

RAJYA SABHA

***SYNOPSIS OF DEBATE**

(Proceedings other than Questions and Answers)

Tuesday, March 1, 2011/ Phalgun 10, 1932 (Saka)

MATTERS RAISED WITH PERMISSION OF THE CHAIR

I. Death of 13 Pregnant women due to Administration of infected IV fluids

SHRIMATI GUNDU SUDHARANI: 13 pregnant women died and 5 are serious due to use of infected IV fluid. The incident has occurred in Umaid Hospital in Jodhpur. All the women died after severe hemorrhaging. On preliminary investigation, it was found that infected IV fluid were manufactured by Parenteral Surgical India Limited, Indore and the lab reports confirmed that several batches of dextrose and ringer lactose were contaminated with gram negative and positive bacteria. The authorities and other concerned people are trying to bury the whole issue as the reports of death came into light after 15 days. It is not known how the Drug Controller General of India cleared the drug. I request the Government to intervene and seize the contaminated IV fluids in the market and arrest the management of company. There is every possibility of more mishap if the contaminated bottles are not taken on war footing.

***This Synopsis is not an authoritative record of the proceedings of the Rajya Sabha.**

II. Constitutional question arising out of the reservation of sixty seven per cent seats for men in recently issued Haryana Government circular for teachers and current recruitment

SHRIMATI BRINDA KARAT: We have been demanding 33 percent of reservation for women in jobs but you will be shocked to hear that Haryana Government has issued a notification for 67 percent reservation of jobs for men. There is a screening committee for recruitment of school teachers in Haryana to implement this policy, which has fixed the cut off marks for men lower than the cut off marks fixed for women. This is reservation in the reverse where even women are not able to compete even on common level playing field with men because men are given lower cut off. We hope the Central Government will take specific note of this.

(Shrimati jayanthi Natarajan, Shri Tiruchi Siva, Shri D. Raja, Shri Shivanand Tiwari, Shri Tarun Vijay and Shrimati Maya Singh associated.)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI ASHWANI KUMAR): We will convey it to the Haryana Government, and, if necessary, will make clarification.

III. Death of MNREGA worker for demanding revised wages in Ranchi

SHRI R.C. SINGH: MNREGA was started in the country with good intention but the way irregularities are taking place at the lower level in the MNREGA, the government is a mute spectator. The workers are not even getting prescribed wages and they are forced to work 12 hours a day. This shows that the economically weaker section always suffers. Jharkhand is such a state where workers are subjected to various sufferings due to their demand of amended wages. The perpetrator of such atrocities should be strictly punished. I urge upon the Government to remove the lacuna in this scheme and implement it effectively by providing proper security to workers and provide them the facility of life insurance.

(Shri D. Raja associated.)

IV. Firing on Farmers at Srikakulam district in Andhra Pradesh

SHRI V. HANUMANTHA RAO: Two farmers were fired at by the policemen in Andhra Pradesh at Srikakulam district. The East Coast Energy Pvt. Ltd. Wants to start a power project in Kakarpalli but the local farmers and fishermen do not want any power project there. Moreover, a bird sanctuary is also there in that area but Policemen is firing them. This is very serious issue. I urge upon the Government to take action to stop this.

(Shri Syed Azeez Pasha and Shri M.V. Mysura Reddy associated.)

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI JAIRAM RAMESH): This is most unfortunate and tragic incident. Earlier, a show cause notice was issued to this project. I assure that some action will be taken in this regard.

SPECIAL MENTIONS

I. Concern over gender discrimination against women

SHRI GYAN PRAKASH PILANIA: World Economic Forum, 'Global Gender Gap Report, 2010 and latest UNDP Human Development Report 2010 indicate that India is down on the gender front. There is very high maternal mortality rate in India. In spite of many laws to prevent early marriages, the maximum number of underage marriage undertake in India. Education ratio at secondary and higher level is only 27% for workers as compared to 50% for men, making women more vulnerable to all sorts of outrages like honour killings, domestic violence, sexual harassment and female feticide etc. I urge the Government to take steps for empowerment of women.

(Shrimati Maya Singh, Shrimati Brinda Karat and Shrimati Bimla Kashyap Sood associated.)

II. Demand to implement 27 per cent reservation in Government jobs for OBCs throughout the country

SHRI NARENDRA KUMAR KASHYAP: The Government had issued a notification for 27% reservation in government services for the people belonging to OBCs on the recommendations of Mandal Commission and the National Commission for Backward Classes Act was enacted to address the grievances of inclusion and non inclusion of the castes in the list. But so many states, like Arunachal Pradesh, Goa, Mizoram, Jharkhand and Lakshadweep have not identified the backward castes so far, as a result of which the people of backward classes could not avail the benefits of reservation. I urge upon the government to take suitable action by making a concrete policy in this regard.

