

14.17 hrs.

Title: Discussion on disinvestments of Hindustan Petroleum Corporation Limited (HPCL) and Bhart Petroleum Corporation Limited (BPCL) (Not concluded).

MR. DEPUTY-SPEAKER: Hon. Members, the discussion regarding Disinvestment of Hindustan Petroleum Corporation Limited and Bharat Petroleum Corporation Limited has been admitted in the names of Shri Basudeb Acharia and Shri Prabodh Panda.

Shri Basudeb Acharia has requested the hon. Speaker to allow Shri Somnath Chatterjee to raise the discussion on his behalf. The hon. Speaker has since acceded to the request of Shri Basudeb Acharia.

Now, Shri Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE (BOLPUR): Mr. Deputy-Speaker Sir, the proposed privatisation and sale of HPCL and BPCL, according to us, will be an act of monumental perfidy against the people of this country by this political aberration called NDA. It will be against the national interest to lose them. So far as the country is concerned, they are our own assets, the people's assets. They are vital profit making undertakings.

14.18 hrs. (Shri P.H. Pandian *in the Chair*)

Sir, I cannot recall any other Government in the past showing such a effrontery towards the people, and callous disregard to strong public opinion expressed in this House and outside against the proposed privatisation of these two vital undertakings.

Sir, we feel that it is our patriotic duty to oppose this sinister move of bartering away national assets to cater to the dictates and whims of some of their friends both within and outside this country. Sir, for the benefit of a handful of people or concerns, mostly outside this country, the interest of 100 crores of people of this country are being prejudiced today. Therefore, I appeal to every section of this House, in spite of the Government's adamant attitude, particularly to the allies of NDA, to BJP here, to ponder over the matter. I believe, the commitment of the hon. Members of this House to national interest is on trial.

They will be judged by the action they take here inside. Their patriotic sense of duty is at stake today. They will have to justify the people's faith in them, when they are elected to this House.

Sir, we have said earlier also and I must repeat that this is nothing but loot and plunder of valuable national assets. These have been called '*Navratnas*', jewels of the country. They were given the description because of the glorious record of these undertakings in the service of the country. They have more than justified themselves, since they were established. I, again, request all the Members of this House and the allies of the B.J.P. that they should rise to the occasion and not surrender to the anti-national activities of the major party. Again and again, people are asking, "Why these important undertakings are being privatised? What is the policy of this Government? Why are profit-making units being sold, in many cases for a song?" In this case, a special question has arisen as to the right of the Government to do it by an executive decision bypassing the Legislature.

Sir, I must point out for record that both these undertakings came into being as national undertakings because of the Acquisition of Undertakings Acts passed respectively in 1974 for ESSO and in 1976 for Burma Shell. These were very important legislations, I have no manner of doubt, and Shri Vajpayee admitted that he had voted for them in 1974 and 1976. Why? The experience of the 1971-War was known to us. The then Government realised the great risk this country was undergoing, if important concerns supplying extremely important raw-materials like petrol, diesel and other items were left in the hands of the foreign company to be decided by them, to suit their own interest and not the national interests of India or the people of India. That is why, deliberately and with acclamation and national acceptance, both these undertakings were acquired by the Government of India.

The Preambles reads that it is expedient in the public interest that undertaking in India, the Esso Eastern Incorporated, should be acquired in order to ensure "that the ownership and control of the petroleum products -- not mere availability of petroleum products -- distributed and marketed in India by the said Company are vested in the State." It says that not merely distribution rights, but the whole undertaking, ownership and control of these products, should be vested in the State" and thereby so distributed as best to subserve the common good.

Sir, preamble indicates the policy of the legislation. I do not know if Shri Shourie has got a Law degree but I know that he is more than a lawyer. He will say, 'Well, it is preamble.' ...(*Interruptions*) You will not say that? Very good! Then I need not go into that. Then he will say that the preamble expresses the intention of this legislation that had been adopted by this House. It says that the undertaking, with all its assets, liabilities, rights and interests vests in the Central Government.

The objective of this legislation is clear. HPCL and BPCL came into existence as public sector undertakings

because of the Acquisition of Undertakings Act. They are now parts of national assets. They are very important public sector undertakings as had been decided by this law. The only thing now is that they have tried to find out some sort of a loophole. They say, 'Well, it has now been vested in the Government company.' What does the law say? It says:

"Notwithstanding anything contained in sections 3, 4 and 5, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by notification, that the right, title and interest and the liabilities of Esso in relation to any undertaking in India shall, instead continuing to vest in the Central Government, vest in the Government company."

Every right and liability has to be undertaken by this Government company. It is being said as if the whole intention of the preamble can be given a go by or the whole basis of the nationalisation goes away because consciously the Government has decided for running the institution as a company than as a Government Department. Obviously, a Government Department cannot run and manage a concern like this. It is said that ultimately it may have to be given to a Government company. Why to a Government company? It is because a Government company will fulfil the objectives of this Act.

Sir, section 7, sub-section (2) of the Act says:

"the Government company shall, on and from the date of such vesting, be deemed to have become the owner, tenant or lessee, as the case may be, in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertaking shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Government company."

The right of the Government here is to maintain it, run it; and the liability is to see that the national interest does not suffer. The law has given that important function to the Government to run these entities as parts of our national assets and national endeavour.

So far as the transfer of services of the employees is concerned, they will become the employees of the Government company under statute and remain so until their tenure is determined according to law. The old companies had certain trust funds. As you know, gratuity and provident fund trusts, etc., are there. Shri Shourie is well aware of similar provisions. It has been said in section 10, sub-section (3) of the Act that:

"The Government company in which the undertakings of Esso in India are directed to be vested shall, as soon as may be after the date of vesting, constitute, in respect of the monies and other assets which are transferred to and vested in it under this section, one or more trusts having objects as similar to the objects of the existing trusts as in the circumstances may be practicable."

Even the Government companies have to constitute trusts for the benefit of these workers. What will happen to these?

There is a non-obstante clause in section 11 which says that it will have an operation irrespective of any other Act or any other law or agreement or instrument.

Well, a similar law was passed with regard to Burma Shell in the year 1976, and ultimately it was given to BPCL which is a Government company now.

Now, the question -- which has been raised in this House earlier also -- arises is that whether a body which came into existence initially because of the Act of Parliament and which, under the provisions of the Act has been given to a Trust, Government company for the purpose of running it as a part of the national asset, can be disposed of without the amendment of provisions or the decision of the Parliament of India. This question was raised, I believe, very pertinently.

Now, I shall come to the other thing. Opinion has been given. Some of us are very humble persons, who are not as well-versed as our distinguished hon. Minister of Disinvestment is. Opinion has been given by no less persons than three retired Judges of the Supreme Court, namely, Justice Krishna Iyer, Justice Chinappa Reddy, Justice P.B. Sawant, who were the most celebrated and renowned Judges. We all respect them. Then, Justice Rajender Sachar, the retired Chief Justice of the Delhi High Court and Shri Shanti Bhushan a very senior Advocate have also very categorically said:

"Preamble itself clearly spells out the legislative policy of the enactment and the objective of the

nationalisation, and that the Government's decision to privatise HPCL or BPCL without amending the Acts or without approval of Parliament, will be clearly unconstitutional. The scheme of the enactment by which the oil companies were nationalised is absolutely clear. It mandates the oil distribution business to be divested in the State though it can be through a Government company." "

This is what I am also stressing. Then, they further said:

"In our opinion, the oil PSUs could only be privatised by means of expressed Parliamentary enactment by either amending the earlier Act or by bringing in a new Act and repealing the earlier Acts. The Government's decision is against the constitutional propriety and supremacy of Parliament. It would be absurd to suggest that the Government could undo the Parliamentary mandate by just selling the shares to the Government company and then privatising it."

Sir, I do not think that any one of these gentlemen can be called that they are terrorists or anti-national people. They have given their views, and obviously none of them has any personal interest, I take it.

Now, the requests from the Members of Parliament are not being accepted. Various opinions have come out. I do not want to take the time of the House. But then, it was said by Shri Prashant Bhushan also in his article, which is a very well-considered article, expressing similar views. I do not want to read it out. But I adopt it.

Sir, there is a letter written to the hon. Prime Minister, I find, by 71 lawyers of the Supreme Court in which they have expressed similar views stating that "the constitutional propriety demands that the company created out of the Parliamentary decision should not be bartered away, keeping the national interest and propriety."

