

MR. DEPUTY CHAIRMAN: Now that the Minister has agreed, we shall fix up some time for discussion. Now, let us go to the next item. The Budget of Assam will be presented after it is presented in the Lok Sabha and, I think, the House may have to sit for a few minutes after 5 o'clock. So, I would request the hon. Members to sit a bit longer so that the Budget of Assam can be laid on the Table before the House adjourns this evening. Now, we go to the next item.

[The Vice-chairman (Shri Arvind Ganesh Kulkarni) in the Chair].

THE PENSIONS (AMENDMENT) BILL 1981

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): Sir, I beg to move for leave to introduce a Bill further to amend the Pensions' Act, 1871.

The question was put and the motion was adopted.

SHRI P. VENKATASUBBAIAH: Sir, I introduce the Bill.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Now, we go to the next item.

श्री शिव चन्द्र झा (बिहार) : श्रीमान्, मेरा प्वाइंट ऑफ आर्डर सुन लीजिए। मैं चाहता था कि इंट्रोडक्शन स्टेज पर बोलूँ। इसके लिए नोटिस दी गई है या नहीं?

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): You please listen to me first and then I will hear what you want to say. I am moving to the next item. (Interruption) What is your point of order? Is it on the previous motion or the present one?

श्री शिव चन्द्र झा : मेरा प्वाइंट ऑफ आर्डर है कि जब आप लिस्ट पर आते हैं तो इंट्रोडक्शन के मुताबिक ही मैं कह रहा हूँ कि कानूनी आप के पास है या नहीं?

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Mr. Jha, the Chair is supposed to have every paper and you need not question the Chair. The Chair has every paper before it. You raise your point of order.

श्री शिव चन्द्र झा : उसमें इंट्रोडक्शन स्टेज पर कहने के लिए मैंने नोटिस भी दिया। आपने उसे देखा भी नहीं, आप वाईपाम कर गये। जब हम हल्ला करते हैं तब आप देखते हैं। कोई नियम के मुताबिक चलाने नहीं हैं।... (व्यवधान)

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): I am sorry but I cannot help it. There is a notice from Mr. Jha on the introduction of the Pensions's (Amendment) Bill. But as you know, Mr. Jha, the procedure is already over.

श्री शिव चन्द्र झा : किसकी गलती है?

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): I cannot say. I have now been shown. I cannot help it. But, if you want to speak, I am prepared to hear. But you please **speak** when the Bill comes before the House. Now I will go to the next item.

THE OIL AND NATURAL GAS COMMISSION (AMENDMENT) BILL, 1981

THE MINISTER OF PETROLEUM CHEMICALS AND FERTILIZERS (SHRI P. C. SETHI): Sir, I beg to move:

"That the Bill further to amend the Oil and Natural Gas Commission

Act, 1959, as passed by the Lok Sabha, be taken into consideration."

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Mr. Minister, would you like to make any statement on this Bill?

SHRI P. C. SETHI: Sir, at this stage I would not like to take the time of the House by reading anything. I would rather like to reply to the points which would be raised by hon. Members.

The question was *proposed*.

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): Mr. Vice-Chairman, Sir, while moving the Bill for consideration the hon. Minister has said that has nothing to say on this Bill. Sir, there is a radical departure in this Bill from the normal procedure of appointment of persons in public authority and corporations. Sir by this Bill it is sought to amend the provisions of section 5 of the Oil and Natural Gas Commission Act, 1959. Sub-section (1) of section 5 provides that the term of office and conditions of service of the Chairman and other Members shall be such as maybe prescribed: Provided that the Central Government may if it thinks fit terminate the appointment of any Member before the expiry of the term of his office after giving him reasonable opportunity of showing cause against the same. Sir, in this section it has been provided that the term of the Chairman and Members has been assured as prescribed by the Rules—whatever it may be, three years or five years—and that they will not be removed from office unless reasonable opportunity of showing cause has been given. Now this new provision has been made. No reasons are given in the Statement, of Objects and Reasons why the amendment is necessary to terminate the appointment of a whole-time Member who is not a servant, after giving him notice for a period of

three months or an amount payable equivalent to salary— Sir, this simple termination, termination simpliciter, which has now been provided in section 5(1) is an entirely different thing than what was provided in section 5 of the 1959 Act. There it is said "that if any member commits misconduct or some reason is there then the removal is possible or termination is possible. Now, with this blanket power with the Government it will be difficult for the members of the Commission as also the chairman to work with any sense of security of the job and also security in whatever he is doing in the interests of the country. The very principle of autonomous corporations, as also in the case of this Oil and Natural Gas Commission, is that they should be managed by professional people who are experts in the field and there should be least interference by the Government. Therefore, Sir, I do not think that this is a happy provision which the Government has brought forward in this Bill of 1981. And, this cannot be a substitute for section 5(1) of the 1959 Act because section 5(1) of the 1959 Act provided for a different contingency, namely, for giving a show cause notice. This is not an additional power taken by the Government but is in substitution of that. There is no reason why this provision which was really a good provision has been omitted and it is substituted by this new section. Sir, in the provisions under the aims and objects it is only stated that the business of oil has international repercussions and deals with matters which are very vital to the interests of the country. And, therefore, if a notice is given and it is stated that it will have international repercussions, I do not agree with this theory that if any officer or member of the Commission has committed a fraud or an act of dishonesty and if he is given a notice, it will have international repercussions. International repercussions can also be there just like in Air India where officers were

packed without notice, terminated without payment, without compensation. Anyhow, international repercussions will be similar. Therefore the reason of international reaction is stretched too far. With such an amendment, the Government has empowered itself with blanket powers of termination which will not be conducive to the growth of public corporation and the institutions like the Oil and Natural Gas Commission.

The other amendment made in this Act is about the age limit for which prior permission is to be taken. It is a good provision. Amendment to section 32 (2A) under which retrospective effect is to be given, is a very important amendment and it was very necessary so that the workers and the employees get retrospective effect in their scales of pay and this has removed a lacuna in the Act itself.

On this occasion, I would also like to say about the working of this Commission. This is an important institution and the development of the country is mainly depending on it. It has also got a very large impact on the industrial development of the country. Though this has been working for the last 25 years, there are many areas in which—though the oil is produced—there are no petrochemical complexes.

One such area is Assam from where there are many complaints that petrochemical complexes are not being set up. Coming from Maharashtra, I can say that though the Bombay-High gas is coming up, there are demands from various areas for having a fertiliser plant. As I understood from what the Minister had said at that time was that according to their scheme, there are only six places all over the country which have been approved for use of Bombay-High gas for the fertiliser and chemical complexes. There is a demand from Vidarbha area that there should be one petrochemical complex and Malikapur has been suggested as a site for the same. I would like the

Minister to consider it seriously give one fertiliser complex for the interior area of Maharashtra. The gas is to be used all over the country and at different places and areas, but there are hinterlands of Maharashtra which will not get any benefit. It is a very serious matter which the Minister should consider.

Sir, in reply to Starred Question No. 13 yesterday about the wastage of natural gas in Assam, the reply given was: "About 3.5 lakh Standard Cubic Metres of gas per day is being presently flared mainly on account of (i) want of consumers; (ii) failure of the bulk consumers..." etc. That shows how much gas is being wasted in Assam. This is a serious matter that it is not being properly utilised. I would like to know whether in case of Bombay gas, any quantity is being flared and not being utilised. What is the policy of the Government about conservation of the gas which is very essential for the development of our country?

The Minister should also have taken advantage of the occasion to amend many other provisions of the Act of 1959 which is now an old legislation, by remodelling it completely in order to make it more effective instrument for development of oil and natural fields in our country. Thank you.

