

Apparently, in the formation of new zones, Guntakal-Hospet, Tornagallu to Ranajitpura which are rich in iron ore and hitherto were with the South Central Railway, were handed over to the South Western Railway. These areas were generating huge income for the South Central Railway by exporting iron ore to Japan *via* Guntakal, Cuddapah, Renigunta and Chennai.

The development of the Guntakal Division was all along possible only because these areas were with the Guntakal Division. This sporadic decision of handing over these areas to the South Western Railway is causing considerable concern among the local people and the Railway staff. It is being discussed day in and day out as a gross injustice to the Guntakal Division. The staff which is responsible for developing the railway network in this area and giving shape to this area is of the opinion that they have been deprived and let down.

The iron ore rake after loading from Hospet, Bellary, Tornagallu and Ranajitpura which is about 120 kms. from Guntakal will be running in the Guntakal Division for a stretch of 300 kms., *i.e.* between Guntakal and Renigunta. After the decision of handing over this area to the South Western Railway, one can understand the feelings of the staff of the Guntakal Division and the people of this area.

Hence I demand that the Guntakal Division should not be disturbed and its entire area should remain with the South Central Railway. Thank you.

SHRIMATI N.P. DURGA (Andhra Pradesh): Sir, I associate myself with this issue. Thank you.

SHRI K. RAMA MOHANA RAO (Andhra Pradesh): Sir, I also associate myself with this issue. Thank you.

SHORT DURATION DISCUSSION

Disinvestment of Profit-Making Public Sector Undertakings with Special Reference to H.P.C.L. and B.P.C.L.

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY AND MINISTER OF DISINVESTMENT (SHRI ARUN SHOURIE): Mr. Chairman, Sir, I am delighted to be able to reply with you in the Chair. We have had the 15th debate on disinvestment concluded yesterday. Over the last one-and-a-half or two years, we have also answered nearly 900 questions. This time, Shri C. Ramachandriah

mentioned that it has just become a ritual. In fact, I feel quite the opposite that there has been great progress even in our discourse on these matters. The debate this time was marked with lack of passion, if I may say so, with reasoned arguments being given both for and against what the Government is doing. I will address each of these points that were raised. I will first mention that on many points all of us in the Government completely agree with what Shri Pranab Mukherjee and other learned Members have said. Among these is the important point that Shri Ramachandriah and other Members have made that there is a need to convince the people about this whole programme. I believe that we have tried our best. These debates are an occasion for us to get the facts out to the people through the great medium of this House. But I completely agree that we should be doing much more in this regard. I would appeal to the Members that if we could all, outside the House and inside the House, focus on facts, there will be less misapprehension in the country in this regard. Sir, second, my elder and very dear friend, Shri Jethmalani, mentioned that we must not only be transparent, but completely seem to be transparent. Sir, in this regard, every effort has been made by us in these extended debates, in publications which have been distributed to the Members, in private communication which have come from Members, to share all information. All that information has also been put on the website of the Ministry so that it is accessible to everybody. Shri Jethmalani mentioned one particular point that we should be transparent if we decide to exclude some member or the other, exclude some potential bidder from the other. Sir, this also is being done in accordance with the guidelines that have been prescribed by the Cabinet Committee on Disinvestment. There were guidelines, which I share with the House, in response to questions. The entire text has been distributed. It is on the website also. There is never any departure from anyone of these laid-down principles, but I am always open to any further suggestion on specific points that is required for further transparency. We are all more than eager to abide by those suggestions. As you know, Sir, the moment any transaction of disinvestment is completed, all papers, almirah full of papers, are sent to the CAG that he can go through them in detail, and whatever questions he asks for, we give reply to those questions also. Sir, but I would be open to all suggestions in this regard.

A third .very important point, that was made by several Members starting with Shri Pranab Mukherjee, was that proceeds of disinvestment must be used for specific purposes, well-known purposes and Shri Mukherjee, with his great experience in North Block, mentioned that the

moment any fund goes to the Consolidated Fund of India, it just disappears. For that reason, Sir, now what it should be used for, there are different suggestions. Some have suggested that they should be used only for infrastructure; some have suggested that they should be used for social sectors like primary health, primary education. Shri Pranab Mukherjee has found favour with the suggestions, which Shri Jethmalani had earlier given, that these should be used for retiring public debt. Sir, for these reasons, in the Mid-term Review that was done, one of the conclusions which was reached was that a separate disinvestment fund would be created so that what purposes that fund is used for, should be clear to everybody, including to this august House. Sir, I look forward to the Budget; I look forward to the developments after the Budget when the Finance Minister would be pleased to constitute this particular fund, so that this particular suggestion is also implemented in this regard.

Shri Virumbi mentioned, and other Members mentioned, the need to take the workers along. Sir, we make effort and the fact of the matter is that, there is a changed perception among workers. There may not be a change in perception among trade union leaders or some leaders of some political parties, but among workers, I can report truthfully, we are in continuous dialogue with them, there is a changed perception because their own wages in the units, which have been disinvested, have gone up from 15 to 30 per cent.

SHRI JIBON ROY (West Bengal): They are deciding to go on strike.

SHRI ARUN SHOURIE: Sir, they have said in a Press statement that they will go on a strike. That is completely correct. I must also share with this august House the fact..... (*Interruptions*)

MR. CHAIRMAN: Please do not interrupt.

SHRI ARUN SHOURIE:...that a delegation of INTUC, the President of INTUC has written two letters to us saying that these should be disinvested, and please do only strategic disinvestment in both these companies. Just five days ago, a delegation of about 20 leaders of different unions of INTUC in HPCL and BPCL came to discuss these matters with me personally. They were with me for over one hour and twenty minutes. They had very genuine concerns about the future of workers, employment, wages and allowances and so on. We showed them the conditions, which we are including in the Shareholders' and Share Purchase Agreements and I can report to you truthfully that they went back satisfied. And, they have

said that they would not join the strike action. Well, Sir, now if this is the fact that workers will take care of them, then what can one do? It is not the workers who are going on strike. They are being instigated. But I am completely with Shri Virumbi...*(Interruptions)*

SHRI N.K. PREMACHANDRAN (Kerala): What is he saying?
interruptions)

SHRI JIBON ROY: Have you discussed the matter with all the trade unions?

SHRI ARUN SHOURIE: I am willing to discuss...

SHRI JIBON ROY: Please say, 'Yes' or 'No'...*(Interruptions)*

MR. CHAIRMAN: Let him finish...*(Interruptions)* No, I won't allow...*(Interruptions)* I am not allowing you...*(Interruptions)* It will not go on record... *(Interruptions)*

SHRI JIBON ROY:

MR. CHAIRMAN: Let him speak...*(Interruptions)*

श्री संजय निरूपम (महाराष्ट्र) : चेयरमैन साहब, मैं एक व्यवस्था के प्रश्न के ऊपर ...*(व्यवधान)*...