As against this, we are told, more through newspapers, and I believe the hon. Minister has said that the Attorney-General has given a clear message. Sir, I do not know of any provision of the Constitution which says that the Attorney-General's opinion or message is *ipso facto* binding on the Parliament of India. It cannot be. But, we are, nowadays, seeing it happening. Although I belong to the same fraternity; once I was also a Government lawyer. But I have never seen such Government lawyers of high stature changing their opinions suiting the Government policies for the time being.

The classic example of the very same Attorney General, changing his opinion, is in the Telecom case which has brought the entire fraternity to question.

If they are so clear of their popular support and here in the Parliament and of their legal position, why do not they bring it here? Why is not a law passed? Then they will have the Parliament's mandate. Even we cannot get a discussion under Rule 184. I had given a notice for a discussion under rule 184 which would have resulted in voting. The hon. Speaker, in his wisdom, has not admitted it. Why was it allowed to be discussed under rule 193? The Government itself should have invited a discussion under rule 184. If they are so sure of their merits, they should have allowed a discussion under rule 184.

Sir, what is HPCL and what is BPCL? Why are we so much against this proposal? It is important to note this. I want to have it on record properly. The turnover of BPCL over the past few years had been Rs. 42,294 crore, and the excise duty paid was Rs. 10,513 crore. The turnover of HPCL had been Rs. 45,286 crore, and the excise duty and tax paid were Rs. 11,246 crore. The turnover of these two companies, during the last few years, had been Rs. 87,580 crore, and the excise duty paid was Rs. 21,759 crore. Are these the pittance? As against this, what is the position of the coveted *navaratnas* of this Government? These *navaratnas* are Reliance, Grasim, Bajaj Auto, Tata Steel, Sterlite, Colgate Palmolive, L&T, Raymand and Glaxo. The total turnover of these nine companies is Rs. 88,157 crore which is Rs. 1,000 crore more than those two companies. How much excise and tax have these nine companies paid over these years? It is Rs. 6,840 crore as against Rs. 21,759 crore of those two companies. Are they mal-functioning companies? Are these companies not doing their duties? Are they not performing well?

Sir, the net profit of BPCL last year was Rs. 850 crore. The fixed assets of BPCL was Rs. 9,722 crore, and that of HPCL was Rs. 10,224 crore. The cash reserves of BPCL were Rs. 3,700 crore, and that of HPCL were Rs. 5,946 crore.

Take the example of BPCL. In 1991-92, its net profit was Rs. 148.46 crore. After contributing Rs. 1,876 crore to the exchequer by way of taxes paid, it had a profit of Rs. 148.46 crore in 1991-92. In 2001-02, the profit rose from Rs. 148 crore to Rs. 835 crore. The contribution to the exchequer rose from Rs. 1876 crore, to Rs. 10,513 crore. I cannot think of any other company which has performed in such a brilliant way. It has been providing huge sums to the national exchequer. Apart from showing contribution for the development of infrastructure in this country, it is providing jobs to 26,000 people in this country. Twenty six thousand families are saved because of this.

The education for their children has been provided; their development is taken care of; the whole families are protected because of this. It is not a small number. At the same time, the performance of this Government in employment sector is well known! Even the hon. Prime Minister is hesitant to spell out the figures of employment.

What is the crime committed by these companies? BPCL has planned an investment outlay of Rs.6880 crore in the Ninth Plan Period; the net internal generation of it will be Rs.1600 crore. It envisaged a 6-million tonne Bina Refinery in Madhya Pradesh and a 7-million tonne refinery in Uttar Pradesh. Three international majors have shown interest in BPCL's proposal to set up a petrochemical project in Tamil Nadu.

So far as pipeline is concerned, they are laying pipelines for the supply of oil from Mumbai refinery to Manmad to Indore. These projects are to provide employment to thousands of workers directly and to lakhs of people indirectly in different States.

BPCL has 54 per cent holding in Kochi Refinery and owns majority shareholding in Numaligarh Refinery Ltd. By privatising or disinvesting BPCL, the Government is killing a profit-making, employment-oriented oil PSU. HPCL, during 1998-99, incurred an expenditure of Rs.1705 crore which includes investment in Joint Venture projects. Thirteen new depots were created. Very many projects they have undertaken for the pipeline business, which have already added or will further add tremendously to the available infrastructure in this country.

I am happy to find that these oil companies have been continuously engaged in developing villages, apart from their contribution in development of sports, education and other different spheres. What will happen to these now?

The opinion of the Parliamentary Standing Committee had been ignored. What is the method of dealing with them or to get rid of them? I am appealing to all the hon. Members here. Please forget the party line for the time being; at least for one day, let us forget it. Who will benefit because of this? It is not Shri Somnath Chatterjee or CPI (M) which will benefit. It is the people of this country for whom we are talking will benefit. I am sure all of you are interested in this. I am not claiming special credit for me or for my Party. Therefore, please just see what is the method decided by this Government.

In the case of BPCL, the Government is to divest 35.2 per cent equity in domestic and overseas market; employees are to get five per cent on concessional terms; the Government is to retain 26 per cent. Therefore, 74 per cent go and 35.2 per cent equity will be sold. In the case of HPCL, the Government is to divest 26 per cent to strategic partners. Why is this difference in the methods?

A favourite person of the present Government, Shri G.V. Ramakrishna – I do not know why they do not call him a favourite person – who was the former Chairman of the Disinvestment Commission, has also asked as to why that difference was made. Over and above, the most important decision is that our PSUs will not be allowed to bid for that. ONGC cannot bid for it; IOC cannot bid for it. Why can they not bid? IBP was allowed; IOC took it over. The decision of the Government is this. They must go either to one or two rich Indian people – you can count them with your fingers and you know who are the real intended beneficiaries – or to the foreigners.

We have seen in the newspapers. I would like the hon. Minister to take this House as well as the country into confidence and tell us which are the concerns which have either shown interest or he expects them to show interest. Let us know it. We know, what has happened to IPCL. Everybody in this country knows the way IPCL has been sold. Instead of a public monopoly, the Government has created a private monopoly. But for one concern, they have become all-powerful emperors of the petrochemical industry in this country.

We have seen that the hon. Minister of Petroleum has the distinction of representing the largest constituency in this House but he has now become a pygmy. On certain occasions, he watches up and makes noises and again goes to slumber, as he is now. Then we have the celebrated convenor of NDA. It appears he also raises doubts. Then there was some hibernation. Everybody was shouting. Even their allies were shouting. Well, let us see. It will die out.

One day, the Prime Minister calls all of them and admonishes them, I do not know. The Headmaster said what to whom, I do not know. But it had its effect. Either you are in or out, depending on that. Then came another peroration in the form of a statement from our distinguished Disinvestment Minister. I do not want to repeat it. Everybody laughs at it. Ours is a unique country in the world where we have a Minister of Disinvestment. You have the Ministers of Industry, employment, etc. but we have the unique distinction. I am sure the Guinness Book has a record of it. He had said: "yes, we had a meeting". It was a fateful day for this country, namely, 6th December, 2002. The meeting was held somewhere in the Prime Minister's house and some decisions were taken. For what? It says: "This is to fine-tune the Disinvestment policy". This is a proof of how English language is so useful, at certain times, to cover up certain things. So, this was to fine-tune disinvestment policy and programme by adopting the following approach. The main objective of disinvestment is to put national resources and assets to optimal use. What will be the greater optimal use so far as these two companies are concerned. I am requesting all my friends here to tell us,

to educate us, as to what will be the optimal use so far as these two concerns are involved. The objective in particular is to unleash the productive potential inherent in our public sector enterprises, to further the productive potential interests. Let us know, did you call them. Did you call the management of these two concerns and ask them to further unleash their productive potential element inherent in these enterprises? Did they not rise to the occasion? What was the standard you had laid for them? What are your further expectations from them?

MR. CHAIRMAN : Sir, you have already taken half an hour. How much more time do you require?

SHRI SOMNATH CHATTERJEE : Until I finish my speech. I will try to cooperate.

What are the aims of this fine-tuning? They are, modernisation and upgradation of public sector enterprises. These are your words, Shri Shourie. Shri Ram Naik has thoroughly failed; you have failed to modernise and upgrade these two *navratnas*. Were they asked to create new assets? How are you ensuring further generation of employment by selling away these two important undertakings?

Now comes the real thing – retiring of public debt. This is the real matter. You have brought this country into bankruptcy. There is highest amount of public debt. The economy is stagnating and there is no generation of resources. Where will the employment come from? Forget about the Government sector, you do not have any employment in other sectors also. Recession is overtaking us. Then, how would the sale of these two undertakings generate employment? Therefore, you want money to square up your budget deficit and you have been saying that. I think, for the first time, this year my good friend, Shri Jaswant Singh has not given any assessment of how many crores of rupees he will get from privatisation. You have to cut your coat according to the cloth you have. Just because you cannot find out resources to pay off your public debt, you will sell off these important public undertakings.