III. Concern over awarding contracts of construction work of roads in border areas to the Chinese companies

SHRIMATI BIMLA KASHYAP SOOD: The work related to construction of Shimla-Roharu road and Una-Amba road in the border State like Himachal Pradesh has been entrusted to a Chinese company, which has not completed the work even after the time has lapsed. The apple economy of Himachal Pradesh largely depends on these roads. On what basis, the work was entrusted to the Chinese company? How many companies of China are working in Indian border States and the money involved in these road construction contracts?

(Shri Shreegopal Vyas, Shri Tarun Vijay, Shri Anil Madhav Dave, Shri Raghunandan Sharma and Shri Nand Kumar Sai associated.)

IV. Demand to take action to check the filing of fake FIRs and giving false witness in the Courts

SHRI GANGA CHARAN: Today, the influential people use fake FIRs and false evidences to suppress their opponents and deprived sections and the courts also punish the innocent people on the basis of these evidences. Many innocent people are languishing in jails. I demand to make the investigation agencies impartial and

transparent and there should be a separate detective agency under the control of court, so that strict action is taken against the people responsible for false evidences and fake FIRs.

(Shri Balbir Punj, Shri Anil Madhav Dave and Shri Tarun Vijay associated.)

V. Demand to implement the recommendations of the Justice G. R. Majithia Wage Board

PROF. P. J. KURIEN: The UPA Government appointed the Justice G. R. Majithia Wage Board for looking into the concerns of Journalists and Non-Journalist Employees in Newspapers and News-Agencies. It has submitted its report to the Government on 31.12.2010. While the said report contains many positive recommendations, the representative unions of the journalists and employees have suggested a few modifications pertaining to classification of newspapers, anomalies in the pay scales etc. proposed by the Wage Board. It is, therefore, requested that the Government may take urgent steps to implement the report of the Justice G. R. Majithia Wage Boards at the earliest, retrospectively from the admissible date, after duly considering the suggestions and modifications received from the representative bodies of the journalists/employees.

(Shri Balbir Punj, Shri P. Rajeeve and Shri K. N. Balagopal associated.)

VI. Demand to take immediate steps to set up the institution of Lokpal in the country

SHRI SHIVANAND TIWARI: In view of charges of corruption levelled against the Government formed for the first time in 1937 in pre independence period and in the post independence period the jeep procurement scam during Pak aggression on Kashmir and the Mudhra Share Scam of LIC in 1956-57, the need was felt to have an institution like Lokpal for which a committee set up 1962 at the initiative of the then Home Minister Shri Lal Bahadur Shastri had recommended the constitution of the

institution of Lokpal and such motions have been introduced more than once in the Parliament too.

Now, the Social activist of repute Shri Anna Hazare is going to sit on fast unto death for the same cause from April 5, 2011.

Therefore, the Government should take immediate steps in this regard with a view to restore confidence of the people and constitute institution of Lokpal.

(Shri Rudra Narayan Pany, Shri Shreegopal Vyas, Shri Tarun Vijay and Shri R. C. Singh associated.)

VII. Demand to give adequate compensation to the land providers of Neyveli Lignite Corporation

SHRI A. ELAVARASAN: Thousands of acres of land from farmers were acquired for the project of Neyveli Lignite Corporation five decades ago and the farmers were not given sufficient compensation or any other cultivable lands. Number of individual farmers, who lost their lands, do not have any other sources of income whereas the NLC has been running successfully and generating good income for the government.

Despite many appeals, the people of some villages like Perumathur were not provided with alternate land for cultivation and sites for house construction. I urge the government to take initiatives to provide adequate compensation to the land providers of the NLC as well as consider the profit sharing system in view of the government's planning to bring necessary amendments in the existing Minerals Act in favour of the land providers, so that the life of land providers would be saved.

VIII. Demand to regularize Casual Labourers, wages and social security measures in BSNL

SHRIMATI BRINDA KARAT: It was assured at the time of corporatisation of DoT to BSNL in 2000 that casual labourers will be regularized who fulfill required conditions. While some were regularized, there are about 3400 left out casual labourers, who are

eligible but were not regularized due to administrative delay. BSNL has refused to do so.

One lakh contract workers are engaged in BSNL for various works, but neither any regular list of contract workers are maintained nor eligible wages are paid. In most places, they are getting Rs. 1500 to Rs. 3000 while they are eligible for Rs. 5000 to Rs. 6000 or above. Social security measures like provident fund, insurance etc. are not ensured. The government should ensure that BSNL management regularizes all left out casual workers and are given benefits they are eligible for.

(Shri Rudra Narayan Pany, Shri P. Rajeeve, Shri K.N. Balagopal, Shri Tarun Vijay and Shri Tapan Kumar Sen associated.)

