China now. May be, Pakistan and Bangladesh will over take us.

The broadcasting provides free messages to customers and has a simultaneous capacity to address the consumer selectively. It has abundant data capacity of both satellite and terrestrial mode of electronic media which can effectively be utilised to disseminate information, provide services like data broadcasting, teletext, tele-software, radio text and radio paging. Considering the advancements in broadcasting technology and capability of the broadcasting sector to provide additional services through its infrastructure, the electronic media should be allowed to utilise its infrastructure to provide value added service without seeking permission.

Sir, you would be very much aware that the Ministry of Information and Broadcasting had a plan to inter-link, interconnect and network all the libraries for the common man through Doordarshan which has the vast network of 17 regional channels. With the digital compression video technique it could have had 85 channels, but because they did not have budgetary support like Mr. Ram Vilas Paswan, they could not satisfy the whole country. You are also aware that all the agricultural universities and all the big hospitals were to be inter-linked and it would have gone to the common people. You could have used the NICNET terminal provided at every Collector's office in every district in this country. But all this will have to stop because the Department of Communication holds all the authority and the power. Along with power and authority, a greater degree of accountability and responsibility is also called for. Do we find it in this Regulatory Authority? What is the power of Parliament? What is the Parliamentary scrutiny? Judge, jury and the accused are one and one, i.e., the Department of Communications.

They have a few Secretaries, Additional Secretaries, Joint Secretaries, Directors, Deputy Directors, and there are 52 officials in this pyramidal structure.

Sir, I recall, in 1984, the high-level Committee on Ex-Servicemen made some recommendations. In fact, one of the recommendations was to have an Ex-Servicemen Commission, like the National Commission on Scheduled Castes and Scheduled Tribes, which should report to Parliament. But what happened was that an Additional Secretary, two Joint Secretaries and a pyramid came up in the Defence Ministry. Ex-Servicemen, have been forgotten even by Defence Ministry.

I will skip over this and come to the recommendations. What were the recommendations of this Expert Group? Many of the experts are still serving in Government and many of them are still Advisers to the Government.

SHRI ANIL BASU : But you are not suggesting how to get rid of these Secretaries and Additional Secretaries.

SHRI K.P. SINGH DEO : Who wants to get rid of them? Please do not do that. Russia, your mentor, is in trouble because they got rid of them.

The Expert Group is of the opinion that though the National Telecom Policy, 1994 announced by the Government of India aims at improving the telecommunication services in the country and make basic services available on demand by 1997 and expand value added services at a much faster rate, the implications of this on other users and service providers like the electronic media have not been given due consideration. Mr. Minister, Sir, I do hope that what I am reading is incorrect because it was observed in 1994. I hope, in the last three years, your Ministry, whether you were a Minister or not, have had the time and the occasion to consult them. The advancement in broadcast technology to provide information, data broadcasting, value added services have also not been taken into consideration.

Sir, kindly do not press the bell. I have five or six amendments. I am coming to the amendments now because I want to clarify my position. It is a very important Bill and it is going to touch everybody's life. It is not just an ordinary piece of legislation, it is a very important piece of legislation. That is why, no matter whether it was Shri Narasimha Rao's Government or Shri Deve Gowda's Government, both thought it fit to bring in ordinances. So, they are common in their appreciation for this.

The technologies are fast developing and the convergence of telecom broadcasting is becoming a reality with digital techniques aided with computers. Mr. Minister, you will be happy to know that my distinguished predecessor, Shri Upendra, had also written to Shri V.P. Singh saying that Information and Broadcasting Ministry should be wound up—Information should be with Home and Broadcasting should be with Communications. As his poorest successor, I also had an occasion to write to my Prime Minister. It may be worth seeing whether the Department of Communications or the Ministry of Telecommunications could do a better job of broadcasting.

The radio frequencies spectrum can be moved efficiently and can be used to provide value added services through broadcasting media. Therefore, the Telecommunication Policy should also mention that the value added services in any other sector could also be provided by effectively utilising the allocated broadcast spectrum, which I have been elaborating earlier.

The Telecom Regulatory Authority should be a statutory body and formed by an act of legislation so that the decision of the TRAI may not be challenged in courts. I welcome this suggestion, which the hon. Minister has taken care of in this legislation. Further, this should be the one and only regulatory body, and not with DG (Telegraphs) as a parallel

[Shri K.P. Singh Deo]

body. In the present Regulatory Authority, you have kept the 1885 Wireless Act and the DG (Telegraphs), which again is a parallel body. Notwithstanding anything in this, it will not affect his functioning. Mr. Minister, you will have two authorities doing the same thing. There will be duplication, may be, sometimes, at cross purposes. Ultimately,

[Translation]

you are the regulatory authority.

THE MINISTER OF COMMUNICATIONS (SHRI BENI PRASAD VARMA) : It is one only.

[English]

SHRI K.P. SINGH DEO : There should be one Regulatory Authority and that is what we want. It should be either the TRAI or it should be the DG (Telegraphs).

[Translation]

At the time of reply. You please clarify it.

MR. CHAIRMAN : He will reply but first you should conclude.

[English]

SHRI K.P. SINGH DEO : Do you want me to sit down?

MR. CHAIRMAN : Please carry on.

SHRI K.P. SINGH DEO : You have been our senior under officer in the Navy. If you ask me, I will sit down immediately.

Sir, the TRAI should also be vested with licensing powers besides the regulatory functions. It has been stated further :

"The structure and composition of the TRAI should include members from other sectors like one full-time member in the Broadcasting, six ex-officio members from Information and Broadcasting, Defence, Railways, Civil Aviation, Home, DoT and Electronics. The Heads of Telecommunications in organisations like the Electronic media, Defence, Railways and Civil Aviation should also be considered to get appointed as Chairman and members. The restriction in appointment of Chairman and members saying that the Chairperson should have served as the Secretary to the Government of India is self-denial and nothing else. It is to leave out of consideration some of the best talents available in the country in this field."

We are only confining ourselves to a segment which may be brilliant. The Secretaries and the Additional Secretaries are brilliant people. But that does not mean that

they are the only brilliant people. Today, there are equally brilliant people outside the Government and the Public Sector undertakings. Some of them are enriching the other countries like America, Germany, the United Kingdom, Australia and Canada. Some of them are Senators. They are also Indians. Some people, who were not even considered fit to be Laboratory Assistants, got the Nobel Prize going there. For instance, I can cite the names of Dr. Har Gobind Khurana, Dr. Jayant Narlekar and Dr. Chandrashekhar.

It further says :—

"The Secretariat should be of small size with maximum usage of the modern infrastructure like computers and telecommunication services. And, in order to attract best talents, the personnel to be appointed with the Secretariat should preferably be either on deputation or on contract agreement from Government Organisation, Public Sector through open advertisement.

A Legal Cell should also be a part of the Telecom Authority directly reporting to the Chairman. The Wireless Planning and Coordination Cell which has responsibility of spectrum allocation for the various users of communication should be directly under the control of the TRAI. But the Telecom Regulatory Authority should report to the Prime Minister and Parliament preferably through the Ministry of Communications."