श्री सभापति : व्यवस्था का प्रश्न कोई नहीं होता, मैं भी जानता हूँ कि व्यवस्था क्या होती है।...*(व्यवधान)*...मैं एलाउ नहीं करूँगा, आप माफ करें।

श्री संजय निरूपम : अगर मंत्री महोदय...*(व्यवधान)*...सही जानकारी देने का अधिकार है या नहीं है ?

श्री सभापति : पहले इनको स्पीच खत्म कर लेने दीजिए।...*(व्यवधान)*...

SHRI B. P. SINGHAL (Uttar Pradesh): Sir, this is no way to protest...
(Interruptions)

SHRI JIBON ROY: Sir, I seek your protection. He said that he has discussed the matter with the trade unions. I wish to know whether he has called any meeting to discuss the matter...

SHRI ARUN SHOURIE: I am always open for a discussion. I will meet anybody who wants to come over...*(Interruptions)*

* Not recorded.

SHRI JIBON ROY: But don't make any false statement...

SHRI B.P. SINGHAL: Only the Privileges Committee can decide that... (*interruptions*)

श्री सभापति : आपके कहने से रांग स्टेटमेंट कैसे हो जाएगी। आप पहले इनको बोलने दीजिए। ... (व्यवधान).....

SHRI ARUN SHOURIE: I said, I do not know about the notice... (*Intemiptbns*) Sir, let them give a notice... (*Interruptbns*) Sir, each time this kind of a thing is going on... (*ntenvptbns*)

श्री सभापति : आपको तो इंस्टीगेटर नहीं बताया। ... (व्यवधान) ... नहीं-नहीं इनको नहीं बताया। ... (व्यवधान) ... पहले बोलने दीजिए। ... (व्यवधान) ...

श्री संजय निरुपम : सभापति महोदय, अगर सदन को गुमराह किया जा रहा है तो क्या आपका संरक्षण हमें मिल सकेगा। ... (व्यवधान) ...

श्री सभापति : इनको बोलने दें, क्यों बात कर रहे हैं। ... (व्यवधान) ... आपको पूरा संरक्षण मिलेगा लेकिन आप गुमराह हुए ही नहीं। ... (व्यवधान) ... आप गुमराह होने वाले नहीं हैं। ... (व्यवधान) ... ये कुछ भी लिखकर दें आप गुमराह नहीं होंगे। ... (व्यवधान) ...

श्री संजय निरुपम : अगर गुमराह किया जा रहा है तो ... (व्यवधान) ...

श्री सभापति : अगर गुमराह किया जा रहा है तो आप में इतनी क्षमता है, आप नहीं होंगे। ... (व्यवधान) ... बैठिए, बैठिए। ...

श्री भारतेन्दु प्रकाश सिंहल : बोलिए—बोलिए... (व्यवधान) ...

श्री संजय निरुपम : आप क्या सुपर चेयरमैन हो गए हैं। ... (व्यवधान) ... जो वहां पर बैठकर रूलिंग दे रहे हैं। ... (व्यवधान) ... हम सदन होने के नात चेयरमैन साहब से अपनी बात भी नहीं कह सकते ? आप वहां से इंस्ट्रक्शन्स दे रहे हैं, किसने कहा है आपको इंस्ट्रक्शन्स देने के लिए ? ... (व्यवधान) ...

श्री सभापति : देखिए, माफ करना, मैं नहीं चाहता कि आपके बारे में यहां पर कोई व्यवस्था दूं। आप कोई शोर्ट क्वेश्चन करें तो बात समझ में आती है। लेकिन आप डिबेट को इस तरह से इन्ट्रप्ट करने लग गए तो अंत नहीं आएगा। अगर आपका कोई क्वेश्चन आता है तो Let him finish and then I will allow you to put some questions ... (*Interruptbns*)

श्री नीलोत्पल बसु (पश्चिमी बंगाल) : सर, इन्होंने कबूल किया है, the debate was dispassionate... (*Interruptbns*)

SHRI ARUN SHOURIE: Each time they do the same thing. They don't allow me to speak and they would walk out too... (*interruptbns*).. They

make allegations, but they won't allow me to speak. Each time they do the same thing and they would walk out too. They are preparing the ground for doing the same thing again...*(Interruptions)*

MR. CHAIRMAN: Let him finish first...*(Interruptions)*

SHRI NILOTPAL BASU: He is twisting the facts. Let him answer the questions, as has been put, series-wise...*(Interruptions)*

SHRI ARUN SHOURIE: You don't allow me to answer...*(Interruptions)* They are preparing the ground for doing what they always do...*(Interruptions)*

SHRI NILOTPAL BASU: I would like to ask the hon. Minister: Is this the way of giving statements? *(Interruptions)*

MR. CHAIRMAN: Please take your seat...*(Interruptions)*

SHRI JIBON ROY: Sir, I am on a point of order.

MR. CHAIRMAN: What is your point of order?

SHRI JIBON ROY: He made a statement that the President and Joint Secretary of the INTUC met him and...*(Interruptions)*

SHRI ARUN SHOURIE: Not the President, either the President has written to us or Mr. Bhagwat Kulkarni, who is the head of the union in HPCL and BPCL, he gave...*(Interruptions)*

SHRI JIBON ROY: He has discussed it with the INTUC. But the fact is that the INTUC leaders met me and I had talked to them. They said that they were opposing the move and in the strike notice the trade union affiliated to the INTUC had also signed. I would like to know whether the statement that he has made is correct or not. I seek your protection. The INTUC is not here and their leaders are not here. They cannot take protection.. *interruptions)*

SHRI ARUN SHOURIE: Sir, I only agreed with everybody...*(Interruptions)*

SHRI B.P. SINGHAL: Who are you to take the decision whether the Minister is speaking the truth or they are speaking the truth?

SHRI JIBON ROY: He should not make such statements, because they cannot protect themselves here.

श्री सभापति : आप बैठिए आप बैठिए । आप शुरू कीजिए ।

SHRI ARUN SHOURIE: Sir, on all these points, on the need for giving the facts to workers also, as Mr. Virumbi has said, I would and all of us in the Government, agree with the points that were made in the House. Sir, I will now take up the points that were made, on which I believe apprehensions exist in the minds of the Members and it is necessary to clarify those apprehensions. Shri Pranab Mukherjee and other Members first focused on the question of parliamentary approval, whether that is required or not, when the companies were taken over under the Act of Parliament, whether parliamentary approval is required or not. This point had been raised by Mr. Fali S. Nariman in the last Session and then it had been taken up, as you remember, Sir, by the Leader of the Opposition, Dr. Manmohan Singh and Shri Pranab Mukherjee, they said that we should seek the opinion of the Attorney-General. We, therefore, sought his opinion and it was a very detailed opinion. And Shri Mukherjee wanted the contrast between it and Mr. Milon Bannerjee's opinion in the case of ESSO. I will come to that later, Sir. The central point that was made in response by Shri Ram Jethmalani that there is a distinction to be made between approval in the sense in which the word is being used in the House, now, that is a special change in the legislation under which the companies were acquired and accountability to Parliament. That is a very important point. Because as he pointed out that those two Acts were merely Acquisition Acts. Now, there have been a series of Acquisition Acts passed by this hon. Parliament over the time and what Mr. Soli Sorabji's opinion focuses on is the text of the Acts. In the Coal Nationalisation Act, I will take a few minutes just to explain this because there are genuine doubts and this is very important for the authority of Parliament. In the Coal Nationalisation Act, the clause passed by Parliament specifically says that only the Government shall be in this business. Therefore, if the Government were to privatise or seek to disinvest in Coal India then Government would certainly have to come to you because the Act passed by Parliament says you cannot allow private parties to operate in this. In the case of Bank Nationalisation Act, the Act itself says that Government equity in the banks shall not be less than 51 per cent. Therefore, if some decisions were to be taken to disinvest, as has been announced by Mr. Yashwant Sinha in one of his Budgets, that the Government equity will be brought down to 33 per cent then you would have to come back to Parliament to seek an amendment to that Act. Now, in these two Acts of 1974 and 1976, under which these companies were acquired, there is no such restriction at all.