IX. Demand to entrust the exploration and extraction work of 'shale' gas in Damodar basin in Durgapur to public sector companies

SHRI S.S. AHLUWALIA: ONGC's exploration led to discovery of Asia's first 'shale' gas pool in the Damodar basin, Durgapur (West Bengal). The exploration of 'shale' gas, as an inexpensive pollution free alternative source of energy, has assumed unprecedented importance across the globe. Although it has been reassuring to note the emphasis being conferred on 'shale' gas by government, concerns remain about benefits of exploration reaching to people.

Since 'shale' gas has emerged to be invaluable source of energy, it is incumbent upon government to entrust the premier institutions like ONGC with the task of its exploration and developing indigenous technology for harnessing in the national interest instead of doling out the same to private companies as had happened in the case of Kaveri-Godavari basin.

X. Concern over different versions on inflation being given by Government agencies leading to confusion among people in the country

SHRI SYED AZEEZ PASHA: The country has been experiencing inflation for nearly three years causing enormous stress on the common man. People expect inflation to go up further and this itself causes more inflation and nervousness. Responsible Ministers,

officers and Heads of agencies have been giving different statements. Finance Minister is the right person to give an authorized view on inflation.

The Chief Economic Adviser to Government created confusion by stating that India has “tolerable” level of inflation. Then Governor of RBI first says that inflationary situation is serious and later said that role of RBI is limited in inflation control. The Prime Minister’s statements and figures were different from that of the other agencies. There has never been unanimity amongst these different voices, leading to great stress for people.

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

(Shri Ali Anwar Ansari and Rudra Narayan Pany associated.)

XI. Demand to commemorate birthday of Netaji Subhas Chandra Bose as ‘Desh Prem Divas’

DR. BARUN MUKHERJI: I had requested Government in 2008 to declare Netaji Subhas Chandra Bose’s birthday (23rd January) as “Desh Prem Divas”, but unfortunately Government has disagreed to my request. Gandhiji himself hailed Netaji as a “Patriot of Patriots”. Netaji’s name alone arises as a symbol to inculcate the spirit of patriotism among the young generation.

“Children’s Day” , “Teachers’ Day” “Education Day” and others have been symbolically attributed to some of our national heroes. No body objects to a National Holiday on Gandhiji’s birthday. Similarly, the request for ‘Desh Prem Divas’ associating Netaji Subhas should not be subjected to “relative assessment”. The Minister’s reply showing reluctance to pay due homage and recognition to Netaji’s patriotism has indeed hurt the sentiments of the whole nation.

I hope the Ministry of Culture would once more review their stand with an open mind and declare Netaji’s birthday as “Desh Prem

Divas". I specially appeal to the Prime Minister to reconsider the matter to satisfy the long cherished desire and aspiration of millions of our countrymen.

(Shri Jabir Husain, Shri Rudra Narayan Pany, Shri Tarun Vijay, Shri Nand Kumar Sai and Shri Anil Madhav Dave associated.)

XII. Purchase of faulty Helicopters by Indian Navy

SHRI TARUN VIJAY: The Navy had acquired six decommissioned UH3H helicopters under the Foreign Military Supply (FMS) programme of the United States in November 2006, along with training and support facilities at an approximate cost of Rs. 182.14 crore. The CAG report stated that the 35-40 years old helicopters "were on the verge of completing their air frame life and are on extended life". It is reported that the defects detected in the helicopters also included defects of category A 12.

I demand that Defence Ministry should disclose the names of ministers and officials, who had given the go-ahead for the procurement of six "phased out" helicopters from the US and appropriate action be taken for jeopardizing precious values of Naval soldiers and putting national security at risk.

(Shri Shreegopal Vyas associated.)

MOTION

APPOINTMENT OF A JOINT COMMITTEE

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(SHRI KAPIL SIBAL) : I move the following Motion :-

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

- (i) to examine policy prescriptions and their interpretation thereafter by successive Governments, including decisions of the Union Cabinet and the consequences thereof, in the allocation and pricing of telecom licences and spectrum from 1998 to 2009;
- (ii) to examine irregularities and aberrations, if any, and the consequences thereof in the implementation of Government decisions and policy prescriptions from 1998 to 2009; and
- (iii) to make recommendations to ensure formulation of appropriate procedures for implementation of laid down policy in the allocation and pricing of telecom licences,

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

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

The Government did not get a chance to respond to the audit objections of the C&AG. The matter is going to a Joint Parliamentary

Committee and all the issues will be looked into. Normally a discussion on the CAG report is undertaken after the PAC report, but if there are any doubts, we are willing for a discussion in Parliament. When the NDA Government came to power, they decided to allow the companies to move to a revenue-sharing arrangement. The CAG report of 2000 made some very negative remarks. The fact is that no company ever paid for spectrum right from 2001 to 2009. In November 2001, an order was passed by the then Government for allocation of spectrum with the licence at 4.4 MHz, in January, 2002 the allocation of spectrum was increased to 6.2 MHz, in September, 2003, the limit was increased to 10 MHz without TRAI recommendation, without Telecom Commission. Nothing said in the one man committee is inconsistent with what the CAG has commented. Before formulating certain procedure, recommendations of TRAI were not obtained and the matter was not placed before the Telecom Commission.

