

LOK SABHA DEBATES

LOK SABHA

Statement

Tuesday, April 17, 1984/Chaitra 28,
1906 (Saka)

The Lok Sabha met at Five minutes past
Eleven of the Clock

(MR. SPEAKER in the Chair)

ORAL ANSWERS TO QUESTIONS

गैस एजेंसियों के आवंटन के लिए नियम

*700. श्री रवीन्द्र वर्मा :

श्री मनोहर लाल सेनो : क्या ऊर्जा
मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या खाना पकाने की गैस की
एजेंसियों का आवंटन करने के लिये विज्ञापन
निकाले जाते हैं ;

(ख) क्या इन एजेंसियों का आवंटन
करने के लिये कनिष्ठ मार्गदर्शी सिद्धान्तों के
आधार पर नियम बनाए जाते हैं ; और

(ग) यदि हां, तो उन नियमों तथा
मार्गदर्शी सिद्धान्तों का पूर्ण ब्यौरा क्या है ?

THE MINISTER OF STATE IN THE
DEPARTMENT OF PETROLEUM IN
THE MINISTRY OF ENERGY (SHRI
GARGI SHANKAR MISHRA) : (a) Yes,
Sir.

(b) Yes, Sir.

(c) Salient features of the guidelines
are given in the statement laid on the
Table of the House.

Salient features of the guidelines are :-

1. The selection of dealers will be made by a Selection Board comprising of a retired High Court Judge and a retired Civil Servant after inviting applications through Press advertisements in leading newspapers having largest circulation in the concerned area.

2. Percentage of reservation of distributorships for various categories is as follows :

(i) Scheduled Caste/Scheduled Tribe (SC/ST) 25%

(ii) Unemployed graduates 25%

(iii) Physically Handicapped, including Government Personnel disabled on duty and widows of Government personnel who die in the course of duty 15%

(iv) Freedom Fighters 5%

(v) Others 30%

3. The applicant should be a resident of the concerned district.

4. The income of the applicant, his parents/spouse/children should not exceed Rs. 24, 000/- per annum.

5. The candidate or any of his close relative should not hold any agency of petroleum products of any Oil Company.

SHRI RAVINDRA VARMA : Mr. Speaker, Sir, the constitution of the high-powered selection boards-indeed shows commendable concern for the elimination of

arbitrariness. But going through the guidelines and the reports that appear in the newspapers, it appears that the hon. Minister has made inadequate allowance for the inexhaustible funds of ingenuity that people have or the kinds of pressure that make lines wavy. Is the hon. Minister aware that in spite of the fact that after advertisements, applicants are interviewed and placed in the category—they are interviewed by the screening committee and a panel is prepared with ranking and a second interview is taken and the panel is confirmed, yet even after people have been confirmed in their ranking, there have been instances of persons whose names have been put on the top of the panel being ignored or by-passed at the last moment and the dealership being awarded to people who are placed lower down in the order in the panel? Is he aware that there have been instances of aggrieved parties going to the courts on this issue and that some of the oil companies have urged in the courts that the guidelines have no statutory force and the companies are free to exercise administrative discretion in the allotment of distributorship?

The court, at least, in one instance—I have a copy of the judgement, Mathura case—has held that the evidence on record shows that some extraneous circumstances prevailed upon the Defendant to change their mind to allot the distributorship to Defendant No. 2 in place of the petitioner, "It may be political or some other pressure, and it is clearly in "violation of article 14, 19 (1) etc., of the Constitution of India."

In the light of this, I would like to ask the Minister :

(a) whether he and the Government share the view that these guidelines have no statutory force and the companies are free to exercise their administrative discretion ; and

(b) whether in the light of the strictures passed by the judicial authority, he intends to streamline the lines further so that they may not become wavy under political pressure ?

THE MINISTER OF ENERGY (SHRI P. SHIV SHANKAR) : Mr. Speaker, Sir,

the guidelines have been determined in consultation with the various companies. It is, no doubt, true that they do not have the statutory force because these are matters connected with the company. But the fact remains that no company is permitted to take cover under the fact that since they do not have the statutory force, they would not follow them. Actually, the position is that one case has come to my notice where notwithstanding the fact that a particular person was placed as No. 1, the person at No. 2 was given the letter of intent on the ground that the facilities that were provided by the person at No. 2 were better as compared to the person at No. 1.

