

recommendations contained in the Eighteenth Report of the Estimates Committee (Fifth Lok Sabha) on the erstwhile Ministry of Foreign Trade—Tea Board.

COMMITTEE ON SUBORDINATE
LEGISLATION

TWELFTH REPORT

SHRI K. LAKKAPPA (Tumkur): I beg to present the Twelfth Report of the Committee on Subordinate Legislation.

12.20 hrs.

STATEMENT RE: INDIAN OIL CORPORATION

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BOROOAH): Mr. Speaker, Sir, in the course of discussions on a Notice under Rules 222 and 224 of the Rules of Procedure and Conduct of Business in Lok Sabha by Hon'ble Member, Shri Madhu Limaye, the question of the appointment of Shri C. R. Das Gupta as Chairman of the Indian Oil Corporation was raised.

MR. SPEAKER. This is a long statement containing seven Pages. Please lay it on the Table of the House.

SHRI D. K. BOROOAH. Sir, I lay the statement on the Table of the House.

Statement

In the course of discussions on a Notice under Rules 222 and 224 of the Rules of Procedure and Conduct of Business in Lok Sabha by Hon'ble Member, Shri Madhu Limaye, the question of the appointment of Shri C. R. Das Gupta as Chairman of the Indian Oil Corporation was raised. The Notice itself pertained to an alleged breach of privilege and contempt

of the Committee on Public Undertakings and of this august House by Shri C. R. Das Gupta in the course of a statement and affidavit filed before the Pipelines Inquiry Commission on 8th February, 1971. In the matter of privilege, this august House has sovereign powers and the question will be decided under directions of the Hon'ble Speaker in due course. I shall submit to the Hon'ble Speaker all the relevant facts and material on this subject available to me in this Statement, I shall confine myself to the matter of Shri C. R. Das Gupta's appointment as Chairman of the Indian Oil Corporation.

2. I had requested a Committee presided over by Shri P. N. Haksar to assist me in finding suitable Chairman for the Oil & Natural Gas Commission and for the Indian Oil Corporation. However, while a recommendation was made for the ONGC, this Committee was unable to recommend a name for the IOC. As the Indian Oil Corporation which is one of the major public sector organisations, was without a Chairman for several months, and a the management of the oil economy, of which the Corporation commands a major share, was assuming growing importance, I decided that the best man available inside that organisation should be appointed to the post. In the totality of the Corporation's operations, the refinery sector which has major programmes of expansion, requires the greater direction and control, and hence it was decided that the Chairman should be a person with considerable experience of constructing and managing refineries. After taking all factors into account, and in view of his long experience and excellent record, I chose Shri C. R. Das Gupta, the senior most officer in the Refineries & Pipelines Division, and my recommendation was approved by Government.

3. An allegation has been made in the Hon'ble Member's Notice that Shri Das Gupta did not implement the recommendations of the Commission of Inquiry on the Pollution of Ganges Waters. At the outset I would like to point out that Shri Das Gupta was

[Shri D. K. Boruah].

not the Managing Director when the river pollution incident occurred, nor was he connected with the Barauni Refinery in any way. The Commission gave its report on 21st July, 1969 and, after examining all the recommendations, the Ministry of Petroleum and Chemicals wrote to the Indian Oil Corporation on 31st January 1970 to take necessary action on all the recommendations subject to their techno-economic suitability and practicability. The Corporation has been submitting implementation reports from time to time and by March, 1972, out of a total of 20 recommendations, all except two had been implemented. The two recommendations not implemented were the following: The first referred to the construction of a road along the effluent pipeline to ensure regular and quick inspection. The view of the Corporation's Board of Directors, based on a recommendation made by the then Managing Director, Lt. Gen. Sarda Nand Singh, was that construction of a pucca road along the route of the pipeline was not necessary because the pipeline was mostly underground and because it was easy to inspect the outfall from the Rajendra Bridge. The second recommendation relates to the arrangements to be made to ensure that the final effluent falls into the main stream of the river and gets properly dispersed in the river stream. The Commission had recommended that the Refinery may consider techno-economic feasibility of the four alternatives that were offered or any other suitable alternatives and adopt a safe system. The Corporation examined all the alternatives in great detail and came to the conclusion that not only would they involve very considerable expenditure, but also that they would not be technically or otherwise feasible and may not achieve the purpose for which the recommendation had been made. As, in the mean while, the river had changed its course and come towards the refinery bank, and the pipeline was already discharging the effluent in the main stream, the problem had been minimised and it was

felt that if, in future, the river changed its course again, by appropriate action it could be ensured that the effluent was actually dispersed in the main stream of the river. A report to this effect was submitted to Government.