I would like to know what crime they have committed. What indiscretion have they committed? What anti-national activity or anti-commercial activity have they done that you have selected these two profit-making units?

Then you have further said:

"The Government would continue to ensure that disinvestment does not result in alienation of national assets, which, through the process of disinvestment, remain where they are. It will also ensure that disinvestment does not result in private monopolies."

If these two companies are sold, what remains? How can you prevent almost private monopoly if these two companies go to one industrialist? Who knows who would ultimately get them? Even the House has not been taken into confidence how you select your consultant and how the strategic partner is selected. What voice does Parliament have? The Standing Committee has no voice. No Committee of Parliament has any voice. It is never discussed on the floor of the House and not even leaders of the parties are called and told about this. There is no amount of parliamentary association in the process of selecting the methodology of the sale and disposal of these important public undertakings. I am charging you that as you have done in IPCL, the sale of these two will actually result in private monopoly and this will go to foreigners. Then, this country will be totally at the mercy of foreigners and concerns who are already showing their red eyes. Some countries think that they are the protector of the humanity in this world. We have recently seen how a country lost its independence. How their country was decimated by this power hungry country in this world. You cannot surrender to them. This is going to happen. Therefore, I would like to know who are the companies that are showing interest or whom you expect to show interest. These are huge companies.

Then, your Statement talks of sop although the Disinvestment Commission had said it long time back. It says:

"In order to provide complete visibility of the Government's continued commitment of utilisation of disinvestment proceeds for social and infrastructure sectors, the Government would set up a Disinvestment Proceeds Fund. The Fund will be used for financing fresh employment opportunities and investment, and for retirement of public debt."

This is another joke played on the country.

For the disinvestment of natural asset companies, the Ministry of Finance and the Ministry of Disinvestment will work together.

The statement further says, 'the Ministry of Finance will also prepare for consideration of the Cabinet Committee on Disinvestment a paper on the feasibility and modalities of setting up an Asset Management Company'. Everything is being proposed to be done in future and nothing has been done so far.

Sir, the statement again says, 'with these objectives as the guiding principle, the Government has taken the following specific decisions:

- To disinvest through sale of shares to the public in Bharat Petroleum Corporation Limited (BPCL);
- To disinvest in Hindustan Petroleum Corporation Limited (HPCL) through strategic sale.
- To allot 5 per cent of the shares to the employees.

Sir, I have great personal respect for the hon. Minister of Disinvestment. But his transformation is very painful. Once he was somebody whose writings we used to avidly look forward to reading but now he has got totally transformed. You can now think of Dr. Jekyell and Mr. Hyde.

Sir, therefore, modernisation and upgradation of public enterprises, creation of new assets, generation of employment and retiring of public debt are the four policies. How, by sale of these two undertakings, will the Government achieve these policies except that of retirement of public debt? Therefore, the decision of the Parliament to expressly nationalise the two foreign oil companies, who had dubious role during the 1971 conflict, is being nullified by the Executive fiat without taking the assent of Parliament and without bringing in any new policy and without having the matter considered deeply, as if we all are anti-national people and all the repository of patriotism and of good intention is in the Ministry of Disinvestment headed by this motley combination. We cannot be a party to it.

Mr. Chairman, Sir, I just now referred to an article by Shri G.V.Ramakrishna. He has asked a pertinent query as to why two different methods have been adopted. He has asked a very important question that I have already mentioned and I would like to repeat it again. Why are other PSUs not being allowed to participate in the bidding? He says, 'by creating a monopoly in the petrochemical sector, that is by sale of IPCL to M/s Reliance, now on the grounds of market strength, ONGC is not allowed to bid for HPCL although ONGC's share of refining even after acquisition of MRPL and HPCL will be less than the capacity of a single private sector refinery. Now, the ONGC is not allowed to bid for HPCL on the ground that a public sector company should not participate in disinvestment'. Will they be disinvested by themselves? It further says, 'the logic of this is far from clear. IOC was allowed to bid for IBP and Government got a good bid from IOC for IBP. Close on the heels of this decision, there is the decision to allow ONGC and GAIL to bid for EIL'. Unless of course they have changed it. He further goes on to say, 'that this flip flop policy has confused a number of people who are otherwise sympathetic to the whole process'. He further says, 'PSUs only want the freedom to bid and not a nominated purchase. They will get the company only if their bid is higher than the others. Stopping PSUs from bidding will enable private parties to make lower bids and will lower the Government recovery and help in handing over the PSUs at a low price to private parties'. Why does the Government avoid competition there?

No reason has been forthcoming for that. He says, 'why should HPCL be sold to a private party through a strategic sale and BPCL sold directly to the public? Why not there is uniformity in sale of shares in both the cases and avoid creation of private fiefdom by retaining residual share of 26 per cent. Both in the case of VSNL and Centaur Hotel, shareholder agreements -- it is rightly believed -- were not properly drawn.

15.00 hrs.

The Centaur case is well known to you. Within a few months they made a profit of Rs.34 crore. These two undertakings are being shabbily treated like this. The Parliament is being shabbily treated. Important opinions are being ignored. The Government has not got the courage to face Parliament and seek a vote. At this stage, let us have this much of satisfaction that at least we could say something.

Shri G.V. Ramakrishna further says as follows. He is their man and I am only reminding them what he has said:

"It is understood that owing to faulty shareholders' agreements and sale agreements, even after sale, the buyers are asking for partial refund of sale price on the ground of hidden losses in the case of Modern Foods, HTL and Paradeep Phosphates. If this is correct, the Ministry should explain why they did not take care of in the first place to protect government's interest."

As you know, BALCO has got the judicial blessing from the highest court. That has encouraged them further, though for wrong reasons. The position is that BALCO is showing its true colours and they are dismissing people.

SHRI PRAKASH PARANJPE (THANE): *The Times of India* has categorically said that BALCO is nicely working. So, please do not mislead the House.

SHRI SOMNATH CHATTERJEE : I did not know that *The Times of India* was so good! I thought it was only *Samna* that was good. Very good; *Samna* is equal to *The Times of India*.

SHRI PRAKASH PARANJPE : *Samna* is far better than *The Times of India*.

SHRI SOMNATH CHATTERJEE : The other important thing about it is that apart from utilising them for meeting the public debt or the budget deficit, what action has so far been taken for creation of infrastructure by the Government with the proceeds of disinvestment? We have been asking this question and in the earlier debate also we asked this question. But nothing has been forthcoming. How many employees who have been dismissed have been redeployed after the sale?

Earlier, there was a Renewal Fund, which became a flop. Thereafter, the Disinvestment Proceeds Fund has been set up. How much is the total money in this Fund? How much money has been utilised and for what purpose? How much money are you expecting from the sale of these two companies? How do you propose to use them? Will they not go to the Consolidated Fund of India? It is bound to go to it. By a mere statement you cannot stop it from going to the Consolidated Fund of India. Then, where is the appropriation for this Fund? I do not know whether there is appropriation. Please correct me if I am wrong. We would like to know how you have done it.

This is precisely the fear that has been expressed by the Standing Committee on Finance. I have no doubt, the members of the ruling combination are in majority there. They have given a unanimous Report. They have expressed their serious reservations about several things - about the method of sale, about the asset evaluation, about the utilisation of disinvestment proceeds, etc. These are very important issues which have been mentioned here. They have also expressed their reservations with regard to qualification and disqualification of bidders. These are all in the Report of the Standing Committee.

They have also said that the guidelines are also not being followed in many cases. Apart from this, of course, there is a very important issue of employees welfare. This is also not according to your liking and, therefore, you do not refer to it and you do not follow the recommendations of the Standing Committee at all. You put up a fund and then do whatever you like. This is a clear affront to the people of this country. Therefore, I would like to know why this different method is being followed and who are the persons interested in it. So far, there has been no transparency and no disclosure.

I would request all our friends here to oppose this disinvestment as this is one of the most anti-national methods which has been adopted by this Government. It is not only that I oppose it but the 26,000 workers and their family members are also opposing it. The entire working class of this country is opposing it and all right-thinking members of the society are totally against the sale of these two Undertakings. I am not going into disinvestment in general. Earlier, I have said that I am not opposed to disinvestment *per se*. There should be proper approaches to be followed in this matter. But if these are sold away in the manner in which it has been threatened, then we shall reach the nadir of public probity. Therefore, I oppose it tooth and nail.