In fact, I felt this was totally arbitrary. I have called for the file and the matter is receiving the attention of the Ministry. I assure the hon. Members that once a person is placed at No. 1, that person should alone get the dealership unless, of course, the inputs and the wherewithal this person is not in a position to bring forth even after he is given sufficient time. It is only in the event of the failure of this person to conform to the necessities that are required that No. 2 person is thought of. But in regard to all the cases about which a reference is being made by the hon. Member and, if any of the hon. Members has any knowledge of this nature, I shall be grateful to have those cases so that I can look into them. In fact, whenever such cases have come to notice, we have rectified. About one aspect which I must submit is that the companies—this is something which is a matter of information to me—are raising the issue in the court that it is only a guideline which has no statutory force, that they are not bound by it, I shall issue necessary instructions to the companies not to take this coverage at all.

SHRI SOMNATH CHATTERJEE : And they will not file frivolous appeals also. The is what they do.

SHRI SATISH AGARWAL : What will you do then ?

SHRI SOMNATH CHATTERJEE : I have got a lot of clients.

SHRI P. SHIV SHANKAR : He has much better clients to look after.

SHRI SOMNATH CHATTERJEE : Including his Government. I am also defending his Government in many cases.

DR. SUBRAMANIAM SWAMY : He is feeling envious of the lawyers because they are making more money.

SHRI P. SHIV SHANKER : There is no doubt that I am a little Jealous of my two friends who make more money these days.

AN HON. MEMBER : You are also an ex-Judge.

DR. SUBRAMANIAM SWAMY : If you are a Marxist, you can make as much money as you like.

SHRI SOMNATH CHATTERJEE : By merit, not by gimmicks like pseudo-Swami's.

SHRI P. SHIV SHANKAR : If Mr. Somnath Chatterjee is faced with Dr. Subramaniam Swamy, he will not make his utterances.

DR. SUBRAMANIAM SWAMY : I am a lawyer.

SHRI P. SHIV SHANKAR : As regards the Mathura case, I may submit that the dealership was under the social service category. With reference to the person at No. 1, the company had on an investigation certain information as a result of which it was felt that the No. 1 person should not be given dealership. In fact, I had an occasion to call for the file because I wanted to look into it as to what exactly was the situation. The company has given its own reasons. I am prepared to share with the hon. Members. But there are certain things which I cannot explain openly. On reading the file and the grounds that were given by the company, I find, perhaps, one could take the decision that way also which the company has taken that they have awarded dealership to No. 2 person as a result of which the matter was taken to the court. I think, it was Sub-Judge who, while dismissing an injunction-petition I am only

sorry-had practically decided one case, making certain observations which my hon. friend has just now alluded to. That is a matter which perhaps he should have gone into the evidence etc and then come to the conclusion in the final stage. But, anyway, I would not like to go into the details of it. Some of the observations have been made. They were brought to my notice some time back. But that is a matter which would be looked into.

I must submit that so far as passing over No. 1 is concerned, I found that there were grounds. Well, myself did not go into the detailed investigations. But I am only saying on the basis of the record that was brought to my notice.

I assure the hon. Members that we have been trying to see that as many preventive measures as possible are taken to see that the selections are made on the basis of merit and particularly when the Selection Boards take a decision.

SHRI RAVINDRA VARMA : It is not my intention to linger on a particular instance, especially since the hon. Minister has given an assurance that he would see that companies do not take the plea that these guidelines do not have the force of statutory instruction. The hon. Minister is a distinguished former Minister of Law and, therefore, is aware of Supreme Court judgments which do say that they have the force of a statutory order. I do not propose to quote them now.

However, another question that arises from the answer to my question (b). There are innumerable instances of complaints about inefficiency, artificial shortages, corruption, making money by creating artificial shortages, taking money on the sly and discourteous behaviour.

The Public Undertakings Committee pointed out all these complaints more than once and suggested that the contracts, when being awarded, should have adequate provisions to ensure consumer satisfaction.

Going through the categories that the hon. Minister has listed, I would like to

ask whether government has not considered the desirability or advisability of reserving a percentage of dealerships for consumer cooperative societies or for Societies that are engaged in selling provisions and things of that kind in colonies so that the possibilities of individual profiteering may be limited by taking the assistance of consumer cooperative societies.

SHRI P. SHIV SHANKAR : I would submit that in the contract itself a provision is made that if the dealer indulges in some of the unscrupulous ways, dealership itself could be cancelled. In various cases, suspensions and cancellations have taken place.

I am also aware that quite a large number of hon. Members make complaints. Those complaints are looked into.

On the question of preferring consumer cooperatives. I must submit that having regard to the Scheme that was evolved, we thought that in order to resolve the unemployment problem, quite a good percentage should be reserved. That is why we went for individuals like the unemployed graduates and so on.