श्री रामानन्द यादव (बिहार) : उप-समाध्यक्षजी, मैं इस बिल का समर्थन करता हूँ। भारत सरकार के सामने एक बहुत बड़ा पेट्रोलियम पैदा करने का प्रोग्राम है। उस प्रोग्राम को कैरी करने के लिए, सफलतापूर्वक उस योजना को हासिल करने के लिए, उसमें सफलता प्राप्त करने के लिए सरकार को कुछ कदम उठाने पड़ते हैं।

अभी यह जो बिल आया है, यह ऐसे लोगों के संबंध में है जो सरकार के नाकाम नहीं हैं, जो अच्छी जगह पर रहते हैं, और सरकार की इच्छा के अनुसार नामिनेट होते हैं। उनकी अवधि तय रहती है, या बीच में भी

[श्री रामानन्द बाबू]

यह अधिकार रहता है कि सरकार उनको चाहे रखे, या न रखे। मैं चाहता हूँ कि अगर ऐसे लोग सरकार के इस विशाल प्रोग्राम में देश को तेल के मामले में आत्मनिर्भर बनने में बाधक होते हैं और उस कमीशन में अच्छी जगह बैठे हुए हैं और सरकार की जो पालिसी है और प्रोग्राम है, उसको कंट्रोल करने में बाधा पहुंचाते हैं, तो सरकार को यह कहना चाहिए कि मैं, व्यक्तियों को राष्ट्र के हित में उस जगह से हटा दे और इसी नीति में यह बिल आया है।

यह बिल इस नीति से नहीं आया है कि उन लोगों को जो गवर्नमेंट सर्वेन्ट्स हैं, जिनका टर्मिनल फिक्स है, उनके लिए नहीं है। यह तो साजो मो बात है कि व्यक्तियों को जो मेम्बर हैं कापोरेशन के और जिन्हें सरकार ने नामिनेट किया है, वह किसी सविम कमीशन या किसी और तरीके से सरकार की नीकरियों में नहीं है। वे तो सरकार की मर्जी पर हैं। अगर यह अधिकार ले लिया है, तो बड़ा हो अच्छा किया है।

अब नोटिस देने की बात रही। मैं तो चाहूंगा कि नोटिस देने की प्रथा नहीं होनी चाहिए क्योंकि हम लोग देख रहे हैं कि यह सरकारी मुलाजिम नोटिस देने पर तुरन्त सुप्रीम कोर्ट या हाई कोर्ट में चले जाएंगे और स्टे मिलना तो उनके बाएं हाथ का खेल है क्योंकि वे देश के बड़े-बड़े जो बकूल है उनके पास पैसे हैं, साधन हैं, उनको एनोज करके स्टे ले लेंगे और फिर उस गद्दी पर बने रहेंगे और वे चाहेंगे कि सरकार को जो पालिसी है, उस पालिसी में बाधा पहुंचावें। तो इसलिए मैं इस बिल का समर्थन करता हूँ।

हमारे देश में भी बहुत अच्छा टेनेंट है और वह टेनेंट गुरु-गुरु में हिन्दुस्तान के लोगों ने दो बाम्बे हाई को एक्सप्लोर किया, जगह-जगह इंट्रोलियम जहां जहां मिलता

रहा, उसकी छानबीन की, जुधाकोजिकल सर्वे किया और फिर उसके निकालने में भी दक्षता प्राप्त की। बाम्बे हाई में काम करने वाले लोग बड़े ही दक्ष हो गये हैं। उनके पास तकनीकल नो-हाउ है। ऐसी हालत में हमारे लोकल टेनेंट को भी यह श्रेय मिलना चाहिए कि वे अपनी दक्षता दुनिया के सामने रखें। उस काम करने में हर तरह की सुविधा मिलनी चाहिए, यह मेरा सरकार से निवेदन है।

आज यह बात सही है कि पेट्रोलियम प्राइवेट्स की बहुत बड़ी कमी है। आज बाहर से करीबन 16 मिलियन टन्स हर साल हमको पेट्रोल मंगवाना पड़ता है। हमारा फारेन एक्सचेंज खत्म हो रहा है विदेश से तेल मंगवाने में और धागे भी सम्भव है कि तेल मंगवाने में और हमारा फारेन एक्सचेंज खर्च हो। तो उसको हमें रोकने के लिए कुछ करना ही होगा और वह तर्ज हो सकता है जब देश में हम धड़ले में प्रोग्राम बनायें, अधिक में अधिक तेल निकालें। यह बात भी सही है कि हमारे पास पश्चिमी देशों के मुकाबले उतनी तरह के विकसित साधन, ड्रिलिंग या कपया नहीं है जिन्हें हम खर्च करके जल्द से जल्द यह इपूज अमाउंट जो हमारी फारेन एक्सचेंज का खर्च होता है पेट्रोलियम प्राइवेट्स को मंगवाने में, उसको रोक सकें।

इसलिए जरूरी होता है कि हम बाहर के देशों के साथ भी कोलेबोरेशन करें। लेकिन, हां अगर कोलेबोरेशन हम बाहर के देशों की कम्पनी से करते हैं, तो वह हमारी टर्म्स पर होना चाहिए न कि उनके टर्म्स पर। इंग्लैंड जैसे देश को, रूस जैसे देश को भी और दुनिया के जो दूसरे उन्नत देश हैं उन्हें भी फारेन कम्पनी के साथ कोलेबोरेशन करना पड़ा। यह कोई बड़ी अजीब बात नहीं है। यह सही है, अगर हमारे पास कपया नहीं है, हमारे पास साधन नहीं हैं, हमारे पास नो-हाउ नहीं है, उस हालत में हम फारेन कोलेबोरेशन कर सकते हैं। लेकिन टर्म्स आफ अग्रीमेंट ऐसा

होना चाहिए जो हमारे टर्म पर हो न कि उनके टर्म पर हो। अगर सरकार फारेन कंपनी से कोलेबोरेशन करना चाहती है तेल को निकालने के लिए तो उसे दो काम करने चाहिए। एक तो यह करना चाहिए कि जो भारतीय टेलेंट है, जिनके पास नौ हाऊ है, जो हमारी अपनी कंपनी है, उसको एक निश्चित एरिया सुपुर्द कर देना चाहिए कि तुम अपने टेलेंट को उस एरिया में अधिक से अधिक लगा कर विकसित करो और अधिक से अधिक तेल पैदा करो। फारेन कंपनी वालों में हमारे साथ जो कोलेबोरेट करेंगे उसके लिए हम एक अलग एरिया निश्चित कर दें। साथ ही, इस बात का भी सरकार को ध्यान रखना चाहिए कि किसी भी सूरत में पेट्रोलियम प्रोडक्ट जो पैदा होता है इस देश में, वह बाहर की कंपनी के साथ तैयार न करे। इस बात का ध्यान करना चाहिए कि

Sharing of the product with the foreign collaborators should not be a condition for collaboration with them.

इसलिए मैं चाहूंगा कि सरकार को इस बात पर भी विचार करना चाहिए। यह भी सोचा जा सकता है कि उस पेट्रोल का जो गैरसरकार दे उसको फिर खरोद ले। लेकिन जब सरकार उस पेट्रोल का गैर देगी, उस गैर को फारेन कोलेबोरेटर को देगी अगर वह इंटरनेशनल मार्केट में जो प्रिविलेज प्राइस होगा उस पर खरोदेगी तो वह महंगा पड़ेगा। यह तो ठीक है कि वह प्रोडक्शन हिंदुस्तान में रह जाएगा लेकिन यह जो 450 टन क्यूड होगा, वह इंटरनेशनल मार्केट में अधिक रुपए पर मिल सकता है, अगर हम आई बिक करेंगे तो हमें अधिक पैसा देना पड़ेगा। इस बात को भी एवाइड करना पड़ेगा।

उत्समाध्यक्ष जी, बड़ी मेहनत के साथ बम्बई हाई में मजूर काम कर रहे हैं और ये मजदूर बड़ी कठिनाई में हैं। मुझे वहां जाकर देखने का मौका मिला था। मैंने देखा, किस कठिनाई से साथ वहां लोग रहते हैं, काम करते

हैं। उनके स्वास्थ्य और सेहत को कितनी अति पहुंचती है लेकिन देश के लिए यूपफुल काम करते हैं। तो वह कंपनी में काम करने वाले लोगों की भागीदारी की समस्या है, उनके स्वास्थ्य की समस्या है, उनके बच्चों के स्कूल की समस्या है। इस पर भी सरकार का ध्यान देना चाहिए।

यह बड़ा ही अच्छा कदम सरकार ने उठाया है कि देश में तेल का अधिक से अधिक उत्पादन करें। मैं चाहूंगा कि जो मजदूर हैं जो 10 एम० जी० सी० के अन्दर काम करते हैं उनको अधिक से अधिक सुविधाएं दी जाएं। जब मजदूर कांटेक्ट रहेगा और उसकी समस्याएं हल होती रहेंगी तो और दुर्गती मेहनत से काम करेगा और तेल का पैदावार को बढ़ाएगा।

इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI GHANSHYAMBHAI OZA (Gujarat): Sir, we are dealing with the Amendment Bill of an Act which pertains to a very important organisation in the present context of our economy. All of us know very well what amount of foreign exchange we have to pay for the import of petroleum and its products. We also know that the cost of imported oil and its products in view of the likely oil shortage of oil in the global context is going high. We also know that the low level of known domestic oil reserves also is depleting very fast. The hon. Minister will bear me out when I say that out of the present known reserves of oil, we have reserves hardly sufficient for ten years. If I mistake not, we have got 366 million tonnes of crude as fuel reserves. In view of this it is highly necessary that we should speed up exploration of our oil resources in every way, whether it is off-shore or on-shore. And I am happy to note that in the Sixth Plan a very good provision has been made for such exploration. If I mistake not, it is

[Shri Ghanshyambhai Oza]

2.873 crores of rupees for the exploration of oil and natural gas.