According to the CAG and the one-man committee, what happened was completely contrary to the Cabinet decision that everybody had to go through a multi-stage bidding process; the fact that the first-come-first-served policy was put in place. Policy pronouncements should be done through consultations with all political parties and through the forum of Parliament. The policy formulated by the then Government in 2003 was sought to be followed by the UPA-I and UPA-II. It had some beneficial effects. Because it increased de-density to a great extent. The policy of first-come, first-served, served its purpose. But the process of implementation was manipulated. This Government is looking at those issues carefully.

If there is any criminal culpability, nobody will be spared. CAG basically said, these licences should have been auctioned. Since Parliament was not functioning, we addressed a Press conference and made certain assumptions. We concluded that the loss could be reduced to a figure of Rs.17,000 crores. Under first-come-first-served policy you cannot have an auction. So, the loss is nil. There was no other charge for 4.4 MHz. Where is the question of loss? This is what I said. I never said that if the spectrum were auctioned, it would

fetch no price. The larger issue emerges from the third Term of Reference. Different countries were following different procedures regarding allocation of spectrum. For example, in Finland, 3G auction was free. It is because the process of implementation of the first come first served policy and the possibility of criminal culpability, why he is being prosecuted. The ultimate objective of technology is to reach the consumer at an affordable price.

THE LEADER OF OPPOSITION (SHRI ARUN JAITLEY): I rise to support the Motion moved by Minister of Communications. The Nation wanted to know the entire truth of the matter. There are many ways of investigating that truth. The Parliament itself could not abdicate its responsibility to discuss and express an opinion over issues on matters of formulation and implementation of policy. We must seriously look at where we went wrong and where correctives are required. What happened in 2007-08 can happen in any other country in the world. Mr. Sibal used his skills of advocacy by saying that what happened in 2003 was also wrong. The effort appears to be to somehow taint 2003. That is the best defence for what happened in 2007.

Telecom sector has actually been a success story in India. Some people converted this success story into a scandal. That is the complete story of the telecom revolution in India. I believe that the opening out of the telecom sector was a correct decision. There was absence of competition. Government decided in 1993-94 to allow a public-private partnership. The tele density increased very marginally. There was a second problem with that policy. We must have only two players in every circle. This led to a consequential problem. The service providers were unable to pay the license fee. Our public sector companies MTNL and BSNL were the third players. Their presence was objected to on the ground that there should be only two players. Therefore, on account of excessive litigation, the opening out of the sector itself was not achieving results. It is possible that somebody may have an alternative view on a policy, but an alternative view on a policy is not necessarily a mala fide view.

So, the first decision we took was that we migrated to a revenue-sharing regime. One pays for his telephone, a small fraction of that goes to the State. The exchequer will gain. The services will be come cheaper. But when the Government did this, there will be multiple players allowed in every circle. This was the first monumental decision that the Government took. The second decision the Government took was to allow multiple technologies to enter. It is good for the system. Limited mobility was now becoming unlimited. The Government took the third decision and concept of Unified License was born out of that. The license will become technology neutral. Now, while all this was happening, the tele density, naturally, increased. You had more jobs created in the sector. The cost of service came down. And, the correct legislative environment was that Government was a player. So, the sectoral regulators came in picture. Unfortunately, policy has influenced in all aspects for own benefit. And, this is something which, really, became a matter of serious concern.

Parliamentary accountability is an ultimate in this country. The Joint Parliamentary Committee under these terms was necessarily look into the evolution and the formation of this policy. If anybody in the past has made a mistake and there is a scope for improvement. At the end of the day, the telecom is a success story. Few individuals cannot be allowed to taint this success story. You announce a particular date. You have a large number of applications on that date. After the process has begun, you changed the date. The effect of shifting this date was the number of eligible applicants got reduced. So, you reduced competition. This could be done on the original first-come-first-serve basis which was the date of the application. One afternoon instead of the date of application, this become the date of compliance of the LOI conditions.

So, those who had prior knowledge of what was going to happen had come with drafts in their pockets and immediately deposited the drafts. 41 minutes the whole operation was over. So, between 2001 and 2008, a world of change had taken place in this sector. These licenses had become very valuable. Companies picked up the license and then inducting partners but for inducting a partner

each company is valued at billion dollars. So, overnight, by getting this license and spectrum this is the kind of additional value that you got. Why was this happening. The Hon'ble Prime Minister was saying that there was no TRAI recommendation that you must do it by an auction. Present Governor of the Reserve Bank was saying that this is not a fair assessment and in 2008 you can't do it at the market price of 2001. You have to do it at the current price. So everybody seems to be objecting the process. This whole argument is that our priority is not revenue, our priority is tele-density. The national priority has to be tele-density but tele-density does not, in any way conflict with revenue realization.

