

[Dr. P.R. Gangwar]

area. Similarly, after dismantling of the above said bridge, one has to travel a distance of 400-425 kms. to reach Shah-jehanpur Hardoi, Lakhimpur Khiri. Due to this impediment, officers from the Blocks, Tehsils and districts are unable to reach there and solve the problems of the people residing there.

I, therefore, request the Central Government that in view of the prevailing problems, a bridge may be constructed on Sharda River at Ghanara Ghat at Tehsil Puranpur in Pilibhit District of Uttar Pradesh.

(vi) Need to look into the working of Institute for Unani Medicine, Bhadrak, Orissa

[English]

SHRI ARJUN CHARAN SETHI (Bhadrak): In the year 1979, a Regional Institute for Unani Medicine was established in my constituency headquarters—Bhadrak—of Orissa State to provide time medicine at a low cost to the people in the area. When it was inaugurated by the then hon. Minister of Health, Government of India, people had great expectations, the young unemployed ones naturally hoped for jobs for their employment and the old and diseased hoped for their better health cares at their doorsteps in time. But such expectations of theirs have belied now as no regular Head of the Institute has yet been appointed. The Institute has neither its own building for better accommodation nor suitable doctors posted for the proper treatment of the patients who visit the Institute.

As many as 25 Group-C regular posts reserved for SC/ST have been lying vacant for years while hundreds of unemployed youths belonging to SC/ST are clamouring for jobs in the local areas. To fill up the vacancies many advertisements have appeared in the local newspapers, but no appointment has been made for the vacant posts.

I, therefore, urge upon the Central Government to look into the working of institute for Unani Medicine, Bhadrak, Orissa and ensure better services to people.

12.47 hrs.

[English]

MR. SPEAKER: We shall now take up item No. 11 and item No. 12 together. Shri Ram Naik to move the Statutory Resolution.

STATUTORY RESOLUTION RE: DIS-APPROVAL OF THE OIL AND NATURAL GAS COMMISSION (TRANSFER OF UNDERTAKING AND REPEAL) ORDINANCE AND

OIL AND NATURAL GAS COMMISSION (TRANSFER OF UNDERTAKING AND REPEAL) BILL

SHRI RAM NAIK (Bombay North):
Sir, I beg to move:

"That this House disapproves of the Oil and Natural Gas Commission (Transfer of undertaking and Repeal) Ordinance, 1993 (Ordinance No. 28 of 1993) promulgated by the President on the 2nd July, 1993."

Sir, this is again another Ordinance which has come for discussion today. I have earlier said and I feel that I must repeat that this Government is becoming Ordinance-addict. This is the 28th Ordinance of 1993.

Sir, during the last year, that is, in 1992, 21 Ordinances were issued. Now, up till 2nd July, 28 Ordinances were issued, that means, the speed with which these Ordinances are coming is increasing. I feel that this is misuse of the Constitutional provisions for issuing the Ordinances. The Constitution provides for issuing the Ordinance in exceptional circumstances: where it is absolutely necessary that the Ordinance must be issued, than only that Ordinance must be issued. But, this Government, on each and every subject, is issuing the Ordinance.

In this particular case, we must examine whether it was really necessary to issue an ordinance. What was the urgency?

Sir, I wish to quote para 1 of the Statement of Objects and Reasons. It says that:

"The Central Government had appointed a Committee on January 24, 1992 headed by Shri P. K. Kaul, IAS (Retd) to examine all aspects of the Oil and Natural Gas Commission's existing organisation with a view to examine the need for its restructuring. The Committee submitted its First Report on September 10, 1992 and its Final Report on November 15, 1992, the recommendations of this Committee were considered by the Government. Based on recommendations of this Committee, the Government had, *inter alia*, approved on February 1, 1993, the proposal for conversion of Oil and Natural Gas Commission (ONGC) into a Public Limited Company under the Companies Act, 1956."

That means the Government took the decision after receiving the two reports for constituting a public limited company on 1st February 1993. The Government issued the ordinance on 2nd July; that means after five months. After 1st February, we had a very long budget session and the Government could certainly have come forward with the Bill. It would not have taken so much time to draft a Bill. This is not a very big Bill either. There are only some eight or ten sections and so it is not very difficult to draft such a Bill. Therefore, I want to know why the Government did not come in the budget session when we had three months continuous sitting here.

The ordinance is issued on the 2nd July; that means on the eve of the monsoon session. Why so late? If the Government could wait for five months, what would have happened if the Government had waited for one more month and introduced a regular Bill when the monsoon session started on 26th July? This is utterly an abuse of the constitutional power given to the President and the Government is misusing it. That is why we must see that the Government does not misuse the provisions of the Constitution.

The next and the most important point according to me is whether it is in the

interest of the country. Whether the decision for the formation of a separate public limited company is in the national interest or not should be seen.

MR. SPEAKER: Would you like to come to the merits afterwards?

SHRI RAM NAIK: We have taken up both the items together for discussion. Otherwise it becomes a little difficult.