These are the suggestions from the Ministry of Information and Broadcasting. In the absence of a proper forum for public grievances and consumer grievances, an Ombudsman or a Lokpal like authority was suggested. If the hon. Minister satisfies us that he has taken care of all these things, we will be extremely happy in supporting this measure in the full sense of the term.

I will come to my amendments later. That is why I have brought forward some amendments. I will move them at the appropriate time. But that was the reason for my bringing forward four or five amendments. I went at depth because I had a feeling that this Expert Committee Report probably was not brought to the attention of the hon. Minister. He has shown himself to be a dynamic Minister from the first day he has taken over the charge of this Ministry. I wish him well and I wish him all the best. I hope he takes into consideration all these points.

MR. CHAIRMAN : Hon. Members, for this Bill, we have allotted one hour. But we have already taken almost two-and-a-half hours. There are three speakers.

... (Interruptions)

MR. CHAIRMAN : Kindly bear with me for some time. Mr. Minister, how much time will you need?

[Translation]

SHRI BENI PRASAD VARMA : Sir, I will complete my reply within the time given by you.

[English]

MR. CHAIRMAN : Now, I call Shri Rajiv Pratap Rudy to speak.

[Translation]

SHRI RAJIV PRATAP RUDY (Chhapra) : Sir, I rise to speak an Telecom Regulatory Authority Bill. Sir, I generally prepare myself to speak on different matters discussed in the House but due to shortage of time I am deprived of the opportunity to speak. I would be very brief on this subject. Ours is a country of 90 crore people. We have been witnessing for the last five years that there are many areas in our country where even roads links are not available. In such areas telephone is a useful and simple means to connect the people. There is an English saying:—

[English]

"Information is power." Today, in our country, telecommunication and access to information is again a power and an awareness to the nation.

[Translation]

Sir, the main objective of this Telecom Regulatory Authority Bill, which is being discussed here today, is to make the Telecom Regulatory Authority as a watch dog. There are shortage of resources in the country and through this Bill efforts are being made to attract investment from private sector and with the help of that investment the Government would provide telecom facility in far flung rural areas of the country. We have such a vast country but even then we lack resources. I think the main objective of this Bill is that this department intends to come out of services sector and that is why so many hurdles are being shown in the activities of telecommunication department. Under this Telecom Authority private companies are coming to the country and this Authority would be there to have control or to maintain coordination or to provide customer services.

Mr. Chairman, Sir, yesterday, we were discussing National Environment Appellate Authority Bill under which the Chairperson would be a judge of Supreme Court and an IAS Officer would be the Vice-Chairman. Similar provision has been made in this Bill also that a judge of Supreme Court or High Court would be the Chairman of this Authority. The development works in all spheres are going on all over the world but we are adopting different attitude because in our Country only 2-3 categories of people are competent to do work. Here also you have given the highest post of the Authority to the sitting or retired judges of Supreme Court or High Court. If any commission is to be constituted a retired Judge is made the Chairman of that commission. We have a country of 90 crore people. At international level

different categories of people are there in different fields such as technocrats, Scientists, Doctors etc. but there seems to be no importance of them in this country. In our country either leaders are important or judges affiliated to politicians are important and in between executive class is also there. Besides these three categories no other people have any role to play in our country.

Mr. Chairman, Sir, it seems to me that we need judges only to save and protect our constitution and after that if they get time we have created such posts for them so that this country may run smoothly. Therefore, Sir, we have to think about it. There are many other eminent persons having specialisation in different fields who are also competent to do the job. Many such Bills have been enacted here and many more will be enacted but in spite of change in the Governments such provision will remain there. Shri K.P. Singh Deo has been Information and Broadcasting Minister and he has analysed this Bill in relation to other Departments also. I would like to raise a very minor issue. I know that the hon. Minister is new one in this department. I can comment on his working because I know his working style. Even then I would say that when he took over the charge of this department it was full of controversies. Under that circumstances it was difficult for him to work there. But now I feel that in such a short time he would have established his full control over it and now he would be in a position to deliver goods. One target was fixed after he took over the charge. At that time there was a talk about Telecom Regulatory Authority. Foreign investment has started increasing and cellular Services in telecom has also been introduced. It is but natural that revenue receipt has also increased. We have fixed a target. It was 7.5 million in 8th Plan and now it has been decided to increase it to 10 million. I think our capacity has reached around 15.8 million lines. In 8th Five year plan telephone service has been provided in 3,60,000 villages. After that it was decided that every village would be linked with telephone service all over the country by the end of 1997. Probably it would not be achieved because of the shortage of funds. You have been a political worker so you might be knowing that 3 or 4 telephone connections are taken in one house in different names. In connivance with the department when they have a telephone bill of more than Rs. 1.5 lakh or 2 lakh they get the telephones disconnected. In this way lakhs of rupees are outstanding against high officials and big companies. There was a statement of the hon. Minister that the recovery of Rs. 2000 crore is outstanding. The Government should take some stringent action to check such things. Besides that the Government's intention should not be to do business. The Government should look after the management, generate resources and take decisions about policy formulations as to how much investment would be made in rural sector to provide telephone facility. You want to develop the rural areas. I have drawn the attention of the hon. Minister towards the rate applicable in rural areas.

[Shri Rajiv Pratap Rudy]

There are HDCC and HRCC concepts in subdivisions. For example Sonpur is 20 Km away Patna. They treat it under local exchange but two sub divisions between two blocks come under STD system which is hardly 10 km from there. That should also be treated as local calls. Such rationalisation should be done all over the country. I think this Telecom Regulatory Authority Bill is a commendable step. There may be certain drawbacks in it but the hon. Minister has to pay special attention to ensure that there is least political interference in its working. It has also not been defined as to what would be its relations with the Department of Telecommunications and what would be the functions of the department and who would have upper hand between the two. There is possibility of having conflicts between the two. So there is need to pay attention to this problem also. I would like to say about rural telephones that the telephone connections which I have given from MP quota in July last have not yet been installed because materials are not available. I am surprised to know that money is paid to the Store Incharge of the Office of Chief General Manager Patna for getting telephone sets issued. If you want to get 3000 telephone sets, then you have to pay Rs. 10 per set to the Incharge of the store.

If the employee of the department comes to the Office of the General Manager for telephone sets or wires he has to pay to the department for the same. The money is collected from the consumers. They would make the consumer run for 10 days for his work and also apprise him of the difficulty coming in the way of installing the telephone instrument. Attention should be paid to all these things. In a vast country like that of ours we want to strengthen the communication system in the country. Particularly for a person like that of the hon. Minister this is no doubt an arduous job. Through this Telephone Regulatory Authority we want to mobilise more resources and utilise them by inviting the foreign companies. At the same time it should be our effort to provide better facilities through telephones in the rural areas at a reasonably cheaper rate. With this request I conclude.

SHRI P. NAMGYAL (Ladakh) : Mr. Chairman, Sir, I would not speak much. The spirit of this Telecom Regulatory Authority Bill is good. But after going through the list of Members who are likely to be appointed for this purpose, I do not think that the Bill can be implemented effectively by the Government. The rules governing the appointment of the Chairman and Members of the authority state that the Chairman should be a retired judge of the Supreme Court or a High Court. In the same way qualifications for the members have also been prescribed. Another Bill called the Environmental Authority Bill was also introduced yesterday. It also contained the provisions to appoint retired Judges to the authority. I share the views of Shri K.P. Singh Deo in this regard that it is a play to

rehabilitate retired persons. It is a type of human 'goshala' whether the persons belong to the judiciary service or any other service, the Government have evolved a method to rehabilitate them.