Before I take my seat, I appeal once again to everybody here to rise above party lines and come to think of the future of this country. These two important jewels of the Indian crown are sold away to suit the interests and whims of a few people who are in close contact with the ruling party.

SHRI KHARABELA SWAIN (BALASORE): Since I was to follow Shri Somnath Chatterjee, a great exponent of disinvestment, the main Opposition leader to speak against disinvestment, I listened to him with rapt attention. As usual, this has become a *karmakanda*. As usual, he used words like 'monumental perfidy, political aberration, sinister move, etc.' He uses them always. If you go through his previous speeches, you may find that it is repetition and the same record is being played over again and again. He also said that this disinvestment process is a great anti-national activity; this country will be in the hands of foreigners; and this country will lose its independence. At the time of the demolition of Babri structure these were the people who said that if Babri Masjid was going to be demolished, Third World War will start. He also talked about patriotism. If hon. Members from Shiv Sena talk about patriotism, I could understand it....(*Interruptions*)

SARDAR SIMRANJIT SINGH MANN (SANGRUR): Sir, I take serious objection to his reference of the demolition of Babri Masjid. ...(*Interruptions*) It was not a laudable method and it is nothing to be proud of. He can say whatever he feels like in a debate against Shri Somnath Chatterjee, but he should not attack the secular structure of the Constitution.

MR. CHAIRMAN : Shri Swain, we are debating on disinvestment.

SHRI KHARABELA SWAIN : When hon. Members of Shiv Sena talk about patriotism, I could understand it. But it is very interesting to hear about patriotism from a Party which had divided its own Party in 1963 on the basis of supporting China.

It was an aggressor at that time. He made several very interesting points....(*Interruptions*)

Sir, he spoke about the whole basis of nationalisation which has gone awry. Exactly, that is my point also. What

was the point in going for nationalisation? That was done in 1971. At that time, nobody, no private party came forward to set up big industries. They did not have money. It was the Government which wanted to provide, to create and to generate employment opportunities to the people. So, the Government wanted to set up industries. Is the situation same now? Now, the private industries, the private parties have come forward in a very big way to set up the industries. So, when there was no other alternative, then the Government had no other option but to go in for this. But when there is an alternative available for the Government, is it the business of the Government to do business? This is my question.

There are about 224 public sector units under the control of the Government of India. The Government of India has invested about Rs.2,79,000 crores. The return is 3.5 per cent only. What is the interest that we are paying on that investment? It is 12 per cent. So, on every hundred rupees, we are losing 8.5 per cent every year. Is it the way of providing jobs to only about 19 lakh people of this country? So, my point is that the country requires roads, safe drinking-water, infrastructure like power, health care and everything. Is it not the responsibility of this Government to provide all those basic necessities to the people? For providing those facilities, from where will the Government get the money? So, it is the right policy of the Government just to take out the money which has got stuck up with the public sector undertakings, most of which we are running on a loss to provide for employment opportunities by creating infrastructure.

Wherever I have gone in the world, I have found that it is the creation of infrastructure that has generated employment opportunities and it is not by just providing a job in the Government sector.

Sir, he mentioned about China also. China is the *guru* of all the Communists. Let them go and see for themselves what is happening in China. China has disinvested about three lakh public sector undertakings within five to ten years only. A point was raised. The hon. Minister is there and he will reply to this because I am not privy to all the details. But as a common man, from my common sense, I will raise two or three points.

A point was raised that with regard to disinvestment of the BPCL and the HPCL, why the Government has not come to Parliament to pass a law. Is it not a fact that 49 per cent of the equity of the HPCL has already been disinvested? Is it not true that 33 per cent of the equity of the BPCL has already been disinvested? Have all these things been disinvested with the approval of Parliament? This is my question. If you have already gone in for disinvestment, why are you asking the Government to come to Parliament to pass a law now? This is my question. So, I hope that the hon. Members who will be just speaking after me would also raise this question and they would think over it. Is it not a fact that the 33 per cent equity and 49 per cent equity of the BPCL and the HPCL have already been disinvested without the approval of this Parliament?

The hon. Member will go into the other details and ask what happened to other things. My point is this.

Now, the second point which was raised was that it is a strategic sector. Is it a strategic sector? The Government has already declared atomic energy, railways and defence as the three strategic sectors of this country. We agree to this. If we go on including all the sectors, then we can also in a way say that food is also a strategic sector. So, all the land should belong to the Government because without food, we will starve. We can associate the word 'strategic' with all sort of things. A question was asked if there is a war, and in case the oil companies are in the hands of the private parties, what would happen to us? They will not provide us oil at the time of war and the Indian Army will get defeated. That is the reason why in the year 1971 Smt. Indira Gandhi resorted to the nationalization of these oil companies. This question was also asked to many experts from the Army. The Army experts have said that they have a reserve for ninety days. In the present day world of globalisation, no war - I repeat, no war - continues for more than fifteen days. You saw the result in Iraq itself. Everybody was very happy from the very beginning that the war will continue for a long time and there will be hand to hand fighting and all sorts of things were told, but it completed within some ten to twelve days. There shall be no war in this world in future that will continue for more than fifteen days. To say that it is a strategic sector, the country will lose its independence, and we will be in the hands of the foreigners, are very far-fetched things. We have also passed the Competition Bill. We are talking that the private companies will become monopolies. How can they be monopolies? Section 4 of the Competition Bill lays down "prohibition of abuse of dominant position of a person or a company in the market". So, we have a law in the country. If anybody resorts to monopolistic behaviour, it is the Monopolies Commission which can intervene, and through this Commission the Government can also intervene. Fifty-five per cent of the retail distribution network today is with the Indian Oil Corporation. The Indian Oil Corporation, the ONGC, GAIL, all these companies are also with the Government. So, how can we lose the Independence of this country only by disinvesting two oil companies? How many oil companies will be there with the Government? That is why, it is absolutely far-fetched to say that if two companies go to the private hands, the country will lose its Independence.

I have also heard that a Petroleum Regulatory Bill is going to be introduced by the Government maybe in this Session or in the next Session. If it is introduced, then I think like the Telecom Regulatory Authority or the Insurance Regulatory Authority, naturally the Commission will also look into this monopoly aspect.

Sir, I would like to put forth one more very important point and conclude. All the time we are asked as to why profit-making public sector undertakings are disinvested. What does it mean by profit-making public sector undertakings? When were they making profit? They were making profit when they were under the monopoly of the Government. Once upon a time, Maruti and Steel Authority of India were also profit-making companies when there was no competition. But in today's globalised world, when there is very stiff competition, will it be possible for a Government company to compete with private companies and earn profit? Everybody in this House knows that quick decision-making is essential to survive in today's highly competitive world and the Government machinery is such that it will not at all be possible for a public sector undertaking to compete with private companies.

For example, in the monsoon season, if you go to the Taj Hotel where the occupancy rate is very low and you ask them to give 50 per cent concession in room charges, immediately the Manager of the Taj Hotel will say all right. But if you go to Ashok Hotel and ask the same thing there, the Manager there will say that the CBI, the Vigilance Department and the Audit Department will be after him and so he will say that he would send the file to his superior. By the time the file goes to his superior and comes back, the monsoon season will be over and the next season will start. This is the way the Government machinery works and this is the reason why the Government will never be a successful entrepreneur.

So, finally, I appeal to the Government of India that they should be very firm on this matter. They have introduced economic reforms in this country and without economic reforms, the country will not be able to prosper. If we keep following the old ideas, we will never become a successful country economically. So, let us not change the horse midstream. Once we have introduced the reforms, let us be very firm. We should see that these reforms succeed.

Sir, the hon. Minister should protect the interests of the employees. This is the most important thing because for good or bad they are used to this set up. So, the Government should see that they do not lose their jobs. They have not lost their jobs in Paradip Phosphates Limited in Orissa. Within three months of privatisation, Paradip Phosphates Limited tripled its production and more than Rs. 12,000 was paid to the employees per annum. Prior to privatisation, they were not getting their salaries for 1½ years.

Therefore, finally I appeal to the hon. Prime Minister and the Minister of Disinvestment that they should stick to the principle, they should not listen to all the motivated opposition and they should stick to the policies which they have promised to follow.

*** SHRI C. SREENIVASAN (DINDIGUL) :** Hon. Chairman, Sir, thank you for giving me an opportunity to participate in this discussion on Disinvestment of HPCL and BPCL. Sir, it is strange to observe the ways of this Government to change its strategy in its strategic disinvestment of Hindustan Petroleum Corporation and Bharat Petroleum Corporation. The entire nation is worried about the changing stance of this Government. That is why towards the fag end of this Budget Session, we witness a discussion in this august House on this important issue.