More important is, that once they were acquired these were constituted as companies and the Attorney-General said what I had also said in the House he found favour with that argument, that these constituted as companies and thereafter their meetings, their resolutions, everything they did including mergers, people forget that in the HPCL's case, it merged with another company later on. All that was done in accordance with the provisions of the Companies Act. And in the Companies Act, there is no provision, which is pertinent in this particular case, which says that for doing anything else, you require to come back to Parliament. This is the distinction that he has made in these important points, in his opinion, and it is a very lengthy opinion.

Sir, the third point he has made is, under the Companies Act also, there are specific clauses in which Parliamentary approval is required. In the case of HPCL and BPCL, those clauses have not been included in the Acquisition Acts. I need not enumerate those clauses; he has enumerated that. Sir, now there was a very important consideration which was put by my friend, Shri Sanjay Nirupam, in this regard. He read out one passage from the Attorney-General's opinion, and that passage was, "That my opinion has been sought on this question of whether the Government, in principle, can decide on the disinvestment of HPCL and BPCL without going to Parliament". That was precisely the question which was put by Mr. Fali S. Nariman, Mr. Pranab Mukherjee and Dr. Manmohan Singh. That is precisely the question that I had, on the next day, referred to the Attorney-General. Now to say that other things should have been asked from him, is not correct. I will tell you why he has said, "I am not commenting on other things, on other aspects of this transaction". There is a very important reason. In these transactions, the whole process may take six to eight months. For instance, the Shareholders' Agreements, Shri Mukherjee knows, will have to be finalised; Share Purchase Agreements will have to be finalised. Supposing, inadvertently, or for any other reasons, anyone in Government introduces a clause in those Shareholders' Agreements which is illegal, can we then take shelter by saying, no, no, we have sought the opinion of the Attorney-General and he has said that everything is legal? Now, the Shareholders' Agreement is this much. It is in one case, this sort of a document will be finalised in the coming months in regard to HPCL and BPCL. So, the Attorney-General very correctly said, "I am not giving any anticipatory opinion for what you may finalise".

Similarly, Sir, in the case of BPCL, as you remember, the Government has decided that equity of the Government will be off-loaded in the market. In going to the market, as the hon. Members know, we will have to prepare prospectus; the company will have to prepare a prospectus; it will have to give data to the SEBI. Supposing, one of the items in the prospectus or procedure that is followed, violates SEBI rules, can we say then, no, no, we took the Attorney-General's opinion? For that reason, he has said, "My opinion has been sought on one point, and my opinion is for it". So, there is no mystery as was sought to be made out in this regard. Sir, I must also mention...

SHRI DIPANKAR MUKHERJEE (West Bengal): You are quoting from the Attorney-General's opinion. I don't have the Attorney-General's opinion with me. What should I comment on that? The Attorney-General's opinion should be here.

SHRI ARUN SHOURIE: Whenever it is asked for, I have no difficulty in supplying it. (*Interruptions*)

श्री सभापति : वह तो कह रहे हैं ।... (व्यवधान)...

श्री दीपांकर मुखर्जी : डिसकशन पहले ही हो रहा है, बिना देखें । .. (व्यवधान)...

श्री अरुण शौरी : आपने ही डिसकशन करवाया है, सर मैंने तो नहीं करवाया । ... (व्यवधान)...

श्री दीपांकर मुखर्जी : बोलिए सर, बिना देखे ही सुनना है तो हम लोग सुनते जायेंगे । ... (व्यवधान)...

श्री अरुण शौरी : आपने नहीं सुनना तो न सुनिए । ... (व्यवधान)...

SHRI DIPANKAR MUKHERJEE: Where is the Attorney-General's opinion?

SHRI J. CHITHARANJAN (Kerala): Will you supply a copy of it?

SHRI ARUN SHOURIE: I will, (*Interruptions*)

SHRI DIPANKAR MUKHERJEE: Why don't you have the opinion of the Attorney-General here? (*Interruptions*)

SHRI JIBON ROY: We will have the discussion after we get it. First, we should have that copy. (*Interruptions*)

श्री सभापति : मंत्री महोदय कह रहे हैं कि आपको कापी मिल जाएगी ।... (व्यवधान).

SHRI JIBON ROY: Then, he will reply. *{Interruptions}*

श्री सभापति : उन्होंने कह दिया कि आपको कापी मिल जाएगी, बस खत्म हो गई बात । ...*(व्यवधान)*... आपको एक-एक कागज पहले देकर डिसकशन करेंगे तो यह नहीं होगा । यदि कोई मेजर चीज़ है तो कल क्या आपने बोला या आपने मांग की कि कागज मेज पर रखा जाए ? ...*(व्यवधान)*...

श्री दीपांकर मुखर्जी : हम तो बोलें ...*(व्यवधान)*... This was the main issue on which Attorney General's opinion was sought. *{Interruptions}* अटॉर्नी-जनरल का स्टेटमेंट नहीं, हम जो बोल रहे हैं उसका तो जवाब वह नहीं दे रहे हैं ।...*(व्यवधान)*... They want to avoid the Parliament. Why are they afraid of coming to Parliament? The Minister is going through the Attorney-General's opinion and the Solicitor-General's opinion, हमारे क्वेश्चन का जवाब इनके पास नहीं है ।...*(व्यवधान)*... He does not have the courage to reply to my questions. He cannot. *{Interruptions}*

SHRI ARUN SHOURIE: That is why you are going to stage a walkout. *(Interruptions)*

SHRI DIPANKAR MUKHERJEE: ... HPCL and BPCL Amendment Bills. Where are they? If the Parliament passes, it is passed.

SHRI ARUN SHOURIE: Sir. they are again preparing the ground for the same thing. *(Interruptions)*

SHRI B.P. SINGHAL: Sir, this is not the way. ...*(Interruptions)*..