[English]

SHRI RAJESH PILOT (Dausa) : There is no retirement age in politics. So, we can talk about it.

[Translation]

SHRI P. NAMGYAL : There should be no scope for politicians in such bodies, because in several such bodies M.Ps are also associated. But this authority is an office of profit. As such no M.P. or Member of any state legislature could become the Member of this authority. It is a technical department. Science has advanced a lot in this age. As such persons with such a background should be taken in such an authority who can make some contribution to it. The qualifications prescribed for various posts in the authority do not provide any scope to persons from science side or telecommunication engineering for appointment to the posts. It should not be fixed that this person to hold the post should have the status of an Additional Secretary. If this is done, the body to be constituted by the Government cannot be run smoothly.

With the constitution of such a body, there is no doubt that major cities and metropolitan cities will be benefited. But attention should be paid to rural areas, tribal areas and hilly areas where communication is an important aspect of life. During the Summer days when floods occur in tribal areas, road communication comes to a close. Similarly during winter days road communication is blocked due to snowfall. There are many such rural areas also. How the Government are going to cater to their requirements. I want that one such provision should be made in this Bill. The authority should be given directives to specially provide telephone facilities in this rural areas. There should be plans to install small exchanges in hilly and rural areas. But the department confines its operation to areas adjacent to cities only for conducting surveys and the villages remain neglected. When Shri Sukh Ram, who is a Member of this House even now, was the communication Minister, he did a good job for Himachal Pradesh, but work in other areas was not done on the expected lines.

Mr. Minister, I would request you not do such a thing. Many remote areas in the country viz. the Andamans and Nicobar Islands, Daman and Diu, Nagaland, Mizoram, Arunachal Pradesh and Ladakh areas are cut off from the main land for want of communication facilities. Preference should be given to such areas. Here there is no such problem. Here we have road transport, rail, air. But such facilities are not available in those areas.

I would, therefore, request the hon. Minister to give us an assurance to the above effect. The authority would definitely be constituted. The spirit of the Bill is good, but one assurance I would seek from the hon. Minister that he

would consider the case of areas I mentioned now. With these few words, I support the Bill with the condition that due consideration would be given to remote areas.

[English]

SHRIMATI RAJANI PATIL (Beed) : Sir, telecommunication is one of the important media while we are entering the 21st Century. In my opinion, this medium should be very strong and faultless. At present, we should think for ourselves whether this medium is up to the mark. At least the people from the rural and backward areas will have to answer in the negative.

I belong to an area called 'Marathwada' in Maharashtra. My district is known as a district of migrants. Every year three to four lakhs of people migrate from my district to Karnataka, Goa and other parts of Maharashtra. They are all labourers engaged in sugarcane cutting. When these labourers are away, the only way for them to have contact with their people in their villages is telecommunication. But unfortunately, the telecommunication system in our rural areas is so bad that it is easier for them to contact their people in person rather than through the telephone.

Previously, every *gram panchayat* was given one tower telephone, which still stand dead in most of the villages. Nearly ninety per cent of the *gram panchayat* telephones are dead. Secondly, many villages have asked for new telephone exchanges. They have already paid their contributions to the Department of Telecommunications. But the Department gives the usual answer: 'The C-DoT machinery has not come from the Central Government. So, we cannot provide new telephone exchanges.' The existing telephone exchanges are not in working condition. The new telephone exchanges, in telephonic language, are 'in a queue'. This is the ground reality in the field of telecommunications in our rural areas.

In the world of telecommunication, video conferencing is the latest one. Through telecommunication, one can not only hear but can also see while speaking. In the megacity, Mumbai, this video conferencing is coming up very fast. This video conferencing is very much important for the medical treatment also. Today, even by sitting in Delhi, our Prime Minister, Shri Deve Gowda, could have addressed the *Raila* in Bihar, *via* video conferencing.

The point which I like to make is, the Government should provide ISDN lines for video conferencing so that this technique comes up broadly.

I appreciate the Department of Telecommunication for the other reason. As the hon. Member rightly said, we are demanding 33 per cent reservation for women in Parliament and State Assemblies. But without a Resolution or a Bill, in this Department, already more than 33 per cent of women are employed

I support this Bill of Telecom Regulatory Authority of India. But the suggestions of all the hon. Members should be considered.

[Translation]

PROF. RASA SINGH RAWAT (Ajmer) : Sir, my name was also there in the list.

MR. CHAIRMAN : Your name is there.

PROF. RASA SINGH RAWAT : If my name is there. Please allow me to speak.

MR. CHAIRMAN : Your name alone is not there. There are other names also.

PROF. RASA SINGH RAWAT : Sir, my name was there in the official list.

MR. CHAIRMAN : There are 4 names in the official list.

...(Interruptions)

PROF. RASA SINGH RAWAT : Sir, I should be allowed to speak. I would like to make a submission in regard to my state. There was a proposal to give depots to private parties. It has not yet been implemented. ... (Interruptions)

[English]

SHRI GEORGE FERNANDES (Nalanda) : I would not make a speech. I only want to make a few queries.

[Translation]

PROF. RASA SINGH RAWAT : Mr. Chairman, Sir, I should also be allowed to speak. I want to say about my area.

MR. CHAIRMAN : All right. You will also be given time. Why are you so disturbed?

SHRI GEORGE FERNANDES : Mr. Chairman, Sir, I would like to draw the attention of the hon. Minister towards sub-clause 3 of section 11 of the Bill. It states that :

[English]

"While discharging its functions under sub-section (1), the Authority shall not act against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality."

[Translations]

Further in section 25, he has mentioned the same thing. But something also has been written here. I am happy that this thing has been written here. Who will take a decision about the definition as to which is a thing of decency and

[Shri George Fernandes]

which is a matter of public morality? Particularly then when it comes to national security. I had raised this both in the House and outside when the question of handing over telecom work to foreigners was raised. The hon. Minister should explain his views in the House as to how he is going to take a decision in this regard.

Secondly, I would like to draw his attention to clause 30(3) at page No. 5 of the Bill.

[English]

"The Central Government may, from time to time, issue to the Authority such directions as it may think necessary in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality."

[Translation]

We take it granted that till date there has been no transparency in India. We proceed with the perception that there is no transparency worth the name in any department concerning public life. There was the Secrets Act. The laws were there. There obstructions were caused by the bureaucracy. They do every thing to hide a thing. When the Government clearly states that there would be transparency, what suggestions to they have to translate it into action. If this is not clear, it will lead to skirmishes. The bureaucracy will tell the Government.

[English]

Sir, this does not come under it.

[Translation]

We will force the Government to explain to us as to how they come to such a conclusion. As such I want to know as to what prompted the Government to make such a provision in the Bill.

MR. CHAIRMAN : This is the last point.

