

13.01 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at six minutes past fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

MR. DEPUTY-SPEAKER: There are many hon. Members who want to speak on the Railway Budget. The Minister of Parliamentary Affairs thinks we can sit even after 6 P.M. I hope there is no objection.

SOME HON. MEMBERS: Yes.

THE OIL AND NATURAL GAS COMMISSION (AMENDMENT) BILL

THE MINISTER OF PETROLEUM, CHEMICALS AND FERTILIZERS (SHRI P. C. SETHI): Sir, I beg to move for leave to introduce a Bill further to amend the Oil and Natural Gas Commission Act, 1959.

MR. DEPUTY-SPEAKER: Motion moved:

"That leave be granted to introduce a Bill further to amend the Oil and Natural Gas Commission Act, 1959."

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, this Bill has been brought to tackle those officials who are non-pliable and who are proving inconvenient to them in their operations to the interests of individuals and parties, etc. I shall show you, Sir. Let us go to the original Act. Section 5 of the ONGC Act, 1959 says:

"The term of office and conditions of service of the Chairman and other members shall be such as may be prescribed provided that the Central Government may if it thinks fit terminate the appointment

of any member before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same."

Now, what does the statement of Objects and Reasons of the present Bill says:

"According to section 5 of the Oil and Natural Gas Commission Act, 1959, the Central Government can terminate the appointment of any member before the expiry of his term of office only after giving him a reasonable opportunity of showing cause against the same. The business of oil has international repercussions and deals with matters which are very vital to the interests of the country. The working of the Commission has shown that it may be necessary in public interest to terminate the appointment of a member without giving show cause notice...

They want to dismiss an officer without giving him any show cause notice.

"It is, therefore, proposed to amend the section to enable the Central Government to terminate the appointment of any whole-time member who is not a servant of the Government after giving him a notice of not less than three months or in lieu thereof after making to him..."

Now, Sir, in this connection I would like to refer to Article 311, 312 and 319 of the Constitution. This is an atrocious move. They want to terminate a man if he proves inconvenient to them. What is the inconvenience at the present moment which has been caused? They are now in league with the French consortium called CFP. They know that the flow of oil between Bombay High and Gulf of Kutch would be about 22 million tonnes per annum.

Now this French company is about to enter into a joint sector technical agreement on reservoir management.

We agree that our scientists, although they have mastered many areas of the oil exploration technology, about reservoir management, they are not very confident. But they are bringing in this French consortium, this French company, in order to denigrate our scientists. The talk of self-reliance, the talk of banning importation of technical know-how which is available already in the country,—these are only myths. They say they had an old rate for granting technical know how and an extension was due for CFP. They want to add 4 per cent of oil bartering which will mean 4 times payment to the French consortium, of the Bombay High oil.

SHRI P. C. SETHI: May I bring to the notice of the hon. Member that he is opposing this Bill under the Rule 72? He is challenging the legislative competence of the Act. Let him speak on the legislative competence first. Then we will come to the other points.

SHRI JYOTIRMOY BOSU: Sir, I will tell you this. Is it a fact that the Minister cannot satisfy the House on these points? I have said, it offends Articles 309, 311 and 312 of the Constitution. This original Act which was passed by the House has got Section 5 which gives the right of natural justice to the workers. He has been in the trade union. Show-cause notice is a must. Here they want to do away with this show-cause notice. It is the fundamental right of any employee. Therefore, legislative incompetence is there. I will try to resume my seat by asking one question. Is it a fact that Mr. Venugopal and Mr. Woodward—one is Chairman and the other a Member—have become too inconvenient in the matter of concluding this additional concessional agreement with the French consortium CFP and that is the reason why you have brought this Bill to get rid of these people? I oppose this Bill..

SHRI H. K. L. BHAGAT (East Delhi): What has that to do with the introduction of the Bill?

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SHRI JYOTIRMOY BOSU: I oppose the Bill lock, stock and barrel. Thank you.

MR. DEPUTY-SPEAKER: Mr. George Fernandes—absent. Now, Mr. Mukunda Mandal. You should be very short.

SHRI MUKUNDA MANDAL (Mathurapur): Very brief; only two lines

MR. DEPUTY-SPEAKER: Mr. Bosu has done well, I should say.

SHRI MUKUNDA MANDAL: Sir, my point is only this. I just want to say only two lines. I oppose the introduction of the Oil and Natural Gas Commission (Amendment) Bill, Sir, it is opposed to Article 14 and Article 19 of our Constitution, Number two: It is against the fundamental rights of the employees. This Bill is intended to curb the democratic rights of the employees. The Government can terminate at any time the appointment of any member who is in the service of the company. Therefore the Government is bringing in this Bill. They want to terminate the service of any employee who does not toe their line, who does not suit their interests. In this way, they are creating chaos in the whole administration. Sir, I wish to point out that this Bill is unconstitutional and illegal. Therefore I oppose the introduction of this Bill.

MR. DEPUTY-SPEAKER: Mr. Hari-kesh Bahadur—absent.

Mr. Paswan—absent.

Now, Mr. Ajoy Biswas—Please be brief.

SHRI AJAY BISWAS (Tripura West): Mr. Deputy Speaker, Sir, I oppose the introduction of this Bill. Already Mr. Jyotirmoy Bosu and Mr. Mukunda Mandal have referred to certain points. This Amendment is against the Constitution of India. Every worker, whether he is in high position or he is in low position, has got the fundamental right of self-defence. But that right is being taken away by this Amendment. Therefore, it is unconstitutional. I oppose the introduction of the Bill.