MR. SPEAKER: Okay.

SHRI RAM NAIK: Of course, I am not going to take much time speaking on the merits because our senior leader Dr. Laxminarayan Pandeya is to speak on that. I am just making two or three points; not a lengthy speech.

We have to see whether the decision is actually in the interest of the country or whether there are any extraneous reason for issuing the ordinance; the statement of objects and reasons does not state about it. But the statement which has been circulated as to why the ordinance has been issued speaks very clearly that this Government is working under the pressure of the World Bank, the Asian Development Bank and the government is succumbing to their pressure. If we tell something here as Members of Parliament, the Government would not pay any regard to that. But if the Asian Development Bank or the World Bank says and if they just frown, the Government is succumbing to their pressure. This is what the Government is saying in explaining the reasons in their statement:

"As one of the conditions to be fulfilled for the release of second tranche of \$125 million by the Asian Development Bank under the hypocarbon sector loan is the conversion of the ONGC by the end of June 1993 with transfer of assets to the new company...."

That means the Asian Development Bank says that if you do not form the public limited company, we are not going to finance you hereafter. Since the Asian Development Bank said that, you succumbed

[Sh. Ram Naik]

to that. When we say that do not come with the ordinance, you do not listen to our argument or you would not even listen to the Parliament. My basic point is that this Government works under the extraneous reasons and that is not in keeping with the honour and dignity of the nation.

Secondly, we have to see whether this public limited company will actually deliver the goods. The reasons which are stated here are:

"This would enable the ONGC to function more efficiently and give it greater flexibility in raising resources from the capital market and easier structural adjustments in response to needs. This would eventually enable the company to perform better to meet its production targets."

We have another example of a public limited company and that is, the Konkan Railway Corporation. The Konkan Railway Corporation was precisely formed for these two reasons that it should have operational efficiency, flexibility and it should be in a position to draw more finances from the open capital market. Now, what is the position of the Konkan Railway Corporation? The Konkan Railway Corporation is not getting the finances, only because the Finance Ministry is not giving the required concessions to issue the bonds. If this happens to the Konkan Railway Corporation, what is the guarantee that the Finance Minister will not come in the way of the public limited company which we want to form? May I know whether the Finance Ministry had made it clear?; and if they had made it clear for the Oil and Natural Gas Commission to be converted into a public limited company, then what happened to the assurance which was given while forming the Konkan Railway Corporation?

SHRI MURLI DEORA (Bombay South): But, he is not the Finance Minister.

SHRI RAM NAIK: But, ultimately, he is part of the Government; we are address-

sing the Government. You know what is the position of the Konkan Railway Corporation. That is why, the Government must assure that such funds would be available in the capital market. Otherwise, the accountability of the public limited company to the Parliament, which is an important issue, must also be considered. If the public limited company would not be accountable to the Parliament, what are the arrangements, what is the guarantee that the Government is going to have and what are the checks and balances the Government proposes to have, so that this Government public limited company will be accountable to the Parliament?

By quoting one letter, I will complete my argument on accountability. This is a letter which has been written by the Petroleum and Natural Gas Secretary to the then Chairman of the Oil and Natural Gas Commission. JPC had asked for some information and that information was expected to be received by the JPC. This is the letter of 11th January which has appeared in the papers. JPC has asked for some information and the ONGC Chairman furnished that information to the JPC. This is what the letter and that news says. The Ministry's Secretary asked for the explanation from the ONGC Chairman as to why he has furnished the information. I do not understand as to how this could happen. When the JPC has been constituted by this Parliament, when the JPC has asked for some information and when the ONGC is supplying the information, how come the Ministry's Secretary come in the way and say that he cannot furnish the information and how come the explanation was sought?

My question is how the Government is going to make the new public limited company accountable to the Parliament or will the auditors just examine the audit and so, we will have another scam which will have adverse effect on the oil production. This is the most important thing. The Oil and Natural Gas Company, one-and-a-half years back, had advertised in a Mumbai newspaper that gas will be supplied to all the important customers and factories. Mr. Murli Deora would be knowing about it.

Crores and crores of rupees were received from various factories in Mumbai from the gas authorities, as deposits. I think, a sum of something like Rs. 97 crores was received. I asked the question—only ten days back that question had come here—as to what has been done about these deposits and why the gas is not supplied; and the Minister says that we are not in a position to supply the gas because the Project has not been approved so far. The Project is not approved so far and the Oil and Natural Gas Commission collected crores of rupees from the people. So, there should be some accountability. From this point of view also. I want to know as to how and when the gas is going to be supplied because the entire purpose of this Ordinance and the Bill is to increase the efficiency. People of Mumbai should know—when they have given crores of rupees—as to when they are going to get it.

These are some observations on the basis of which I support my Motion and I expect the House also to support it as opposing the ordinance.

13.00 hrs.

SHRI MURLI DEORA: You support the Bill.

SHRI RAM NAIK: No, no, I am not supporting the Bill because I am not sure that the Government will act accordingly. I have given my opinion about the Bill. I do hope that the Minister will reply to the points which I have raised during my speech.