SHRI GEORGE FERNANDES : No, there are two more points, which are most relevant. The third one relates to accounts.

[English]

"That Central Government, may after due appropriation made by Parliament by law in this behalf, make to the Authority grants of such sums of money as are required to pay salaries and allowances payable to the Chairperson and the members and the administrative expenses."

[Translation]

Are you to draw upon the Consolidated Fund or something else. If it is to be from the Consolidated Fund, then why did not you clearly stated so? It would be better to say so clearly.

[English]

"After due appropriation made by Parliament by law in this behalf." But all appropriations are made by law.

[Translation]

But it is better to make it clear that the funds would flow from the Consolidated Fund. In Section 21 it has been stated:

[English]

You will constitute a Fund to be called as the Telecom Regulatory Authority of India General Fund.

[Translation]

After drawing from the Consolidated Fund they are putting the money into this. True, that is controversial also. It has been stated further that apart from grants in this Fund, as the preceding clause 21 talks of grants, the following clause 22 speaks of grants, fees and charges, now the point is where they have put in the power relating to fees and charges. I cannot see it anywhere. I have gone through the entire Bill, not deeply though. But I cannot see where they are going to raise the fees and charges from. It needs to be explained. They are going to draw money but it is not at all clear wherefrom? The last two points do not exceed one sentence each. I draw attention to clause 31 which says:

[English]

"Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence."

[Translation]

Further it has been provided therein to punish the person who actually committed the offence without the knowledge of the Head of the Department. My question is that they have provided that if any offence has been committed by a person subordinate to him, such person will be open to the charge. They have provided nothing regarding punishment to be given. Nonetheless, punishment will certainly be given. But suppose, the officer superior to the departmental head

gives unwritten order to the latter, as is the usual practice in the Government, offences are usually got done through others. Ministers as well as the higher officers indulge in this practice, although I am sure the present Minister will not give such unwritten orders. But there may be someone either junior to him or someone else sitting by his side. What remedy is contemplated to any such orders in future.

Mr. Chairman, Sir, under this law, in the case of a departmental head who may have to undergo imprisonment or pay penalty for a wrong he might have committed at the behest of his superior, no protection has been provided. In the last sentence it says :

[English]

"That Authority shall not be liable to pay Wealth Tax, Income-Tax or any other tax in respect of their wealth, income, profits or gains derived."

[Translation]

When they are going to create a fund, realise levy and charges, how come they have exempted themselves (*i.e.* the Authority) from paying wealth tax, income tax, income profit and gains. If they make profits, earn money, amass property, they should be liable to pay as other companies pay to the Government. Therefore, a wrong provision has been made because being a mere Authority, what will it do with the money in its hands. Related to it is 33. This is my last sentence.

[English]

"The Authority may, by general or special order in writing . . ."

[Translation]

And there is a most dangerous provision here. Mr. Chairman, you may also please listen to it

[English]

"The Authority may, by general or special order in writing, delegate to any member, officer of the Authority or any person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to settle dispute under Chapter IV and to make regulation under section 36) as it may deem necessary."

[Translations]

So, they are contemplating to give what type of rights and to whom, whether to any department of the government, any private contractors, any new corporation, that is to say they have prepared the ground for breeding their own

children in it. They may be contractors, insiders or outsiders. We would also like to hear something clear on it from the Minister.

PROF. RASA SINGH RAWAT : Mr. Chairman, Sir, I would like to make only two-three points to you. While I heartily welcome the Telecom Regulatory Authority of India Bill, 1997, I would like to point out in this context that the private companies likely to step in in the wake of liberalisation and get contract or licences etc., will be much interested in urban services which will fetch them huge earnings, but in the rural areas they have been given only 10 per cent of work and in case they fail to complete even that much of work, then I would like to request the hon. Minister through you to mention in his reply that all the private companies to be regulated by the Authority will be kept under control, so far the whole responsibility in this regard both for cities as well as villages lay with the D.T.O to whom we could also say something. How much control will be exercised by the Authority on these private companies so that they may be able to cater to the needs of the rural areas alongwith those of the urban areas and provide telephone connections to the consumers within the scheduled time limit as per the promises of the Government. This may please be clarified.

Firstly, I would like to caution the Govt. that as it is unlikely to exercise control over the private companies, they may not honour their commitments later. Then the countryside will be neglected and the present pitiable condition of the villages is hardly unknown to the Government. When the National Telecom Policy was formulated, if the consumers were required to deposit Rs. 1000 each, the people, the farmers and well-to-do persons in the rural areas deposited the requisite amount. People deposited the amount in groups of 10, 12, 15, 16, 25, or 30 from every place more than three or even four years ago. The Telecom Department requires at least 15 requisitions for telephone connections to provide a Telephone Exchange. But even after fulfilling that requirement, no Exchange has been set up so far. The Govt. may please clarify the position at least to some extent in this regard.

Secondly, the telephones have increased quantity-wise, but quality-wise the trend is downward. While we have had enough of extension of services, the number of employees, engineers, officers and linemen has not at all increased in the same proportion resulting in continuous deterioration in the services. Formerly the posts and telegraph services were regarded as most efficient, one used to get response instantly on phone, but now-a-days what happens many-a-time is that the bell keeps ringing at the other end or there is engage- tone or you are told that you are in the queue and the net result is when you make a complaint in disappointment, all you are told after two or three days is that your complaint was not received. One is unable to get even the complaint number. An authority is in the making for that purpose but as it relates to his (the Minister's) department, he owes to clarify the position somewhat.

[Prof. Rasa Singh Rawat]

There is a most significant issue. The company to which the Rajasthan circle was to be entrusted under the liberalisation and with which the Government was in conversation and holding meetings etc., has gone to the court and the circle has not been entrusted to it so far, with the result that Rajasthan which already lags far behind other states in telecommunication, is likely to become even more backward in this field. By which time this situation is likely to improve, by when finalisation is likely to be done and how do the government contemplate to take assurances etc. from the companies to work within set limits?

ITI's was the first telephone industry, public sector undertaking of the country set up in Bangalore, Karnataka, but instead of taking from that we are taking from other companies on the pretext of getting at cheaper rates, and such companies are being encouraged without any regard to our own national security and considering any other aspects.

16.00 hrs.

We should pay our attention to the deteriorating financial condition of that national undertaking. Thousands of workers are working there, machinery worth crores of rupees is lying there, what will happen to that. Therefore, the Minister should attend to that also. Regarding putting up poles in the countryside, they are not put up at all for as much time as five years even when 15-16 persons apply together and the department has charged at the rate of Rs. 1000 from each of them. They are then told that the job would involve vast expenditure which the department cannot bear. If the department is unable to bear the expenses, then on what basis the money is accepted from them. Our colleague Col. Rao Ram Singh spoke of the MARR system. MARR system was introduced earlier. It was put up on the notice board of the Panchayat headquarters that in case the Sarpanch may be unwilling to take the system, any shopkeeper or moneyed person can take the same. Batteries and machineries are lying out of order. A project on solar energy is also being commissioned. How the system will work in cloudy weather and under other such conditions.

16.01 hrs.