Sir, the great Tamil Saint poet Thiruvalluvar had said that you venture to anything after giving due thought otherwise it would be inappropriate to seek to think over after commencing the act. In his couplet,

"Enni thuniga karumam thuninthapin

Ennuvam enpathu ilukku."

He had rightly chided the fickle mindedness of the rulers. What is happening at the Centre? Just before the Winter Session last year, the news came that both HPCL and BPCL will be divested. Later on it was clarified that it may not be disinvested fully but only partly. It was stated that just a certain percentage of shares will be off loaded. News also came to the extent that both foreign companies and Indian oil majors would be permitted to take part in the bid. Further to it, it was stated that one of them would be privatised and in the other one just share off loading will be carried out. It was also in the news that ONGC would take over the operations of Hindustan Petroleum Corporation Limited. News contradicting this also came in the press later stating that ONGC would be barred from bidding. In the meantime, ONGC, the only oil company that would

* Translation of the speech originally delivered in Tamil.

have ensured integrated oil production by way of drilling crude oil and processing it and marketing it, invested in the infrastructure development. It had obtained permission for operating more than 600 petroleum retail outlets. The Mangalore Petroleum Refinery was got readied. But, suddenly, the decision of the Disinvestment Ministry prevented ONGC from participating in the bidding. It is noteworthy to point out that Indian Oil Corporation was already barred from participating in the bid.

Both BPCL and HPCL were created by Acts of Parliament. The foreign oil companies that were operating in the

country with the brand name ESSO, Caltex and Burma Shell were taken over the Government of India. Through special enactments between the years 1974 and 1976 the nationalisation process of these Oil Companies were completed. Solemn assurances were given to the Parliament of India that these companies would be vesting with the State and would remain as Government companies.

But what is happening today it to the contrary and disinvestment process has been initiated even without the obtaining the approval of the Parliament.

"You may say whatever you want to say but we would go ahead in our own way", is what the Government is saying to itself when this discussion is going on in this House. There is no voting at the end of this discussion. So the Government cannot later on claim that they have sought and obtained the permission from the Parliament.

You have forgotten that the Government at the Centre has been formed after forging an alliance with your alliance partners. Your own NDA members like Samata, Trinamool, Shiv Sena and Janata Dal (U) are opposing this move ... (interruptions) Your own Minister from your own party Shri Ram Naik opposed this move stoutly in the beginning. He was contained when it was proposed that ONGC may buy HPCL. It is proposed to mobilise about 10,000 crore rupees to the exchequer by way of this disinvestment. Your own ally, the Swadeshi Jagaran Manch says that the pricing should be transparent and it will fetch more.

Instead of going to the Accountant General to get his opinion, you are going to the Attorney General. The present Attorney General Soli Sorabjee says that it is not necessary to get the nod from the Parliament.

When this House had been given a solemn assurance that these companies would remain as Government companies, how can this Government go back on this. It is for you to ponder over. You may say that it is enough you have 51% stake to call it yours under the Companies Act. But what had happened in Maruti. 51% became 49% overnight. Now, 35.2% shares of these oil companies are sought to be sold. It is also reported BPCL may go into the hands of private operators. When so many contradicting information are coming, we are at a loss to understand the stand of the Government.

My only question to you would be whether or not you will give the due respect to the Parliament. Just because there is a difference of opinion among the alliance partners, you have shelved the Women's Reservation Bill. Likewise, will you stall the sell off? Will you stop the selling of the shares of these oil companies? The confirmed confusion that was there for the past six months has resulted in the non-take-off of the modernisation work at Mumbai Refineries at a cost of 1002 crore.

Maruti Udyog Limited remains a public sector company for namesake. Cut in jobs and retrenchment have become the order of the day. Can you give us a guarantee that this will not be repeated in both HPCL and BPCL in the near future? The Economic Times in its Editorial had recently stated that the *tu tu mein mein* attitude of both the Finance Minister and the Petroleum Minister rocks the disinvestment proposals.

These national assets have been acquired after legislating thrice and now you seek to sell them off without battling an eyelid. You also say that this sales will enable you to run them profitably. Financial papers have stated that these organisations worth much more than 1.2 and 2.1 billion dollars must be eased out responsibly. I would like to caution this Government to measure your steps. So far an Advisor has not been appointed to proceed with the disinvestment.

Hence I urge upon this Government to take into consideration the views expressed by many people who matter and spell it out with concern in the interest of the nation. When you are shedding shares atleast 5% of them should go only to the employees. You should also take it upon yourself to protect the interest of the staff. Job cut and retrenchment should not be there. These viable oil companies must continue to run profitably. I want this Government to be very careful on this.

There is a saying in Tamil "*sitthan pokku, sivan pokku*". You should not act in your own way ignoring the saner words of well-meaning people. With this I conclude thanking the Chair again for giving me opportunity to participate in this discussion.

MR. CHAIRMAN : Dr. B.B. Ramaiah.

Mr. Ramaiah, one minute please. I would request you to listen me for a minute. I heard Shri Somnath Chatterjee,

Shri C. Sreenivasan and one hon. Member from that side about the necessity of having the Parliament's sanction for disinvestment.

Shri Mukherjee was then Additional Solicitor-General. If all Members say Parliament's sanction is not necessary, then there need not be a debate. *Magna Carta* says no pie can be appropriated without the authority of Parliament. In that way, how can a public property be sold? It is a *Magna Carta*. Shri Mukherjee is all right.

...(Interruptions)

MR. CHAIRMAN: *Magna Carta* is an old document.

SHRI SOMNATH CHATTERJEE : Shri Mukherjee is my good friend as he comes from my State. What can he do? He cannot open his mouth.

MR. CHAIRMAN: No amount can be appropriated without the authority of Parliament. Ministers come here to present the Budget. They want the money to be appropriated.

SHRI SOMNATH CHATTERJEE : He is behaving like a pendulum.

MR. CHAIRMAN: I want your clarification.

SHRI K. MALAISAMY (RAMANATHAPURAM): Mr. Chairman Sir, you yourself is a very good lawyer. Give it as a ruling.

MR. CHAIRMAN: Even a law college student knows that only the Parliament can sanction the amount or prior sanction of Parliament is necessary for anything, any public property.

I do not go by your opinion. Shri Somnath Chatterjee expressed so many opinions. That was different. Everybody knows, it is a common law, that the Parliament's sanction is necessary.

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY AND MINISTER OF DISINVESTMENT (SHRI ARUN SHOURIE): I will give a detailed answer because Shri Somnath Chatterjee has also raised that point. But, Sir, there is just one point to remember. It is that if that is the rule, then the selling of equity, bringing it from 100 per cent to 51 per cent in one case of HPCL and bringing it down to 56 per cent in case of BPCL was also illegal and it was done in 1991 to 1993 without the authority of Parliament. ...(Interruptions)

SHRI SOMNATH CHATTERJEE : Sir, I am thankful for the intervention.

SHRI ARUN SHOURIE: I will give it in detail. ...(Interruptions)

SHRI SOMNATH CHATTERJEE : Why are you putting a question? Are you encouraged by what was done then? Then, why did you go and take opinion? Why are you not placing it in Parliament? ...(Interruptions)

MR. CHAIRMAN: Shri Somnath Chatterjee, I wanted your opinion so that the mood of the House can be known about the sovereignty of Parliament. Nobody has said that. ...(Interruptions)

SHRI SOMNATH CHATTERJEE : Our interest is now in their hands. They are behaving in this manner.

SHRI ARUN SHOURIE: The Leader of the Opposition in the other House asked for the opinion of the Attorney General. That is how it was obtained.

MR. CHAIRMAN: No. On the question of sovereignty of Parliament, you need not take anybody's opinion.

SHRI ARUN SHOURIE: You are in the Chair. These things do not befit the Chair. If you want to argue from your seat, it is fine.

MR. CHAIRMAN: I rule then that the authority of Parliament cannot be questioned outside.

SHRI ARUN SHOURIE: No, Sir. You cannot do like this. â€¦ (Interruptions)

MR. CHAIRMAN: The *Magna Carta* says that appropriation of money can be done only from Parliament.

You derive money only from the authority of Parliament. I rule that the authority of Parliament is there.