The 2007 and 2008 can't be defended in this manner, and it is being done today by saying that it has happened elsewhere in the world also where it is given very cheaply. I had explained that in 1999 and 2001, the kind of problems the sector was facing. We had a sluggish growth. In the rest of the country, the mobile telephony was picking up. North-East, West Bengal, parts of Bihar, east UP, Himachal Pradesh and Jammu-Kashmir were the areas which were not being served. Going by the Prime Minister's argument that tele density is important, you should have been complimenting the then Minister for having done this. Well, on this huge scandal, which has taken place in 2007-2008, let me just say, it happened in Finland also. These are all issues that the Joint Parliamentary Committee will look into. We had a phenomenal growth in the sector, it showing what were the forces that played in influencing right from Ministerial appointments to policy-makers appointment to formulation of policy to implementation of policy.

All these factors are of extreme importance and there must be Parliamentary accountability as far as each one of these is concerned, and therefore, necessarily, the JPC will have to do into each of these important factors.

SHRI RAASHID ALVI: I want to congratulate Prime Minister and the Government that Joint Parliamentary Committee has been constituted and it will start functioning. Today 2G issue being discussed, JPC is being constituted to see its nuances. Whole houses is

supporting constitution of JPC. Government has constituted a Committee of retired judge which is going to give its report shortly. The whole country wants to know the truth about 2G. Government to saying again and again that offender will be punished. Since last from months much furore has been made that fraud of one lakh seventy six thousand crore has been done. Atmosphere which has been created it seem that the whole political system is collapsing. I want to ask politely what corruption you are talking.

Actually some people have misunderstanding that by creating noise they will suppress the truth. This is fifth JPC. I predict about this fifth JPC that after much effort this JPC has been constituted, when its result will be announced, these people will make noise and will say that we do not accept this report of JPC.

Today, these people talk about honesty, they are raising fingers on us. What is the definition of corruption. Whole India has seen the CD of Tehlka. I have all the documents. Today, you are saying that allegations have been made against us. Congress Party has always been fighting against corruption. There is great difference between 2G and 3G. 3G is a high technology in which video and TV can be seen, its speed is 30 mv.

In the whole world in no other country 2G has been auctioned. Today there are over 62 crore telephone in India in which there are 8.5 crore are mobile phone. After China, India network is the biggest. Whether this work of the government is not praiseworthy? Whether it will not be appreciated?

In the 11th Plan it was mentioned that 50 crore connections will be given till 2010. CAG mentioned that we have already achieved the target of 11th Plan in 2009. Whether free electricity being supplied to farmers will be accounted? Free electricity and water is given to farmer. Today, every village has telephone. I predict that you will again attack on JPC report and you will say, we do not accept this report.

SHRI BRAJESH PATHAK: After making a lot of efforts and wastage of so much of time in the Parliament, the Government

has proposed the constitution of JPC. We welcome that. There is no justification for discussion thereon in this House. Hence, we want that the JPC reaches its conclusion.

SHRI TAPAN KUMAR SEN : I rise to support the Motion. Had it been agreed to earlier, the Winter Session of Parliament could have been saved. The justification of forming a JPC is being disputed. It is being formed to pin down the individuals involved in it. The whole system which led to such a huge loss to the Public Exchequer needs to be set right. That is the crucial requirement based on which the JPC needs to look into the whole matter, and precisely on that premise we have demanded for the JPC. It should restore the credibility of the institution and the system which the country badly needs. A reference is made again and again to the tele-density. We were told that it was not being charged and it was being given on first-come-first-served basis to improve the tele-density and ensure the delivery of the service to the consumers at a cheaper price. I fail to understand the whole economy. An operator had given six times more premium to the original licensee. Will he bear the premium from his pocket. I don't think that the premium, that he has paid he is going to bear from his pocket? So, this talk of cheaper service for legitimizing what has happened is a greater fraud on the people. Let the JPC look into the whole thing. Something wrong had been done. Had it not been done, the country would have earned this money, this country could have saved this money. By the end of the day, a JPC has been agreed to. The JPC will do a big service in correcting the system and restoring the credibility of these democratic institutions.

SHRI SHIVANAND TIWARI: I rise to speak in support of this motion. Initially, the Government was adamant on not accepting the demand for JPC. This sent a message among the masses that there must be something wrong which the Government wants to conceal. Therefore, it is not constituting the JPC. To make up the losses suffered due to this, the Prime Minister and the Minister of the department concerned have brought the motion for constitution of JPC in a manner which gives the impression that they are accepting the demand for constitution of JPC, under the opposition's pressure, so

that the Budget Session is also not wasted on the lines of the Winter Session.