श्री सभापति : मेरी बात सुनिए, आप कल बोल रहे थे तो मिनिस्टर ने इंटरवीन नहीं किया ...*(व्यवधान)*...

SHRI DIPANKAR MUKHERJEE: Sir, he is a 'super' Minister.*(Interruptions)*.. He does not care to reply to my points.*(Interruptions)*.. He will intervene only when he feels necessary. ...*(Interruptions)*.. Assets of HPCL are being sold*(Interruptions)*.. I will go on shouting till the things are set right *(Interruptions)*..

SHRI ARUN SHOURIE: Sir. he says that he would go on shouting. ...*(Interruptions)*.., सर, इन्होंने रूलिंग दी थी That I should reply today, तो अब मैं रिप्लाई कर रहा हूँ । ...*(व्यवधान)*... मुझे रिप्लाई करने दीजिए । ...*(व्यवधान)*...

श्री जीवन राय: आप ने सेंट्रल होटल में देश का पैसा लगवाया...*(व्यवधान)*...

श्री अरुण शौरी : यह भी बताऊंगा ।

श्री रमा शंकर कौशिक (उत्तर प्रदेश) : सर, माननीय मंत्री ने स्वयं कहा कि

[19 February, 2003]

RAJYA SABHA

पार्लियामेंट के कहने पर अटॉर्नी जनरल की राय मांगी थी। जब पार्लियामेंट के कहने से इन्होंने अटॉर्नी जनरल की राय मांगी है। तो उस की राय को पार्लियामेंट के सामने रखना चाहिए।

श्री सभापति : वह मना कहाँ कर रहे हैं। ... (व्यवधान)...

श्री अरुण शौरी : सर, इन का तरीका यह है कि डिसकसन का रिप्लाइ न हो, किसी बहाने से न हो। ... (व्यवधान)...

श्री दीपांकर मुखर्जी : सर, वह कहते हैं कि डिसकसन न हो। ... (व्यवधान)...

श्री अरुण शौरी : मैंने कहा कि “रिप्लाइ न हो”।

श्री दीपांकर मुखर्जी : पहले एटॉर्नी –जनरल का रिप्लाइ रखना चाहिए। ... (व्यवधान)...

श्री अरुण शौरी : मैं आपके कहने से नहीं करूंगा।

श्री दीपांकर मुखर्जी : मैं तो चेयर बोल रहा हूँ। ... (व्यवधान)...

श्री अरुण : The House is being held to mortgage by four

Members. ... (Interruptions) ..

श्री सभापति : बैठिए-बैठिए, आप बोलिए।

SHRI ARUN SHOURIE: The important point after that is that the matter was challenged in the Delhi High Court after the decision and after the opinion of the Attorney-General. Its legality was also challenged. The Delhi High Court threw out the challenge, as dismissed, as withdrawn. It is not just the Attorney-General's opinion, no challenge against our policies or decisions has succeeded. There were about 25 challenges in different High Courts. This one was specifically challenged and has been thrown out in the Delhi High Court just ten days ago. (व्यवधान)...

श्री जीवन राय : पीपुल्स के कोर्ट में चल रहा है।

श्री सभापति : मैं माननीय सदस्य से रिक्वैस्ट करूंगा कि आप इंटरवीन न करें।

श्री संजय निरुपम : माननीय मंत्री जी, आप मिसलीड मत करिए हाउस को।

... (व्यवधान)...

SHRI ARUN SHOURIE: The order was dismissed as withdrawn. ... (Interruptions).. आप को ज्यादा पता है क्या, आप कोर्ट में नहीं गए। ... (व्यवधान)...

SHRI DIPANKAR MUKHERJEE: That is a journalistic language. (Interruptions) ..

SHRI ARUN SHOURIE: The order of the Court is dismissed as withdrawn. Now the second point that was made was an important one. It

was made by Gen. Chowdhury, Shri Pranab Mukherjee and others about the strategic nature of the oil sector. I will come to that. Sir, now I will take that. Sir, the first point to remember is that the Government has already decided that in the petroleum sector, IOC, ONGC and GAIL will continue to be in the public sector. Even in retail distribution, I should mention perhaps. The oil exploration was opened up for private participation and for foreign participation. Do you remember when and by which Government? ...(*Interruptions*).. Mr. Mukherjee set me remember when and who did it. Secondly, terminals have been opened up, which means foreign companies will have not just access but presence in our most sensitive ports. Pipelines have been opened up for foreign companies as well as Indian private companies, refineries have been opened up. ये सब ओपन कर के, in this great strategic sector, पेट्रोल पंप को जेब में डालकर कोई लंदन न चला जाए, इस पर लोगों में इतनी अनसरटेनिटी है।

The second point is supplies. That is a very important consideration. And, nobody has bothered to look at what has already been passed by this very House. The first point is, look at the Competition Act, which was passed by Parliament. Section 3 of the Act says that if any company prohibits anti-competitive agreements for purchase or sale price, limits or controls production, supply, markets or provision of services, such agreement shall be presumed to have an appreciably adverse affect on competition. Section 4 clearly lays down the prohibition of abuse of dominant position of a person in the market. In this case, as you know, 55 per cent of the retail distribution network, today, is with the IOC, not with these companies. With the BPCL continue to be under the Government control because of the market sales, we will, now, have 79-80 per cent of the existing retail distribution in the hands of the Government. But, even if it had gone into the private hands, you have the Competition Act. Section 4 says that any abuse of dominant position, in regard to price, purchase, sale, location, will be actionable. Section 19 says, "Complaints by anybody." Section 20 says, "Enquiry by the Competition Commission on its own." And, it has the power to prohibit signing any such agreements. If any such things happen, it imposes penalties. The Commission has also the jurisdiction to enquire into acts taking place outside India and having an effect on competition in India. You have enacted all these things. But, even more important thing is, in a specific case, pertaining to petroleum sector, which Shri Shankar Roy Chowdhury mentioned --as Dr. Mukherjee also knows - I would submit that we have before Parliament the Petroleum Regulatory Board Bill for its consideration, and I hope that this would be

passed very soon by Parliament. Clause 12 of this Bill regulates marketing, access to a common carrier, it will monitor prices, take corrective measures to prevent profiteering and secure equitable distribution. Section 30 empowers the Board to receive any complaint from anybody on profiteering, marketing service obligation, etc. Section 22 empowers the Board to suspend or cancel authorisation in case an entity fails to comply with any condition of authorisation. Clause 23 gives power to the Board on refining, processing, storage, transport, distribution, including quality of service.

श्री रमा शंकर कौशिक : अभी है, क्या ?

श्री अरुण शौरी : बिल्कुल, सर। मैं आपको बताता हूँ। आज क्या है।

श्री रमा शंकर कौशिक : लेकिन, अभी यह बिल पास नहीं हुआ।

श्री नीलोत्पल बसु : सर, यह कैसे हो सकता है ? हाऊस के सामने अभी यह बिल कंसीडरेशन के लिए नहीं है, उसको मंत्री महोदय पढ़ रहे हैं। यह कोई कायदा नहीं है।

श्री अरुण शौरी : आपको इतना भी नहीं पता कि It has, specifically, been provided...(व्यवधान).....