...(Interruptions)

SHRI ARUN SHOURIE: Sir, you can rule anything. ...(Interruptions)

SHRI KIRIT SOMAIYA (MUMBAI NORTH EAST): Mr. Chairman, Sir, I am on a point of order. ...(*Interruptions*)

MR. CHAIRMAN: No Member will say that this Parliament has no power. Is there any Member who will say that?

...(*Interruptions*)

SHRI KIRIT SOMAIYA : Mr. Chairman, Sir, we have started the debate under Rule 193 and the debate is going on. Let the debate go on. At the end, the hon. Minister will put forth the viewpoint of the Government. ...(*Interruptions*)

MR. CHAIRMAN: Mr. Minister, you clear that view. As he has cited a number of opinions, something was passing in my mind, and I want to express that.

SHRI ARUN SHOURIE: Sir, I am very grateful for your direction. I will deal with it in great detail in my reply with respect to you, with respect to Shri Somnath Chatterjee and every other Member. ...(*Interruptions*)

SHRI SOMNATH CHATTERJEE : Certainly, he will try to meet them but these are agitating everyone's mind. You cannot impute ...(*Interruptions*) You are a specimen of your own. ...(*Interruptions*)

MR. CHAIRMAN: Now, Dr. B.B. Ramaiah.

SHRI SOMNATH CHATTERJEE : Sir, there was a strong demand from many sections of this House – I am not saying 'unanimous' – that it should be done on the floor of the House and an opinion should be sought. They say that they have taken the Attorney-General's opinion but I say that now-a-days the *sarkari vakils* are swinging like pendulum. ...(*Interruptions*)

MR. CHAIRMAN: I said about the Constitutional principle.

...(*Interruptions*)

SHRI KIRIT SOMAIYA: We have started the debate. सोमनाथ बाबू ने अपनी बात बहुत अच्छी तरह से रखी है। Let the debate go on. ...(*Interruptions*)

SHRI RAMESH CHENNITHALA : Shri Kirit Somaiya, are you a Minister? Let the Minister answer. ...(*Interruptions*)

SHRI KIRIT SOMAIYA : Now, the debate has started. ...(*Interruptions*)

SHRI RAMESH CHENNITHALA (MAVELIKARA): The hon. Minister is capable enough to answer. ...(*Interruptions*)
Mr. Chairman, Sir, he is only a Member like us. Let the Minister answer ...(*Interruptions*)

MR. CHAIRMAN: What is this? Shri Ramesh Chennithala, please resume your seat.

...(*Interruptions*)

PROF. A.K. PREMAJAM (BADAGARA): Sir, he is not a Minister. ...(*Interruptions*)

MR. CHAIRMAN: Now, Dr. B.B. Ramaiah.

DR. B.B. RAMAIAH (ELURU): Sir, I would just like to go back a little bit on the history of disinvestment. It was started in 1991 and the Statement on Industrial Policy contains the following decisions:

"Portfolio of public sector investments will be reviewed with a view to focus the public sector on strategic, high-tech and essential infrastructure. Whereas some reservation for the public sector is being retained, there would be no bar for area of exclusivity to be opened up to the private sector selectively. Similarly, the public sector will also be allowed entry in areas not reserved for it.

Public enterprises which are chronically sick and which are unlikely to be turned around will, for the formulation of revival/rehabilitation schemes, be referred to the Board for Industrial and Financial Reconstruction or other similar high level institutions created for the purpose. A social security mechanism will be created to protect the interest of workers.

In order to raise resources and encourage wider public participation, a part of the Government's shareholding in the public sector would be offered to mutual funds, financial institutions, general public and workers.

Boards of public sector companies would be made more professional and given greater powers. â€.

It also says:

"Bring down the Government equity in all non-strategic PSEs to 26 per cent or lower, if necessary; restructure and review potentially viable PSEs; close down PSEs which cannot be revived; and fully protect the interest of workers. "

These were some of the basic structures on which it was started. When it started in 1991-92, it started with a small percentage of disinvestment. By the year 2001-02, the total disinvestment came to only Rs. 26,000 crore. The substantial amount of the investment of Rs. 2,74,000 crore in the public sector undertakings is a borrowed money. We feel that the Government has taken a policy decision to see how we should be able to review and strengthen the organisations in order to make the workers more productive and efficient.

Now, I come to some of the matters that we are discussing now. We are now talking about the disinvestment of BPCL and HPCL. In 1991-92, the total assets of the BPCL was only Rs. 1147 crore whereas in 2001-02 it was Rs. 8,545 crore.

The sale turnover of Rs.8,841 crore has gone up to Rs.42,294 crore. The profits have also increased from Rs.400 crore to Rs.2,204 crore. In the case of HPCL, in 1991-92, its total asset was only Rs.1,372 crore. It has now gone up to more than Rs.9,000 crore. The sale has also gone up from Rs.8,900 crore to Rs.45,000 crore. The profit has also gone up from Rs.367 crore to Rs.2,046 crore. Out of this, they want to disinvest 34.01 per cent of the HPCL stocks and 35.02 per cent of the BPCL stocks. Five per cent is also provided for the employees under stock purchase preference scheme.

Whatever disinvestment you do, it should be done in a transparent manner. That is very important. Also, we must have perfect expert advice to see how this disinvestment is done. We need a lot of transparency in which we have to see how the public sector disinvestment is done.

The second thing that I would like to say is regarding the utilisation of fund. As everybody has mentioned, is it to strengthen other organisations? Or, are you going to give this fund for meeting your social obligations? Today, we need a lot of assistance for the purposes of drought, health and education. These things have to be taken into consideration before you take up any of the projects. I am sure the hon. Minister will take all these issues into consideration when he takes the policy on this matter, and utilise the money in a proper way.

श्री रामजीलाल सुमन (फिरोजाबाद) : अध्यक्ष महोदय, हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड और भारत पेट्रोलियम कारपोरेशन लिमिटेड के विनिवेश पर हम लोग चर्चा कर रहे हैं। इस सम्मानित सदन में विनिवेश में एक बार नहीं अनेकों बार चर्चा हुई है। मैं कोई लम्बी बात न करके केवल तीन-चार बिन्दुओं पर अपने को केन्द्रित करूंगा।

सभापति महोदय, तेल का, ईंधन का जो सवाल है, वह देश की सुरक्षा से, देश की संप्रभुता से जुड़ा हुआ सवाल है। मैं कहना चाहता हूँ कि 1971 में जब इन दोनों कम्पनियों का राष्ट्रीयकरण किया गया तो निश्चित रूप से हमारे पुराने अनुभव उसके साथ रहे होंगे। 1971 में जब इन कम्पनियों का राष्ट्रीयकरण किया गया तो उसकी स्वीकृति, उसकी मंजूरी इस संसद ने दी थी। इसलिए आवश्यक है कि हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड और भारत पेट्रोलियम कारपोरेशन लिमिटेड के संबंध में सरकार अगर कोई निर्णय करती है तो सरकार को सबसे पहले सदन में आना चाहिए, सदन से इसकी अनुमति लेनी चाहिए।

सबसे अधिक दुर्भाग्यपूर्ण बात यह है कि हम मुनाफे के सरकारी उपक्रमों को बेच रहे हैं। जब पिछली बार यह सवाल उठा था कि सरकार कम से कम यह आश्वासन दे। **â€¦**(व्यवधान)शौरी जी, आप हमारी बात सुन लीजिए। आप विजय जी से क्या बात कर रहे हैं ? **â€¦**(व्यवधान) * आप हमारी बात सुनिये। **â€¦**(व्यवधान)

श्री अरुण शौरी : राष्ट्रीय सुरक्षा वाली बात मैं आपकी सुन रहा हूँ।**â€¦**(व्यवधान)वे मुझसे डिबेट का टाइम पूछ रहे थे क्योंकि चार बजे यह डिबेट खत्म होनी है। **â€¦**(व्यवधान) वह यही पूछ रहे थे। **â€¦**(व्यवधान)

SHRI PRAKASH PARANJPE (THANE): Sir, I request you to withdraw those words from the record.

MR. CHAIRMAN : I expunge them.

...(Interruptions)

MR. CHAIRMAN: I have expunged those words.

...(Interruptions)

MR. CHAIRMAN: Both of you resume your seats.

* Expunged as ordered by the Chair.