The Minister said that it is only a notional loss. CBI says that the actual loss could be much more than the estimate made by the CAG in its report. Corruption percolates rapidly from top to the bottom. The origin of corruption is here in Delhi. Check the corruption here. Constitute a system, a mechanism to check corruption. Since long demand is being made to appoint Lokpal. Had the action been taken after the independence, the nature and magnitude of corruption should not have been as it is today. But, in democracy, the people's perception is uppermost and the people of the country are of the belief that the Government has carried out a big scam in respect of 2G Spectrum and to conceal that it is not agreeing to the constitution of JPC. I support the motion with the words that it is better late than never.

SHRI TIRUCHI SIVA: The leader of our Party has categorically reiterated that anybody who is found guilty will not be left unpunished. All the noisy scenes that we witnessed all these months can be divided into two categories: one, the alleged substantial loss to the exchequer; another is, procedural lapses. If something, unusual and unprecedented has happened that has to be checked; either the Parliamentary mechanism or the Judiciary mechanism should be evolved to resolve these institutional aberrations. National Telecom Policy – 1994 failed to achieve its objectives. It was concentrating more on increasing the revenue rather than increasing the tele-density, to pass on the technological developments in the telecom sector to the rural people. So, in 1998, an expert Group of Ministers was entrusted with a job to review all these things and in 1999, a new National Telecom Policy was arrived at. The experience of shifting from auction-regime to the revenue-regime proved that the auction did not help. It neither fetched the revenue for the operators who had invested much on it, who had made high bids; they were not able to pay the Government the bid amount. I do not want to go around all those things. National Telecom Policy – 1999 says very clearly that one has to depend mostly upon the TRAI. It is very clear that entry of new operators in a service area, entry fee payable and

revenue share arrangement were all to be based on TRAI's recommendations. The allocation of 2G licences in 2008 was also fully based on and consistent with the TRAI's recommendations. This fact has been ignored by everyone who is raising accusations against us.

The Government sought TRAI's recommendations on limiting the number of access providers in each service area. But, as per the recommendations of the TRAI, it will be difficult to decide the cut-off date after which the spectrum is auctioned. In this respect, the guidance has been taken into account from the Tenth Five Year Plan and the Eleventh Five Year Plan. The guiding principles of spectrum policy under the Tenth Plan are that spectrum policy needs to be promotional in nature whereas revenue considerations played as secondary role.

The Minister, who is now an accused and who has done everything in 2007 and 2008, has followed the guidelines of the Tenth Five Year Plan and the Eleventh Five Year Plan and the TRAI's recommendations. When he assumed office in 2006, the rural tele-density was just 5.8 per cent, and when he demitted office, it was 26 per cent.

I have to say that 2G spectrum cannot be auctioned at the rate of 3G. 2G spectrum is only voice based communication, and 3G is data based communication. Mr. Raja, who has been accused, has given only 12.6 MHz and the rest of the 65.2 MHz has been given from 2002. It was only Mr. Raja, who, for the first time, allotted with a rider and recommended that charges will be levied as determined by the Government in future for spectrum beyond 6.2 MHz. It is very important. On 10th of January, 2002, the Secretary, DOT, put up a note to then MOC&IT and he wrote that 'MOCT&IT' had desired that we should examine the question of giving additional frequency to the cellular operators, particularly those facing problems in Delhi and Mumbai. The Telecom Engineering Centre was asked to review the position in this regard. But, the proposal was not approved by the Minister and the file was reprocessed changing the proposal made. The revised proposal suggested that there would be need to allocate

additional spectrum in Mumbai and Delhi Metro Service Areas soon. I have some questions: Was the proposal turned down? Why was the file not approved? Who empowered the signatories to change the Telecom Policy or frame a new one on their own? Why was the procedure not followed? What was the basis of taking the decision to allocate additional spectrum? Who will take responsibility for the loss of spectrum worth thousands of crores of rupees? Is it not a criminal conspiracy to give more than the signed contract?

SHRI MOHAN SINGH: I support the motion moved by the hon. Minister in respect of appointment of JPC. The JPC should be comprised of the Members of those parties which are not associated with this scam. In the 14th Lok Sabha, it was said that there was scam in the Ministry of was a Communications and Information Technology. But, the hon. Minister refused and said that a profit worth 60 thousand crore rupees was earned. I thank the Supreme Court that interfered in the matter and unearthed the facts. The names of the real players will be exposed by the tape which is being examined by the Supreme Court. It was said that those making allegations against the Minister, are against Scheduled Castes. Now, I ask them whether those, who have constituted an inquiry against Mr. Raja, are against Scheduled Castes. Efforts were made to save Mr. Raja when the case was under the Supreme Court. We demanded to get the JPC constituted when the Supreme Court was reviewing the case. In the report of the Auditor-General, it was mentioned that there was very heavy loss. Therefore, it was not pertinent that Parliament should be quiet while the Supreme Court and the CBI are interfering in this respect. The Government of India formed a committee of a retired judge of the Supreme Court who said that there was something wrong. In such a situation we demanded to appoint the JPC. I want that the terms of reference of the JPC should be expanded so that black money can be unearthed.