सभापति : बसु जी, आप मुझसे क्या चाहते हैं ?

श्री नीलोत्पल बसु : सर, हमने यह तो कभी नहीं सुना कि कोई बिजनेस या कोई बिल जो हाऊस के सामने कंसीडरेशन के लिए नहीं है, उससे पढ़ा जाए, लेकिन मंत्री महोदय उससे लगातार पढ़ते जा रहे हैं, अपने उत्तर में उससे तर्क दे रहे हैं। सर, इसके बाद तो हमारे लिए हाऊस में रहना नामुमकिन है।

श्री सभापति : नहीं, नहीं । आप हाऊस में बैठिए, आराम से बैठिए । ... (व्यवधान)... would not allow you. आप मेरी बात सुन लीजिए। वाकआउट करने की जरूरत नहीं पड़ेगी । आप बैठिए ।

श्री नीलोत्पल बसु : सर, इसको एक्सपंज करना होगा । मैं भी अगर कोई गलती कर रहा हूँ प्रोसीजर के ऊपर तो आप मुझे सुधार दीजिए, लेकिन हमारी प्रोसीजर के बारे में जानकारी है। इसलिए, सर इसको एक्सपंज कर दीजिए।

श्री सभापति : सुधार करने की आवश्यकता नहीं है, आप तो सुधरे हुए हैं। उसमें कोई सुधार की आवश्यकता नहीं है।

श्री नीलोत्पल बसु : सर, सुधरे हुए हैं, इसलिए कह रहे हैं क्योंकि प्रोसीडिंग के बाद नहीं हो सकता। एक्सपंज कर दीजिए।

SHRI PREM CHAND GUPTA (Bihar): We will discuss that Bill when it places before the House for its consideration.

श्री सभापति : अगर आपको कोई आपत्ति है, किसी तरह की आपत्ति है तो मैं आपको विश्वास दिलाता हूँ कि मंत्री जी का भाषण समाप्त होने के बाद मैं आपको एलाऊ करूंगा। इसलिए आप बीच में न बोलें तो ज्यादा अच्छा है।

श्री नीलोत्पल बसु : चेयरमेन सर ।

श्री सभापति : मैं आपसे यह कह रहा हूँ कि इनका भाषण होने दीजिए। आपको कोई आपत्ति है तो मैं बाद में एलाऊ करूंगा।

श्री नीलोत्पल बसु : सर, यह हमारे और आपके बीच का प्राइवेट मामला नहीं है। रूल्स आफ प्रोसीजर के तहत जो चीज हाऊस के सामने कंसिडरेशन के लिए नहीं है, वह रेफर नहीं हो सकता है।

SHRI ARUN SHOURIE: All those powers, which have been decided by the Government, are with the Government till the Bill is passed. आप बोलने देते नहीं। (Interruptions)

श्री लालू प्रसाद (बिहार) : काहे बेचा जा रहा है, पहले यह बताए ? क्यों बेचा जा रहा है ? कोड़ियों के भाव पर देश को बेचा जा रहा है। आपका भाषण या स्वीच या लक्छेदार अंगेजी सुनने के लिए हम नहीं आए हैं। ये सारा देश बेच रहे हैं कोड़ियों के भाव में, इसकी सीबीआई से जाचं कराइए। इस पूरे मामले की सीबीआई से और नहीं तो इस सदन की एक कमेटी बनाकर जाचं कराइए कि यह क्या चल रहा है देश में। अब बचा क्या है ? सेना का सारा सामान बिक रहा है और ये देश का सब कुछ बेचकर खा रहे हैं।

श्री सभापति : आपकी बात का ध्यान रखेंगे।

SHRI ARUN SHOURIE: The important point is that all these powers.. (Interruptions)

श्री जीवन राय : मंत्री जी, जरा एक मिनट के लिए आप मुझे यील्ड करेंगे ? आप तो महानुभाव हैं, जरा मुझे एक मिनट के लिए यील्ड करेंगे ?

श्री अरुण शौरी : नहीं। All these powers have been vested with the.. (Interruptions)

श्री रमा शंकर कौशिक : श्रीमन् आपत्ति की बात यह है कि माननीय मंत्री जी...

श्री सभापति : आपत्ति की बात तो यह है कि आप लोग मेरी अनुमति के बिना कुछ भी बोल रहे हैं। मुझे कहना नहीं चाहिए था कि मैं अलाऊ नहीं करूंगा अगर मेरी अनुमति के बिना कोई सदस्य बोलेगा और अगर अनुमति के बिना कोई सदस्य बोलते हैं तो वह रिकार्ड में नहीं जाएगा।

SHRI ARUN SHOURIE: I quote, Sir, "All these powers, by decision of the Government, have been vested in the Ministry of Petroleum, till the Bill is passed and the Board is constituted. And, the Central Government will have the powers to give directions to the Board in the interest of the sovereignty and integrity of India; or, if it is necessary for maintaining or increasing supplies of products or both; or, for securing their equitable distribution and availability at a fair price. The Central Government

shall have unfettered powers to take over the control and management of facilities, and business premises of any entity and retail outlets in the public interest." All those things have already been provided in the decision of the Government. Today, these powers exist with the Government. That decision had been announced in public. It is a part of the proceedings of the Cabinet, before it forwarded the Petroleum Regulatory Authority Board Bill to you, in the House. Even more important is that all this is taken care of in the Shareholders' Agreement. It will be as detailed as this is. All concerns regarding security will be addressed. I will share with this House one example on it because many of these matters are confidential. They relate to national security. In the case of disinvestment in the VSNL, Guptaji will remember, the questions of security were paramount because, again, as you know, it was the only gateway for international telephone. Sir, I do not know whether I should share it in the House or not. But our intelligence agencies had to monitor many calls, passing through the VSNL. That is how the calls of Dawood Ibrahim and others were recorded. And, it is naturally a concern that these facilities must be available to our agencies. It is my personal concern because I believe in the interest of national security, we must go even further than reasonable limits, to assure it. So, I had requested the Director of IB and the Director of RAW to draft whatever clauses they wanted to be binding in the Shareholders' Agreement. Those clauses were drafted by them. Today, they are in the Shareholders' Agreement. Those facilities continue even today because, the national security is paramount. We must give them full opportunity, and whatever they need. It is by that device that similar causes, relating to security to continuity of supply, will be incorporated...*(interruptions)*

MR. CHAIRMAN: Let him finish.

SHRI ARUN SHOURIE: Sir, these clauses will certainly come in the Shareholders' Agreement.

General Chowdhury said, "Is 'energy' a strategic sector or not?" Sir, the strategic sector is being used in many loose senses, in many ways. After all, food is a strategic item, we require it for survival. It does not mean that you must own every farm in the country. Shri Ram Jethmalani has taught us to distinguish between Parliamentary approval and accountability to Parliament. We must distinguish between the two.