[Col. Rao Ram Singh in the Chair]

When we, the M.Ps visit rural areas, maximum complaint we receive from people is about telephones. Special attention should be paid to this. The machinery should be changed in order to make improvements in the system that has been installed in the Panchayat headquarters. The persons who are guilty should be punished after conducting an inquiry into it. At the same time it should be modernised so that the villagers could avail of its benefits.

As per the orders of C.G.M., Jaipur 12 officers working in my Parliamentary constituency, Ajmer were transferred to other T.D.M in the name of promotion. Their replacements have not yet joined duty. Digging is on for laying new lines. Cables have been laid. A new exchange with a capacity of 5000 lines is being set up. Cross-bar is a separate issue. In such a situation if there will be no officers how the officials will work in the T.D.M. and other areas. How connections will be given to persons within the stipulated time whose number has come.

There is constant deterioration in the telephone services. Special measure should be taken to improve its standard. You yourself come from the rural areas. You are a son of the soil. You can very well understand the situation prevailing there. Full attention should be paid to this. Telecom Regulatory Authority of India Bill has been brought in the House after having been duly considered in the Parliamentary Standing Committee. In order to see that the body to be constituted functions as an independent body, a Judge of the Supreme Court or High Court should be taken as its Chairman. This will help the body function effectively and do something. The other 5-6 members could be from the telecom sector, financial sector or persons from management. This should be the constitution of the Body. A Supreme court Judge must be appointed as its Chairman. The provision of restriction on officers that they would not be considered for entry in this service unless they complete 2-3 years after retirement is good.

We will, no doubt, pass this Bill together, but special attention should be paid to services which are deteriorating.

[English]

SHRI P.R. DASMUNSI (Howrah) : Sir, our distinguished colleague, Shri Kalpnath Rai, has been convicted yesterday. I am not questioning the judgment of the Court. I only appeal that he is an independent Member. He does not belong to any party. The Minister of Parliamentary Affairs must contact his family and enquire whether he needs any support or any legal help to appeal to the Supreme Court. It is a duty of the House to defend a colleague till the order of the highest Court is received.

I request the Minister of Parliamentary Affairs to contact his family and to render all assistance to him. That is my plea.

[Translation]

SHRI BENI PRASAD VARMA : Mr. Chairman, Sir, I am thankful to all those Hon. Members who participated in the discussion on much awaited TRAI Bill and made valuable suggestions in this regard. It is our solemn duty to make suggestions and the Hon. Members fulfilled this duty. They have also welcomed the spirit of the Bill.

First of all objections were raised against issuance of an ordinance. I am also one of them who is not in favour of issuing ordinances, because a good part of my life has been spent in opposition benches. I am new to this place. Though I am a Minister, I am the juniormost Minister. Several hon. Members expressed their views on this Bill.

SHRI G.L. KANAUIA (Kheri) : It is necessary that attention should be paid to rural areas.

SHRI BENI PRASAD VARMA : Let me speak. Thereafter, you can raise your objections and ask for clarifications.

[English]

MR. CHAIRMAN : Please do not interrupt the Minister.

[Translation]

SHRI BENI PRASAD VARMA : I had the opportunity to serve the State Legislative Assembly for some decades both as a member of opposition and also as a member of the Council of Ministers. I was never in favour of Ayodhya. Running the Government by Ordinances can never be a healthy tradition. There have been lengthy discussions in the House since the present Lok Sabha was constituted. I have also gone through the entire text of 'Kaul and Shakdhar'.

Sir, it has been said that the new telecom policy was adopted in 1994 and the Regulatory Board was also constituted alongwith the same. I agree to the objection raised by hon. Member. Shri Bhargava in the beginning. There was a proposal to constitute a non-statutory body and it was adopted by the Lok Sabha. The Rajya Sabha offered its own suggestion with regard to the Statutory Body. The first ordinance was issued in 1996. The second one was issued in March and our Government came to power in June. We allowed the earlier ordinance to lapse and introduced the constitution of the Body as a Bill in July. The recommendations of the Standing Committee were issued in November. The Government considered the recommendations. There were some difficulties for us in this regard. We also said publically that we will not issue any ordinance and introduce the Bill in the House direct. But certain difficulties that crept in compelled us to issue the ordinance without which the department would have suffered losses. The recommendations were received in November and we issued the ordinance in January under compelling circumstances. Had the ordinance not been issued stay would have been granted by the court in respect of basic cellular tariff fixed by us and the matter would not have been referred to TRAI. We issued the ordinance under very compelling circumstances. I am personally opposed to issuing ordinances. The Government should very sparingly use its ordinance issuing power. As has been objected to by Shri Bhargava regarding issuing ordinance, my explanation will be that. I myself am not in favour of Ordinance. No Government should issue more number of ordinances for the conduct of its business.

All the hon. Members have almost supported this Bill. Of course, the hon. Members complained as to why the recommendations of the Standing Committee were not accepted. Out of the 30 recommendations of the Standing Committee, we have almost accepted 25 recommendations. We have not been able to accept the remaining 5 recommendations due to some legal and practical difficulties. One of these major recommendations which related to Chairman of the Selection Board has not been accepted by us. It had been recommended that the Chief Justice of the Supreme Court should be made its Chairman. The other members would comprise the Speaker of Lok Sabha, the Union Communication Minister and the Leader of Opposition. Today also I heard such a discussion. There can be no consultation of the Selection Board which has the Chief Justice of India as its Chairman. The opinion of the Board will be short of concurrence and we have provided a very limited scope for it. We have made a limited scope for a sitting and serving Chief Justice of a High Court, sitting and serving Justice of the Supreme Court to become its Chairperson. We did not consider it necessary to have a major selection board for this purpose and the Government which represents the majority of the Lok Sabha and Rejya Sabha should not be looked with suspicion. There is no need to look the Parliamentary democracy with suspicion. We are the elected representatives and the Government represents the majority of such representatives. If it is given any authority, it is quite democratic under the present circumstances, we consider it more healthy and it will prove to be better than the selection Board if our Government or any other Government uses the limited scope to appoint a sitting or serving Judge as the Chairperson. ... (Interruptions)

PROF. RASA SINGH RAWAT : Sir, there cannot be any transparency in it. ... (Interruptions)

SHRI BENI PRASAD VARMA : There will be justice in it. Suppose that we take a serving judge, we have to take the opinion of the Chief Justice if a retired Judge is taken, our views will do. If a serving Judge is taken, opinion of the Chief Justice will have to be taken. There was very limited scope in it. As such with due regard to the Standing Committee we could not include this recommendation. About the appointment of the member of the Authority, the recommendation was that members should be appointed with the recommendation of the Chairperson. We did not accept this recommendation also. We reserved the right of appointing the Members with the Government itself. We understand that the hon. Members would agree to it.