Sir, the other day I was hearing my friend, Mr. Sethi, on TV. I was very happy to note that not only is he conscious of the huge responsibility that is devolved upon him irrespective of the checks on our economy but also that he has some imagination about solving the problem. Many years back when we were discussing the problem of oil exploration, I had annoyed my old friend, Mr. K. D. Malaviya, by telling him that too much deviation to the left amounts to right reaction. He did not want any participation of foreign experts in the exploration of oil and natural gas. He wanted to rely upon our own resources. I would have been very happy if our own resources whether in men or material could have given us the necessary oil and gas that we need for our economy. But now I am very happy to note that my friend has entered into some agreements with foreign companies to explore whatever resources we have got, whether off-shore or on-shore.

These amendments which are brought before us are, to my mind, innocent and non-objectionable. My hon. friend here, who is a trade unionist, has naturally taken objection when a man has to be suspended and when the services of a Government employee are to be terminated by giving him three months' notice. Natural justice, of course, demands that before a man is sacked he must be given an opportunity of knowing the charge against him for which his services were being terminated. But if you look at the Act, you will find that this is only a reciprocal arrangement. Under the Act, a Government employee can terminate his own services, that is, he can leave the organisation, after giving three months' notice. He is at liberty to give three months' notice to the ONGC and leave the job, but the ONGC cannot reciprocate. So I think

it is a reciprocal thing. To that extent this is not objectionable. And, as I said, the work of exploration is such that I want to give him all facility to see that he has got the right person on the right job. We know that they are very strategic and very delicate points where we want efficient people, industrious people, people with dedication and, therefore* I would not grudge whatever powers he wants for the full exploration of our natural gas and oil.

Sir, while we are on this subject, I cannot restrain myself from making certain observations about payment of royalties to Gujarat and Assam from which States the ONGC is having both oil and gas. We know that under the Constitution mines, minerals, gas and all these things belong to the State. Here they are the property of the respective State Governments of Gujarat and Assam, but under the Constitution the Centre is given the power for the regulation and development and promotion of petroleum and its products, but the property still remains that of the State Governments. Now you have got an Act of Parliament, This 4 P.M. is the Constitution. Now, under the Act of Parliament, under the ONGC Act, they have acquired the right to regulate and develop all these things. Very well; we do not grudge that, because they are capable persons, and under the Constitution they are authorised to do it. But they have assumed the power of fixing royalty under an Act of Parliament. So far as our legitimate* dues are concerned, we are the plaintiffs who are entitled to certain remedies, and the Government of India is the defendant and it is also the judge. Under the Constitution we are the proprietors of all these things, and we are entitled to the royalty. But the royalty is fixed by whom? By the defendant. They are the judges. And the defendants, sitting as judges, have to pass a decree against themselves. What is the position today? They are

grudging the legitimate royalties to these States, In Gujarat we are smarting under a sense of injustice being rendered to us. When we are entitled to crores of rupees, we are grudgingly given a small pittance. I know that you have recently raised the royalty to Rs. 61/- or so. But that also you did before the price hike in crude and all these things. Is it not unfair? "Under the Act," you say. Yes, under the Act; but under the Act which is passed by this Parliament, - not by the State Assemblies. Under the Act passed by this Parliament you have assumed powers for regulation. And now as the defendant you also fix the royalty, and then you say, for four years you are not bound to revise it. It is a unilateral decision which is not fair, which is not just, which is not legal. I would advise the Government of Gujarat to go to a court of law with writ petition or with a suit and sue the Government of India/ONGC for obtaining adequate and proper royalties, because the people of Gujarat are smarting under a sense of injustice being rendered to them that they are given a very small pittance in lieu of a very big amount that they are entitled to. If the price of the oil which is being imported is to be linked with the royalty that is being given to us, my friend will immediately concede that we are entitled to a much higher amount than what has been given. On the one hand they deprive us of the sales tax. We cannot take the sales from them. So, that 4 per cent goes. And then they are giving us a small royalty fixed by them. What is the subterfuge that they are practising? Excuse me for these harsh words. It is a subterfuge that they are to give the award. Who is to give the award? The defendant has to give the award. Under the Constitution they cannot unilaterally fix the royalty. The Gujarat Government is willy-nilly drawn into that thing. Both the Central Government and the Gujarat Government are parties and there is an award which is to be given by the defendant. And under this award we are given much less than what we are

entitled to. You said on that day on the TV that for four years you are not bound to consider it again, that at present there is no proposal before you. After the price hike you fix the royalty first at a very low level, and then you raise the prices of crude and petroleum products, and we are deprived of the legitimate royalty that we are entitled to get.

I would request my honourable friend to look into all these things in fairness for justice, and looking to the provisions of the Constitution; otherwise, I would strongly advise the Government of Gujarat to sue in a proper court of law the Government of India/ONGC, because the defendant cannot sit as a judge and throw away a small pittance as a decree against himself.

Thank you very much.

श्री सुन्दर सिंह भंडारी (उत्तर प्रदेश):

उपसमाध्यक्ष जी, इस बिल की मूल भावना से तो विरोध नहीं हो सकता, लेकिन उस बात की सावधानी इस अवसर पर मैं जरूर सरकार को कर देना चाहूंगा कि जिन सदस्यों की सेवाएँ लेने का हम फैसला करते हैं, आखिर वह हम अपनी इच्छा से नहीं थोपे गये, हम उनकी नियुक्ति करते हैं, हम उनको उस बोर्ड में रखते हैं, उन की उपादेयता को समझ कर तो यह एक साधारण कॉन्ट्रैक्टुअल इंप्लायमेंट नहीं है। वह हमें अपनी सेवाओं का उपयोग न देना चाहे इन का उन को अधिकार है एक निश्चित नोटिस देने के बाद। इस बिल में यह अधिकार लिया जा रहा है कि हम भी उसी प्रकार का नोटिस देकर उन को निकाल सकते हैं। या नहीं। इसलिये मैं ने कहा कि अगर बराबरी का दावा देखना है तो इस में कोई आपत्ति नहीं की जा सकती।

सवाल यह है कि अगर केवल बराबरी रहे तो इस प्रकार का व्यक्ति जिन की राय का अनुभव का हमारे लिये उपयोग हो

[श्री सुन्दर सिंह मंडारी]

सकता है क्या वह सेवाएँ देने के लिये तैयार होंगे। डिफरेंस आफ ओपीनियन कई बातों पर खड़ा हो सकता है। इस क्षेत्र में विकास करने के लिये अभी बहुत अवसर है। अनेक बार इस बात का विवाद चलता है कि विदेशी कोलेबोरेशन टेक्नालाजी का इंपोर्ट या उन्हीं के जरिये एक्सप्लोरेशन का काम हम कराये या न कराये कई बार यह शिवायत आती है कि यह फैसला पोलिटिकल लेबल पर हो जाता है और टेक्नीशियस को, जब फैसला हो जाता है पोलिटिकल लेबल पर तो उसको भार्यान्वित करने की जिम्मेदारी मात्र उन वैज्ञानिकों पर रहती है।

अभी थोड़ी देर पहले ऐपल के बारे में चर्चा हो रही थी। हम सब लोग इस बात का गर्व अनुभव करते हैं कि हमारे वैज्ञानिकों ने इतनी बड़ी एचीवमेंट कर ली, अर्थात् उनके अन्दर क्षमताये हैं। आज उनको यह शिवायत है कि कई क्षेत्रों में जहाँ वह अपनी क्षमताओं का अच्छा उपयोग कर सकते हैं वैज्ञानिक एंडवॉसमेंट जितना उनके द्वारा हो सकता है उसका यूटिलाइजेशन कर सकते हैं। वहाँ पर मल्टीनेशनल्स के साथ कोलेबोरेशन के आधार पर या टेक्नालाजिकल इंपोर्ट के आधार पर उनको केवल दूसरे नम्बर पर रखकर काम लिया जाता है।

मैं समझता हूँ कि यहाँ अगर सदस्यों के सवाल पर भी यह विवाद खड़ा हो गया कि सरकारी लेबल पर फैसला होकर इन सदस्यों के उन पर आपत्ति की तो यह उस अधिकारी को विवक नोटिस मिलने के बराबर बात होगी। उसने कहा जायेगा कि तुम सरकारी फैसले में दखल देते हो? भारत के वैज्ञानिकों के इंटरैस्ट में ओ एन जी सी के इंटरैस्ट में, सरकार को छूट है कि किसी अधिकारी को छूट्टी करने की। हम जिनकी सेवाएँ लेने में गर्व