श्री सभापति : आप जेठमलानी का नाम ले रहे हैं, वे तो सो रहे हैं ।

1.00 p.m.

SHRI ARUN SHOURIE: Similarly, we must distinguish between control, influence and ownership. *...(Interruptions)...* Sir, in the case of energy sector, to which Shri Shankar Roy Chowdhury made a reference, I would like to say that ONGC, IOC, GAIL, NTPC, NHPC, NITCO, Power Grid Corporation, Atomic Energy Commission and other agencies concerned with generation of energy continue to be in Government hands. *...(Interruptions)...* And, I believe, that yes, there is a lot to be done on oil security, including the strategic oil reserve that has to be done now. Probably, I should not mention this, but hon. Members may want to know this. I should not mention the precise figure because it relates to defence. The overwhelming proportion of supplies in the Defence sector are being handled by IOC and not by these companies. *...(Interruptions)...* If I give you the correct figures, you will be astonished. But the point is *...(Interruptions)...* is the decision of the Government. *...(Interruptions)...* सजय पता नहीं क्यों सरप्राइज्ड आई *...* TOT ^T 3?it -tNysisj^ £ ? I am informing you that the Government has decided this. It has been announced many times. Even while announcing these decisions in a Press Conference I had said that the Government has decided that IOC, ONGC, GAL, will continue in the public sector. *...(Interruptions)...* That depends upon the specific Governments also; the Government's that you will support. *...(Interruptions)...* And those are the Governments which have actually disinvested 33 per cent of BPCL already, without any Parliamentary approval. They have disinvested 49 per cent of HPCL and that too without any Parliamentary approval... *...(Interruptions)...* with your approval. *...(Interruptions)...* Sir, these were the points which were made. *...(Interruptions)...*

MR. CHAIRMAN: I will allow you, but first, let him finish. *...(Interruptions)...*

श्री प्रेम गुप्ता : मान्यवर, सवाल यह नहीं है कि वह... (व्यवधान)...

श्री सभापति : देखिए, मैंने आपको एलाऊ नहीं किया है पर मैं आपको एलाऊ कर दूंगा लेकिन एक बार इनको भाषण तो खत्म करने दीजिए। लालू जी कह रहे हैं कि उस समय तक भूल जाऊंगा, तो यह मेरी जिम्मेदारी है।

SHRI ARUN SHOURIE: Sir, Shri Pranab Mukherjee made a reference to crony capitalism and the need to ensure that monopoly does not take place because of disinvestment. Sir, the Government is very much aware of this fact. And for that reason, as you know, firstly, the clauses in the Competition Act itself which I have read out, and which you have

already passed, will take care of it. Secondly, there is a need to remember about the scale of these operations. Many of these companies like, IPCL etc., look big in the Indian scale, but, in regard to the competition which they have to meet and the economies of scale which they have to capture, these are small plants. You can't penalise a cobbler for being the only cobbler in the village. So, this question of monopoly must be considered in that context. In the case of the Petroleum sector, as I have mentioned to you, we are in a dominant position. Even in regard to the retail distribution, about 79 per cent to 80 per cent of retail outlets remain with BPCL and IOC. There is no apprehension in this regard at all. ...*(Interruptions)*... That has already been decided. I have already announced that. ...*(Interruptions)*... I will conclude now. If you give me ten minutes, I will conclude..... *(Interruptions)*...

श्री प्रेम गुप्ता : बहुत हो गया, अब हम लोग पूछना चाहते हैं ।

श्री सभापति : जल्दी करिए ।

श्री अरूण शौरी : आप कहें तो मैं अभी खत्म कर देता हूँ । फिर इनको गिला होगा कि उनके आंसर नहीं हुए । इसीलिए मैं कर रहा हूँ ।

श्री सभापति : सब आंसर हो गए । They are satisfied.

श्री अरूण शौरी : थैंक्यू ।...*(व्यवधान)*..

SHRI JIBON ROY: Sir, I want to know one basic thing.

श्री सभापति : आप ठहरिए, वह पहले पूछ लें ।

श्री प्रेम गुप्ता : सर, सवाल यह नहीं है कि एच.पी.सी.एल. और बी.पी.सी.एल. का प्राइवेटाइजेशन क्यों हो रहा है या उसकी उसकी स्ट्रेटेजिक क्या इम्पोर्टेंस है । सवाल यह है कि आप एक तरफ पैट्रालियम प्रोडक्ट को एक स्ट्रेटेजिक कम्मोडिटी डिक्लेयर कर रहे हैं । और 45 रोज की उसकी स्ट्रेटेजिक की फेसिलिटी पर पांच हजार करोड़ की इन्वेस्टमेंट कर रहे हैं जिसका फैसला 10 रोज पहले कैबिनेट ने किया है । जो रिफाइनरी आपके पास बनी हैं, जो बिलियन आफ डॉलर्स के असेट्स हैं उसको आप

You are committed to sell. This is something not understandable to us. You said that IOC was doing storage for defence. It is all right, but, Mr. Minister, after all, product is the same. Today, it is HPCL or BPCL, tomorrow, it can be IOC. मान्यवर, जिस हिसाब से डिस-इन्वेस्टमेंट ब्लाइंड तरीके से किया जा रहा है तथा राजस्थान में एक होटल बेच दिया गया जो राजस्थान गवर्नमेंट की प्रॉपर्टी थी । राजस्थान सरकार ने इसके ऊपर केस किया हुआ है ।

श्री रमा शंकर कौशिक : श्रीमन्, मैं आपके माध्यम से माननीय मंत्री जी से कहना चाहता हूँ कि माननीय मंत्री जी ने अभी अपने भाषण में कहा कि पार्लियामेंट के कहने से एटॉर्नी जनरल से राय ली गई । श्रीमन् आपके माध्यम से मेरी यह मांग है कि एटॉर्नी जनरल की जो

राय हैं वह तो यहां रखी जानी चाहिए थी तथा अब रखी जानी चाहिए। एटॉर्नी जनरल को बुलाना चाहिए क्योंकि हम लोग पूछना चाहते हैं तथा सवाल यह नहीं है कि उन्होंने जो राय दी है वह सही हों। क्योंकि पहले एटॉर्नी जनरल ने इसके खिलाफ राय दी थी।

श्री सुरेश पचौरी (मध्य प्रदेश) : सर, मेरा व्यवस्था का प्रश्न है। प्रायोरिटी मिलनी चाहिए।

श्री सभापति : व्यवस्था का प्रश्न बाद में।

श्री अरुण शौरी : सर, मुझको जवाब देने का अवसर जरूर दीजिएगा।

श्री सभापति : मैं आपको जवाब देने का अवसर जरूर दूंगा। क्वेश्चन तो आ जाएं

SHRI JIBON ROY: Mr. Chairman, Sir, I have to put a basic question and not a technical one. I understand that the Government is serious to privatise all the public sector units. Earlier, they were saying that only loss-making units would be privatised. But, now, the Government has taken the position to privatise all the private sector units. As far as IOC is concerned, the hon. Minister did not say, in categorical terms, that it would never be privatised. I understand it, and I appreciate the position of the Government. And, Mr. Shourie is much more serious than the Government. The basic point here is what they are going to privatise. They are going to privatise the assets created by the people of India during the last 50 years. Here, we, the Members of Parliament, are discussing it. I want to know whether people should be consulted. This issue has never been put before the people. Therefore, I would like to know, if you are politically correct, if your wisdom is clear, will you take the mandate of the people over this issue?