The Committee had also recommended that an appeal to the decision of the Regulatory Body should only be made in the Supreme Court. We are of the view that any appeal in this regard should first be made in a High Court and thereafter in the Supreme Court which is the proper legal avenue. If one goes to Supreme Court direct and the verdict

[Shri Beni Prasad Varma]

is not in his favour, then there is no value. Therefore, we gave the option that first it will be decided in the High court and then in the Supreme Court. We have not at all accepted the 5th recommendation which related to fully empowering the Authority to fix the telecom rates. It was there, but we have amended that Parliament would have the right to amend the rates that have been fixed by the Authority. Parliament is supreme and it should be vested with all rights. It has been provided that whatever 'enable report' will be there, it will be tabled in the Parliament. Once tabled in the Parliament, it cannot override its decision. As such we considered it necessary that it should be defined separately whether the tariff fixed by the Authority can be amended by Parliament or not. It is not required to be defined here. Parliament being supreme in our Parliamentary democracy, it can discuss their Annual Report when it is laid. It can also make any amendments thereto. Nothing is above Parliament in our Constitution.

Therefore, we have not accepted these five recommendations, we have almost accepted 25 recommendations. Therefore I think this Bill is delayed, no doubt, but it is a very comprehensive Bill. Whatever suggestions about the Bill have been given by all our colleagues, are almost in the nature of support-cum-suggestions. But certainly complaints have been received by us regarding the present services from the people as well as Members of Parliament. We too hail from areas, condition-wise akin to the ones where others hail from. We too are agreed that the rural services are not satisfactory. But under the proposed regulatory body, there is provision for punishment to those who will be found responsible for deterioration in governmental services. Some of our Hon'ble Members expressed their apprehension that there will now be two bodies, one will be DOT and the other a regulatory body. DOT will come under the purview of this regulatory body. They will also be liable to punishment. DOT will have the status of a private operator. It will be subject to the same set of rules as will apply to the private operators. Therefore we do hope that the fear of law may perhaps increase and it is the intention of us all that services must improve, they will certainly improve which will be only proper.

People coming from abroad to see us ask whether or not we have a regulatory body in our country because there are only few countries in the world which do not have such a body. Everywhere a regulatory body precedes liberalisation, while in our country the process having already begun, regulatory body is yet to come into being. This is a much delayed Bill, its introduction will have global repercussions on the present policy of liberalisation in telecommunications. The ordinance that has already been issued also has had its effect. At last one private operator has already signed the agreement as also deposited the

licence fee. Thus we can say that though it is a delayed Bill, it is a most essential body about which we all have been putting our heads together. Some Hon'ble Members have said that the term of five years provided for the Chairperson will be rather too long. But whatever we have done is on the basis of the recommendations of the standing committee. Some Hon'ble Members have also said that the age limit of 65 years is too much and it should be lowered. In the previous Bill we had kept it at 62 years but now we have made it 65 years on the recommendation of the standing committee. It is proper for the reason that the retirement age of a Supreme-Court judge is 65 years. Therefore, we may have difficulty in lowering it down to 62 years.

As far as the questions raised by one of our Hon'ble leaders Shri George Fernandes regarding transparency, it is submitted that the Government is yet to frame rules and the proposed body will make its own regulations. Appreciating your sentiments we will be asking them to try to incorporate the spirit of your sentiments while making their regulations. Whatever Shri George has said regarding clause 11 (i) relating to power of imposing fees and other charges, has in fact been taken care of. This sum will go to the TRAI fund, the sums taken from the Consolidated Fund will go to this fund to meet the authorised expenses of the Authority. The amounts of money paid into the Consolidated Fund are raised through taxes. Funds will be provided to TRAI by Parliament out of that Fund.

Wealth tax cannot be imposed on such type of properties. Therefore, it contains no provision to levy taxes.

In the same vein Mr. George spoke of the sovereignty and integrity of India also, saying that it has not been defined. There is no need to define it separately. Its definition can be traced in Article 19 of the Constitution of India where it has been defined in the same spirit with which we have put it here.

Sir, some Hon'ble Members have expressed their apprehension that the retired. ...*(Interruptions)* let me speak out first. You are very senior, have been our leader. I have not yielded yet.

SHRI GEORGE FERNANDES : I am not interrupting you.

SHRI BENI PRASAD VARMA : Some of our Hon'ble Members have said that it should not be necessary to employ retired officers for the job. ...*(Interruptions)* We consider him a senior leader. He has been our leader. We learnt politics from him. We have always raised slogans of 'long live George' all through our life. It pains us to see him sitting by their side today.

[English]

MR. CHAIRMAN : I would request the hon. Minister to carry on with his reply. Do not interact to every comment made by the hon. members. Carry on with your reply.

[Translation]

SHRI BENI PRASAD VARMA : Some of our hon. Members had expressed apprehensions that through it retired officers will be sort of re-employed. This point was raised particularly by our hon. Member Shri P. Namgyal who articulated his apprehension to this. There was certainly lacunae when the ordinance was issued. Now the Bill has been corrected. Qualifications have been prescribed for the officers and three years' experience is also essential for Secretary and Additional Secretary. Apart from officers, outsiders like people from consumer affairs and others have also been associated with it. Other people can also be put on it. There is no provision to keep only officers. Apart from officers, specialists from elsewhere can also be made its Members.

SHRI P. NAMGYAL : The qualifications prescribed for becoming a Member, are prohibitive to the entry of people on this body other than retired officers.

SHRI BENI PRASAD VARMA : I have made this point clear. People other than retired officers can also come on the body. It has a provision that consent will be taken. True that all of you were not agreed on the ordinance which was issued. It provides for having a retired Chief justice of a High Court, Chairman and two other personnel. They will not be officers. The ordinance which was issued earlier did contain a provision to this effect.

[English]

In the Ordinance, it is not less than two and not more than four.

[Translation]

The number was increased subsequently.

[English]

Not less than two and not more than six.

[Translation]

By doing so, we enlarged its scope.

SHRI NAWAL KISHORE SHARMA (Alwar) : They might have enlarged the scope but whether they have changed the qualification also?

SHRI BENI PRASAD VARMA : We have changed not just the qualification but enlarged its scope also. We tried

to see that no lacunae is left. Improvement and progress is a continuing process. We all are here. We can make any amendment at any time. ... (Interruptions)

[English]

MR. CHAIRMAN : Now, please do not interrupt. Please sit down?

... (Interruptions)

MR. CHAIRMAN : Do not interrupt. Will you please sit down and not interrupt.

... (Interruptions)

SHRI NAWAL KISHORE SHARMA : Yes, I am sitting. But I am only asking a question.

MR. CHAIRMAN : Please do not enter into an argument with the Chair. Please do not interrupt.

... (Interruptions)

SHRI NAWAL KISHORE SHARMA : I am not entering into an argument with the Chair. It is only a submission. ... (Interruptions)

MR. CHAIRMAN : Will you please stop interrupting?

SHRI NAWAL KISHORE SHARMA : Mr. Chairman, it is only a submission. ... (Interruptions)

MR. CHAIRMAN : Do not force me to take an unpleasant action. Do not interrupt.

... (Interruptions)

SHRI NAWAL KISHORE SHARMA : I have already stopped.

MR. CHAIRMAN : I must say that I expect a senior Member like Shri Nawal Kishore Sharma to show a greater sense of discipline.

SHRI NAWAL KISHORE SHARMA : Agreed. No dispute.