DR. V. MAITREYAN: I stand to support the Motion for constitution of the Joint Parliamentary Committee to probe the 2G spectrum mega scam. I am deeply disappointed that the AIADMK, which spearheaded the campaign on this issue, has been left out in the list of Members, who are being nominated from the Rajya Sabha. It

was the AIADMK, that has, no many occasions, been raising this issue in this House for the last two years. The appointment of a JPC, without an AIADMK representative from the Rajya Sabha, is an aborted JPC.

I think that the price spectrum should be based on its scarcity value and efficiency of the usage. The most transparent method of allocating spectrum would be through auction. However, the Hon'ble Finance Minister, after the issue of 121 licenses by the DoT, suddenly suggested in January 2008, to treat the previous issue of licenses as a closed chapter and he recommended that the price of spectrum be discovered through an auction process in future. Ever since the Supreme Court took charge of the case, everyday, some new information has been coming with reference to the 2G spectrum issue. Neera Radia will have to appear as a witness before the JPC. She will have to mention what deal had taken place in 'Voltas'.

The CBI has given an affidavit that DB Reality has invested Rs. 214 crores. I appeal to the Hon'ble Minister to show some guts. The investigation agency, CBI, has traced the money trail. Those people should be brought under the ambit of JPC and have them interrogated. I wish the Committee would be sincere in its probe and bring the real culprits of this 2G spectrum mega scam.

SHRI D. RAJA: I rise to support the Motion. The spectrum as a scarce resource is a national asset. I think Government is the sole owner of this asset. Whether you give it for free distribution or for licence or for revenue sharing or for auction, these are all policy matters. There are some policy parameters on which the JPC will have to work. India is not just like any European country, in size and in population. We cannot outsource our policies. We have to formulate and implement the policies in the interest of the nation. Now what has been revealed by CAG and other agencies, there was loss. And, this huge loss is the gain of certain corporate companies. It means loss to the nation. I hold responsible the Government of the day for this. The terms of reference say, 'from 1998' and I support.

I am not in agreement with the Prime Minister when he compared the loss to the subsidy. The subsidy is a different issue. We

cannot compare or equate the subsidy to the loot by corporate companies. It is not that the Prime Minister was not aware; the Government was not aware. The political parties, with their own responsibilities, have been raising this issue. And, the then Telecom Minister, on the very same floor of the House, time and again, claimed that he was taking all the decisions with the knowledge of Prime Minister. So, how these policies were manipulated in a manner that some corporate houses could loot the country to make such a huge loss for the Exchequer? The present JPC will have to work on these policy matters and pin down accountability and responsibility. That is what we expect. As far as safeguards are concerned. I do not know whether this will be within the purview of the JPC. But the JPC can propose safeguards so that scams never take place in such a way. I think, the JPC would function effectively on this policy.

DR. MANOHAR JOSHI: I want to make it clear today as to why we are boycotting the JPC. The JPC was to be constituted mainly on three issues. The 'spectrum allocation' was one of the issues but there were two other issues also. One was the 'Commonwealth Games' and the other was 'Adarsh Building in Mumbai'. The JPC is being constituted only on one issue of 'spectrum'. The other two issues were avoided because there the concerned people were from the Congress Party. Not only this, they did not take sufficient action against the Chief Minister who was totally involved and responsible for this. A Minister from DMK has been sent to Tihar Jail; why not the other people? The amount involved in the Commonwealth Games scam may not be so big as it is in case of 2G Spectrum but we must realize that the people involved are the politicians and leaving them free and not taking action against them is not desirable. Apart from this, I would say that there should be time-limit for the JPC which we are appointing. Also, the Action Taken Report should be coming before this House. If this is not done, the entire thing becomes useless and the purpose will not be served.