4. However, as Government attached great importance to these two recommendations, the Corporation was directed to examine the matter again in detail in consultation with expert opinion and to take all measures necessary to prevent recurrence of pollution of the river. After consulting the Central Water & Power Commission, the Corporation has again reported to the Ministry in March 1974 that owing to technical problems, none of the four alternatives suggested by the Commission could be implemented, and that all other steps were being taken to ensure that the oil content in the effluent is reduced to the minimum. This matter is presently under examination in the Ministry.

5. It is relevant to point out that as a result of the corrective action taken by the Corporation, the phenol and oil content of the effluent has already been brought down within the limits permissible under the standards of the Indian Standards Institution. Work on additional installations to reduce the phenol and oil content further is in hand and is expected to be completed soon. It may be added here that anti-pollution measures have been accepted as a policy by my Ministry at the instance of the Prime Minister.

6. The Commission had also recommended departmental action against certain officers of the Barauni Refinery. Out of these, one was the General Manager, an IAS officer on deputation, against whom an enquiry was conducted by the Commissioner for Departmental Enquiries. The Enquiry Officer exonerated the officer and in consultation with the Central Vigilance Commission this recommendation was accepted by Government. The two other senior officers of the IOC were the then Deputy General Mana-

ger and the Chief Electrical Engineer. Charges were framed against them for negligence and carelessness in the performance of their duties but it was noticed thereafter that this particular offence was not covered under the provisions of the IOC's Conduct, Discipline and Appeal Rules. While this lacuna in the Rules was corrected by means of an amendment, it was decided, on the advice of the Law Ministry and after consulting the Central Vigilance Commission, that the management could not give retrospective effect to the amendment. Further action against these officers is under consideration, in consultation with the Central Vigilance Commission.

Disciplinary proceedings were also initiated by the IOC against four other officers of the Barauni Refinery and on the basis of the report of the Enquiry Officer, the officers were exonerated. Advice of the Central Vigilance Commission was also obtained. Another officer who was named in the Report had resigned from the IOC before the submission of the Report of the Commission. Therefore, the question of initiating departmental proceedings against this officer did not arise.

7. It will be observed from what I have stated that the Corporation has attended diligently and with due promptitude to the implementation of the recommendations of the Commission. All the recommendations on the outstanding issues were made after careful consideration by the Board of Directors and not by the Managing Director alone.

8. In the Notice of the Hon'ble Member, there is also an allegation that Shri Das Gupta obstructed the progress of the Pipelines Inquiry Commission by failing to produce the documents and records which he was ordered to do. This is a matter that has been raised in the House earlier and I can do no better than to quote from a statement made by my Hon'ble predecessor, Shri H. R. Gokhale in this House on 5th May 1972. Shri Gokhale stated as follows:—

"...I was referring to the production of files. Some 4000 files had been produced or submitted before the Commission by the IOC and 300 files by the Ministry.... This is a transaction ranging over a course of years, not over a few years, where matters have been dealt with on different occasions. I do not want to defend this officer or that officer, or this Ministry or that. I am only pointing out the practical and pragmatic aspects of an inquiry like this. When you have to go into files ranging over 12-14 years and when the Commission says, 'Produce the relevant files it is not unreasonable to say that there can be a difference of opinion on relevance; there can be a difference of opinion between judges also on relevance, much more so in the case of ordinary mortals. 4,000 files are produced. If the Commission say that there is one file which has been brought to our notice which is relevant for the inquiry, the Ministry has not said and will not say 'we will not produce it.' The very fact that 4,000 files have been produced by the IOC and 300 by the Ministry disproves that."