[Translation]

SHRI BENI PRASAD VARMA : Mr. Chairman, Sir, hon. Members have spoken of giving priority to the backward regions. That is our priority also and I will try to see that these priorities may further increase. Unless honest efforts are made to develop backward areas in this country, we will not be able to raise our country to the world levels despite our countless pretensions here to that effect. It is now 50 years since the country attained freedom. If the country was to make progress, it would have made it soon after that. I hail from an undeveloped region where miserable

[Shri Beni Prasad Varma]

conditions prevail. Apart from it, there are provinces like Bihar, Uttar Pradesh, Rajasthan, Bengal and Orissa whose population constitutes half of that of the whole of India, but they are lagging far behind in the pace of development. A telecom authority is needed for that. Everything is being done to that end. This is related to providing the facility which was intended to be provided by New Telecom Policy framed by the previous government. It will be impossible to move the whole country toward progress by merely expanding the telecom facility. What is needed is our economic development and improvement in social conditions. The level of our thinking should improve. Cultural changes should also be brought about. Only then the Telecom will come to play the role of a companion. The responsibility for it lies on our shoulders and we will try to shoulder it as honestly as we can. We are sorry that even while being in power, we have not been able to improve the telephone system in rural areas as much as was needed.

The objections raised by hon. Members during Question hour in this House in recent days were correct and I agree with them. That is why this system has been introduced and the entire financial and technical lacunae noticed since then have been entrusted to C.B.I. for investigation. The officers of our department had intimated us that 70 per cent telephones were working while 30 per cent were out of order. Soon after that there was furore in the House. We will reply accordingly as our officers report us. In our democracy the Minister has to reply and there is no better way than this. We cannot ignore this. That created suspicion in your minds and we ourselves were suspicious. Therefore we ordered for an independent investigation. Our department has nothing to do in it. What we have ordered is regarding whether the information given by our officers that seventy per cent telephones are working well, is correct or not? After all the House has its dignity. Our Parliamentary system is going down, we have to take it upwards so that the country may become strong and we may prove to be a healthy democracy in the world. It is necessary. We wish that our country may also move ahead of all others in the matter of development. It is possible only when we adopt a system of a healthy democracy.

[English]

PROF. RASA SINGH RAWAT : Which independent agency is going into this inquiry?

[Translation]

SHRI BENI PRASAD VARMA : We have placed an order with a Hyderabad company, but there has been no selection in it.

[English]

MR. CHAIRMAN : How much time would the Hon. Minister take to reply?

[Translation]

SHRI BENI PRASAD VARMA : I have tried my level best to resolve the queries of the hon. Members. The entire House has supported the Telecom Regulatory Authority. I am thankful to all the Members who have supported it and with these words I would like to appeal to them that they should pass this much awaited Bill unanimously.

SHRI GIRDHARI LAL BHARGAVA : The hon. Minister has given a very categorical reply. I welcome it. He has admitted that the telephones in villages are not working properly. What has been done to rectify the position? By when will these telephones be set right. I am your ardent follower. Once again I request you to clarify by when the telephones in villages will be set right.

Secondly, it was stated that 1,85,137 telephones would be installed soon. By when will these phones be installed? The hon. Minister may take a pretext that the equipments are not good and therefore he is not in a position to install them. Sukh Ramji has done lot of irregularities. But you should not fear anyone because you used to sit on this side of the House. It will not make much of a difference. Therefore please say ... (Interruptions)

MR. CHAIRMAN : Girdhari Lal ji please speak on the subject only.

SHRI GIRDHARI LAL BHARGAVA : All the roads in Jaipur have been dug up. I would like to ask whether the OBs issued till 31st March 1997 will be cleared or will they remain dead after some period?

The hon. Minister has admitted that the Telephone Advisory Committee has not been set up so far. It has neither been set up at the State level nor at the Centre. Shri Rajesh Pilot knew me well and therefore had recommended my name for this committee and I was a Member. I would like to know the time by which the names of the MPs would be sent for the State Committee and for District Committees? You had asked for the details of the people who are traders or businessmen and have been recommended on these Committees. I would have to go into the details. If I give the name of one Advocate or Doctor others would get angry. This is not the right time for that as the elections would be held shortly. You should believe me.

SHRI BENI PRASAD VARMA : Which Elections are you talking about?

SHRI GIRDHARI LAL BHARGAVA : I am talking about the Lok Sabha Elections. It will not be in your interest if things are complicated. This Government will not last long as it is constituted of 15 parties ... (Interruptions) Please sit down. Whenever Shri Ram Sagar speaks I mistake him for Shri Mulayam Singh ji. He resembles him so much.

The hon. Minister must state the time by which these Committees will be set up. Which private company has been awarded the contract in Rajasthan. You should clarify the position. Please give me the facts. If you say this I would withdraw my resolution.

[English]

MR. CHAIRMAN : Mr. Minister, would you like to say anything?

... (Interruptions)

SHRI RAM NAIK (Mumbai North) : He did not request him to withdraw the Bill.

[Translation]

SHRI BENI PRASAD VARMA : Mr. Chairman, Sir, we did not think it proper to dissolve the TAC committee which already existed. Their tenure is for two years and when that tenure will be over we will gradually constitute the Committee. It is for the first time that we have asked for suggestions to nominate Members from each Party ... (Interruptions) If we have not said this earlier, I give this assurance here in the House. There is a PCO committee. Earlier there were nominated members from the Government. We have decided that there will be no Government nominee and instead hon. Members will be its Members. This body will decide the criteria of STD booth allotment. ... (Interruptions)

SHRI RAJESH PILOT : Mr. Chairman Sir, when this scheme of allotting PCO was launched, we had decided that PCO would be allotted on first-come-first-serve basis depending on the capacity of the exchange and it would be near about 10-15 per cent of the capacity of that particular exchange. We believe that formation of such Committees have generally led to more corruption. This Committee should be disbanded. The PCOs should be allotted on first-come-first-serve basis only. We had also given priority to unemployed handicapped graduates also.

SHRI BENI PRASAD VARMA : That is still there.

SHRI RAJESH PILOT : But the PCO committee that was constituted during the time of Sukh Ramji should be dismantled.

SHRI BENI PRASAD VARMA : That was there during that time. But now only the MPs will be there. This would help in controlling the Officers. ... (Interruptions)

MR. CHAIRMAN : Girdhari Lalji have you got satisfactory reply?

SHRI GIRDHARI LAL BHARGAVA : Hon. Minister, Sir, you have asked for names but you have not kept the MPs in it.

MR. CHAIRMAN : That was the case earlier. Now the hon. Minister has said that the MPs would be its member.

SHRI GIRDHARI LAL BHARGAVA : In the PCO committee the MPs would not be a member. Shri Rajesh Pilot ji has rightly said that this committee should be dissolved. I would like to know from the hon. Minister whether Telephone Advisory Committee would be set up soon and in which cities would it be set up first.

MR. CHAIRMAN : This is not related to the Telephone Regulatory Authority subject.

SHRI BENI PRASAD VARMA : We will consider his suggestions.

SHRI GIRDHARI LAL BHARGAVA : If the hon. Minister says then I will withdraw my resolution.

SHRI BENI PRASAD VARMA : Bhargava ji I have said so much and it all means that you should withdraw your resolution.

SHRI GIRDHARI LAL BHARGAVA : Mr. Chairman, Sir, I withdraw my Bill in view of the request of the hon. Minister and the House.