संसदीय कार्य मंत्रालय में राज्य मंत्री तथा श्रम मंत्रालय में राज्य मंत्री (श्री विजय गोयल) : सभापति महोदय, मैं एक महत्वपूर्ण बात मंत्री जी को बीच

में बता रहा था किन्तु मैं इनसे इससे ज्यादा अच्छे शब्दों की उम्मीद भी नहीं करता था। (व्यवधान)

श्री अरुण शौरी : आप जो सुरक्षा के बारे में कह रहे थे, उसे मैंने नोट किया है। उसका जवाब मैं जरूर दूंगा। (व्यवधान)

श्री प्रकाश परांजपे : *

(व्यवधान)

श्री रामजीलाल सुमन : आप क्या बात करते हैं? (व्यवधान)

सभापति महोदय, मैंने कोई असंसदीय शब्द नहीं कहा। अगर कोई असंसदीय शब्द कहा है तो उसे आप निकाल दीजिए। (व्यवधान)

श्री प्रकाश परांजपे : वह तो निकालना ही पड़ेगा। इसमें आप कोई मेहरबानी नहीं कर रहे। (व्यवधान)

श्री रामजीलाल सुमन : मैं आपके मार्फत निवेदन कर रहा था कि इसमें जो असल और बुनियादी सवाल है, जैसे मैंने पहले कहा, 1971 में अपने पुराने अनुभवों को ध्यान में रखते हुए बी.पी.सी.एल. और एच.पी.सी.एल. का राष्ट्रीयकरण किया गया और उसे संसद ने मंजूर किया। सबसे दुखद पहलू यह है कि हम लगातार धड़ल्ले से मुनाफे के सरकारी उपक्रमों को बेचने का काम कर रहे हैं। पिछली बार जब इस सदन में चर्चा हुई, जब नालको को बेचने का सवाल आया कि नालको मुनाफे में है, इसे क्यों बेचा जा रहा है, तो अरुण शौरी जी ने फरमाया कि आज यह मुनाफे में है, कल यह भी घाटे में हो जाएगा। इसका मतलब यह है कि सरकारी उपक्रमों में व्याप्त कुप्रबंधन और भ्रष्टाचार को दूर करने में इस सरकार की कोई दिलचस्पी नहीं है, सरकार उसके सामने नतमस्तक है।

सभापति महोदय, मैं निवेदन करना चाहूंगा कि एच.पी.सी.एल. और बी.पी.सी.एल. का 2001-2002 के नौ महीनों में क्रमशः 363 करोड़ रुपये और 476 करोड़ रुपये का मुनाफा है और 2002-2003 में लाभ क्रमशः 903 करोड़ रुपये और 802 करोड़ रुपये है। इसका सीधा मतलब यह है कि हमारे देश में जो कम्पनियां सर्वाधिक लाभ अर्जित कर रही हैं, उनमें बी.पी.सी.एल. और एच.पी.सी.एल. भी हैं। मैं यह भी निवेदन करना चाहूंगा कि जो निजी कम्पनियां उनको खरीदने में दिलचस्पी रखती हैं, बहुत काट-छांट करने के बाद विनिवेश मंत्री जी ने सात कम्पनियां चिन्हित की हैं। उनमें से पांच कम्पनियां विदेशी हैं। मैं आपकी आज्ञा से उनके नाम पढ़ना चाहूंगा - रायल डच शैल, हॉलैंड, बी.पी. एमैको, इंग्लैंड, एराम्को, सऊदी अरब,

* Expunged as ordered by the Chair.

पेट्रोनेस, मलेशिया और कुवैत पेट्रो, कुवैत हैं। ये पांच कम्पनियां इन दोनों कम्पनियों को खरीदने में इंटरस्टेड हैं। यह बहुत गंभीर सवाल है। तेल जैसी महत्वपूर्ण चीज भी अगर भारत सरकार के अधीन नहीं रहेगी तो मैं समझता हूँ कि सुरक्षा की दृष्टि से यह किसी भी कीमत पर उचित नहीं है। अरुण शौरी जी, आपको मालूम है कि सुप्रीम कोर्ट में जो पी.आई.एल. हुई उसमें 13 अप्रैल को माननीय उच्चतम न्यायालय ने आपको नोटिस जारी किया। जो सज्जन पी.आई.एल. लेकर गए थे, उसमें सुप्रीम कोर्ट ने आपको जो निर्देशित किया, उसे मैं पढ़ कर सुनाना चाहूंगा।

"HPCL and BPCL, which together command a 40 per cent petro market share, were nationalised through an Act of Parliament in 1970 and CPIL contends that disinvestment in these two companies could be done either by repealing or amending the Acquisition Acts concerned and there was no other way of going about it."

स्टैंडिंग कमेटी की रिपोर्ट के बारे में आपको जानकारी है। हिन्दुस्तान पेट्रोलियम कार्पोरेशन ने 1997 से लेकर अब तक कितना मुनाफा कमाया, मैं उसका उल्लेख भी करना चाहूंगा। हिन्दुस्तान पेट्रोलियम कार्पोरेशन ने 1997 में नेट प्रॉफिट 701 करोड़ रुपये, 1998 में 901 करोड़ रुपये, 1999 में 1057 करोड़ रुपये, 2000 में 1088 करोड़ रुपये और 2001 में 788 करोड़ रुपये कमाया है। उसका नेट वर्थ 1997 में 4093 करोड़ रुपये और 2001-2002 में 5900 करोड़ रुपये है। यह सरकार को अत्यधिक मुनाफा देने वाली कम्पनी है। भारत पेट्रोलियम कार्पोरेशन ने पिछले पांच वर्षों में अपना नेट वर्थ पर 21 प्रतिशत से अधिक का रिटर्न दिया है। मैं आपकी मार्फत यह भी निवेदन करूंगा कि हमारे देश में जो दस बड़ी कम्पनियां हैं, इंडियन ऑयल कार्पोरेशन, हिन्दुस्तान पेट्रोलियम कार्पोरेशन, भारत पेट्रोलियम कार्पोरेशन, रिलायंस पेट्रोलियम, स्टेट बैंक ऑफ इंडिया, रिलायंस इंडस्ट्रीज़, ऑयल एंड नैचुरल गैस, स्टील अथॉरिटी ऑफ इंडिया, हिन्दुस्तान लीवर हैं। इनमें इंडियन ऑयल कार्पोरेशन को छोड़कर मुनाफा कमाने वाली कम्पनियों में एच.पी.सी.एल. और बी.पी.सी.एल. दूसरे और तीसरे नम्बर की कम्पनियां हैं।

सभापति महोदय, मैं आपके माध्यम से निवेदन करना चाहूंगा कि जब इतना ज्यादा मुनाफा ये कमा रही हैं तो कौन सी ऐसी परिस्थिति पैदा हो गई कि जिसकी वजह से हम इनको बेचने के लिए उतावले हैं। जो घाटे में सरकारी उपक्रम हैं, उनको लाभकारी बनाने में सरकार को कोई दिलचस्पी नहीं है। हम धड़ाधड़ मुनाफे के सरकारी उपक्रमों को बेचने में लगे हैं। सही मायने में बात क्या है? मैं उसकी ओर आपका ध्यान दिलाना चाहता हूँ। हमारे देश में बजटीय घाटा निरन्तर बढ़ रहा है। 2001-2002 में बजटीय घाटा 1,40,000 करोड़ रुपये था। 2002-2003 में 1,43,000 करोड़ रुपये हो गया और 2003-2004 में 1,53,000 करोड़ रुपये है। सरकार ने यह नहीं बताया कि सरकारी उपक्रम बेचने के बाद उस पैसे का क्या करेगी? बहुत अधिक संभावना इस बात की है कि बजट का घाटा पूरा करने में इस धन का उपयोग होगा और मैं यह निवेदन करना चाहूंगा कि बजटीय घाटा जो होता है, उसको पूरा करने के लिए सरकार कर लगाती है लेकिन सरकार सोचती है कि वह अलोकप्रिय हो जाएगी तो कर्जा लेती है। उस पर ब्याज पड़ता है। यह सरकार क्या कर रही है कि 1998 में जब सरकार बनी तो इस सरकार पर घरेलू कर्ज तीन लाख नवासी हजार करोड़ रुपया था और दिसम्बर 2000 में बढ़कर दस लाख 37 हजार करोड़ रुपया हो गया है। कुल मिलाकर हमारी प्राथमिकताएं क्या हैं? विनिवेश हो रहा है। किसके लिए हो रहा है? क्या विनिवेश कृषि, स्वास्थ्य, बेरोजगारी, शिक्षा के लिए हो रहा है या फिर कौन से ऐसे क्षेत्र हैं जहां हिन्दुस्तान में दौलत इकट्ठा करके आप उन क्षेत्रों को सशक्त बनाने का काम करेंगे जिसका जवाब आज तक इस सदन में नहीं दिया गया।