अनुभव करते हैं उनकी जुबान बन्द करना चाहते हैं जहाँ सही राय ली जाती है उस राय के नाते सरकार के ऊपर देश के हितों के संरक्षण का भार है। कितनी सरकार की जिम्मेदारी है उसी देश के प्रत्येक स्वाभिमानी नागरिक की जिम्मेदारी है जिनकी सेवाएँ हम इस कार्य में लेना चाहते हैं। इसीलिये मैं कहता हूँ कि तीन महीने की नोटिस के बाद भी उसको एक्सप्लोरेशन देने का हक हो और सरकार के अतिरिक्त कोई ऐजेंसी इस बात की जांच करे कि क्या उसको हटाना जरूरी था। सीधा सा आबिटरी अथॉरिटी हो गई तो मुझे इस बात का अंदेश है कि जिनकी सेवाएँ उच्च से उच्च पदों पर भी हम लेना चाहते हैं वह हमें उपलब्ध नहीं होंगे और उसी संदर्भ में मैं चाहूँगा कि एक्सप्लोरेशन के मामले में भी अन्य देशों के साथ जो बातचीत चल रही है, हिन्दुस्तान के जो एक्सपर्ट्स हैं, जो टेक्नालाजीस्ट हैं हर लेबल पर उनका भी इसमें साथ रखा जाये और इस बात की कोशिश की जाये जैसे मंत्री जी ने अपने वक्तव्य में कहा है मैं विदेशी सहयोग का विरोधी नहीं हूँ। लेकिन मैं अपने देश प्रतिभा की नीमत पर विदेशी सहयोग का ज़रूर विरोध करूँगा। इन दोनों का तालमेल तो जो व्यक्ति इस समय सत्ता पर बैठा है उसको ही करना पड़ेगा। लेकिन इन बातों के बारे में कम से कम उंगली उठाई जा सके और उस वसीशन में भी काम करने के लिये जो लोग आये उनका तीन महीने का नोटिस देकर निकालने का प्रश्न न आये, इस बात का आश्वासन जरूर चाहूँगा।

SHRI P. RAMAMURTI (Tamil Nadu): Mr. Vice-Chairman, Sir, Mr. Dhabe has raised certain objections. But, as far as the Statement of objects and Reasons is concerned, I would like to read out and point out certain things. But, unfortunately, he is not

here. I would like to point out that *the* objects mentioned therein are certainly good. The Statement of Objects and Reasons says: "The Central Government can terminate the appointment of any member before the expiry of his term of office only after giving him a reasonable opportunity of showing cause against the same." Then it says "The business of oil has international repercussions and deals with matters which are very vital to the interests of the country." It is very correct. I would like to add that it includes the security of the country also and I would like to emphasise that. It goes on to say: "The working of the Commission has shown that it may be necessary in public interest to terminate the appointment of a member without giving show-cause notice." It says that it may be necessary, in public interest, in the interest of the security of the country, in the interest of the economic development of the country, to terminate the appointment of people who may have got links with foreign powers, with the foreign multinationals, who have no interest in our development and, in these cases, the reasons cannot be divulged. It may not be possible for you to prove in a court of law also and it may be necessary to terminate their services in such cases. I have no objection to this object mentioned in the Statement of Objects and Reasons. But the way in which the entire structure of the highest bodies taking decisions with regard to these things is now constituted, I am afraid, these objectives will not be achieved at all. On the other hand, the opposite of these objectives will be achieved. Why am I saying so? For example, the highest body, so far as the ONGC is concerned, is the Board of Directors. Now, in the Board of Directors, among the members, among the permanent members, there is not a single person who knows anything about oil technology. There is not even one person who knows anything about oil technology. The Chairman is a Finance man and the other people are people who had been

connected with the Railways or with some other engineering industry and things like that. So, you pitchfork people according to your choice from different disciplines and put them in a very key and sensitive field and you expect that they would be able to take proper decisions. What kind of decisions they have been taking that also I know. And, for the Chairmanship which is going to be vacant soon, you have selected a person one Mr. Wahi, who has nothing to do with oil technology. He was previously in the BHEL and he was the Chairman of Cement Corporation. He may be a good engineer. In the BHEL he became the Executive Director. He was first there as General Manager and then he became an Executive Director in the Hardwar unit and later on, he became the Chairman of the Cement Corporation and from there he is being made an Officer on Special Duty. What is he going to do? What does he know about oil technology? He knows nothing whatsoever and, according to the Press reports, he is now an under study of Mr. Venugopal who is just now the Chairman and he is being trained and has been made a special officer there with the object of making him take the place of Mr. Venugopal when he retires in the month of October. So, if you are going to have people who have nothing to do with oil technology, then how do you expect the people who are there down below, our technologists, our engineers, who have developed this industry from the scratch, to give their utmost? How do you expect them to give their utmost? Will there not be frustration? Will they not feel frustrated? What can they do now? Will you be able to get the advice of these talented people in this field? And what about your own Ministry? Your own Ministry previously consisted of—the Secretary of this particular Department was an IAS officer—IAS officers. And, as I have said several times, the "IAS is the Indian Avatar Service" and the IAS man take any avatar.

[Shri P. Ramamurti]

But whom are you now putting? You have now put Mr. Kumar who was a Public Relations Officer in the Burmah-Shell. I do not know how he was recruited from a multi-national company. What does he know of oil technology? He was a Public Relations Officer of Burmah-Shell. You have put him as Secretary. Therefore, it is a wonderful structure. In the ONGC there is not a single member, permanent member, knowing oil technology. You Secretary is either an IAS officer, or somebody who has been brought from a multi-national company like the Burmah-Shell which is not interested in our exploiting our oil resources. This is the kind of structure. What is happening now? The Government of India has now got two ships or three ships for exploration purposes. One American company Atwood has been given the task of digging deep. And then they have also been given the management of two ships which we own. Till last year they were given the management also of another ship which were owned by a sister concern, Indian Oil Company. So one particular company today is now operating in this regard. The Government of India took a wise decision to acquire three more ships. One ship the Government of India acquired at a cost of fifty-five lakhs of dollars, or I do not know what it is, from West Germany. I am not quarrelling that because it was on the basis of tenders. But, then the Ministry people concerned—I do not know if you know this; that is why I am bringing all these facts to your notice—have now brought forward a proposal that instead of purchasing the two other ships we hire two ships. One ship is lying in Singapore port. But the hiring charges for two years are much more than the total cost of purchasing that. This is a wonderful proposal put up by the Ministry. I do not know whether you know that. Our entire off-shore drilling is now going to be in the hands of a foreign company, and particularly

an American company. I would like to warn you about this. After Independence, we wanted to find out whether there is oil in this country or not. We invited people from the United States. We invited people from Britain. We invited the so-called experts from all over the world. All these Western experts came to the 'unanimous conclusion'¹ that there is no oil all in this country. This is there on record. After that we went to the Soviet Union.. And it is the Soviet Union which came and told us that there is oil in this country. The Soviet Union also gave facilities for training "Oil Engineers". No other country came and gave that training. And most of the people who are now working in the ONGC are people who have been trained as Oil Engineers in the Soviet Union. Now, one would have expected that during 19 years of the existence of the ONGC...

SHRI M. KALYANASUNDARAM (Tamil Nadu): Twenty-years. They celebrated their silver jubilee.