I would like to add that to the best of my knowledge, the IOC has offered utmost co-operation to the Commission of Inquiry and the work of that Commission has been proceeding smoothly for the past several months. It is now coming to an end and we hope to have the report of the Commission within the next few months.

9. In conclusion, I would like to submit that the appointment of Shri C. R. Das Gupta as Chairman has been made in the ordinary course and in accordance with the procedure laid down for this purpose.

श्री मधु लियये (बाका) : अध्यक्ष महोदय, मेरो बात सुन लीजिये । आज सबेरे जब मैंने घाईर पेपर पर देखा कि श्री देवकान्त बरुआ बयान देने जा रहे हैं, तो एक पल द्वारा मैंने सूचित किया था कि इस में कई विवादस्पद बातें था सकती हैं और उन का

बयान पढ़ने के बाद मुझे ऐसा लगता कि यह सारा बयान विवादास्पद बातों से बरा हुआ है। ये अपनी जिम्मेदारी पर गलत-बयानी करना चाहते हैं, तो करे।

MR. SPEAKER: Can you listen to me for a minute? Now, the statement is laid on the Table of the House. That motion is already there. If you want to send any comments you can send it to me.

श्री मधु लिमये : उस पर तो निर्णय आप नहीं करने जा रहे हैं।

SHRI INDRAJIT GUPTA (Alipur): How will you decide it? Yesterday you held over this privilege.

SHRI SHYAMNANDAN MISHRA (Begusarai): He is making a statement with regard to the privilege.

MR. SPEAKER: I may tell you that we were kept so busy in the last few days. This came only this morning. I found no time and so I could not come to any conclusion so far.

श्री मधु लिमये : तो इसे आप विद्वहोल्ड कर दीजिये। यह बहुत विवादास्पद है।

MR. SPEAKER: He has now laid it on the Table of the House.

SHRI MADHU LIMAYE: Do not allow him to lay it on the Table.

MR. SPEAKER: Well, I have allowed him to lay it on the Table of the House. That will not affect my decision.

श्री मधु लिमये . अध्यक्ष महोदय, इस में एक बात है जिस की धीर में आप का ध्यान दिलाना चाहता हूँ। गंगा पो नयूशन इंफ़ोर्मेशन कमीशन के बारे में यह कहते हैं :

"Charges were framed against them for negligence and carelessness in the performance of their duties but it was noticed thereafter

that this particular offence was not covered under the provisions of the IOC's Conduct, Discipline and Appeal Rules."

अध्यक्ष महोदय, क्या आप इस की कल्पना भी कर सकते हैं कि एक अधिकारी को नेगलीजेंस और केयरलेसनेस बरतने का अधिकार है? क्या इस तरह के इनके क्लेम हैं और क्या इस का नोटिस यह सदन नहीं लेगा? इस में साफ कहा गया है कि कोई भी अधिकारी नेगलीजेंस कर सकता है, केयरलेसनेस दिखा सकता है लेकिन कोई एक्शन उस पर नहीं हो सकता।

SHRI MADHU LIMAYE: Are you taking us for a ride?

SHRI D. K. BOROOAH: You are taking us for a ride—not we

श्री मधु लिमये : क्या इस तरह की बात हो सकती है? क्या यह सरकार इस तरह से चल सकती है? क्या सभी अधिकारियों को यह अधिकार दिया हुआ है, यह हक दिया हुआ है कि वे नेगलीजेंस दिखाए, वे केयरलेसनेस दिखाए और फिर आप उन को प्रमोशन दें। दीजिये प्रमोशन, मुझे क्या करना है, जेहनूम में देश की पहचान दीजिये।

MR. SPEAKER: You stop it now. Now, the Minister of Education, Social Welfare and Culture.

12.28 hrs.

STATEMENT RE. INDIAN INSTITUTE OF TECHNOLOGY KHARAGPUR

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN): On 18th April, 1974, the hon. Shri Samar Guha made a statement in the House under Rule 377, when he made some allegations against the Chairman, Board of Governors, IIT-Kharagpur. The points