MR. SPEAKER: You have really raised one important point—the accountability and autonomy, how much autonomy should be given and how the institution should be accountable. (Interruptions) All of us can throw light.

Motion moved:

“That this House disapproves of the Oil and Natural Gas Commission (Trans-

fer of Undertaking and Repeal) Ordinance, 1993 (Ordinance No. 28 of 1993) promulgated by the President on the 2nd July, 1993.”

THE MINISTER OF STATE OF THE MINISTRY OF PETROLEUM AND NATURAL GAS (CAPT. SATISH KUMAR SHARMA): Mr. Speaker, Sir, I beg to move:

“That the Bill to provide for the transfer and vesting of the undertaking of the Oil and Natural Gas Commission to and in the Oil and Natural Gas Corporation Limited, a company incorporated under the Companies Act, 1956, and for matters connected therewith or incidental thereto and also to repeal the Oil and Natural Gas Commission Act, 1959, be taken into consideration.”

The Central Government had appointed a Committee on 24th January, 1992 headed by Shri P.K. Kaul, IAS (retd.), to examine all aspects of the Oil and Natural Gas Commission's existing organisation with a view to examine the need for its restructuring. The Committee submitted its first report on 10th September, 1992 and its final report on 15th November, 1992. The recommendations of this Committee were considered by the Government. Based on the recommendations of this Committee, the Government had, *inter alia*, approved on 1st February 1993 the proposal for conversion of Oil and Natural Gas Commission into a public limited company under the Companies Act, 1956. This would enable ONGC to function more efficiently and give it greater flexibility in raising resources from the capital market and easier structural adjustments in response to needs. This would eventually enable the company to perform better to meet its production targets.

Reasons for immediate legislation by Ordinance.—As Parliament was not in session and immediate action was necessary, the Oil and Natural Gas Commission (Transfer of Undertaking and Repeal) Ordinance, 1993 (No. 28 of 1993) was promulgated by the President on 2nd July, 1993

[Capt. Satish Kumar Sharma]

for providing for the transfer and vesting of the assets, liabilities, obligations, officers and employees of the Commission to the Oil and Natural Gas Corporation Limited, a company registered on 23rd June, 1993 under the Companies Act, 1956, and for matter connected therewith or incidental thereto and also to repeal the Oil and Natural Gas Commission Act, 1959. The Ordinance empowers the Central Government to issue a notification appointing the date from which the assets, undertaking, liabilities and the officers and employees of the Commission shall stand transferred to and vest in the new corporation.

A Bill, called the Oil and Natural Gas Commission (Transfer of Undertaking and Repeal) Bill, 1993 to replace the Oil and Natural Gas Commission (Transfer of Undertaking and Repeal) Ordinance, 1993 (No. 28 of 1993) was introduced in the Lok Sabha on 30th July, 1993

I would request the House to kindly take the said Bill into consideration and pass the same.

MR. SPEAKER: Motion moved:

"That the Bill to provide for the transfer and vesting of the undertaking of the Oil and Natural Gas Commission to and in the Oil and Natural Gas Corporation Limited, a company incorporated under the Companies Act, 1956, and for matters connected therewith or incidental thereto and also to repeal the Oil and Natural Gas Commission Act, 1959, be taken into consideration."

I think, we are expected to pass. (Interruptions) No, no. at the end, he would do that. When you would give some good suggestions on that point, he will consider and reply to those things.

Now, two hours are allotted for this business. Later on, we are expected to take up the budget. I would request all the hon. Members to be very brief, to the point and help the House in finishing this business within the time given.

The House stands adjourned to meet again at 2 p.m.

13.05 hrs.

The Lok Sabha then adjourned for Lunch till Fourteen of the clock.

14.10 hrs.

The Lok Sabha re-assembled after Lunch at ten minutes past Fourteen of the Clock

(MR. DEPUTY-SPEAKER in the Chair)

STATUTORY RESOLUTION RE: DIS-
APPROVAL OF THE OIL AND NATU-
RAL GAS COMMISSION (TRANSFER
OF UNDERTAKING AND REPEAL
ORDINANCE

AND

OIL AND NATURAL GAS COMMIS-
SION (TRANSFER OF UNDERTAKING
AND REPEAL) BILL—Contd.

[English]

MR. DEPUTY SPEAKER: There are amendments to the Consideration Motion. Shri Girdhari Lal Bhargava.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by November 22, 1993." (3)

[English]

MR. DEPUTY SPEAKER: The time allotted for this discussion is two hours. The break-up is as follows: Congress (I) 52 minutes, BJP-26 minutes, JD-8 minutes, CPI(M)-7 minutes, JD(A)-1 minute, etc.

[Translation]

SHRI NITISH KUMAR (Barh): Sir, how it is eight minutes for Janata Dal? It should be recalculated. How much time is allotted to BJP?

MR. DEPUTY SPEAKER: It is 26 minutes.