DR. CHANDAN MITRA: The conceding of a JPC has been extremely reluctant and at every step we are getting a feeling that the heart of certain parties is not in the JPC. At every stage, arguments are being given that a JPC will not really yield much. But the entire

system was violated; loopholes were found; and spectrum which is a scarce resource as admitted by everybody including the then Finance Minister and the present Finance Minister. Spectrum was sold cheap and re-sold within days at a huge profit. In spite of the full knowledge of the Prime Minister, the Law Minister and the Telecom Minister, it has happened and no attempt was made to bring the culprits to book. We need a JPC, of course, not only to unearth and pin the blame on people who played around with our scarce resources and who allowed this kind of huge scam to take place under their very noses. We also need a JPC to ensure that this does not happen again. We have to roll back this culture of corruption and you can start from here. I know that culture of corruption will not end in one day. But, at least, there has to be a beginning and that beginning can be made by the JPC. Therefore, I appeal to the Government and the Treasury Benches not to destroy the JPC. Get to the bottom of it, build the firewalls so that we can together as a nation stand up and stop this kind of loot happening ever again.

DR. ABHISHEK MANU SINGHVI: I propose to deal briefly with three issues. This is a debate about the forum which will debate in future the merits of the case. This is not a debate about 2G. The second thing which should concern us in this debate is that despite us rightly thinking that a JPC is not necessary, we showed the greatest flexibility. We were interested in parliamentary democracy and it is that which ultimately led to this motion being moved today. The third aspect which I wish to draw your kind attention is that our earlier stand, our current stand and where we are going in the future have great lessons for the parliamentary democracy.

This JPC demand was made a few months ago in the midst of very unusual circumstances where a lot of actions had already started. Multiple actions in multiple fora were under way. The policy aspect is covered by two fora. The PAC would be able to analyse every paragraph of the C & AG Report. There is also, of course, the Parliament itself which can look into it. There was a genuine feeling that, sometimes, your demands were more for political reasons. The JPC in the earlier four Avatars, has not had that great record of actual implementation of decisions. As the opposition, you opposed

everything. But did you propose anything? You proposed nothing. It was we who proposed a special Session of Parliament and a multi-disciplinary investigative agency to be attached to the PAC and other things. At every stage, we shown great sensitivity and flexibility down to moving this Motion.

That is why emergency powers in the Constitution contain and consist provisions for extension of Parliament. But you cannot and should not stop the functioning of Parliament. Do you have any right to obstruct the Parliament completely for any reasons? If it is accepted to in principle, it can be repeated in future for some or other reasons. It is very dangerous for a parliamentary democracy.

SHRI KUMAR DEEPAK DAS: It is a welcome step. The Government failed to take the decision in time. The CAG works for a broader effort to improve transparency and accountability in the work of the Government. The Report on the 2G Spectrum allocation scam has put the Government in a tight spot.

The presumptive loss caused to the exchequer through spectrum allocation to 122 licences and 35 dual technology licences in 2007-08 have appeared in the CAG report intensively and the entire process lacked transparency.

The Hon'ble Minister replying to the discussion, said: Indeed, one of the things that was said was that there was no defaults in licences that were held in the metro circles. People were making profits out of licences that were held in the metro circles.

When that was said and that is reflected in the reports, then why was it necessary to allow them to go to the revenue sharing regime? The net loss to the revenue under that and only through the metro circles is Rs.1.5 lakh crores. He has excluded in the recommendation the 800, 900 and 1800 bands. The reason why it is excluded is set out in paragraph 2.78, because they said that there is not going to be a level playing field in the event auctions take place. Any differential treatment to a new entrant vis-a-vis incumbents in the wireless sector will go against the principle of playing filed. This is specific and restricted to 2G bands only. I am just pointing out that the

licences that were given free; because TRAI now says that the price of those licence way back in 2001. That was the very licence which was given free. These are very complex issues. Both the personal and the policy issues will be gone into when the JPC meets. Personal means personal to the situation prevailing at that point in time when that Minister took the decision. The Prime Minister in a statement has clarified the second point.

The Finance Minister talks about spectrum which is not bundled with the license. "All spectrum beyond 4.4 MHz should be put up for auction." The other issue was in the context of what the JPC should do. This is something that the JPC will decide. The value of the license is much more, and, since the value is much more, the revenue has been lost. If you get a mining license on first-come, first-served, then, what happens? You induct a player because you don't have the capital to invest. I had the impression that perhaps some of our concepts were not so clear so I was attempting to clarify those concepts.

I do not think we should talk of crony capitalism. I think the best place to start dealing with corruption for political parties is in their own home States where they know that there is corruption. I am very happy that all the Members have unanimously agreed, that this Motion is supported. I do pray that the kind of partisanship that was seen in this House is not be seen in the JPC and the recommendations that will come will help the future generations to determine as to what course of action should be followed.

The motion was adopted.

V. K. AGNIHOTRI,
Secretary-General.

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**ERRATA TO SYNOPSIS OF DEBATE, DATED
25th FEBRUARY, 2011**

- Page 79 Line 3, read the name of Member as '**SHRI SHANTARAM LAXMAN NAIK**'.
- Page 84 Line 5 from the bottom, read the name of Member as '**SHRI SHANTARAM LAXMAN NAIK**'.