[Shri Ajoy Biswas]

Then, my next point is this. We should see this. What is the need for it? Already the Government has entered into an agreement with 33 multinationals. They have been brought in to work in India. Here what is written is this: Sir, here it has been mentioned that this amendment is in the interest of the country. I say that this amendment will go against the interest of the country because the Government has entered into an agreement with 33 multinationals. The multinationals shall have the right of 25 to 30 per cent crude oil and they will take the crude oil out of the country. Some of the Members and the officials are not happy with this agreement. They are against this agreement and they think that it is clearly an agreement which will go against the interests of the country. So, this amendment should be withdrawn.

MR. DEPUTY-SPEAKER: When the Government takes a decision, how can it go against the interests of the country?

SHRI AJOY BISWAS: But the agreement is against the interests of the country. This is the first time that Government has entered into an agreement which will help the multinationals to take out our crude oil. Some officials are not happy with this agreement. By bringing forward this amendment the Government wants to take the law into its hands so that they can take action against the officials. I would say that this amendment is a politically motivated amendment. I oppose the introduction of this Bill.

SHRI P. C. SETHI: This is a very simple amendment. The Oil and Natural Gas Commission Act was passed by the Parliament and therefore Parliament is absolutely competent to amend the Act. Sir, as far as the constitutional point is concerned, it does not affect the provisions of the Act which have been mentioned by the hon. Members. I am bringing to the notice of this House and also for the benefit of the hon. Members that such provisions already exist in so many other

organisations, for example, the International Airport Authority has got this provision. The State Bank of India has got this provision and the Industrial Finance Corporation has got this provision.

SHRI JYOTIRMOY BOSU: This is a mala fide provision because your price is \$ 8 and the international price for this is 32 to 40 dollars. You want to give this to the French Consortium. That is why the officers are objecting to this. You are trying to get rid of them. (Interruptions)

SHRI ANAND GOPAL MUKHOPADHYAY (Asansol): Mr. Bosu must be knowing that the same practice of terminating the service of an officer without notice exists in the West Bengal State Government and particularly in the project under the State of West Bengal, namely, the Durgapur Project, Limited which is one of the biggest public sector projects under the State administration.

SHRI P. C. SETHI: Therefore, any amendment to the Clause 5 in not ultra vires of the Constitution. It is in natural conformity that this amendment is necessary. Already such provision exists in other organisations. The question is that under this company the officers who are presently employed have got the freedom to give 3 months' notice and leave the company. But on a reciprocal basis, the Government is arming itself with a provision. (Interruptions) Now, you were saying that they were collecting the commission and now you are saying that we are collecting the commissions. You are not telling the truth as far as this is concerned, there is nothing new. We are trying to bring the ONGC Act on par with others.

With regard to the other points which have been made by the hon. Members, although they do not relate to opposition to the introduction of the Bill, which they are making, I would not allow them to pass unnoticed because they have already been recorded. I would like to say that the agreement with C.F.P. has not yet been con-

cluded and it is wrong to say that Mr. Venugopal, Chairman of the ONGC and Mr. Woodward, Member (on share) are opposed to collaboration with C.F.P. Both of them and the O.N.G.C. as such have felt that collaboration with C.F.P., which is not a new company, where the collaboration already exists till April 6, is necessary.

As regards what share of the oil is to be given to them, this has not yet been finally decided. The C.F.P. team is visiting India on 12th and, therefore, it is premature to say that we have entered into any contract with them. I would like to correct the hon. Members by saying that no such agreement has been reached. I would also like to remind the hon. Member, Shri Biswas, that while he has objected to the collaboration which we are trying to have with the foreign companies with regard to oil exploration, it is strange that when China entered into such agreement with the foreign companies hon. Members did not oppose it. They are only trying to say that the officers.... (Interruptions).

As far as these collaborations are concerned, these are still to be negotiated. It is wrong to say that we are bartering away 25 to 30 per cent of oil to them. It is in the best interest of the country that we are deliberately taking a conscious decision to enter into collaboration with these companies. This is because we know that the oil consumption is going to be very high. By 1984-85, it is going to be 45 million tonnes; by the year 1989-90, it is going to be about 65 million tonnes. At present, we are producing only 14 million tonnes, and, therefore, we are draining foreign exchange through our nose at the rate of Rs. 5800 crores per annum at the present rate of OPEC prices. Therefore, it would be in the overall interest of the country to produce as much oil as we can. I can assure the hon. Members that we are also conscious of the national interest much more so than what they are, and much more than what the officers are. Officers and ourselves are working in absolutely fair terms with each other and in consultation with ONGC. And

keeping their interest in view, we shall take a decision. It is too premature to say that we have entered into such an agreement.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Oil and Natural Gas Commission Act, 1959."

The motion was adopted.

SHRI P. C. SETHI: I introduce the Bill.

14.23 hrs.

MATTERS UNDER RULE 377

(i) REFUSAL TO IMPLEMENT PALKAR AWARD BY SAKAL PAPERS PRIVATE LIMITED (MAHARASHTRA)

SHRI V. N. GADGIL (Pune): Mr. Deputy-Speaker, Sir, the Sakal Papers Private Ltd., which publishes the daily Sakal from Poona, Mumbai Sakal from Bombay and Kolhapur Sakal from Kolhapur has declared a lockout which has affected a large number of working journalists.

The management has refused to implement the recommendations of Justice Palkar according to which Sakal falls in II Group since its gross revenue is between two crores and four crores. The management is trying to force recommendations relating to III Group on the ground that Sakal published from Poona, Bombay and Kolhapur are three independent units. All three of them have a common Board of Directors, their balance sheets are consolidated and their staff is transferable. The Kolhapur Sakal has five employees including the resident editor on the pay roll of the Poona Sakal.

The stand taken by the management is contrary to the test laid down by the Tribunal on page 57:

"In spite of the paper's production from more than one centre, it is one newspaper establishment because it has several features which proclaim its functional integrity."