MR. CHAIRMAN: It is all right. You have put your question...
..(Interruptions)..

SHRI JIBON ROY: Mr. Minister, why don't you contest an election for a seat comprising of industrial workers? As far as this House is concerned, the majority of the Members are against it. How are you going to resolve this issue?

श्री सुरेश पचौरी : आदरणीय सभापति महोदय, मेरा व्यवस्था का प्रश्न एक परम्परा के अनुसार है। जब 6 अप्रैल, 1967 को डा. हजारी की रिपोर्ट का हवाला दिया गया था तब उस समय फखरुद्दीन अली अहमद साहब तत्कालीन सभापति महोदय ने जो कहा था, मैं उसका उद्धृत करना चाहूंगा,

mr^i tii^H, "If a Minister quotes from any document, he can be forced to lay it on the Table of the House, and the House is entitled to it."

सभापति महोदय, चूंकि माननीय मंत्री जी मे अटार्नी जनरल की रिपोर्ट का हयाला यहां अपने उत्तर में दिया है, इसलिए हम आपसे निर्देश चाहेंगे कि आप माननीय मंत्री जी को निर्देशित करें कि वे सदन के पटल पर उस रिपोर्ट को प्रस्तुत करें।

श्री सभापति : आपकी रूलिंग सही हैं और मैं समझता हूं कि माननीय मंत्री जी इसको ध्यान में रखेंगे।

श्री प्रेम गुप्ता: सभापति महोदय, अटार्नी जनरल को सदन में बुलाया जाए।

श्री सभापति: उनको यहां पर बुलाया जाए, यह हम बाद में तय करेंगे।

SHRI J. CHITHARANJAN: Hon. Chairman, Sir, the hon. Minister, while replying to the discussion, has not stated as to why it has become necessary to privatise, to disinvest both the companies. At the same time, in his reply, he has stated that some of the other concerns like the Indian Oil Corporation, are still in the public sector. Therefore, we need not be worried since it covers most of the sector. But, what guarantee is there? Does the Minister give an assurance that those institutions will not be privatised? Is it the stand of the Government, or, if that is not the stand, then why do you take shelter behind that argument? This is what I would like to know from the hon. Minister.

SHRI V.V. RAGHAVAN (Kerala): Mr. Chairman, Sir, my question is: Would the hon. Minister plainly say what prevents him from bringing in a Denationalisation Bill straightforward? Why should the Government go to the Attorney-General all the time? Why don't you bring in a Denationalisation Bill? What prevents you from doing it?

THE LEADER OF THE OPPOSITION (DR. MANMOHAN SINGH): Sir, I am very sorry that I was not present in the House. I had some urgent work. But I have basically two questions. I heard the hon. Minister to say that the Government have decided not to privatise the ONGC, the GAIL and the Indian Oil Corporation. These are the dominant producers in the public sector, as far as the oil sector is concerned. Following from this, I would like to know as to what then is the purpose of privatising the HPCL, BPCL. This is what the hon. Minister has not explained. The second thing that I would like to ask the hon. Minister is this. Sir, my fear is that what you are going to do and the pattern that you have adopted, whether it is in the VSNL or that you are going to adopt in the case of HPCL, we will have the worst of both the worlds. The Government's control over these things does not disappear. It is through the shareholders' agreement and other small print, you have reserved for the Government the right to interfere, but these

companies will then become the handmaiden of the concerned Minister. There will be no CAG control, there will be no questions asked in Parliament. That would be the worst sort of crony capitalism that would flourish in this country in league with the unscrupulous politicians and unscrupulous businessmen. How will you avoid it? We saw that in the case of the VSNL, when a Minister makes up his mind he can browbeat, for example, the new management even after privatisation; and, my fear is that this is precisely the situation that you are going to create in the case of HPCL and BPCL. We would have all the bad things of the public sector and the bad things of the private sector, but none of the gains of privatisation that you have in mind. Your intentions may be honourable, but those intentions are not going to be realised. These are the worries of the people of India.

श्री संजय निरुपम : चैयरमेन सर, मुझे दो-तीन छोटी- छोटी बातें कहनी है । एक तो अटार्नी जनरल की ओपिनियन की व्यवस्था के बारे में ।

श्री सभापति : वह बात तो आ गई ।

श्री संजय निरुपम : सभापति महोदय, मैं सिर्फ अटार्नी जनरल की ओपिनियन की कापी सदन में रखने की बात नहीं कह रहा हूँ । मैं बोल रहा हूँ कि अटार्नी जनरल को यहां पर बुलाया जाना चाहिए ।

श्री सभापति : ठीक है, ठीक हैं ।

श्री संजय निरुपम : उनके पास कहने के लिए बहुत सारी बातें हैं, वे सारी बातें कह नहीं पा रहे हैं, वे सारी बातें उस पत्र में नहीं कह पायें हैं । इसलिए मैं आपसे निवेदन कर रहा हूँ कि अटार्नी जनरल को बुलाने की आप व्यवस्था दें ।

दूसरी बात, मंत्री महोदय ने यह बताया कि दिल्ली हाई कोर्ट में एक केस गया था एचपीसीएल और बीपीसीएल के डिस-इन्वेस्टमेंट के बारे में । वह डिसमिस हो गया । ये हमेशा इस तरह के कुछ वर्ड्स यूज करते हैं । यह डिसमिस नहीं हुआ है ।

श्री सभापति : वह विद्वां कर लिया गया ।

श्री संजय निरुपम : वह विद्वां किया, स्वयं पेटिशनर के काउंसिलर ने बोला है कि बाल्को के...

श्री सभापति : बस हो गई बात आपकी । आपकी बात मान ली ।

श्री संजय निरुपम : चैयरमैन साहब, प्लीज मुझे एक्सप्लेन कर लेने दीजिए । यह जो हाउस का मिसलीड करने की बात है ।

श्री सभापति : विद्वां कर लिया आपका कहना यह है । ... (व्यवधान)...