SHRI P. RAMAMURTI: All right, twenty-five years. During these years nobody has come forward with a proposal for putting up a training institute for training our young, bright boys in oil technology Have you got it today? If not, why is it that for all these years this has not been done? It is because they are not interested in that. They are interested in entering into deals with foreign multi-national companies. I know, Sir, that Bombay High was developed by our engineers. We certainly went in for French collaboration for certain small things. But the major work was done by our engineers. The platform was forged not by foreign countries but by our engineers In the Garden Reach Workshop. So, our technologists have shown their ability for off-shore drilling and the production is about 8 million tonnes per year. Suddenly, the Minister wants to improve these things. They agreed with him. But they did not want any

further extension of the collaboration with this French Company. The Minister came out with the statement that if they did not achieve that target, heads will roll. I am using the very words he used. He said: "Heads will roll." Why don't you give them a chance? Instead of doing that, they have extended that agreement. This French company will give you some advice. Have they given you the guarantee? On the other hand, When your Secretary was questioned by the Hindu correspondent after the signing of the agreement as to whether the French Company has guaranteed that this target will be reached, the answer was a categorical 'no'. Let us see what is the experience that they have. This French Company has no experience of drilling operations on a vast field like the Bombay High. The largest field that they have got in the world is in Indonesia which has got a capacity of 9 to 10 million tonnes. Beyond that, they have no expertise and today you have given them this opportunity. I dare say that it is a transfer for technology in the reverse direction. They will experiment here. They have not given you the guarantee that they will achieve the target. They will experiment here and whatever information they gather as a result of the experience here, as a result of the drilling operations here, they will use it for other purposes. This is called collaboration. This is called technical collaboration. In such a situation, what will our engineers do? No wonder that many of our drilling engineers are wanted by the multinational companies in the Arab countries. (*Time bell rings.*) I am perhaps the last speaker. Please allow me some time. Therefore, there is an exodus of people from this country. Many people are going to the Arab countries. Our people are wanted because of their talent and experience. They are being purchased at half the world rate because the money we are giving them is much less. They are patriotic and working on less salary. But today we are not pre-

pared to harness that patriotism. We prefer the multi-nationals. There are vested interests in your Ministry and there are vested interests in Oil and Natural Gas Commission. The Oil and Natural Gas Commission, as it is constituted today, has vested interests who are not interested in developing our oil technology. It is a very sensitive thing. We know the experience of American companies. Drilling in the ocean means that they get information not only about oil, but they also get information with regard to the entire seabed and whether there is any mountain somewhere. Then they pass on that information to their Government. We know that the American companies are serving the interest of their Government, and pass on the information with regard to the nature of the seabed and whether a sub-marine can go there or not. All this information is passed on to the United States. This is what is happening. Therefore, Sir, it is all an empty talk. We can go on talking that we are interested in developing our technology and all that. But our technicians are not allowed to work and we want collaboration for every thing. Then our people proved that this is possible. And all your saying that the foreign collaboration will be on our terms, we know what it will be, because those foreign companies are not interested in developing our country. The entire history of our country's oil exploration proves that. Till the Soviet Union came, they all said that no oil is there. And then they were prepared to put up a refinery only when Mr. Mossadeq, the Prime Minister of Iran, who was assassinated by a U.S. plot, nationalised the oil industry in Iran. It was at that time they said that they were prepared to put up a refinery in Bombay and other places. They put up the refinery. And what was the condition? They charged for the crude oil as if the crude oil was brought from the Mexican shores. That means, we had to pay the entire transportation charges of over 8,000 miles when the

[Shri P. Ramamurti] crude oil was brought from about 1,000 miles. And when the Government of India said that they would import the crude oil from the Soviet Union and give them those companies flatly refused to refine it. We know that history. They are not interested in that. Therefore, if you do not agree to their conditions of sharing the oil, they will explore, they will take all the sensitive information that is necessary and they will go there and say that no oil is found. And you will be where you were and then you have to start again. Therefore, depending particularly upon the United States with its record with regard to India, with its record with regard to Tarapur where it is today refusing to honour its commitments with all its record with regard to what it is doing to Pakistan and threatening us, with all these things, if you continue this kind of thing, you are placing the security of our country itself at their mercy. Therefore Sir, I would request the Minister to look into this question very deeply and see that the entire Commission is overhauled lock, stock and barrel. They should go into collaboration only with those people who are interested in the development of our industry, who know something about oil technology, who are well-versed in oil technology and who are prepared to help us on our terms. The United States will not help on our terms. On the other hand, they will dictate their terms and you will have to accept or give up, and they will say that there is no oil.

Therefore, Sir, while I support this Bill, I am afraid, it will not be able to achieve its objective unless you are prepared to overhaul immediately the entire structure of the decision-making body as far as oil technology is concerned. Thank you, Sir.

SHRI M. KALYANASUNDARAM: Mr. Vice-Chairman, Sir, this Act has been in force for more than 22 years now. After 22 years, the Minister has

come forward with an amendment relating to the appointment and removal from service of the Commission Members. Sir, while introducing this Bill, the Minister had nothing to say. Without a speech, he introduced it. I wonder, Sir if this amendment was so essential should he not take this House into confidence and tell us how many instances he came across where for want of this power he could not deal with the recalcitrant Members of the Commission. And if he told us any instances we can readily accept this amendment. But I am not able to accept this amendment the way in which my previous speaker, Comrade Ramamurti supported it—Sir, it violates the principles of natural justice. Even a criminal is given an opportunity to be heard. After all, what was given here is only a show cause notice. So they want to take away that right of defence of the Member when he is removed. Sir, let it remain as it is. I am not so vehement on that point.

Now, Sir, coming to the functioning of the ONGC, this ONGC itself will be a monument to the name of late Shri K. D. Malaviya and Indo-Soviet Cooperation. Without the promise of co-operation and without the help given by the Soviet Union in training our personnel it would have been very difficult for the ONGC to function even on this scale. Now, what is disquieting is that of late the Government is going back on the policies. When the ONGC was constituted, the objective was self-reliance. It was thought that it was an important source of energy that we should develop, our own oil, our own petroleum, our own petroleum complex that was the perspective before it. How far has this perspective been achieved? Now when we look at it from that point of view, I do not know whether the ONGC has completed a proper survey of the resources available in our country both on-shore and off-shore. They made some drilling in the Cauveri basin but the result is not known. They have left

it in the middle. I do not know what was the hindrance faced by it. I am told the allocation of funds is not adequate to pursue further the Cauveri basin exploration. So, with regard to production of oil we are still at the stage of exploration. Therefore, however much we spend on this it will not be a waste because it is a valuable source of energy. One thing is clear that we must have our indigenous oil, we must get our own oil. Secondly, in using the oil whatever waste can be avoided should be avoided.

Earlier while discussing the Calling Attention Notice many Members referred to the use of oil. The railways are the biggest consumers of oil. I will not grudge that although the Minister will say that they are going in a big way for the electrification of the railways. I do not know at what distance of time that can be achieved. Even the production of electricity has its own problems. We are not so adequate or self-sufficient in the production of electrical energy which is needed by us. If the railways also make a demand, I do not know where we will be. Now, diesel will have to be saved. Even if we are able to achieve our target in the near future, it will be worthwhile to save as much of diesel as possible. Under road transport we are wasting a lot of diesel. *(Time-bell rings)*. For carriage of 15 tonnes of goods heavy vehicles are used for long distances. Coastal shipping is being neglected. The Minister of Shipping and Transport was just now here. There should be a co-ordinated policy in using oil. The road transport is wasting our diesel oil. If the coastal shipping is developed, then it will supplement the railway transport and it will result in saving the valuable diesel oil. So, such a national outlook must be there not only with regard to exploration and tapping the indigenous sources but also in properly using the product. Sir, I do not want take much time of the House with regard to this Bill. I want to seek only a clarification

from the Minister with regard to the necessity for such an amendment at this point of time.

SHRI AMARPROSAD CHAKRA-BORTY (West Bengal): Mr. Vice-Chairman, it is really unfortunate to see that in spite of the decisions of the highest judiciary and also of the different High Courts the Government has come out with an amendment to section 5, that is clause 2 of this Bill. Two points have already been covered by my friend, Mr. Dhabe, but there is another serious point which has escaped the notice of the Government. Firstly the opportunity which was provided for in the Act, has been taken away by clause (a) under which a notice is given instead of giving him an opportunity. Clause (b) says; "terminate the appointment of any part-time member who is not a servant of the government, after giving him notice for such period as may be prescribed" and under (c) they can terminate at any time the appointment of any member who is a servant of the Government. I do not know how the Ministry can overlook the provisions of Article 311 of the Constitution. It violates the provisions of Article 311. They can say that they are going to terminate the employment of a temporary or a casual worker but nowhere it is stated like this. Then, there are decisions that services of temporary or casual staff can be terminated unless there is a stigma given against the employee and then only his services can not be terminated by a notice only. But here if he is a permanent servant, his services can be terminated. Thus, Sir, it violates provisions of Article 311 of the Constitution. I do not know how it escapes the notice of the Ministry and the Department of Law and how can this statute override the provisions of the Constitution. So, *prima facie*, I would draw the attention of the Minister and the House to this fact. This Commission has been there for the past 2 years. Already, there is internal grouping, and there is lack of security;