On quite a few occasions, some of the hon. Members have put forth the suggestion that certain cooperative societies must be preferred.

In fact, what is under consideration of the Ministry is that if a few unemployed graduates form a cooperative society, that would be preferable as it would help the youngsters who are qualified but none-the-less unemployed.

I am against setting up general cooperative societies. In fact, if there is anybody placing hurdles in the way of setting up of general cooperative societies, it is I. My intention in doing so is that if a general cooperative society is set up, then the very objective of finding employment to the unemployed with which we have floated this Scheme, might get affected.

I assure the hon. Members that whatever it is a case of the unemployed graduates or the handicapped, categories which are

covered, in the reservation quota which is 70% total or even 30% of the open quota also, perhaps, if there are proper groups which could take to the cooperative movement, then perhaps there is a good case for giving them reference, and I shall certainly consider that.

श्री मनोहर लाल संतो : अध्यक्ष जी, जो विवरण सभा पटल पर रखा गया है और गाइडलाइन्स दी है, मैं जानना चाहता हूँ यह गाइडलाइन्स किस तारीख से लागू हैं, और जो कैटेगरीज दी गई हैं उनको पिछले 3 सालों में कितनी कितनी एजेन्सिज कैटेगरीवाइज दी गई हैं ? और क्या यह सही है कि शैड्यूल्ड कास्ट्स और अनएम्पलायड ग्राजुएट्स को जो एजेन्सिज दी जाती हैं उनमें मिलेडर्म् की तादाद और कैटेगरीज के मुकाबले बहुत कम होती है। यह बुरा है या अच्छा यह तो मंत्री जी बतायेंगे, लेकिन सिन्ड्रेट्स की तादाद कितनी है यह बतायें ? और साथ ही जो 5 नम्बर की गाइडलाइन्स में जिक्र किया है कि उस ऐप्लीकेंट के पास या उसके रिश्तुदार के पास अदर पैट्रोलियम प्रोडक्ट्स की कोई एजेन्सिज नहीं होती चाहियें, लेकिन देखने में यह आया है कि जो डिस्ट्रीब्यूटर्स हैं वह गैस कनेक्शन देते वक्त इनसिस्ट करते हैं कि चूल्हा उनसे खरीदें। तो क्या 5 नम्बर की गाइडलाइन में यह भी शर्त लगायेंगे कि जो डिस्ट्रीब्यूटर्स हैं वह इन ऐससरीज को न बेचें क्योंकि इनमें 200 रु० से लेकर 500 रु० तक अधिक वसूल करते हैं 5 नम्बर की गाइडलाइन में कोई इस तरह का संशोधन आप करने जा रहे हैं। और खास तौर से हमारे हरियाणा में गुडगांव में यह हो रहा है...

श्री एन० के० शंकर : सभी जगह हो रहा है, मैंने इस बारे में पत्र भी लिखा है।

श्री मनोहर लाल संतो : माननीय सदस्य कह रहे हैं कि ऐसा सभी जगह हो रहा है। इसलिये जो मैंने पॉइंट्स अपने सवाल में उठाये हैं मंत्री जी कृपया उनका उत्तर दें।

SHRI P. SHIV SHANKAR : The present guidelines are effective from 9th February, 1983. While I do not have the details as to under what category how many dealerships have been given in the last three years, I have certainly details about the total number that has been awarded and what has been awarded in favour of Scheduled Castes and Scheduled Tribes. In fact, by the end of 1983—I am not only giving for three years but a little more—right from 1977-78 upto the end of 1982-83, the total dealerships that have been given are 657, out of which the Scheduled Caste and Scheduled Tribe outlets are 164 which makes out a figure of 25 per cent.

SHRI KRISHNA CHANDRA HALDER : What about freedom-fighters ?

(Interruptions)

SHRI P. SHIV SHANKAR : I have already submitted that I do not have the figures under different categories. I had readily the figure with reference to Scheduled Castes and Scheduled Tribes and I have given that. It is true, I must also submit, that in some years the quota has been a little less but in the later years that has been made up. Actually I find that in 1982-83 we have given under the Scheduled Castes quota 30.1 per cent because previously it was slightly less and we wanted to make it up so that it should stand at 25 per cent. That is the position. But since hon. Members are asking for details under different categories for the last three years, I will place the information on the Table of the house shortly, so that they could look into it.