मैं यह निवेदन करना चाहूंगा कि हमारे देश में जो गैर योजना व्यय है, पिछले 3-4 वर्षों के बजट भाग आप देखें तो आप पाएंगे कि यह गैर योजना व्यय निरन्तर बढ़ रहा है और हालत यह है कि गैर योजना व्यय इस हद तक हो गया है कि अगर एक आदमी के पास आप एक रुपया भेजेंगे तो हमारी सरकार का जो तानाबाना है, जो ढांचा है, उस पर आप तीन रुपया खर्च कर रहे हैं। कोई अनुपात, कोई रेशियो हमारे देश में नहीं है। इस फिजूलखर्ची पर अंकुश लगाने के लिए सरकार को जो प्रयास करने चाहिए, वे नहीं हो रहे हैं। कहीं से भी नहीं किये जा रहे हैं। यह अत्यधिक गंभीर मामला है। सबसे महत्वपूर्ण बात यह है कि एचपीसीएल, बीपीसीएल सामाजिक क्षेत्र में भी काम करती हैं। एक राजनीतिक कार्यकर्ता होने के नाते मैं यह जानता हूँ ग्रामीण अंचल में ये कंपनियां कुछ गांवों को गोद लेने का काम करती हैं, जो आदिवासी क्षेत्र हैं, वहां भी यह काम होता है निजी क्षेत्र में जाने के बाद आप इन कंपनियों से कैसे अपेक्षा करेंगे कि ग्रामीण अंचल में किसी गरीब का भला ये कंपनी कैसे कर पाएंगी? निजी हाथों में जाने के बाद अपेक्षा नहीं करनी चाहिए कि सामाजिक क्षेत्र में भी ये कंपनियां कुछ काम कर सकती हैं। देश को अंधकार में रखकर विनिवेश का काम किया जा रहा है। मैं यह जरूर कहना चाहूंगा कि सरकार की विनिवेश के संबंध में पारदर्शी नीति नहीं है।

सरकार बताए कि विनिवेश के माफत जो कोा जमा होगा, उसका सरकार क्या करेगी ? इसी तरह मुनाफे के जो सरकारी उपक्रम हैं, उनको बेचने के लिए सरकार बेताब क्यों है ? हिन्दुस्तान में बी.पी.सी.एल. और एच.पी.सी.एल. के जो कर्मचारी हैं, उनका भविय क्या होगा, क्योंकि निजी क्षेत्र में जाने के बाद अरुण शौरी जी उनकी सेवा शर्ते तय करने का काम आपके हाथ से चला जाएगा, निजी क्षेत्र ही तय करेगा ? उसमें जो अनुसूचित जाति और जनजाति के लोग काम करते हैं, उनका भविय क्या होगा ?

संसद को अंधेरे में रख कर यह काम नहीं हो सकता। संसद ने बैंकों का राष्ट्रीयकरण किया था। इस संसद को अधिकार है कि अगर कोई इसमें तब्दीली होनी है तो वह संसद ही कर सकती है, कोई व्यक्ति नहीं कर सकता।

SHRI PRAKASH PARANJPE (THANE): Thank you, Mr. Chairman. Sir, I will take only five minutes.

I have heard both the sides about the disinvestment of Hindustan Petroleum Corporation and the Bharat Petroleum Corporation. I am not going into the merits of the disinvestment and whether it is good or bad. But, I am requesting one thing from this Government. The Shiv Sena supremo has given us a directive to oppose disinvestment of both the companies. About the plus and minus points, as I have said, a ruling Party Member has said that any Government doing business will not be doing it efficiently. Yet, I would like to tell the House that instead of appreciating the best work and excellent work done by your own Minister, hon. Shri Ram Naik, and instead of appreciating the achievements in this field, you are discouraging Shri Ram Naik for the good things which he has done in the interest of the country.

If it is done by any other Government, the previous Government when they were not handling the PSUs in a proper fashion, then we would have admitted that "okay, the Government is not doing it better". But, I can give a list of the good things which have taken place in the tenure of our hon. Minister, Shri Ram Naik where he has shown improvement in this field.

Secondly, I do not understand that when you have allowed private companies to enter into this field, then why are you so much aggressive to sell our own companies also. Let there be competition in both the companies. The customer will get a better price if the private field is there who is selling petrol at a lesser price. Then, we have to think about our companies, the Government companies and as to how they can reduce their expenses and give a competitive price. Competition is always welcome. That does not mean that because you are not able to do the business, you want to sell them.

For the last six years, it has been proved that we are doing the business in a very nice fashion. At the same time, we are allowing the private members to purchase the field, to have their own companies to extract petrol. So, it is not necessary for us that selling is the only solution. When it is handled efficiently and properly and if you feel that we have to handle it in a better fashion, then, yes, we can go with improvement; but we cannot declare ourselves that we are inefficient to handle this field.

As I said rightly, in the strategic business you have included only three fields. But we feel, my supremo Shri Bala Saheb Thackeray feels, that petroleum is also as important as Railways, Defence and any other activity. So, it has been decided by my Party not to allow you to do this. I am not challenging this. But, I will appreciate this Government for one thing. Under Rule 193 you have allowed this discussion for the hon. Members to express the views of the entire House. It was narrated that if you want to disinvest these companies, as per the rules you have to take the permission of this House. I am very much thankful to this Government that you, as a democratic Government, have allowed the people to express themselves. You have not emphasised on emergency to execute your decision. Otherwise you have got the experience of what had happened in the previous Government in Shah Bano's case; how they declared emergency, and all that.

We really appreciate our hon. Prime Minister. The government should understand the feelings of this House about this decision of disinvestment.

I am not going into the details or the merits of disinvestment. But I would only like to give a few suggestions. Basically, as I said, the Shiv Sena will be opposing this decision. When the supremo decides to oppose, you know how it happens. Previously the same Government said that Pakistan would come and play cricket in India, but when the supremo said that we would not allow Pakistan to come and play in India, the Government withdrew their decision.

16.00 hrs.

(Mr. Speaker *in the Chair*)

So, the power of my supremo is known to the entire nation and world. ...(*Interruptions*) So, the supremo has taken a decision that in the interest of lakhs of people and families, it is not necessary to do it.

MR. SPEAKER: Shri Paranjpe, we have decided that this discussion will continue after the next discussion is over.

SHRI PRAKASH PARANJPE : Sir, I will take only two minutes. I am concluding. I am not giving a long lecture like others do.

MR. SPEAKER: Then, you can talk about the supremo. There is no problem.

SHRI SOMNATH CHATTERJEE : Sir, only supremo has allowed him five minutes. ...(*Interruptions*)

SHRI PRAKASH PARANJPE : I am not going into figures - what is profit and what is loss. It is not a question of arithmetic; it is a question of feelings of lakhs of workers and their families. In the interest of nation, we prefer that this Department or this petroleum industry should remain with the Government and should not go into the hands of some private people who will be dictating their terms to the nation. So, in the interest of nation, it is a must that we do not sell these companies definitely.

It was said why the Government is selling only profit-making companies. My only humble request to you is that - if you can do it - when you are asking for bidding of a profit-making company, attach two loss-making companies also with that bidding so that the one who is purchasing a profit-making company must shoulder the responsibility of purchasing two loss-making companies. Then, they should show the efficiency of private sector. Anybody can run a profit-making company in profit, but if after privatisation, they can bring a loss-making company into profits, the nation will understand the advantages of privatisation. So, in future when you are asking for bidding of a profit-making company, my request or suggestion would be to attach two loss-making companies with it. So, it should be package deal that if you want to purchase this profit-making company, you also have to purchase these two loss-making companies and then only, you are allowed to bid for this profit-making company. If it is possible to do this, it will be a very nice change.

Secondly, we have learned one thing from our experience of Hotel Centaur. When anybody purchases any company, he should be compulsorily asked, or an agreement should be made, that he will not sell that company within next five years. So, that condition should come. The second condition in bidding should come that he will not retrench the staff for a minimum period of three years, that he will not have any wage revision for a minimum of three years and that he can give voluntary retirement on the basis of Government's scheme. So, ultimately, we have to protect the interest of a common worker. At the time of supporting the interest and issue of financial support to the Government, our basic need or basic responsibility is to support the common worker not only financially but emotionally also. The emotion and the feeling of 23,000 workers in this field is that they are afraid of their jobs. Our duty as a Government is that if we cannot create more jobs, at least we should not create more unemployment *via* privatisation. Our basic duty is to protect their jobs. As I said, this is a very important portfolio and Government should keep it with them. That is why, we will oppose the disinvestment of both these petroleum companies.