[Shri Amarprosad Chakraborty] and that is why taking complete powers and they are giving the ONGC cannot proceed. Secondly, its work is retrospective effect. This is especially so in being controlled by persons who have no idea of regard to conditions of service of the oil technicalities. There is a good joke on family employees. By this amendment, they can planning that a seminar was organised and the president change the service conditions of the workers. A person who was selected had himself no control over. When this Bill is passed, it will be a birth and the person who inaugurated had no idea of retrograde step in the working of the ONGC. So, the ONGC is in the same position. The Without entering into the details, though we officers who are appointed have no idea of the oil have a memorandum from the ONGC union, techniques. India with all these vast natural which discloses a very dark picture, I would resources has not been able to develop as per the only draw the attention of the Ministry to look expectations of the people and the Government into the matter so that security of service is. What are the reasons? Firstly, there is no there, ONGC can go forward and our security among the workers; secondly, technicians will be able to get a chance. We incompetent and inexperienced persons are appointed who have no knowledge of the now being exploited by the multinationals; we technicalities. Then, Indian technicians who can do should be able to get out of their clutches and the job well, are not given the chance; there is no depend upon our own technicians and scope for them and they do not have the feeling of scientists who are very much efficient and security. If we remain complacent and depend only who are acclaimed by the whole world. This on the multinationals who do not want that India is my submission. should develop, who do not want any further resources to be exploited by us, as has happened during the last 22 years, we will not be able to proceed further. By these amendments, the position will be worse. So I want to know whether such amendments can be made because in my opinion it is a violation of the provisions of the Constitution. The only reason given by the hon. Minister in the Statement of Objects and Reasons of the Bill is that there are international repercussions. Would this justify Government's violation of article 311 of the Constitution? How can it be done? I am not able to appreciate this. After 22 years, they are coming forward with an amendment and this is an amendment which is in violation of the principles of natural justice and this is also in violation of all principles, norms, procedures and legal principles laid down by the higher judiciary in the country.

Then, they are going to formulate a regulation. Here also, they are

श्री हुकम देव नारायण यादव (बिहार):

उपसभाध्यक्ष महोदय, जहाँ तक इस विधेयक का सवाल है, मैं इस विधेयक के संशोधन को जब देखता हूँ तो मुझे यह लगता है कि वह व्यक्ति विशेष को ध्यान में रखकर ही कानून में कुछ परिवर्तन किया जा रहा है। जब व्यक्ति विशेष को ध्यान में रखकर ही कानून बनाया जायेगा तो वह कानून पूरा नहीं होगा, वह कानून जनहित में नहीं हो सकता है। किसी आदर्श को ध्यान में रखकर, किसी लक्ष्य को ध्यान में रखकर, किसी लक्ष्य तक पहुँचने के लिये जो रास्ते है उसको ध्यान में रखकर ही कानून में कोई संशोधन होना चाहिये।

उपसभाध्यक्ष महोदय, यह जो तेल और प्राकृतिक गैस आयोग के सम्बन्ध में जो संशोधन इन्होंने दिया है, दुनिया में यह नियम है कि किसी भी आदमी को तब तक सजा नहीं दी जाये जब तक उसका अपराध साबित न हो जाये। इतने बड़े आयोग में किसी आदमी को

चाहे सदस्य रखा हो, अध्यक्ष रखा हो, उसको हटाने के लिये उन पर क्या आरोप है, किसी आरोप के चलते आप उनको हटा रहे हैं, यह देश के लोगों को भी जानना चाहिये। अगर वह आदमी देशद्रोही काम करता हो, राष्ट्रविरोधी काम करता हो, कोई गुप्त कागजात विदेशों के हाथों में सुपुर्द करता हो और जैसा कि कई दस्तावेज भारत सरकार के दूसरे देशों के हाथों में चले गये हैं जिनमें तेल विभाग का भी एक मामला था तो इस तरह के कोई काम करता हो तो और अगर यह साबित हो जाये तो उसको न केवल पद पर से हटाइये बल्कि अदालत में ले जाकर कानून से बड़ी से बड़ी सजा दिलवाइये। लेकिन उसका अपराध साबित न किया जाये और सरकार जब चाहे किसी क्षण चाहे तीन महीने का वेतन देकर उसको अपने पद से हटा दे, जिसको चाहे तीन महीने का नोटिस देकर उसका टिकट काट कर कह दे कि चले जाइये, आप जिसको चाहे अपनी मरजी से बहाल कर लें या स्वविवेक का इस्तेमाल कर उसको निकाल दें सफाई का पूरा मौका उसको मिलना चाहिये। इस विधेयक की आवश्यकता क्यों पड़ी हम सरकार से यह जानना चाहते हैं। अभी वर्तमान में इस आयोग में कोई मेम्बर ऐसे है जिनके आचरण के प्रति आपको किसी तरह की शंका है, जिसके चलते यह संशोधन लाना अनिवार्य हो गया है। मुझे यह लग रहा है कि सरकार को किसी सदस्य के प्रति ऐसी शंका पैदा हो गई है। मैं चाहूंगा कि उनको आप हटावें उनके ऊपर आरोपों को रेंवें उनके आरोपों की जांच करें और जांच करने के बाद कुछ काम करें। दूसरा बुनियादी सवाल है कि ऐसे जो बड़े आयोग हैं और जो बड़े तकनीकी सवाल से संबंधित आयोग हैं उनके लिये, उनको बहाल करने के लिये उन आयोगों में पदों पर भर्ती करने के लिये

सरकार के जरिये एक सर्वमान्य सिद्धांत होना चाहिये, कोई नियम होना चाहिये। उसमें यह होना चाहिये कि किस तरह के व्यक्ति को आप रखेंगे। तकनीकी जगहों पर तकनीकी विशेषज्ञ ही रखें, ऐसा न हो जिसको चाहा उसको रखा। जब भी कोई सत्ता में आये तो अपने राजनीतिक स्वार्थ की सिद्धि के लिये, अपने राजनीतिक स्वार्थ की पूर्ति के लिये, अपने राजनीतिक स्वार्थ की रक्षा के लिये जिस तरह के व्यक्ति को चाहे उसे आयोग में रख दें या उन्हें आयोग से अध्यक्ष बना दें। चाहे उन्हें तेल के बारे में पता हो या न हो उसे हाई स्पीड डीजल दिया जायेगा या पेट्रोल दिया जायेगा तो वह कह देगा यह कूड़ आयाल है। इस बात का जिनको पता न हो, जो उस का विशेषज्ञ न हो उस को उस पद पर बहाल न किया जाये सरकार के जरिये नियम बनाया जाये कि तकनीकी आयोगों में ऐसे सदस्यों को रखा जायेगा जो उस विषय के विशेषज्ञ होंगे, जिनको उसकी पूरी जानकारी होगी। उनके उस ज्ञान का इस्तेमाल उस ज्ञान का फायदा उनके उस तकनीकी का फायदा देश को मिल सकेगा। इसलिये सरकार से मैं चाहूंगा कि सरकार ऐसे प्रश्नों पर कोई नियम बनाये।

उपसभाध्यक्ष महोदय, मैं सरकार से यह भी कहना चाहूंगा कि वह जो तेल प्राकृतिक गैस आयोग बना हुआ है इसमें देश के अन्दर तकनीकी विशेषज्ञ हैं, ज्ञान रखने वाले लोग हैं उन लोगों की प्रतिभा को कुंठित किया जाता है। जो बहुराष्ट्रीय कंपनियां हैं, दूसरे देशों की कंपनियां हैं उन कंपनियों से सहयोग लिया जाता है। लेकिन सहयोग लेने के बाद देश के अन्दर जो प्रतिभाशाली व्यक्ति हैं और प्रतिभा सम्पन्न लोग हैं उनकी प्रतिभाओं को कठघरे में बंद रखते हैं। उनकी प्रतिभाओं को कुंठित करते हैं। उनकी प्रति-

[श्री हुकमदेव नारायण यादव]

भाओं को दबा कर रखते हैं। विदेशियों पर आप भरोसा रखते हैं। जब तक देश की सरकार या हिन्दुस्तान के लोग विदेशी प्रतिभा और विदेशी योग्यता के मोहताज बने रहेंगे तब तक हिन्दुस्तान की प्रतिभा हिन्दुस्तान के कठघरे में कैद होकर मरती रहेगी इसलिये हिन्दुस्तान की प्रतिभा को स्वच्छ वातावरण उनमुक्त वातावरण में विचरण करने का मौका मिलना चाहिये। मैं सरकार से निवेदन करना चाहूंगा कि जो बहुराष्ट्रीय कंपनियां हैं उनसे आप जो समझाते करते हैं उस समय आप की अन्य बातों को भी ध्यान में रखना चाहिये।