[English]

MR. CHAIRMAN : Has the hon. Member leave of the House to withdraw his Resolution?

SEVERAL HON. MEMBERS : Yes.

The Resolution was, by leave, withdrawn.

MR. CHAIRMAN : The question is:

"That the Bill to provide for the establishment of the Telecom Regulatory Authority of India to regulate the telecommunication services, and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : The House will now take up clause-by-clause consideration of the Bill.

The question is:

"That Clause 2 stand part of the Bill"

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—Establishment and Incorporation of Authority

SHRI K.P. SINGH DEO : Sir, I beg to move:

"Page 2, line 40,—

for "six members," substitute—

"ten members out of which five shall be women members." (1)

Sir, in spite of the hon. Minister's reply, I am not satisfied because performers cannot be evaluators themselves. As I said in my original statement here, the accused is the jury as well as the judge. The user—Ministries like Defence, Home and Space who give the transponders have not been consulted till today. The previous Government in 1994 had not consulted them and this Government has repeated it.

Now it is the same Ministry of Communications who will be sitting on judgment on their own lapses. Here, the question of national security and integrity comes. I say this on personal knowledge because there was no representation from either the Ministry of Defence or the Ministry of Home Affairs. The court at that time forced the Ministries of Defence and Home as well as the Ministry of Information and Broadcasting to cooperate with a foreign television company to give uplink facility from here and the Ministry of Communications had recommended it and it is the judiciary which forced us. After one and a half years, the Supreme Court turned it down, but also put a stipulation that airwaves are public property. Therefore, I am neither convinced that only a bunch of officers from the Ministry of Communications can safeguard the integrity and sovereignty of the country and nor can they look at the interests of the Ministries of Defence, Electronics, Space, Home and Information and Broadcasting, etc.

MR. CHAIRMAN : Mr. Minister, would you like to say something or shall I put it to the vote?

[Translation]

THE MINISTER OF COMMUNICATIONS (SHRI BENI PRASAD VARMA) : So far the apprehensions expressed by the hon. Member I would like to say that all the concerned departments are consulted for preparing such a Bill. As per the procedure, the cabinet passes a Bill only when it is drafted comprehensively after consulting all the concerned departments.

[English]

SHRI K.P. SINGH DEO : The Ministry of Communications will be on the dock. ... (Interruptions)

MR. CHAIRMAN : At this stage, there is no discussion allowed on the amendment. It has to be put to vote.

SHRI K.P. SINGH DEO : Sir, I would like to press for a vote.

MR. CHAIRMAN : Now, I shall put Amendment No. 1 to clause 3 moved by Shri K.P. Singh Deo to vote.

The amendment No. 1 was put and negatived.

MR. CHAIRMAN : The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

MR. CHAIRMAN : The question is:

"That clause 4 stand part of the Bill."

The Motion was adopted.

Clause 4 was added to the Bill.

Clause 5

MR. CHAIRMAN: Shri K.P. Singh Deo, are you moving your amendment?

SHRI K.P. SINGH DEO: Sir, after the reply of the hon. Minister I am not moving my amendment.

MR. CHAIRMAN : The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

MR. CHAIRMAN: The question is:

"That clauses 6 to 17 stand part of the Bill."

The motion was adopted.

Clauses 6 to 17 were added to the Bill.

Clause 18—Appeal to High Court

SHRI K.P. SINGH DEO : I beg to move:

Page 7, line 34,—

for "thirty days," substitute "forty-five days" (3)

MR. CHAIRMAN : I shall now put amendment No. 3 to clause 18 moved by Shri K.P. Singh Deo to vote.

The amendment No. 3 was put and negatived.

MR. CHAIRMAN : The question is:

"That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

MR. CHAIRMAN : The question is:

"That clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 was added to the Bill.

Clause 20—Penalty for wilful failure to comply with orders of Authority or High Court

SHRI K.P. SINGH DEO : Sir, I beg to move:

Page 7, line 46,—

for "one lakh" substitute "fifty thousand" (4)

MR. CHAIRMAN : I think it is in order to keep the Treasury Benches a bit alert!

... (Interruptions)

SHRI RAM NAIK : No Sir. He is getting acclimatised to work really as an Opposition M.P. ... (Interruptions)

MR. CHAIRMAN : I shall now put amendment No. 4 to Clause 20 moved by Shri K.P. Singh Deo to vote.

The amendment No. 4 was put and negatived.

SHRI NITISH KUMAR (Barh) : Sir, the 'Ayes' have it. I demand a division.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA) : Sir, the 'Noes' have it. ... (Interruptions).

SHRI GEORGE FERNANDES : Sir, the 'Ayes' have it.

SHRI NITISH KUMAR : Sir, please do not keep mum. I am not going to be persuaded by the Minister of Parliamentary Affairs. ... (Interruptions)

SHRI K.P. SINGH DEO : Sir, only the amendment will be passed. The Government will not fall. ... (Interruptions).

SHRI NITISH KUMAR : Sir, the Minister all the time remains absent from the House. I am not going to be persuaded by him. ... (Interruptions) How can I be persuaded by him?

MR. CHAIRMAN : Shri Nitish Kumar, you have all rights to demand a division. But you should have demanded it before I negatived the amendment.

SHRI GEORGE FERNANDES : No Sir. The demand has been made as per the rules.

SHRI NITISH KUMAR : I asked for division in time.

MR. CHAIRMAN : You were just late by ten seconds.

SHRI GEORGE FERNANDES : No sir. How can one demand a division before you have declared? Only when you have stated that the 'Noes have it' then we can demand a division.... (Interruptions) I cannot possibly ask for a division before you have said 'Noes have it'.

SHRI NITISH KUMAR : Sir, How can I know your mind? How can I demand a division before you have stated anything? ... (Interruptions)

MR. CHAIRMAN : You are as well aware of the general feeling of the House as I am. You saw the general feeling. At that time the Treasury Benches have said it loudly. They were shouting the loudest at that time.

... (Interruptions)

MR. CHAIRMAN : The question is.

"That clause 20 stand part of the Bill."

The motion was adopted.

Clause 20 was added to the Bill.

MR. CHAIRMAN : The question is:

"That clauses 21 to 40 stand part of the Bill.

The Motion was adopted.

Clauses 21 to 40 were added to the Bill.

MR. CHAIRMAN : The question is:

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill".

The Motion was adopted.

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

[Translation]

THE MINISTER OF COMMUNICATIONS (SHRI BENI PRASAD VARMA) : Chairman, Sir, I move "that the Bill be passed."

[English]

MR. CHAIRMAN : The question is:

"That the Bill be passed."

The motion was adopted.

[English]

16.50 hrs.

STATUTORY RESOLUTION RE : DISAPPROVAL OF NATIONAL HIGHWAYS LAWS (AMENDMENT) ORDINANCE— 1997

AND

NATIONAL HIGHWAYS LAWS (AMENDMENT) BILL—1997

MR. CHAIRMAN : The hon. Speaker had given a ruling that item number 32 would be taken up after item number 19. So, we are now taking up National Highways Laws (Amendment) Bill, 1997.