श्री संजय निरूपम : आप चिल्लाइये मत । मेरे सामने ज्यादा मत चिल्लाइये । मुझे चेयरमैन साहब ने बोलने की परमिशन दी है । आप मुझे बोलने दीजिए ।

श्री सभापति : आप उनको मत देखिए, आप मुझसे कहिए ।

श्री संजय निरूपम : चेयरमैन साहब, तीसरी बात मैं यह बताना चाहता हूं कि स्ट्राइक का कोई ऐसा नोटिस नहीं आया है, अखबारों में इन्होंने पढ़ा । सरकार के पास स्ट्राइक की नोटिस आ गयी है, एच.पी.सी.एल के पेट्रोलियम इम्प्लाईज यूनियन ने लिखकर भेजा है, बाकायदा पेट्रोलियम मिनिस्टर श्री राम नाईक के पास लिखकर भेजा है कि जिस दिन आप बिड़ इनवाइट करेंगे, उस दिन हम पूरे देश में जितने भी ऑयल सैक्टर के इम्प्लाईज हैं, जितनी भी ऑयल सैक्टर की फैक्ट्रीज हैं, इंडस्ट्रीज हैं, उन सबमें स्ट्राइक करेंगे । उस दिन अगर स्ट्राइक हो गयी तो सरकार के पास क्या वैकल्पिक व्यवस्था है ? पेट्रोल पम्प में पेट्रोल नहीं मिलेगा, डीजल नहीं मिलेगा, एल.पी.जी.की सप्लाई नहीं होगी, पूरे देश में हाहाकार मच जाएगा । ऐसी स्थिति में इनके पास इंतजाम है, यह मंत्री जी को बताना चाहिए ।

श्री सभापति : एम.पी.ज. पार्लियामेंट नहीं पहुंच पाएंगे ।

श्री संजय निरूपम : बिल्कुल नहीं पहुंच पाएंगे । मेरा आपसे निवेदन है कि कोई भी डिजीजिन लेकर, एक जिद में आकर उस डिजीजिन को इम्प्लीमेंट किये जाना, चाहे कोई भी रोपरकशन हो, अरुण शौरी जी का यह ऐटीट्यूड गलत है, इस प्रवृत्ति को बदलने की जरूरत है ।

SHRI ARUN SHOURIE: I will start with the Leader of the Opposition. He has made a very important point. We may well end up with the worst of both worlds. I think, that is a very important consideration and Government as well as everybody else must be completely complacent of that possibility. That is why, Sir, in the Shareholders' Agreement we try to make these conditions very specific for Government intervention -- grounds on which Government can intervene. The point that arose about VSNL controversy was, in my view, an unfortunate occurrence because of disagreement between the Government Ministry and successful bidder. But I am very happy to report that it was very swiftly resolved. It did have any impact on prospective bidders for other cases; I am not denying that. We must be very concerned about these developments. Everybody in Government and all Ministries, which may have some residual stake, must be cognisant of the danger that Dr. Manmohan Singh has pointed out. For that particular reason, Dr. Singh will be happy to know -- as I announced in December -- that Government has decided that wherever some equity remains in the hands of the Government, it will not remain with the administrative Ministry, but will come to the Asset Management Company. There are proposals that they should be either governed by a separate

board as in some other countries like Singapore, or, that it should come in the Ministry of Finance, where there is a central control on these matters and daily interference in the functioning of disinvested company should not take place. Sir, the second point that was made as to what are the alternative arrangements that are made in the case of strike. I should be completely candid with you. It is our duty. Of course, the Government will make such arrangements as are necessary. I am sure, the Petroleum Ministry will do so. But those who lead people to strike on these matters, or, on other matters should also see their contribution in bringing about situations in which we then say, look here, MPs and other countrymen can reach the House. After all, other people are also responsible for this. It is a common responsibility in this regard. The third point that was made was regarding the question of 'why'. If you give me time, I will go into detail. But I will specifically mention my two submissions. This whole distinction --which has permeated that is in the Motion before you -- of profit-making and loss-making companies and so on, is a case which has come up really as an afterthought. As Shri Apte mentioned yesterday and as I had mentioned in December, between 1991 and 1998-99, 39 companies were disinvested. Out of 39 companies, 37 were profit-making. In this case, two-thirds that we have disinvested are loss-making, and yet you keep going back to the same thing. ... (*Interruptions*) ...

SHRI DIPANKAR MUKHERJEE: There is a difference between privatisation and disinvestment. When you sold 50 per cent, it is not privatisation. ... (*Interruptions*) ... हारमोनियम बजाएंगे, अपना तबला बजाएंगे, वह चलता रहेगा।

श्री अरुण शौरी : सर, ये अपनी हिन्दी बोलते रहेंगे, वह भी चलता रहेगा

SHRIDIPANKAR MUKHERJEE: Let him come forward with a legislation ... (*Interruptbns*) ... पांच परसेंट सेल नहीं किया और प्राइवेटाइज़ कर रहे हैं। वह शेयर सही हो गया। He is not giving reply. ... (*Interruptions*) ... If he has courage, let him come with a legislation before the House. (*Interruptions*)...

SHRI ARUN SHOURIE: They need not inform anything about my courage. ... (*Interruptbns*) ...

SHRI DIPANKAR MUKHERJEE: इतना थ्योरीबाजी करने से क्या होगा ? the Government has courage, let them come forward with a legislation in the House. I am challenging. Let them accept the challenge.

...(Interruptions) Let us decide how many of us want denationalisation of HPCL and BPCL. ... (interruptions) ... Let it be decided on the floor of the House. ... (Interruptions) I had told you yesterday, Sir, that a debate in the Parliament, cannot take over the national consensus. If the Government has the courage, let them come forward with that legislation before the House. I am challenging. Let them accept the challenge. Let us decide as to how many of us want the denationalisation of HPCL and BPCL. Let it be decided on the floor of the House, not by the debating skills. (Interruptions)

SHRI ARUN SHOURIE: Sir, I will answer that point also. But before that, let me mention one thing. (Interruptions) What is this? Sir, they are preparing to walk- out. (Interruptions)

SHRI B.P. SINGHAL: Sir, this has to be stopped. This is no way of doing it. (Interruptions)

श्री दीपांकर मुखर्जी : हम तो पुलिस से डरते ही हैं। अब तो पोटा भी है। कभी भी आकर बोलेगे, इंस्टिगेटर हैं। शौरी साहब भी कहते हैं इंस्टिगेटर। वे वहां बैठे हैं।

श्री सभापति : कोई पुलिस नहीं है।

श्री दीपांकर मुखर्जी : हम तो पोटा के अंदर जाने वाले हैं लेकिन हम तो इस एच.पी.सी.एल. के मामले को छोड़ेगे नहीं। हमको पोटा में डाल दीजिए।

SHRI ARUN SHOURIE: Sir, just two final points. I would like to inform you that not just the Central Government, but all the Chief Ministers together, including the Chief Minister of West Bengal, in the National Development Council, have adopted the Tenth Five Year Plan, which says that we have to raise Rs. 80,000 crores from disinvestment. Now, you exclude such companies. We have already had to return about 11 companies to the Department of Heavy Industry, because, there were no bidders. (Interruptions)

SHRI NILOTPAL BASU: Let him produce a copy of the statement of the West Bengal Chief Minister. (Interruptions)

SHRI S. RAMACHANDRAN PILLAI (Kerala): Sir, this is very bad. (Interruptions)

MR. CHAIRMAN: Now, we will take up a very important Bill.