आखिर में मैं यह कहना चाहूंगा कि हिन्दुस्तान दुनिया से निरन्तर तेल लेता चला जा रहा है और इससे हिन्दुस्तान के विदेशी मुद्रा कोष में अरबों अरब रुपया खर्च होता चला जा रहा है। इतने दिनों से तेल प्राकृतिक गैस आयोग बना हुआ है देश के अंदर भारत के समुद्र के अंदर, भारत माता के हृदय के अंदर जो तेल का भंडार है अभी तक इस गैस आयोग के जरिये और सरकार के जरिये तेल प्राप्त करने में कोई सफलता क्यों नहीं मिली है। हमारे बिहार के अंदर बरोनी रिफाइनरी बना हुआ है। मैं प्रार्थना करना चाहूंगा कि एक बुनियादी सवाल इसके साथ जुड़ा हुआ है आप जो सरकारी आयोग बनाते हैं और जो प्राइवेट कंपनियां हैं उनके बीच में क्या रिश्ता है तेल प्राकृतिक गैस आयोग में जो नम्बर एक के अधिकारी हैं उनके ऊपर आप बहुत खर्चा करते हैं। उनकी शान-शौकत, बंगला-कोठी, एण-आराम आदि पर जो खर्च आप करते हैं उसके मुकाबले मैं कहना चाहता हूं कि जो दरवान वहां काम करने करने वाला है और निरन्तर आठ-दस घंटे काम करता है उसको पसीने की कीमत नहीं मिलती। सफेद पोश लोगों के

ऊपर ही पैसा खर्च होता है जिसके चलते नुकसान होता है। मैं आपसे निवेदन करना चाहूंगा कि बरोनी का जो कारखाना है वह बंद हो जाता है तेल चोरी हो जाता है मैं उसी इलाके का रहने वाला हूं। वहां से जब टैंकर निकलता है उस टैंकर से तेल चोरी हो जाता है। फिर कहा जाता है कि बरोनी रिफाइनरी घाटे में चलती है यहां लाखों रुपयों की साल भर में चोरी होती है। वहां पर पेट्रोकेमिकल कारखाना लगाने की बात हुई थी। वहां की जनता की तरफ से निरन्तर प्रयास होता रहा लेकिन हमेशा यह कहा जाता रहा कि जांच-पड़ताल जारी है। अभी बनेगा, अभी बनेगा। इसी प्रत्याशा में पेट्रोकेमिकल का कारखाना वह बंद रहे है। भारत सरकार को चाहिए कि जहां-जहां पर ये आयल रिफाइनरीज हैं, वहां-वहां पेट्रो-केमिकल्स के कारखाने खोलें। अभी जो गैस बरबाद हो रही है उसको बरबाद होने से रोका जाये। मैं चाहता हूं कि सिलिन्डरों में गैस भर कर उसको गांव-गांव में पहुंचाया जाना चाहिए। गांवों में हालत यह है कि हमारी माताएं-बहिनें कच्ची चलावन जलाकर धुएं में अपनी आंखें खराब कर रही हैं। आप उनको खाना बनाने के लिये गैस देकर उनकी आंखों को बरबाद होने से बचा सकते हैं। आप उनको स्वच्छ वातावरण दे कर उनकी सेहत और तंदुरुस्ती को सुधार सकते हैं। यह मेरा निवेदन है।

SHRI P. C. SETHI: Sir, in the beginning when I was moving the Bill I did not speak on this because the Bill is so simple that I thought it does not require any more explanation what has been given. But, Sir it appears that particularly with regard to section 5 there is some misunderstanding in the minds of some hon. Members, although most of them have supported it. So I would like to clarify this situation.

According to this Bill, we are changing only" three sections. One is section 5, another is section 15 and the third is section 32. As far as section 5 is concerned, this section deals with the problems of office and conditions of service of members. Whereas up till now, according to the previous Act, a full time member has the right to resign his office after giving the Central Government three month's notice in writing, the Central Government has no such right. Therefore, a reciprocal right accrues and the Act is being amended in order to acquire this right. Secondly, there are some part-time members. With regard to these part-time members who are not servants of the Government, their services can be terminated. This is the second type of members who are appointed. Now, as far as Mr. Chakraborty's point is concerned, with regard to a Government servant who is appointed on the Board when we say that his services can be terminated from the Board, that does not mean that he ceases to be a Government servant, because he is already working as a Government servant in some capacity, as a Joint Secretary or Additional Secretary and so on and, then; over and above these things, he is appointed as a part-time Director or Member of the Board. Therefore, when we remove that particular officer, may be on account of reasons of transfer, may be on account of his having to be sent back to a State...

' SHRI AMARPROSAD CHAKRABORTY: No, not transfer, You see the word here. The word is "termination" and not "transfer." (*Interruptions*)

SHRI GHANSHYAMBHAI OZA: It is reversion, (*interruptions*)

SHRI P. C. SETHI It is not reversion in the sense that he is actually acting in a dual capacity. He is working as a Government servant and, additionally, he is a part-time member of the Board. So, Government has

the authority to ask any other member of the Government who is in service to be on the Board and therefore, removal from the other post of member is not termination from service because he happens to be a permanent member of the Government. Similarly, this section does not apply to the permanent employees of the ONGC. As far as other permanent employees of the ONGC are concerned they will not be subjected to the change in section 5. It is meant only for the full time members. I would also like to add for the information of the hon. Members that this is nothing new. Some of the other Acts, for example, the International Airports Authority Act, 1971, the State Bank of India Act, 1955, the Industrial Finance Corporation Act, 1948 and the Regional Rural Banks Act, 1976, already contain such a provision. And, therefore, amendment of section 5 is in tune with the sections which these bodies have got and is absolutely justified. It is not desirable or it is not desired to harm anybody or we do not have in mind any particular member whom we want to remove. Actually, this has got to be used sparingly and the responsibility of the Government, after acquiring this power, increases, furthermore, they would not use this section for the removal or termination of the membership of any member lightly.

SHRI SHRIDHAR WASUDEO DHABE: "Hon. Minister, why have you then deleted the section which gives addition powers? It was there with the Government. Why have you deleted it?"

SHRI P. C. SETHI: We are making it in tune with the other Acts of the Corporations which are there. Now, as far as the points raised by the hon. Members are concerned, I will deal with them one by one. With regard to section 15, Sir, here it is a minor change. No hon. Member

[Shri P. C. Sethi]

has spoken about it, but I would like to make a brief mention that here as yet the power for creation of a post with a maximum pay-scale of Rs. 2750 per month exists without obtaining the prior approval of the Central Government. Now ONGC had the authority to appoint even if he had retired at more than Rs. 2750 per month. We are also bringing it at par with the provisions of the other Acts that wherever any member who is beyond the age of 58 years has to be appointed in service at more than Rs. 2500 per month, the prior approval of the Government is needed.

Then, as far as section 32 is concerned, this section is really for the benefit of the workers because what happens is that whenever the Government issues an official Gazette for a change in emoluments, that is not applicable to the members of the ONGC and, therefore, in such cases we are taking a retrospective power to make them applicable from this date. So this in brief is the outline of this measure.

Now hon. Members have raised certain points which are not actually directly connected with the Act but certain points with regard to the working of ONGC and other allied matters were raised. Now Mr. Dhabe particularly made his point with regard to the show-cause-notices about the petrochemical complexes in many places where oil is being produced. I would like to inform him, and through him to the entire House, that the petrochemical complex in Assam is being established and the work is going on. Sir, Mr. Ramanand Yadav has said that foreign collaboration should be on our terms and there should be separate areas for ONGC, Oil India and foreign companies. This exactly is the idea. We have carved out 32 blocks which are being offered to the foreign companies. ONGC has been given a large

chunk of the country both for offshore and on-shore operations. Similarly, Oil India has been given a large portion of the country for these operations. But certain areas which we carved out have been offered to the foreign companies. Out of the 32 areas, 17 are offshore and 15 onshore. Originally, we received about 67 responses for this. Short-listed companies were 35, but finally we received a much less number of final bidders. Final discussions are going on and we are hopeful that, as far as these foreign companies are concerned, we will be able to finalise these details. With regard to the agreement with these foreign companies, I will come to that part of the question when I come to Mr. Ramamurti in this series. Sir, I agree with Mr. Ramanand Yadav that the residential problem of the Bombay High workers and the workers of ONGC has to be solved. As far as the Bombay High workers are concerned, we know that they are working in very difficult conditions and we are in touch with the Maharashtra Government and we have personally requested the Chief Minister, who is taking an interest in the matter, to allot suitable land so that we can take up the construction of houses for the workers of ONGC.

5 P.M.

Sir, I am very thankful to Mr. Ghanshyambhai Oza for supporting not only this Bill but also the exploration policy of the Government of India which is at present. I appreciate, Sir, being from Gujarat he was earnest about the royalty. It is true that we enhanced the royalty rate from Rs. 42 to Rs. 61 only a few months back, and according to the Act, as I said on the TV, a revision does not lie before four years unless the Act is changed. But that does not mean that there are no precedents where Prime Minister has taken a decision even before that. The whole matter is engaging the attention of the Prime Minister because the requests have come from the Gujarat

Government and the Assam Government both for the revision of this royalty. Although I am sure that the Gujarat Government will not heed his advice of going to the court, I would strongly urge upon him not to urge upon the Gujarat Government to go to the court against the Government of India.