On the question of distributors forcing the customers to purchase *chulas*, this is an all India phenomenon. This is not confined to only Haryana....(Interruptions)

This is a matter where the manufacturers have been having contracts with the distributors. We have been trying to see that if anybody insists on the choola being purchased from the distributor himself and if such a complaint comes, we have been investigating and trying to take action against such people. In the Ministry we have been trying to devise various ways and means by which we can stop this coercive

process. As on to-day we have not been able to succeed and this is happening all over. In fact I am told that quite a large number of distributors even charge a little more money....(Interruptions)

SHRIMATI PRAMILA DANDAVATE : Rs. 200.

SHRI P. SHIV SHANKAR : Possibly so. I am prepared to accept this statement because such complaints have also been coming to me.

When I was trying to investigate and when I asked my vigilance cell to go and find out, unfortunately evidence has not been coming fourth because possibly the customers were afraid that if they give evidence, this man will create problems for them in not supplying Cylinders in futures. It is quite possible. I quite see that.

SHRI KRISHNA CHANDRA HALDER : I am also a victim of that.

SHRI P. SHIV SHANKAR : In this is the state of affairs for an M. P. with regard to the ordinary man the situation will be worse.

I would like to bring to the notice of the hon. Members that I am aware of this situation that is prevailing all over the country and we will try to find ways and means as to how best this could be checked.

SHRI MANOHAR LAL SAINI : Why not you stipulate that those who want to get gas connections need not have to buy the choolas ?

SHRI P. SHIV SHANKAR : I have myself said that ways and means will be found to checkmate this. I have already said. Perhaps one of the suggestions that you have made would also form part of it.

SHRI N. K. SHEJWALKAR : I have also written a letter to you in this connection but action is not taken as early as it should be. What I am afraid of is that actually the local officers are also involved in the matter. They do not consider it as

serious. If you cancel the agency of some guilty people, it will improve the matters.

MR. SPEAKER : If there is any lacuna in the rules...

SHRI P. SHIV SHANKAR : I am quite aware...

MR. SPEAKER : If he is a lawyer, I am the speaker. I cannot allow any lacuna in my rules here.

SHRI N. K. SHEJWALKAR : Kindly give me permission.

MR. SPEAKER : That comes later on.

SHRI N. K. SHEJWALKAR : I am sorry.

SHRI RAJESH PILOT : The briefs given by the Government of India in the Ministry of Defence particularly mention that there is a priority to be accorded for war widows and ex-servicemen. The guidelines circulated by the Ministry of Petroleum do not contain a special category for war widows. (a) May I know from the hon. Minister whether these instructions are being followed in the Ministry to give special priority for the war widows. Also some of the places have been reserved for war widows are mentioned in some of the newspaper advertisements. So I would like to know from the hon. Minister, Are they practically being followed in his Ministry and if so what are the details and if not, why not ?

How many war widows who have applied for gas agency are still waiting to get their orders ?

SHRI P. SHIV SHANKAR : Actually at one point of time a separate category of war widows was included as a category by itself...

PROF. K. K. TEWARY : Voluntary retirement from service—that should also be included.

(Interruptions)

SHRI P. SHIV SHANKAR : Sir, at one stage the Defence Ministry had informed that all the war widows except a few alone were to be rehabilitated, the department went into the matter and we changed the guidelines. Today the position is 15 per cent reservation is in the category of physically handicapped including government personnel disabled on duty; widows of government personnel who die in the course of duty. So, all these put together we have made it 15 per cent and in this if there are any such cases of the war widows they are also taken care of. That is the guideline. Those guidelines are properly followed. I do not rule out the possibility that in certain cases perhaps there might be a little violation and deviation here and there. As Mr. Verma had pointed out if there is any such case, that could be individually considered.

Training Abroad of SC and ST Officers of Fertilizer Corporation of India, Unit Gorakhpur.

*702. SHRI TRILOK CHAND : Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state :

(a) whether it is a fact that Fertilizer Corporation of India Unit at Gorakhpur are deputing their officers of group 'A' for further training abroad;

(b) whether it is also a fact that not a single Scheduled Caste/Scheduled Tribes officer of Group 'A' has been deputed for training abroad uptill now ;

(c) whether it is also a fact that the Management is not implementing the spirit of O. M. No. 1/9/69/FSH (ST) dated 5 November, 1971 and 3(013/18/77. Estt. (STC) dated 4 September, 1978 of Ministry of Home Affairs (Dept. of Personnel and Administrative Reforms) in respect of SC/ST officers, training; and

(d) if so, the reasons for not implementing the above order ?

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI VASANT SATHE) : (a) to (d) A statement is laid on the Table of the House.