Mr. Bhandari also said that he is not much against the intention of the Bill. But, Sir, he says that in the implementation it would not be properly executed. He also said that the multinational collaborations ignore the indigenous technicians. Sir, I would like to point out that even in the case of CFP with which we have entered into a collaboration for further enhancing the production from the Bombay High, we have done it keeping the ONGC fully in the picture. The ONGC technicians will get the transfer of technology also. It was not done over and above their head as a result of a political decision. The ONGC has carried on all the discussions. They had gone to Paris for discussions, and then they had the final round of discussions with the French team. It is only with the agreement and consent of the ONGC people that we have entered into this. As far as the collaboration with other companies is concerned, although at one point of time it was considered that no foreign company should be called for this, here also as far as the negotiating team is concerned, the Chairman of the Oil and Natural Gas Commission and other Ministries are very much in the picture, and whenever we would decide entering into any foreign collaboration, the need for development of the indigenous technicians and know-how would be taken care of.

Mr. Ramamurti was not at all critical as far as the Bill is concerned, but he was more critical about the functioning and the structure of the ONGC. He particularly mentioned that the ONGC on its board does

not have people who know anything about oil. He was critical about our appointment of the new Chairman. He was also critical of the appointment of the Secretary, forgetting, as was mentioned by one of the hon. Members when he was speaking, that he had left the Burmah Shell 25 years ago and that since then he has worked in the Government of India in various capacities and acquired a special knowledge as a specialist. Therefore, to say that Mr. Lovraj Kumar does not know anything about oil and that too the type of criticism from an hon. Member like Mr. Ramamurti, I personally feel, Sir, was not justified.

As far as the ONGC Directors are concerned,...

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Is he a technocrat himself?

SHRI P. C. SETHI: He is a technocrat, Sir. He knows the subject well.

AN HON. MEMBER: He was a sales representative.

SHRI P. C. SETHI: Only because he was at one time in the Burmah Shell does not mean that he is representing the interests of the Burmah Shell even now. That way, according to you, nobody would change.

Then, Sir, as far as the ONGC structure is concerned we are trying to have in the ONGC, Directors who are qualified, who are engineers, although they may not be geophysicists who, in certain areas, are necessary. Certainly, as far as their appointment is concerned, it is not according to the sweet will of the Minister or the Ministry that we appoint anybody in the ONGC as Director. He has to pass through a strong test by the Public Enterprises Selection Board and the Establishment Board of which Mr. Puri is the Chairman. It is only after a select panel is made by the Board that the final selection is made. And then the matter goes

[Shri P. C. Sethi] to the Appointments Committee and then he is appointed. Therefore, it is not as if we are going to fill the ONGC with people according to our sweet will and choice. They will be kept there according to their necessity.

Mr. Kalyanasundaram said that nothing is being done with regard to the Cauvery basin. I would like to assure him that we are taking all possible measures to start work in the Cauvery basin because the possibility of finding hydrocarbons in the Cauvery basin is there very much. We put all our efforts in Godavari basin also but we have lost two machines; two very costly machines we have lost there because of the mud and the strong currents there in the Godavari basin. That is why we are now trying to have some more foreign expertise and better equipment in order to see that they can drill in those conditions. And I would like to point out that for the Godavari basin alone we have provided an amount of Rs. 274 crores for carrying on the exploration work. And although we have been assured of some World Bank help as I have said the other day, whether the World Bank help comes or not, we shall carry on this work without any disturbance.

Sir, with regard to the point made by Mr. Chakraborty, I have already clarified it.

Then Mr. Hukamdeo Narayan Yadav opposed the change in section 5. I have already explained it. He was more keen on a petro-chemical complex in the Barauni area. He knows, as I have announced in the other House, that some petro-chemical complex in the Barauni area is coming up. How big it will be will depend on the size of the exchequer that will be granted to us by the Planning Commission.

SHRI SHRIDHAR WASUDEO DHABE: I had asked- on a query about the wastage of gas at Assam

worth Rupees 1.44 lakh per day, That was the reply given yesterday. I would like to know what the position is, whether the gas is being cleared and wasted.

SHRI P. C. SETHI: it is true that that quantity of gas which the hon. Member has mentioned is being flared in Assam. As far as Bombay High is concerned, after the BHN platform has come into position, the flaring of gas, particularly from the wells which are coming under this platform has been totally stopped. And I hope that after the other platforms go into production, as far as flaring in Bombay High is concerned, it will be totally stopped.

SHRI SHRIDHAR WASUDEO DHABE: I am asking about Assam, not Bombay High.

SHRI P. C. SETHI: Earlier you mentioned flaring in Bombay High. That is why I have said this. But as far as Assam is concerned, it is being flared because the Assam Electricity Board and the various other consumers who have been committed this gas are not able to utilise this fully. We will be taking measures to see that this gas is also not flared.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Now, the question is;

"That the Bill further to amend the Oil and Natural Gas Commission Act, 1959, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

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

SHRI P. C. SETHI: Sir, I move:

"That the Bill be passed." *The question was proposed.*

SHRI NAGESHWAR PRASAD SHAHI (Uttar Pradesh): Mr. Vice-Chairman, Sir, one wtfdr, only one word. I do not want to consume the time of the House

यह जिस दिन से मंती हुए हैं, सदन में उसी दिन से देश को आश्वासन दे रहे हैं कि हर महीने में एक लाख गैस कनेक्शन देंगे।

उपसभाध्यक्ष (श्री अरविन्द गणेश कुलकर्णी) : शाही जी आप जरा बैठिये।

श्री नागेश्वर प्रसाद शाही : हम बैठने को तैयार हैं।

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): There are two others to speak on the third reading. You have stood up in between. I have promised somebody else.

SHRI NAGESHWAR PRASAD SHAHI: All right.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI) Now, Mr. Shiva Chandra Jha.

श्री शिव चन्द्र झा (बिहार) : उप-सभाध्यक्ष जी, इस विधेयक के मूलांशिक दो बातों को और मंत्री महोदय का ध्यान खींचता हूँ। जो बहुत-सी बातें कही गईं उन को दुहराना नहीं चाहता। एक्सप्लोरेशन को लेकर जो कुछ काम हो रहा है, हमें खुशी है कि उसमें सफलता मिलेगी। बिहार की भूमि की जो बात यहाँ उठाई गई है, तो वहाँ तेल के रिजर्वियर हैं, यह बात अखबार में आती रहती है। लेकिन वहाँ एक्सप्लोरेशन नहीं हो।

है। पूर्णिया रेलमार्ग के बेल्ट में इसकी बहुत संभावनाएं हैं। मैं मंत्री महोदय से जानना चाहता हूँ, बिहार में एक्सप्लोरेशन के लिये आप क्या कर रहे हैं? यदि अभी तक कुछ नहीं किया है तो क्या आगे उस पर ध्यान देंगे?

दूसरी बात, इस बिल को पास करने चाहे आप बहाली करेंगे, हटावेंगे, या कुछ भी करेंगे, लेकिन बरौनी रिफायनरी ले ले या गुजरात को ही ले लें, आपका रिफायनरी कॉम्प्लेक्स जो है, जो बीमारी और जगहों में है, यूनिट्स में है, उस बीमारी को आप यहाँ भी दूर नहीं कर रहे हैं। वह है आफिशियलडम, अफसरशाही, व्यूरोक्रेसी। उसका सारा कब्जा है बरौनी में। जितनी भी खराबियाँ हो रही हैं उस में बहुत बड़ा हाथ व्यूरोक्रेसी का है। उस को दूर नहीं करेंगे तो आपके सारे प्रयास उतने सफल नहीं हों पायेंगे।

तीसरी बात उसी के साथ संबंधित है। मजदूरों के पार्टिसिपेशन का कोई नक्शा आपके सामने नहीं है, कोई योजना नहीं है। पंडित जी के शब्दों में इतना बड़ा माइनिंग टेम्पल ये बना रहे हैं, लेकिन वही पुराने पुजारी वहाँ पर अफसर लोग हैं। मैं चाहता हूँ, जो वर्क्स लोग वहाँ पर काम करते हैं उन को भी आप पुजारियों के रूप में आने दें। इन सब बातों पर मंत्री महोदय ध्यान दें।

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Before I call the next speaker, I request the Finance Minister to lay on the Table a statement (in English and Hindi) of the estimated receipts and expenditure of the Government of Assam for the year 1981-82.

THE BUDGET (ASSAM), 1981-82

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SAWAI SINGH SISODIA): Sir, I beg